



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
MARCH 13, 2007

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, March 13, 2007, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development and Heritage By-laws.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
Councillor Kim Capri
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie
Councillor Tim Stevenson

ABSENT: Councillor George Chow

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
SECONDED by Councillor Stevenson

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning and Development and Heritage By-laws.

CARRIED UNANIMOUSLY

1. Rezoning: Olympic Village (Southeast False Creek)

WITHDRAWN FROM THIS AGENDA

2. HRA/Heritage Designation: 1529 West 33rd Avenue

An application by Peter Cardew, Architect, was considered as follows:

Summary: Heritage Revitalization Agreement and designation to secure the conservation and heritage protection of the house at 1529 West 33rd Avenue, known as the Crosby House, with an infill dwelling, increase in above-grade FSR and building depth increases.

The Director of Planning recommended approval.

Staff Comments

John Ward, Heritage Planner, was present to respond to questions.

Applicant Comments

Peter Cardew, Architect, was present to respond to questions.

Summary of Correspondence

One letter was received from the Applicant since this application was scheduled for Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Dan Forrer, Shaughnessy Heights Property Owners Association, spoke in support of the application. He noted the subject house is unique and this proposal goes a long way towards preserving and protecting it.

Council Decision

MOVED by Councillor Capri

A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 1529 West 33rd Avenue to secure the rehabilitation of the house known as the Crosby House, and to vary the RS-5 District Schedule and Section 10 of the Zoning and Development By-law:

- for permitted use to allow a second dwelling on the property;
- for above-grade FSR from 0.3 to 0.45;
- to reduce the required front yard for the infill dwelling (front edge of the side walls and roof) from 10.8 m (35.4 ft.) to 10.64 m (34.9 ft.);
- to reduce the required east side yard width for the infill dwelling only from 15% of site width (4.6 metres or 15 feet) to a site width of 0.9 m (3 ft.);

- to reduce the minimum rear yard depth for the infill dwelling only from 10.7 m (35.1 ft.) to 0.61 m (2 ft.);
- to permit building depth to be increased from required 40% of site depth (17.7 m or 58 ft.) to a site depth of 32.9 m (108 ft.);
- to increase the maximum height of the fence in the front yard from 1.2 m (3.9 ft.) to 2.23 m (7.3 ft.);
- to increase the maximum height of the fence in the east side yard between the entrance front roof line of infill to rear of property from 1.9 m (6.2 ft.) to 3.05 m (10 ft.);
- to increase the maximum height of the fence in the rear yard from 1.9 m (6.2 ft.) to 2.74 m (9 ft.); and,
- to address existing non-conforming ancillary building (double garage) and front yard and west side yard set back of the existing house.

as described in detail in the Administrative Report dated February 27, 2007, entitled "Heritage Designation and Heritage Revitalization Agreement - 1529 West 33rd Avenue" and as indicated under Development Application DE410501.

- B. THAT the house at 1529 West 33rd Avenue, the Crosby House, listed in the "B" category on the Vancouver Heritage Register, be designated as Protected Heritage Property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement and by-law to designate the heritage building as Protected Heritage Property.
- D. THAT Council instruct the Director of Legal Services to prepare a side agreement to ensure that neither the heritage house nor the infill dwelling may be converted to accommodate a secondary suite. The nature of this agreement is to be to the satisfaction of the Director of Legal Services in consultation with the Director of Current Planning.

CARRIED UNANIMOUSLY

3. Rezoning: 4887 Cambie Street

An application by Art Cowie, Eikos Planning Inc., was considered as follows:

Summary: To rezone the site from RS-1 (single family residential) to CD-1 (Comprehensive Development) to permit a three-unit freehold tenure rowhouse development, each parcel to include an additional secondary dwelling unit located on top of the garage at the rear.

The Director of Planning, in consultation with the Subdivision Approving Officer, the Director of the Housing Centre and the Director of Real Estate, recommended approval subject to the conditions set out in the Agenda package for the Public Hearing.

Staff Opening Comments

Joanne Baxter, Rezoning Planner, provided an overview of the application, and noted this proposed rezoning provides an opportunity to provide more land efficient housing, in proximity to shopping, and is an alternative to single-family housing.

Applicant Comments

Art Cowie, Eikos Planning Inc., noted this type of freehold rowhouse housing, while a new concept for Vancouver, already exists in well-planned cities around the world. He further noted the collaborative effort of this project, as design improvements suggested by staff were incorporated into the final proposal. Mr. Cowie advised the project was largely supported by the neighbourhood at an Open House.

Thomas Frauenberger, Design Professional, in response to questions, noted measures which will be looked at in their efforts to achieve a LEED Silver rating, such as solar panels, geothermal heating, access to transit, low flow water and water capture.

Summary of Correspondence

One letter was received in support of the application since it was referred to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Jeff Lougheed noted that while he was in support of rowhousing such as this project, he felt the project could go further and achieve a higher density. He noted the City should encourage greater densification and higher floor space ratios around major arterial streets.

Staff Closing Comments

Ms. Baxter, along with Brent Toderian, Director of Planning, responded to questions concerning the proposed "party walls"; e.g. how close they were to resolving legal issues and whether a successful outcome will have broader implications outside the City of Vancouver.

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Art Cowie, Eikos Planning Inc. to rezone 4887 Cambie Street (Lot 9, Block 819, D.L. 526, Plan 7221) from RS-1 to CD-1, generally as represented in Appendix A to Policy Report "CD-1 Rezoning - 4887 Cambie Street" dated February 8, 2007, be approved subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Eikos Planning Inc. and stamped "Received Planning Department (Rezoning Centre) June 20, 2006", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

General

- (i) design development to reduce the height of the building to a maximum height of 9.2 m (30.18 ft.);

Grade Transition

- (ii) design development to improve the grade transition at the street and interior property lines;

(Note to Applicant: The alteration of existing grade should be minimized at the property line by reducing the height of retaining walls as much as possible, to enable a more open and softer edge condition at the property line. Retaining walls, where required, should be stepped or terraced, not exceeding 2½ feet in height. Provide detailed grade information on the drawings indicating existing and proposed grades.)

Neighbourliness

- (iii) design development to improve privacy between neighbours, reducing overlook between the proposal and the northerly property;

(Note to Applicant: This can be achieved by the following:

- increase the front yard setback of the northerly principal dwelling unit by approximately 4 feet;
- reduce the number and area of clear glazed windows facing the interior side yard and orient windows away from the interior side yard, where possible, by stepping of the building massing and through bay projections;
- modify the roof deck so it is further away from the interior side yard and provide landscape screening; and
- provide additional landscaping at the interior side yard.)

Liveability

- (iv) design development to improve liveability by increasing daylight access and reducing shadowing on adjacent dwelling units;

(Note to Applicant: This can be achieved by the following:

- provide windows on the east wall of the secondary dwelling units while maintaining privacy with the principal dwelling units;
- enlarge the clerestory windows of the secondary dwelling units;
- enlarge and/or add more windows on the West 33rd Avenue facades;
- reduce the depth of the deeply recessed windows, second floor, principal dwelling units; and
- diminish the extent of projecting party walls at the roof deck level, utilizing lighter and lower in height screening and/or additional landscaping to meet privacy needs.)

- (v) design development to improve liveability, by increasing the amount of accessible open space for all dwelling units;

(Note to Applicant: This can be achieved by the following:

- increase the separation between the principal and secondary dwelling units by approximately 4 feet. [Note: This will likely necessitate a reduction in building depth of the principal dwelling]; and
- reduce the size of the rear deck to enable a more gradual transition to grade and a larger lawn area.)

Architectural Expression

- (vi) design development to refine architectural expression and detailing:

(Note to Applicant: This can be achieved by the following:

- reduce the thickness and visual prominence of the exposed party walls;
- lightening and simplifying detail elements; and
- incorporate a lighter and warmer, brick colour.)

Fire Access and Entry Identification

- (vii) confirmation on proposed addressing and fire access through the site, providing gated access through the rear yards and clearly identifying points of access and entry into all dwelling units;

(Note to Applicant: All three rear units facing the lane must have addresses posted in the lane. A graphic **must** be provided along Cambie Street to clearly indicate the location and address of all six units.)

- (viii) make suitable arrangements, to the satisfaction of the Chief Building Official and the Director of Legal Services, to provide an unobstructed path of travel

from the street to the main entry of the centre rear unit for Fire Department access purposes;

(Note to Applicant: Should fences be provided along the path of travel, unlocked gates must be provided to ensure unobstructed access).

Subdivision

- (ix) approval by the Subdivision Approving Officer and registration of a subdivision plan to create three parcels to fit the rowhouse proposal unless, at the sole discretion of the Approving Officer, registration of the plan would best be deferred until construction has sufficiently progressed on the party walls;

Acoustics

- (x) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

Landscape

- (xi) design development to provide a visual amenity to the street by realigning the walkway south off the southernmost infill, so that it exits to the flanking street, instead of the lane. The side yard south of the infill should be planted with a mixture of deciduous and evergreen shrubs;
- (xii) provide one additional Magnolia Tree in the rear yard in order to provide screening of the main buildings. The Magnolia could be placed next to the north unit, in the planter where three smaller Maples are proposed;
- (xiii) provide at the time of complete development permit application a full Landscape Plan. The Landscape Plan should illustrate plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale;
- (xiv) provide at the time of full development permit application large scale sections (1/4" = 1' or 1:50) illustrating the rear yard planters, retaining walls and proposed and existing grades. The section should run east to west; and

Crime Prevention through Environmental Design (CPTED)

- (xv) design development to take into consideration the principles of CPTED.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
- (i) achieve preliminary approval from the Subdivision Approving Officer for a subdivision to create three parcels to fit the rowhouse proposal, noting that a condition of final subdivision approval will be a party wall agreement to the satisfaction of the Director of Legal Services;
 - (ii) make arrangements, to the satisfaction of the Director of Legal Services, for an agreement committing the proposed development to be governed by a party wall agreement drawn to the satisfaction of the Director of Legal Services and the City Manager;
 - (iii) make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Planning, to prohibit strata titling of the small rear secondary dwelling unit from the principal dwelling; and
 - (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services for the undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service, must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other city officials and City Council.

- B. THAT, enactment of the CD-1 Zoning By-law be subject to the City Manager and the Director of Legal Services approving the party wall agreement required for the

freehold tenure rowhouses, failing which subdivision to create three separate legal parcels to occur by an alternative mechanism.

- C. THAT, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning - 4887 Cambie Street" dated February 8, 2007; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

SECONDED by Councillor Anton

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 8:11 p.m.

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