



# **City of Vancouver** *Zoning and Development By-law*

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[planning@vancouver.ca](mailto:planning@vancouver.ca)

## CD-1 (374)

*1762 Davie Street*

***By-law No. 7820***

*(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)*

***Effective November 18, 1997***

*(Amended up to and including By-law No. 9422, dated January 30, 2007)*

1 *[Section 1 is not reprinted here. It contains a Standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

## 2 Uses

The area shown included within the heavy black outline on Schedule “A” shall be more particularly described as CD-1 (374), and the only uses permitted within the outlined area, subject to such conditions as Council may be resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Dwelling Uses in conjunction with any of the uses listed in this section provided that no portion of the any floor of a dwelling unit except for entrances will be permitted within 2.0 m of street grade along the fronting street and provided that accessory uses ancillary to dwelling use and provided at grade will not be permitted within a dept of 10.7 m from the fronting street.
- (b) Office Uses,
- (c) Retail Uses, but not including Adult Retail Store, Liquor Store, Pawnshop and Secondhand Store,
- (d) Service Uses, but not including Body-rub Parlour, Cabaret, Funeral Home, Hotel, Neighbourhood Public House, Production or Rehearsal Studio and Restaurant - Class 2, and
- (e) Accessory Uses Customarily ancillary to the above uses.

## 3 Floor Space Ratio

**3.1** The floor space ratio must not exceed 3.40, except that the floor space ratio for non-dwelling use must not exceed 1.00 and a minimum of 0.30 must be provided abutting the fronting street and within 2.0 m of street grade. For the purpose of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 803.2 m<sup>2</sup>, being the site size at time of application for rezoning, prior to any dedications.

**3.2** The following will be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

**3.3** The following will be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which are at or below the base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; [8760; 03 12 09]

**Note:** *Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 7820 or provides an explanatory note.*

- (e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]

**3.4** The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and subject to the following:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
  - (ii) no more than fifty percent of the excluded balcony floor area is enclosed;
- (b) amenity areas accessory to dwelling use, including day care facilities, recreation facilities and meeting rooms, to a maximum of 10 percent of the residential floor area being provided or 1 000 m<sup>2</sup>, whichever is less; and
- (c) structures such as pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture. [9422; 07 01 30]

## 4 Height

**4.1** The maximum height of a building measured above the base surface is 18.3 m. [9422; 07 01 30]

**4.2** Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as elevator and lobby enclosures, stairwells, guard rails not exceeding the minimum height specified in the Building By-law, pergolas, trellises, or tool sheds that provide accessibility to common roof amenity areas do not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
- (b) the Director of Planning or Development Permit Board first considers:
  - (i) all applicable policies and guidelines adopted by Council,
  - (ii) the submission of any advisory group, property owner, or tenant, and
  - (iii) the effects on public and private views, shadowing, privacy, and open spaces;the Director of Planning or Development Permit Board may allow a greater height for any such structure, and may allow guard rails to exceed one-third the width of the building as measured on any elevation drawings.

[9422; 07 01 30]

## 5 Yards and Setbacks

**5.1** No front yard will be permitted.

**5.2** No side yards will be permitted except where any portion of the building contains residential uses, that portion may be set back from the side property lines to meet the requirements of section 7.0.

**5.3** No rear yard will be required except that any portion of the building which contains dwelling uses must be set back a minimum of 4.6 m from the lane across the full width of the building.

## 6 Frontage

The maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade will be 7.7 m. The Director of Planning may relax this requirement if he is satisfied that the scale of development at the street property line at this location will relate to pedestrians.

7 Horizontal Angle of Daylight

7.1 All habitable rooms in buildings used for residential purposes will have at least one window on an exterior wall which complies with the following:

- (a) the window will be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will be unobstructed over a distance of 24.0 m; and
- (b) the plane or planes will be measured horizontally from the centre of the bottom of the window.

7.2 For the purpose of section 7.1, the following will be considered as obstructions:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the proposed site;
- (b) part of the same building including permitted projections; and
- (c) the maximum size building permitted under the appropriate C district schedule if the site adjoins a C site.

7.3 For the purposes of section 7.1, bathrooms and kitchens will not be considered as habitable rooms unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m<sup>2</sup>, whichever is the greater.

7.4 The Director of Planning may decrease the horizontal angle of daylight requirement of section 7.1, having regard to the livability of the resulting dwelling units and providing that a minimum distance of 3.7 m of unobstructed view is maintained.

8 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

[7874; 98 04 21]

9 External Design

9.1 Development along the fronting street must provide any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest.

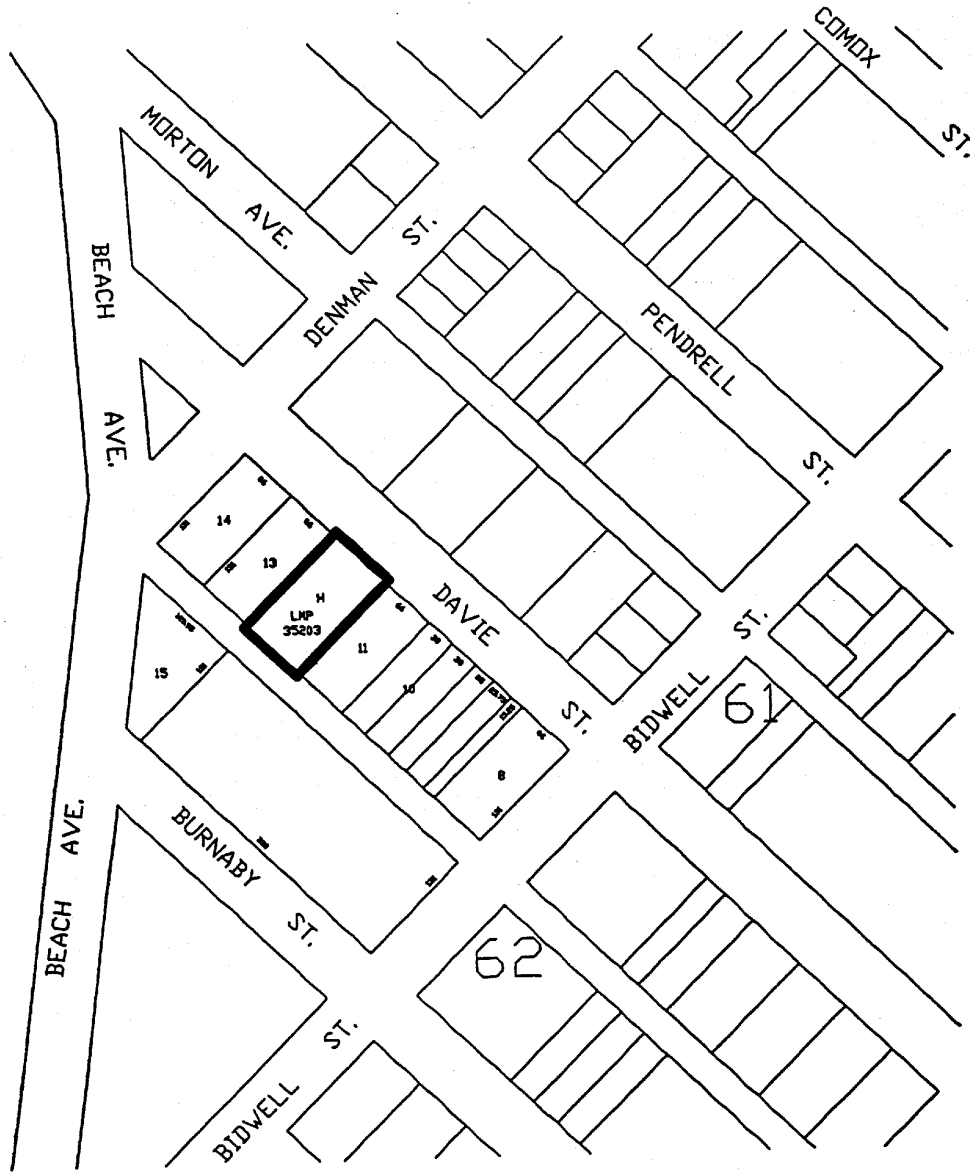
9.2 The first storey must be built to the front and side property lines except as noted in sections 5.1 and 5.2 while the remaining storeys may be set back from the property lines.

9.3 Direct pedestrian access at the fronting street must be provided at or near grade level to each individual commercial occupancy which abuts the fronting street.

9.4 Dwelling uses must have pedestrian access separate from access to other uses.

- 9.5** Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer must be provided along the fronting street.
- 9.6** All garbage container storage areas must be screened from view from nearby sidewalks and dwelling units.
- 9.7** Mechanical equipment must be enclosed and set back so as not to be visible from street level or must be architecturally treated to the satisfaction of the Director of Planning.
- 10 *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

BY-LAW No. 7820 BEING A BY-LAW TO AMEND BY-LAW No. 3575  
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black (  ) is rezoned:  
From **C-5** To **CD-1**

**Z-465(a)**

**RZ 1762 Davie Street**

map: 1 of 1

**City of Vancouver Planning Department**

scale: 1:2000



**3. Rezoning: 1762 Davie Street**

An application by Baker McGarva Hart Architects Inc., was considered as follows:

**Summary:** The proposed rezoning from C-5 Commercial District to CD-1 Comprehensive Development District would permit an increase in floor space ratio from 2.2 to 3.4 for a mixed-use development having one storey of commercial uses at grade, six stories of dwelling use above and parking below grade. Density is proposed to be transferred from a heritage donor site (see Clause 6 - Text Amendment: 750 Burrard Street).

The Director of Land Use and Development recommended approval, subject to the following conditions as proposed for adoption by resolution of Council:

1. THAT the proposed form of development be approved by Council in principle, in revised plans generally as prepared by Baker McGarva Hart Architects Inc. and stamped "Received City Planning Department, February 24, 1997", 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 (2) below.
2. 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:
  - (i) further design development to improve the character and livability of proposed development, including:
    - a) redesign at south-west corner of seventh storey to bring development within the maximum building height allowed,
    - b) more prominent treatment of the residential entrance,
    - c) providing flexibility for greater pedestrian interest at grade by locating the entrance and services of the grade-level commercial floor space in such a way that it can accommodate two occupancies and not just one, and

Cont'd

**Clause No. 3 cont'd**

- d) consideration of improved treatment of the commercial space, such as "opening" the exposed sides of the building for a pavilion-like effect,
  - (ii) design development according to principles of crime prevention through environmental design, to reduce opportunities for theft from auto, bicycle theft, break and enter, and mischief such as graffiti and skateboarding; and
  - (iii) the advice of the Urban Design Panel on a detailed scheme of development.
3. THAT, prior to enactment of the CD-1 By-law, and at no cost to the City, the registered owner shall:
- (i) make arrangements to the satisfaction of the General Manager of Engineering Services for consolidation of the site;
  - (ii) make arrangements to the satisfaction of the General Manager of Engineering Services for all electrical and telephone services to be undergrounded within and adjacent the site from the closest existing suitable service point;
  - (iii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for notification of prospective purchasers about the use of the Davie Street frontage as a B.C. Transit bus terminus; and
  - (iv) execute a legal agreement, to the satisfaction of the Director of Legal Services, to not discriminate against families with children in the sale of dwelling units.

Cont'd



**Clause No. 3 cont'd**

**Staff Opening Comments**

Phil Mondor, Planner introduced the application, noting this site has languished for a long time without a major tenant wishing to stay for more than a few months. Also, there has been little interest from the development community to develop this site within the existing C-5 zoning.

This is a difficult site in that there is little retail activity surrounding it, little pedestrian activity in the area, and a bus terminus is located immediately in front of it. The site is small and the owners felt a need for additional density to allow development on the site to succeed. This application proposes to purchase heritage density which will be transferred from a donor site.

Mr. Mondor advised staff support this application and have concluded there will be minimal impacts from the form of development, relative to what could be permitted under the existing C-5 zoning, and relative to the benefits that will be obtained, such as the preservation of a heritage building and the facilitation of development on a mixed-use site. The application before Council has received considerable comment as well as advice from the Urban Design Panel. This application is a significant decrease from what was originally contemplated.

Mr. Mondor concluded that there will be some negative impacts relating to shadowing and traffic and parking, but believe that the proposed transfer of 10,375 square feet to this site can be accommodated with very little impact, and the benefits make this a worthwhile thing to do, and staff recommend approval.

**Applicant Comments**

Graham McGarva, Architect, advised this project is seeking to achieve community repair. There has been a productive process with the community and the impacts on the immediate neighbours have been addressed.

Responding to a question from a member of Council concerning the siting of the entrances, Mr. McGarva advised there is no disagreement about the importance of the entrances and the use of the commercial at grade with the bus terminus in front and with the residences above. There is a condition of approval before Council requiring further design development.

**Clause No. 3 cont'd**

**Summary of Correspondence**

The following correspondence was received:

- one letter opposing the application;
- one letter from the applicant providing results of an open house meeting.

**Speakers**

A resident from the 1200 Block Cardero Street urged Council not to approve this application because it will block the views down the lane which are presently experienced by owners in her building. This rezoning will be precedent setting and will force the neighbours to pay for the losses incurred by the owners of 1762 Davie Street. If approval is given, than the building should be set back 30 feet from the back of the lane.

**Staff Closing Comments**

Responding to issues raised by the delegation, Mr. Mondor concurred the view of the beach experienced by some residents in this building will be lost, but noted that similar view loss would result if this site was developed under existing zoning.

**Council Discussion**

While generally supportive of the application, Council members raised questions about the siting of the entrances, as well as the rather flat appearance of the proposed development.

MOVED by Cllr. Kennedy,

THAT the application be approved, subject to conditions as set out in this minute of the Public Hearing.

- CARRIED UNANIMOUSLY

1762 Davie Street

BY-LAW NO. 7820

A By-law to amend  
By-law No. 3575, being the  
Zoning and Development By-law

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting assembled,  
enacts as follows:

1. The "Zoning District Plan" annexed to By-law No. 3575 as Schedule "D" is hereby amended according to the plan marginally numbered Z-465(a) and attached to this By-law as Schedule "A", and in accordance with the explanatory legends, notations and references inscribed therein, so that the boundaries and districts shown on the Zoning District Plan are varied, amended or substituted to the extent shown on Schedule "A" of this By-law, and Schedule "A" of this By-law is hereby incorporated as an integral part of Schedule "D" of By-law No. 3575.

2. Uses

The area shown included within the heavy black outline on Schedule "A" shall be more particularly described as CD-1 (374), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are

- (a) Dwelling Uses in conjunction with any of the uses listed in this section provided that no portion of any floor of a dwelling unit except for entrances will be permitted within 2.0 m of street grade along the fronting street and provided that accessory uses ancillary to dwelling use and provided at grade will not be permitted within a depth of 10.7 m from the fronting street.
- (b) Office Uses.
- (c) Retail Uses, but not including Adult Retail Store, Liquor Store, Pawnshop and Secondhand Store.

- (d) Service Uses, but not including Body-rub Parlour, Cabaret, Funeral Home, Hotel, Neighbourhood Public House, Production or Rehearsal Studio and Restaurant - Class 2, and
- (e) Accessory Uses customarily ancillary to the above uses.

### 3. Floor Space Ratio

3.1 The floor space ratio must not exceed 3.40, except that the floor space ratio for non-dwelling use must not exceed 1.00 and a minimum of 0.30 must be provided abutting the fronting street and within 2.0 m of street grade. For the purpose of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 803.2 m<sup>2</sup>, being the site size at time of application for rezoning, prior to any dedications.

3.2 The following will be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.3 The following will be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;

- (c) where floors are used for off-street parking and loading, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, provided that the maximum exclusion for a parking space will not exceed 7.3 m in length; and
- (d) residential storage space provided that where the space is provided at or above base surface, the maximum exclusion will be 3.7 m<sup>2</sup> per dwelling unit.

3.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and subject to the following:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
  - (ii) no more than fifty percent of the excluded balcony floor area is enclosed; and
- (b) amenity areas accessory to dwelling use, including day care facilities, recreation facilities and meeting rooms, to a maximum of 10 percent of the residential floor area being provided or 1 000 m<sup>2</sup>, whichever is less.

#### 4. Height

The maximum height of a building measured above the base surface is 18.3 m.

#### 5. Yards and Setbacks

5.1 No front yard will be permitted.

5.2 No side yards will be permitted except where any portion of the building contains residential uses, that portion may be set back from the side property lines to meet the requirements of section 7.0.

5.3 No rear yard will be required except that any portion of the building which contains dwelling uses must be set back a minimum of 4.6 m from the lane across the full width of the building.

## 6. Frontage

The maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade will be 7.7 m. The Director of Planning may relax this requirement if he is satisfied that the scale of development at the street property line at this location will relate to pedestrians.

## 7. Horizontal Angle of Daylight

7.1 All habitable rooms in buildings used for residential purposes will have at least one window on an exterior wall which complies with the following:

- (a) the window will be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will be unobstructed over a distance of 24.0 m; and
- (b) the plane or planes will be measured horizontally from the centre of the bottom of the window.

7.2 For the purpose of section 7.1, the following will be considered as obstructions:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the proposed site;
- (b) part of the same building including permitted projections; and
- (c) the maximum size building permitted under the appropriate C district schedule if the site adjoins a C site.

7.3 For the purposes of section 7.1, bathrooms and kitchens will not be considered as habitable rooms unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m<sup>2</sup>, whichever is the greater.

7.4 The Director of Planning may decrease the horizontal angle of daylight requirement of section 7.1, having regard to the livability of the resulting dwelling units and providing that a minimum distance of 3.7 m of unobstructed view is maintained.

## 8. Acoustics

A development permit application for dwelling uses will require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

<u>Portion of Dwelling Unit</u>	<u>Noise Level (Decibels)</u>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

## 9. External Design

9.1 Development along the fronting street must provide any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest.

9.2 The first storey must be built to the front and side property lines except as noted in sections 5.1 and 5.2 while the remaining storeys may be set back from the property lines.

9.3 Direct pedestrian access at the fronting street must be provided at or near grade level to each individual commercial occupancy which abuts the fronting street.

- 9.4 Dwelling uses must have pedestrian access separate from access to other uses.
- 9.5 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer must be provided along the fronting street.
- 9.6 All garbage container storage areas must be screened from view from nearby sidewalks and dwelling units.
- 9.7 Mechanical equipment must be enclosed and set back so as not to be visible from street level or must be architecturally treated to the satisfaction of the Director of Planning.
10. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 18th day of November, 1997.

"(signed) Philip W. Owen"  
MAYOR

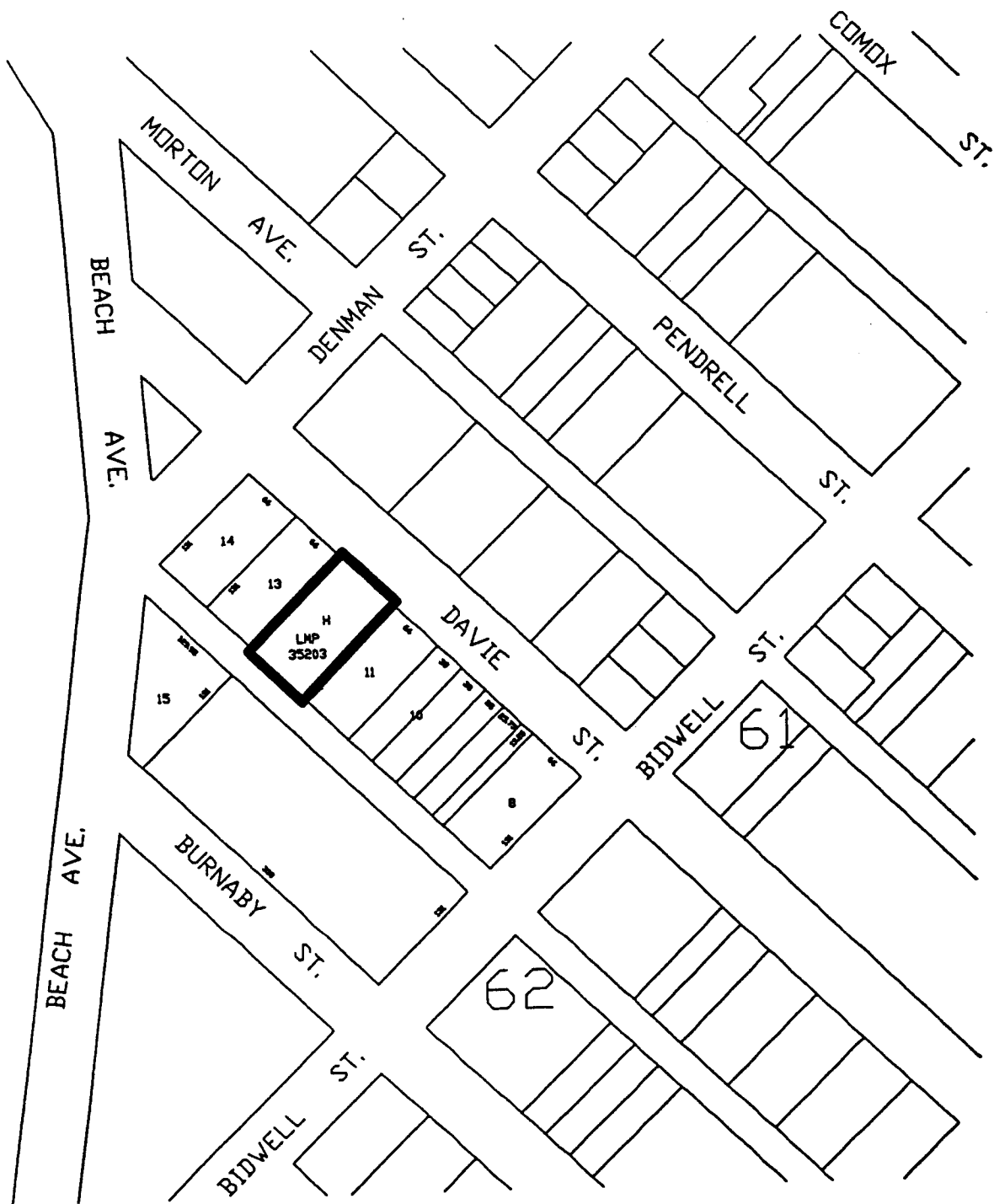
"(signed) Maria C. Kinsella"  
CITY CLERK

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 18th day of November 1997, and numbered 7820.

CITY CLERK"



BY-LAW No. 7820 BEING A BY-LAW TO AMEND BY-LAW No. 3575  
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black (  ) is rezoned:  
From **C-5** To **CD-1**

**Z-465(a)**

**RZ 1762 Davie Street**

map: 1 of 1

**City of Vancouver Planning Department**

scale: 1:2000



**BY-LAWS (CONT'D)**

3. **A By-law to amend By-law No. 3575, being the  
Zoning and Development By-law  
(Rezoning - C-5 to CD-1 - 1762 Davie Street)**
- 

MOVED by Cllr. Kennedy,  
SECONDED by Cllr. Clarke,  
THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the By-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Kennedy,  
SECONDED by Cllr. Clarke,  
THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

**COUNCILLORS PRICE AND PUIL EXCUSED FROM VOTING ON BY-LAW 3**

**BY-LAWS (CONT'D)**

- 3. **A By-law to amend By-law No. 6510, being the Sign By-law (1762 Davie Street)**

MOVED by Cllr. Kennedy,  
SECONDED by Cllr. Clarke,  
THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the By-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Kennedy,  
SECONDED by Cllr. Clarke,  
THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

BY-LAW NO. 7827

A By-law to amend  
By-law No. 6510, being the  
Sign By-law

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting  
assembled, enacts as follows:

1. Schedule E to By-law No. 6510 is amended by adding the  
following:

"1762 Davie St.                      CD-1(374)              7820              B(C-5)"

2. This By-law comes into force and takes effect on the date of  
its passing.

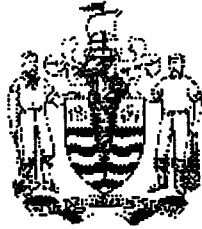
DONE AND PASSED in open Council this 2nd day of December, 1997.

"(signed) Philip W. Owen"  
MAYOR

"(signed) Gil T. Mervyn"  
DEPUTY CITY CLERK

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council  
of the City of Vancouver on the 2nd day of December 1997, and numbered 7827.

CITY CLERK"



**CITY OF VANCOUVER**

**SPECIAL COUNCIL MEETING MINUTES**

**FEBRUARY 24, 2000**

A Special Meeting of the Council of the City of Vancouver was held on Thursday, February 24, 2000, at 7:35 p.m., in Council Chambers, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law and Official Development Plans.

**PRESENT:** Mayor Philip Owen  
 Councillor Fred Bass  
 Councillor Jennifer Clarke  
 Councillor Daniel Lee  
 Councillor Don Lee  
 Councillor Sandy McCormick  
 Councillor Sam Sullivan

**ABSENT:** Councillor Lynne Kennedy  
 Councillor Tim Louis  
 Councillor Gordon Price (Sick Leave)  
 Councillor George Puil (Civic Business)

**CITY CLERK'S OFFICE:** Tarja Tuominen, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Cllr. Don Lee,  
 SECONDED by Cllr. Daniel Lee,

THAT this Council resolve itself into Committee of the Whole, Mayor Owen in the Chair, to consider proposed amendments to the Zoning and Development By-law and Official Development Plans.

- CARRIED UNANIMOUSLY

**1. Text Amendments: District Schedules, Official Development Plans and**

**CD-1 By-laws - Floor Space Exclusions**

### [Barrett Commission]

An application by the Director of Current Planning was considered as follows:

Summary: The proposed text amendments would provide floor space exclusions to provide construction incentives to control building envelope leaks.

The Director of Current Planning recommended approval.

### Staff Comments

Jacqui Forbes-Roberts, General Manager of Community Services, provided a brief introduction to the report, noting the proposed text amendments would affect new construction and repairs and restoration of existing buildings. Ms. Forbes-Roberts also requested an amendment to the proposed draft by-law to amend By-law 3575 to add RS1 to Section 4.7.3, (d).

Doug Watts, Building Envelope Specialist, with the aid of a slide presentation, described the specifics of the technical and different design issues of the proposed amendments, and explained what steps other municipalities have taken to address the recommendations arising from the Barrett Commission.

### Summary of Correspondence

Council was advised the following correspondence was received since the date the application was referred to Public Hearing:

one letter in support of 'Option A'.

### Speakers

Mayor Owen called for speakers for and against the application.

The following spoke in support of 'Option A':

John Fowler, Canadian Precast/Prestressed Concrete Institute  
Bill McEwen, Masonry Institute of British Columbia (brief filed)  
Peter Reese

The foregoing speakers supported 'Option A' based on one or more of the following points:

application of the current FSR calculations has prevented a wide-spread use of precast concrete exterior walls; there have been very few problems with the use of pre-cast concrete, which has proven to be a versatile and durable material;

thicker exterior walls are better walls, because they can include an airspace cavity behind the cladding which provides a "rainscreen" system, more efficient insulation, thicker, more durable cladding materials; current FSR calculations discourage the foregoing;

the proposed changes in FSR definitions will immediately encourage better wall design;

brick and stone-faced walls should be encouraged.

The following generally supported 'Option A' but felt the proposed text amendments should be referred back to staff for further study and discussion with the industry:

John O'Donnell, AIBC  
Stuart Howard, Vancouver Planning Coalition

The following is a summary of the foregoing speakers' comments:

Option 'A' is supported in principle; however the text amendments also should address overhangs, balconies, elevated walkways, yard setbacks, and site coverage; staff should accept the electronic calculation of areas and the calculations of the Architect, given under seal; letters of assurance from a building envelope specialist are redundant at an early stage; the proposed text amendments should cover everything instead of the City issuing administrative bulletins to address further changes.

### **Staff Closing Comments**

Ralph Segal, Planner; Eric Fiss, Planner; and Doug Watts responded to the issues raised by the speakers: the proposed text amendments are the result of a fair bit of consultation with the industry; a building envelope specialist is required to be involved in the process earlier as technical details are to be submitted at the development permit stage; staff are taking a further look at other issues, such as recesses, balconies and walkways.

Ms. Forbes-Roberts advised Council may proceed with the proposed amendments to the floor space exclusions and request staff to come back with additional amendments. Staff and the industry would prefer the FSR exclusions not be delayed.

MOVED by Cllr. Don Lee,

A. THAT the application by the Director of Current Planning to amend various District Schedules, Official Development Plans and CD-1 By-laws to provide floor space exclusions to provide construction incentives to control building envelope leaks be approved.

FURTHER THAT the draft By-law 3575, section 4.7.3, be amended as follows:

(d) as clause (h) in the following district schedules:

*RS-1 and RS-1S RT-4, etc.*

*(Italics denote amendment)*

B. THAT staff report back on other aspects affecting leakage of buildings, such as overhangs, protection of upper balconies, recesses, etc.

- CARRIED UNANIMOUSLY

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Cllr. Don Lee,

THAT the Committee of the Whole rise and report.

- CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Cllr. Clarke,  
SECONDED BY Cllr. Don Lee,

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 9:20 p.m.

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**EXPLANATION**

**Zoning and Development  
Various CD-1 by-laws**

**Amendments re Exterior Wall Exclusion (Barrett Commission Recommendations)**

Following a public hearing on February 24, 2000 Council approved an application, as noted above. There were no prior-to conditions and the Director of Current Planning has advised that the attached by-law can now be enacted to implement Council's resolution.

**Director of Legal Services  
14 March 2000**

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Exterior Wall Exclusion

BY-LAW NO. 8169

A By-law to amend  
By-laws Nos.

3568 3632 3706 3712 3865 3869 3885 3897 3907 3914 3983 4037 4049 4085 4131  
4238 4271 4358 4397 4412 4559 4580 4597 4634 4674 4677 4775 4825 4829 4860  
4861 4900 4918 4926 4928 4930 4940 4954 4958 4999 5009 5011 5014 5028 5060  
5091 5145 5179 5184 5222 5224 5229 5376 5343 5381 5383 5407 5411 5416 5418  
5477 5510 5548 5555 5579 5597 5683 5702 5717 5762 5773 5810 5836 5838 5852  
5863 5890 5927 5937 5950 5975 5976 5997 6009 6039 6041 6057 6063 6064 6070  
6072 6117 6155 6161 6169 6180 6221 6245 6246 6254 6260 6263 6272 6277 6297  
6305 6307 6310 6312 6313 6314 6315 6316 6317 6318 6319 6320 6321 6322 6323  
6325 6361 6362 6363 6394 6420 6421 6423 6425 6427 6428 6429 6448 6449 6475  
6486 6489 6528 6533 6538 6564 6577 6582 6594 6597 6654 6663 6676 6688 6710  
6713 6714 6715 6718 6730 6731 6738 6739 6740 6744 6747 6757 6759 6760 6768  
6779 6787 6817 6819 6827 6838 6876 6883 6884 6911 6919 6953 6962 6963 6965  
7006 7045 7087 7091 7101 7114 7135 7155 7156 7157 7158 7159 7163 7164 7173  
7174 7175 7189 7193 7196 7198 7200 7201 7204 7208 7209 7210 7223 7224 7230  
7232 7235 7246 7248 7249 7317 7325 7337 7340 7371 7381 7389 7405 7419 7425  
7431 7434 7435 7459 7461 7476 7516 7519 7522 7531 7551 7552 7556 7592 7601  
7602 7638 7639 7645 7647 7648 7649 7651 7652 7654 7655 7656 7672 7673 7675  
7677 7679 7681 7682 7684 7705 7715 7723 7820 7829 7834 7835 7852 7853 7879  
7904 7927 7932 7948 7958 7971 7995 7996 8016 8034 8043 8055 8073 8082 8088  
8097 8109 8111 8116 8130 8131

being By-laws which amended the  
Zoning and Development By-law  
by rezoning areas to CD-1

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting  
assembled, enacts as follows:

1. By-law No. 3907 is amended in Section 2 by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

2. By-law No. 4412 is amended in Section 2 by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this clause shall not apply to walls in existence prior to March 14, 2000."

3. By-law No. 5376 is amended in Section 2 by deleting the period from the end of subclause (iii) and substituting it with a semi-colon and by adding the following subclause:

"(iv) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this subclause shall not apply to walls in existence prior to March 14, 2000."

4. By-laws No. 4825 and 6325 are each amended in Section 3 by deleting the period from the end of subclause (ii) and substituting it with a semi-colon and by adding the following subclause:

"(iii) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this subclause shall not apply to walls in existence prior to March 14, 2000."

5. By-law No. 5343 is amended in Section 3 by deleting the period from the end of clause (iii) and substituting it with a semi-colon and by adding the following clause:

"(iv) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000"

6. By-laws No. 4775, 4829, 5222, 5224, 5773 and 6039 are each amended in Section 3 by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the

Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this clause shall not apply to walls in existence prior to March 14, 2000."

7. By-laws No. 4085, 5411, and 5416 are each amended in Section 3 by deleting the period from the end of clause (c) and substituting it with a semi-colon and by adding the following clause:

"(d) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

8. By-law No. 5407 is amended in Section 3 by deleting the period from the end of clause (d) and substituting it with a semi-colon and by adding the following clause:

"(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

9. The By-laws listed below are each amended in Section 3 by adding the following section:

"3.1 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

3568 3712 3885 4271 4358 4634 4674 4861 4900 4918 4926 4928  
4930 4940 4958 4999 5009 5011 5014 5028 5060 5145 5179 5184  
5229 5418 5477 5836 5838 5863 5937 5950 5975 5976 4954 6041  
6064 6072 6117 6155 6161 6180 6245 6246 6260 6263 6277 6297  
6305 6307 6394 6420 6425 6427 6428 6429 6448 6449 6489 6538  
6577 6594 6564 6654 6663 6759 6760 6779 6876 6911

10. By-laws No. 6314 and 6582 are each amended in Section 3.1 by deleting the period from the end of clause (ii) and substituting it with a semi-colon and by adding the following clause:

"(iii) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

11. By-law No. 6272 is amended in Section 3.1 by deleting the word "and" from the end of subclause (c)(i), by deleting the period from the end of subclause (c)(ii) and substituting it with a semi-colon and by adding the following subclause:

"(iii) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

12. By-law No. 4580 is amended in Section 3.2 by deleting the period at the end of the section and substituting it with a semi-colon, by relettering the existing text as clause (a) and by adding the following clause:

"(b) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this clause shall not apply to walls in existence prior to March 14, 2000."

13. By-law No. 6884 is amended in Section 3.1 by deleting the word "and" from the end of clause (a), by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

14. By-law No. 5683 is amended in Section 3.2 by deleting the period at the end of this section and substituting it with a semi-colon and by adding the following clause:

"(b) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor

space ratio, except that this clause shall not apply to walls in existence prior to March 14, 2000."

15. By-law No. 8088 is amended in Section 3.2 by adding the following clause:

"(d) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

16. By-law No. 6009 is amended in Section 3.2 by deleting the period at the end of subclause (e)(vii) and substituting it with a semi-colon and by adding the following clause:

"(f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

17. By-law No. 4677 is amended in Section 3.2 by deleting the period at the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

18. The By-laws listed below are each amended in Section 3 by adding the following section:

"3.3 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

4238 4860 5579 5717 5810 5852 5890 6057 6070 6310 6312 6313  
6316 6320 6361 6363 6423 6528 6714 6715

19. By-law No. 7684 is amended in Section 3.3 by deleting the period from the end of clause (a) and substituting it with a semi-colon and by adding the following clause:

"(b) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

20. The By-laws listed below are each amended in Section 3.3 by deleting the and from clause (a) and by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

7705 7459 7435 7434 7419 7389 6718

21. The By-laws listed below are each amended in Section 3.3 by deleting the period from the end of clause (c) and substituting it with a semi-colon and by adding the following clause:

"(d) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

5458 5548 5597 6962 7045 7682

22. The By-laws listed below are each amended in Section 3.3 by deleting the period from the end of clause (d) and substituting it with a semi-colon and by adding the following clause:

"(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

3897 3983 5510 7144 7208 7476 7516 7820 7927 7996

23. The By-laws listed below are each amended in Section 3.3 by deleting the period from the end of clause (e) and substituting it with a semi-colon and by adding the following clause:

" (f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

5091 6486 6676 6688 6713 6730 6787 6817 7159 7337 7531 7552  
7556 7645 7652 7715 7835 7971 8111

24. The By-laws listed below are each amended in Section 3.3 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

4391 4049 4397 4597 6421 6710 6731 6738 6739 6740 6768  
6827 6838 6919 6953 6963 6965 7006 7091 7092 7101 7135  
7155 7157 7158 7163 7166 7175 7189 7193 7196 7198 7210  
7223 7224 7230 7325 7340 7381 7519 7551 7602 7638 7639  
7647 7651 7655 7723 7932 7948 8082

25. The By-laws listed below are each amended in Section 3.3 by deleting the period from the end of clause (g) and substituting it with a semi-colon and by adding the following clause:

"(h) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

3869 7173 7522 7601 7656 7672 7834 7852 7853 7904 7958

26. By-laws No. 4559, 7209, 7425 and 7431 are each amended in Section 3.3 by deleting the period from the end of clause (h) and substituting it with a semi-colon and by adding the following clause:

"(i) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."



27. By-laws No. 5997 and 7829 are each amended in Section 3.3 by deleting the period from the end of clause (i) and substituting it with a semi-colon and by adding the following clause:

"(j) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

28. The By-laws listed below are each amended in Section 3 by adding the following section:

"3.4 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

5762 5927 6315 6317 6318 6319 6321 6323 6362

29. By-law No. 7980 is amended

(a) in Section 3.4 by deleting the period from the end of clause (d) and substituting it with a semi-colon and by adding the following clause:

"(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000.", and

(b) in Section 3.7 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

30. By-laws No. 7087 and 7174 are each amended in Section 3.4 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

31. By-law No. 7246 is amended in Section 3.4 by deleting the period from the end of clause (h) and substituting it with a semi-colon and by adding the following clause:

"(i) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

32. By-laws No. 8034, 8043 and 8116 are each amended in Section 3.4 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

33. By-laws No. 6322 and 6597 are each amended in Section 3 by adding the following section:

"3.5 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

34. By-law No. 8016 is amended in Section 3.5 by deleting the period from the end of clause (g) and substituting it with a semi-colon and by adding the following clause:

"(h) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

35. By-law No. 8055 is amended in Section 3.5 by deleting the period from the end of clause (h) and substituting it with a semi-colon and by adding the following clause:

"(i) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

36. By-law No. 8130 is amended in Section 3.6 by deleting the period from the end of clause (e) and substituting it with a semi-colon and by adding the following clause:

"(f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

37. By-law No. 7648 is amended in Section 3.6 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

38. By-laws No. 6063 and 6221 are each amended in Section 3 by adding the following section:

"4.1 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

39. By-law No. 5555 is amended in Section 4 by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this clause shall not apply to walls in existence prior to March 14, 2000."

40. By-law No. 5705 is amended in Section 4 by adding the following section:

"4.3 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

41. By-law No. 7371 is amended in Section 4.3 by deleting the period from the end of clause (a) and substituting it with a semi-colon and by adding the following clause:

"(b) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

42. By-law No. 7249 is amended in Section 4.3 by deleting the period from the end of clause (c) and substituting it with a semi-colon and by adding the following clause:

"(d) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

43. By-laws No. 5702 and 7673 are each amended in Section 4.3 by deleting the period from the end of clause (d) and substituting it with a semi-colon and by adding the following clause:

"(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

44. By-laws No. 6819 and 7238 are each amended in Section 4.3 by deleting the period from the end of clause (e) and substituting it with a semi-colon and by adding the following clause:

"(f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

45. The By-laws listed below are each amended in Section 4.3 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

3632 3706 4131 7649 7995 8073 8097

46. By-law No. 5381 is amended in Section 4.3.3 by adding after the existing text the following:

" - where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

47. By-law No. 7592 is amended in Section 4.4 by deleting the period from the end of clause (d) and substituting it with a semi-colon and by adding the following clause:

"(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

48. By-law No. 6883 is amended in Section 4.4 by deleting the period from the end of clause (e) and substituting it with a semi-colon and by adding the following clause:

"(f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

49. By-laws No. 4037 and 7405 are each amended in Section 4.4 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum

exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

50. By-law No. 7201 is amended in Section 4.5 by deleting the period from the end of clause (c) and substituting it with a semi-colon and by adding the following clause:

"(d) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

51. By-law No. 5383 is amended in Section 5 by deleting the period from the end of clause (b) and substituting it with a semi-colon and by adding the following clause:

"(c) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

52. By-law No. 6533 is amended in Section 5.2.4 by deleting the period at the end of the existing text and substituting it with a semi-colon and by adding the following:

" - where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

53. By-law No. 7654 is amended in Section 5.3 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

54. By-law No. 7677 is amended in Section 5.3 by deleting the period from the end of clause (g) and substituting it with a semi-colon and by adding the following clause:

"(h) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum

exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

55. By-laws No. 7675, 7681 and 8109 are each amended in Section 5.3 by deleting the period from the end of clause (h) and substituting it with a semi-colon and by adding the following clause:

"(i) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

56. By-laws No. 3865 and 6475 are each amended in Section 5.3.3 by deleting the period from the end of the existing text and substituting it with a semi-colon and by adding the following:

" - where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

57. By-law No. 7879 is amended in Section 5.4 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

58. By-law No. 8131 is amended in Section 5.4 by deleting the period from the end of clause (j) and substituting it with a semi-colon and by adding the following clause:

"(k) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

59. By-law No. 6169 is amended in Section 6 by adding the following section:

"6.1 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the

Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000."

60. By-law No. 7679 is amended in Section 6.3 by deleting the period from the end of clause (d) and substituting it with a semi-colon and by adding the following clause:

"(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

61. By-law No. 7317 is amended in Section 6.3 by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

62. By-laws No. 7156, 7200, and 7232 are each amended in Section 6.3 by deleting the period from the end of clause (g) and substituting it with a semi-colon and by adding the following clause:

"(h) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

63. By-law No. 7461 is amended in Section 6.3 of Schedule B by deleting the period from the end of clause (h) and substituting it with a semi-colon and by adding the following clause:

"(i) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

64. By-law No. 7248 is amended in Section 6.3 by deleting the period from the end of clause (i) and substituting it with a semi-colon and by adding the following clause:



"(j) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

65. By-law No. 6744 is amended in Section 6.3 by deleting the period from the end of clause (j) and substituting it with a semi-colon and by adding the following clause:

"(k) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

66. By-laws No. 6747 and 7204 are each amended in Section 7.3 of Schedule B, by deleting the period from the end of clause (f) and substituting it with a semi-colon and by adding the following clause:

"(g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

67. By-law No. 6757 is amended in Section 7.3 by deleting the period from the end of clause (g) and substituting it with a semi-colon and by adding the following clause:

"(h) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000."

68. By-law No. 6254 is amended in Section 8 by deleting the period from the end of the second clause (a), which clause ends with the word "computation", and substituting a semi-colon and by inserting the following clause:

"(b) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000;"

69.

This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 14th day of March , 2000.

(Signed) Philip W. Owen  
Mayor

(Signed) Ulli S. Watkiss  
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 14th day of March 2000, and numbered 8169.

CITY CLERK"



**CITY OF VANCOUVER**  
**SPECIAL COUNCIL MEETING MINUTES**

**NOVEMBER 20, 2003**

A Special Meeting of the Council of the City of Vancouver was held on Thursday, November 20, 2003, 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 By-law, Official Development Plans, Sign By-law and to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

**PRESENT:** Mayor Larry Campbell  
 Councillor David Cadman  
 Councillor Peter Ladner  
 Councillor Raymond Louie  
 Councillor Tim Louis  
 Councillor Anne Roberts  
 Councillor Tim Stevenson  
 \*Councillor Sam Sullivan  
 Councillor Ellen Woodsworth

**ABSENT:** Councillor Fred Bass (Leave of Absence - Civic Business)  
 Councillor Jim Green (Civic Business)

**CITY CLERK'S OFFICE:** Laura Kazakoff, Meeting Coordinator

\*Denotes absence for a portion of the meeting.

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Louis  
 SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development By-law, Official Development Plans, Sign By-law, to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

**CARRIED UNANIMOUSLY**

**1. Text Amendment: Zoning and Development By-law, CD-1s, and Official Development Plans**

An application by the Director of Current Planning was considered as follows:

Summary: Housekeeping amendments to the Zoning and Development By-law, including CD-1s and Official Development Plans.

The Director of Current Planning recommended approval.

**Staff Comments**

Dave Thomsett, Senior Planner, Rezoning Centre, was present to respond to questions.

#### **Summary of Correspondence**

No correspondence was received since the date the application was referred to Public Hearing.

#### **Speakers**

The Mayor called for speakers for and against the application and none were present.

#### **Council Decision**

MOVED by Councillor Louis

THAT the application by the Director of Current Planning to amend the Zoning & Development By-law, CD-1 By-laws and Official Development Plans generally as set out in Appendices A & B of the Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws, and Official Development Plans, Zoning and Development Fee By-law and Policies and Guidelines" dated September 23, 2003, be approved.

CARRIED UNANIMOUSLY  
(Councillor Sullivan absent for the vote)

**BY-LAWS**

MOVED by Councillor Cadman  
SECONDED by Councillor Louie

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 11 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text amendments) (By-law No. 8758)
2. A By-law to amend By-law Nos. 6180, 6320, and 8587 which amended Zoning and Development By-law No. 3575 by rezoning certain areas to CD-1 (By-law No. 8759)
3. A By-law to amend miscellaneous CD-1 By-laws (re miscellaneous text and residential storage amendments) (By-law 8760)

(Councillors Bass, Green and Sullivan excused from voting)

4. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text and residential storage amendments) (By-law 8761)

(Councillors Bass, Green and Sullivan excused from voting)

5. A By-law to amend Downtown District Official Development Plan By-law No. 4912, Downtown-Eastside/Oppenheimer District Official Development Plan By-law No. 5532, and Southeast Granville Slopes Official Development Plan By-law No. 5752 (By-law 8762)

(Councillors Bass, Green and Sullivan excused from voting)

6. A By-law to amend Solid Waste and Recycling By-law No. 8417 to regulate certain 2004 utility fees and miscellaneous amendments (By-law 8763)

7. A By-law to amend Water Works By-law No. 4848 (2004 Fees and miscellaneous amendments) (By-law 8764)

8. A By-law to authorize the borrowing of certain sums of money from January 8, 2004 to January 7, 2005 pending the collection of real property taxes (By-law No. 8765)

9. A By-law to amend By-law No. 8093, being the Sewer and Watercourse By-law (Establishment of 2004 Sewer Use and Connection Rates) (By-law No. 8766)

10. A By-law to amend License By-law No. 4450 re 2004 marina operator fee increases

(By-law No. 8767)

11. A By-law to amend Impounding By-law No. 3519 (2004 Charges re Towing Service Contract) (By-law 8768)

Phan  
DD

1762 Davie Street

**BY-LAW NO. 9422**

**A By-law to amend CD-1 By-law No. 7820**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of CD-1 By-law No. 7820.
2. In section 3.4, Council:
  - (a) from the end of subsection (a), strikes out "and";
  - (b) from the end of subsection (b), strikes out ".", and substitutes "; and"; and
  - (c) after subsection (b), adds:

“(c) structures such as pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture.”
3. In section 4, Council:
  - (a) inserts "4.1" at the beginning of the sentence; and
  - (b) after section 4.1, adds:

“4.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

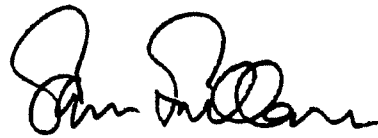
    - (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as elevator and lobby enclosures, stairwells, guard rails not exceeding the minimum height specified in the Building By-law, pergolas, trellises, or tool sheds that provide accessibility to common roof amenity areas do not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
    - (b) the Director of Planning or Development Permit Board first considers:
      - (i) all applicable policies and guidelines adopted by Council,
      - (ii) the submission of any advisory group, property owner, or tenant, and

- (iii) the effects on public and private views, shadowing, privacy, and open spaces;

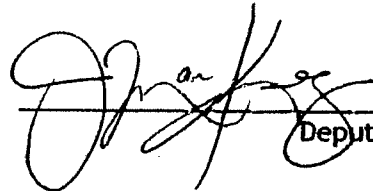
the Director of Planning or Development Permit Board may allow a greater height for any such structure, and may allow guard rails to exceed one-third the width of the building as measured on any elevation drawings.”

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 30<sup>th</sup> day of January, 2007



Mayor



Deputy City Clerk

**BY-LAWS**

**MOVED** by Councillor Capri  
**SECONDED** by Councillor Ball

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 6 inclusive, and by-laws 8 and 9, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

**CARRIED UNANIMOUSLY**

1. **A By-law to regulate the construction of buildings and related matters and to adopt the British Columbia Building Code (2007 Building By-law) (By-law No. 9419)**
2. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 2999 Grandview Highway) (By-law No. 9420)**
3. **A By-law to amend Sign By-law No. 6510 (re 2999 Grandview Highway) (By-law No. 9421)**
4. **A By-law to amend CD-1 By-law No. 7820 (re 1762 Davie Street) (By-law No. 9422)**
5. **A By-law to amend CD-1 By-law No. 8349 re 1128 West Hastings Street (By-law No. 9423)**
6. **A By-law to amend Parking By-law No. 6059 (Relaxation and Payment-in-lieu 412 Carrall Street) (By-law No. 9424)**
7. **A By-law to amend Secondhand Dealers and Pawnbrokers By-law No. 2807 regarding miscellaneous matters - WITHDRAWN**
8. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (53 West Hastings Street) (By-law No. 9425)**
9. **Heritage Taxation Exemption By-law for 53 West Hastings Street (By-law No. 9426) (Requires two-thirds affirmative votes of those members present)**



### Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

### Speakers

The Mayor called for speakers for and against the application and none were present.

### Council Decision

Council members questioned the proposed use of the Community Amenity Contribution, expressed concern with the loss of public open space, and also noted the public value of saving the donor site building in Chinatown.

### MOVED by Councillor Deal

- A. THAT the application by Musson Cattell Mackey Partnership Architects on behalf of West Georgia Holdings Ltd. to amend CD-1 By-law No. 9195 for 1133 West Georgia Street (Lot F, Block 17, DL 185, PLAN LMP14977) to increase the maximum floor area by 1 607 m<sup>2</sup> (17,300 sq. ft.), generally as represented in Appendix A to Policy Report "CD-1 Text Amendment: 1133 West Georgia Street" dated November 1, 2006, be approved.
- B. THAT the registered owner's offer of a contribution be accepted and that, prior to enactment of the CD-1 By-law amendment, such offer be secured to the satisfaction of the Director of Legal Services through an agreement confirming that the registered owner has purchased heritage bonus density with value of \$1,583,000 from a suitable heritage donor site.

CARRIED  
(Councillor Anton opposed)

### 5. TEXT AMENDMENT: 1762 Davie Street

An application by the Director of Planning was considered as follows:

Summary: To amend the CD-1 by-law to allow an exemption in height limitation to enable access to rooftop decks for building residents, and an exclusion in floor space ratio (FSR) for structures such as pergolas, trellises, and tool sheds which support the use of green roofs and urban agriculture. This amendment would be more consistent with the Vancouver Building By-law which has requirements to make buildings and occupancies "accessible by persons with disabilities" (Section 3.8).

The Director of Planning recommended approval.

### Staff Comments

Phil Mondor, Rezoning Planner, provided an overview of the application and noted Greg Borowski of Merrick Architects, applicant for a development application in process on the site, had informed City staff of one element missed by his firm, and has registered to speak to this matter. Mr. Mondor referred Council to suggested wording, prepared by staff, to address this oversight (circulated at the meeting and on file) as an additional recommendation, as follows:

THAT Section 4.2 (a) of the amending by-law be amended by adding after "stairwells" the following: "guardrails not exceeding the minimum height specified in the Building By-law," and that Section 4.2 be amended in its last sentence by adding after "structure" the following: "and may allow guardrails to exceed one-third the width of the building as measured on any elevation drawings."

### Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

### Speakers

The Mayor called for speakers for and against the application.

Greg Borowski, Merrick Architecture, advised of an oversight on their part in regard to a technical item related to guardrails, and requested a slight revision to the text amendment as per the wording suggested by staff.

### Council Decision

MOVED by Councillor Deal

- A. THAT the application to amend the CD-1 By-law No. 7820 for 1762 Davie Street in accordance with Appendix A to the Administrative Report, "CD-1 Text Amendment: 1762 Davie Street" dated November 1, 2006 be approved.
- B. THAT Section 4.2 (a) of the amending by-law be amended by adding after "stairwells" the following: "guardrails not exceeding the minimum height specified in the Building By-law," and that Section 4.2 be amended in its last sentence by adding after "structure" the following: "and may allow guardrails to exceed one-third the width of the building as measured on any elevation drawings".

CARRIED UNANIMOUSLY