



City of Vancouver *Zoning and Development By-law*

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CD-1 (420)

1402-1436 Kingsway and 4050 Knight Street *By-law No. 8880*

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

Effective June 22, 2004

(Amended up to and including By-law No. 9674, dated June 24, 2008)

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

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (420).

2.2 The only uses permitted within CD-1 (420), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses, not including Arcade, Bingo Hall, Casino, Golf Course or Driving Range, Marina, Park or Playground, Riding Ring, Stadium or Arena, and Zoo or Botanical Garden;
- (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law and Multiple Dwelling;
- (c) Institutional Uses, not including Ambulance Station, Detoxification Centre, and Hospital;
- (d) Manufacturing Uses, limited to Jewellery Manufacturing and Printing or Publishing;
- (e) Office Uses;
- (f) Residential Unit associated with and forming an integral part of an Artist Studio;
- (g) Retail Uses, limited to Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Retail Store, and Secondhand Store;
- (h) Service Uses, not including Body-rub Parlour, Drive-through Service, Funeral Home, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Production or Rehearsal Studio, Repair Shop-Class A, Restaurant-Drive-in, and Work Shop;
- (i) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station;
- (j) Wholesale Uses, limited to Wholesaling-Class A and Wholesaling-Class B;
- (k) Accessory Uses customarily ancillary to any of the uses permitted by this section 2; and
- (l) Interim Parking Use subject to a parking management plan as determined by the Director of Planning in consultation with the City Engineer.

3 Conditions of Use

Despite section 2.2, the following uses are not permitted at grade on the Kingsway or Knight street frontage, except for entranceways: Bowling Alley, Fitness Centre, Hall, Rink, Swimming Pool, Club, Dwelling Uses, Community Care Facility, Group Residence, General Office except for insurance, travel agency or real estate office, Auction Hall, Bed and Breakfast Accommodation, Cabaret, School- Elementary or Secondary, School-University or College, School-Arts or Self Improvement, School- Business, and School-Vocational or Trade. [9674; 08 06 24]

4 Floor space ratio

4.1 The floor space ratio must not exceed 3.86. [9440; 07 03 13]

4.2 At least 2 508 m² of floor area must consist only of a grocery store, being the use of premises to retail food, including food manufactured on the premises as an integral part of the retail operation, and an accessory drug store or other use customarily ancillary to a grocery store but does not include Neighbourhood Grocery Store or specialty shops such as bakeries, butchers, delicatessens, candy shops, and ice cream parlours which limit sales to a particular type of food. [9440; 07 03 13]

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 8880 or provides an explanatory note.*

4.3 Computation of floor space ratio must: [9440; 07 03 13]

- (a) assume that the site includes all parcels to which this By-law applies, and consists of 10 196 m²; and
 - (b) include measurement of all floors of all buildings including accessory buildings, both above and below ground level, to the extreme outer limits of the building.
- [9175; 05 11 01]

4.4 Computation of floor space ratio must exclude: [9440; 07 03 13]

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, 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:
 - (i) are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including child day care facilities, recreational facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area if, for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (e) residential storage space, except that where the space is provided at or above base surface, the maximum exclusion is 3.7 m² per dwelling unit; and
- (f) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

4.5 If: [9440; 07 03 13]

- (a) the Director of Planning first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure;
- (b) despite subsection (a), the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8% of the residential floor area being provided; and
- (c) despite subsection (a), the enclosed portion of the excluded balcony floor area does not exceed 50%;

then the Director of Planning may permit the exclusion of enclosed residential balconies from the computation of floor space ratio.

5 Height

The maximum building height measured above the base surface must not exceed 54.0 m and the building must not exceed 17 storeys, except that the Development Permit Board may permit an increase for mechanical appurtenances and elevator rooms. [9440; 07 03 13]

6 Horizontal angle of daylight

6.1 All habitable rooms in buildings used for residential or hotel purposes must have at least one window on an exterior wall that complies with the following:

- (a) the location of the window must be such 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, are unobstructed over a distance of 24.0 m; and
- (b) measurement of the plane or planes referred to in subparagraph (a) must be horizontal from the centre of the bottom of the window.

6.2 For the purpose of section 6.1, obstructions include:

- (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;
- (c) accessory buildings located on the same site as the principal building; and
- (d) the maximum size building permitted under the appropriate C or M District Schedule in the Zoning and Development By-law if the site adjoins a C or M site.

6.3 For the purpose of section 6.1, habitable rooms do not include:

- (a) bathrooms; or
- (b) kitchens, unless the floor area is more than 10% of the total floor area of the dwelling unit or 9.3 m², whichever is the greater.

7 Parking, loading, bicycle, and passenger spaces

7.1 Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of the Parking By-law, of off-street parking, loading, bicycle, and passenger spaces, except that:

- (a) for dwelling units, the following loading space requirements apply:
 - (i) for 99 or fewer dwelling units, no requirement,
 - (ii) for 100 to 299 dwelling units, at least one Class B loading space, and
 - (iii) for 300 or more dwelling units, at least two Class B loading spaces; and [9440; 07 03 13]
- (b) if this By-law requires more than one Class B loading space on a site, there must be a minimum unobstructed vertical clearance of 3.8 m for all Class B loading spaces and related maneuvering and access aisles. [9440; 07 03 13]

7.2 The relaxation and mixed-use reduction provisions of the Parking By-law apply.

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.

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

9 External design

9.1 Each grade-level use that fronts onto Kingsway or Knight Street, and each grade level commercial use that fronts onto King Edward Avenue, must include 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 that facilitate pedestrian interest.

9.2 Each individual commercial occupancy that fronts onto Kingsway or Knight Street must include direct pedestrian access at the fronting street at or near grade level.

9.3 Each dwelling use must include a pedestrian access separate from other uses.

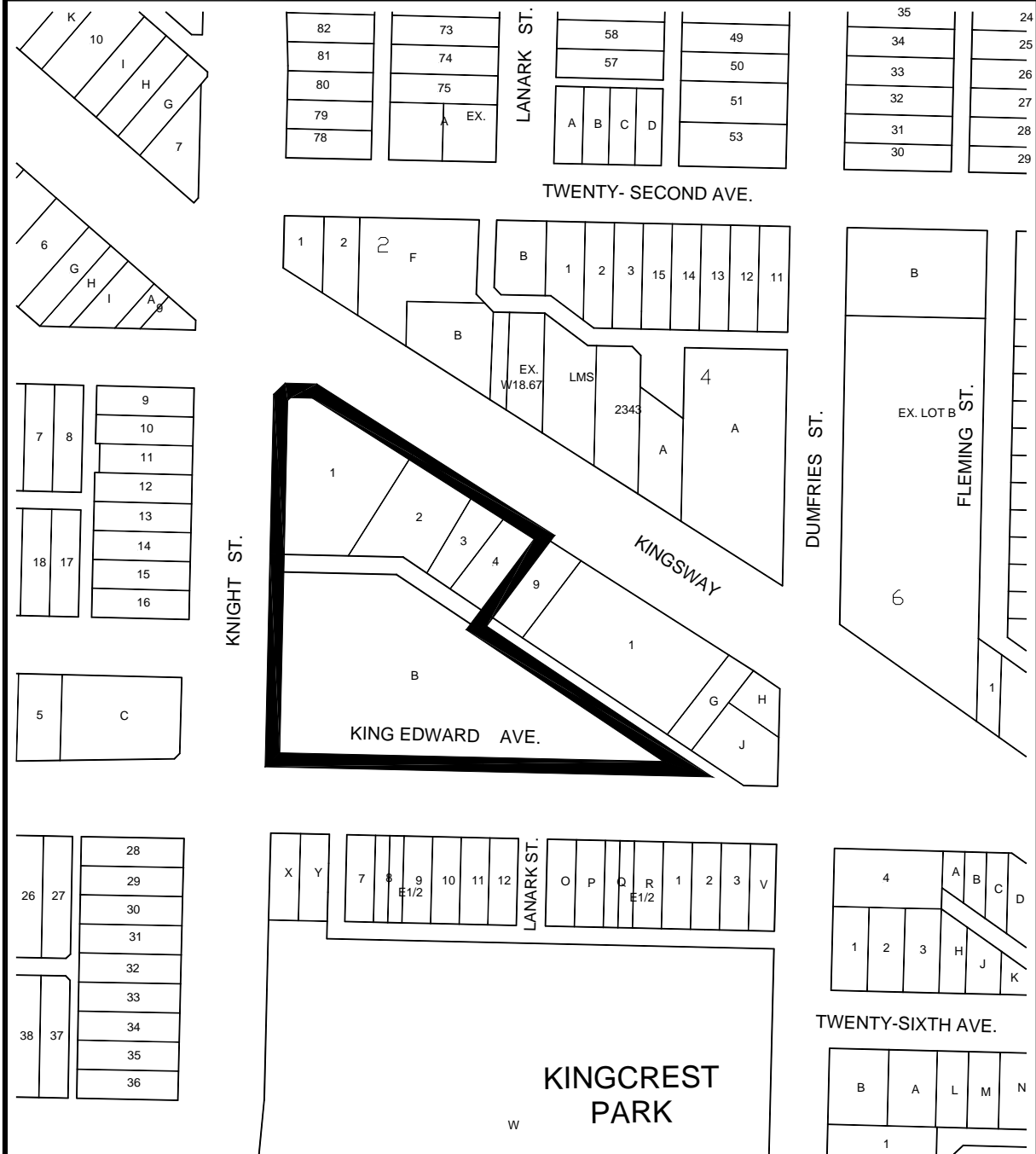
10 Severability

If a court having jurisdiction decides that any part of this By-law is void or unenforceable, such a decision is not to affect the balance of the By-law.

11 *[Section 11 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. 8880 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-2** to **CD-1**

Z-543

RZ - 1402-1436 Kingsway & 4050 Knight Street

map: 1 of 1

scale: 1:2000



City of Vancouver

1402 - 1436 Kingsway and 4050 Knight Street

BY-LAW NO. 8880

**A By-law to amend
Zoning and Development By-Law No. 3575**

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

Zoning District Plan amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z - 543 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (420).

2.2 The only uses permitted within CD-1 (420), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses, not including Arcade, Bingo Hall, Casino, Golf Course or Driving Range, Marina, Park or Playground, Riding Ring, Stadium or Arena, and Zoo or Botanical Garden;
- (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law and Multiple Dwelling;
- (c) Institutional Uses, not including Ambulance Station, Detoxification Centre, and Hospital;
- (d) Manufacturing Uses, limited to Jewellery Manufacturing and Printing or Publishing;
- (e) Office Uses;
- (f) Residential Unit associated with and forming an integral part of an Artist Studio;
- (g) Retail Uses, limited to Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Retail Store, and Secondhand Store;

- (h) Service Uses, not including Body-rub Parlour, Drive-through Service, Funeral Home, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Production or Rehearsal Studio, Repair Shop-Class A, Restaurant-Drive-in, and Work Shop;
- (i) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station;
- (j) Wholesale Uses, limited to Wholesaling-Class A and Wholesaling-Class B;
- (k) Accessory Uses customarily ancillary to any of the uses permitted by this section 2; and
- (l) Interim Parking Use subject to a parking management plan as determined by the Director of Planning in consultation with the City Engineer.

Conditions of use

3. Despite section 2.2, the following uses are not permitted at grade on the Kingsway or Knight street frontage, except for entranceways: Bowling Alley, Fitness Centre, Hall, Rink, Swimming Pool, Club, Dwelling Uses, Special Needs Residential Facility, General Office except for insurance, travel agency or real estate office, Auction Hall, Bed and Breakfast Accommodation, Cabaret, School- Elementary or Secondary, School-University or College, School-Arts or Self Improvement, School- Business, and School-Vocational or Trade.

Floor space ratio

4.1 The floor space ratio must not exceed 3.80.

4.2 Computation of floor space ratio must:

- (a) assume that the site includes all parcels to which this By-law applies and consists of 9 730 m², being the site size at the time of application for rezoning, prior to any dedications; and
- (b) include measurement of all floors of all buildings including accessory buildings, both above and below ground level, to the extreme outer limits of the building.

4.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;

- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, 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:
 - (i) are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including child day care facilities, recreational facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area if, for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (e) residential storage space, except that where the space is provided at or above base surface, the maximum exclusion is 3.7 m² per dwelling unit; and
- (f) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

4.4 If:

- (a) the Director of Planning first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure;
- (b) despite subsection (a), the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8% of the residential floor area being provided; and
- (c) despite subsection (a), the enclosed portion of the excluded balcony floor area does not exceed 50%;

then the Director of Planning may permit the exclusion of enclosed residential balconies from the computation of floor space ratio.

Height

5. The maximum building height measured above the base surface must not exceed 51.0 m and the building must not exceed 16 storeys, except that the Development Permit Board may permit an increase for mechanical appurtenances and elevator rooms.

Horizontal angle of daylight

6.1 All habitable rooms in buildings used for residential or hotel purposes must have at least one window on an exterior wall that complies with the following:

- (a) the location of the window must be such 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, are unobstructed over a distance of 24.0 m; and
- (b) measurement of the plane or planes referred to in subparagraph (a) must be horizontal from the centre of the bottom of the window.

6.2 For the purpose of section 6.1, obstructions include:

- (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;
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- (a) bathrooms; or
- (b) kitchens, unless the floor area is more than 10% of the total floor area of the dwelling unit or 9.3 m², whichever is the greater.

Parking, loading, bicycle, and passenger spaces

7.1 Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of the Parking By-law, of off-street parking, loading, bicycle, and passenger spaces, except that:

- (a) for multiple-residential use, the following parking space requirements apply:
 - (i) for dwelling units less than 80 m² of gross floor area, a minimum of one parking space for each 70 m² of gross floor area, and
 - (ii) for dwelling units 80 m² or more of gross floor area, a minimum of 0.85 parking space for each dwelling unit and one additional parking space for

each 250 m² of gross floor area, except that there need be no more than 2.0 parking spaces for each dwelling unit;

- (b) for grocery store use, the following parking requirements apply:
 - (i) parking spaces must have a minimum width of 2.7 metres for standard parking spaces, and 2.6 metres for small car spaces, and
 - (ii) the maximum number of small car spaces must not exceed 15% of the number of parking spaces provided for the grocery store use;
- (c) for dwelling units, the following loading space requirements apply:
 - (i) for 99 or fewer dwelling units, no requirement,
 - (ii) for 100 to 299 dwelling units, at least one Class B loading space, and
 - (iii) for 300 or more dwelling units, at least two Class B loading spaces; and
- (d) if this By-law requires more than one Class B loading space on a site, there must be a minimum unobstructed vertical clearance of 3.8 m for all Class B loading spaces and related maneuvering and access aisles.

7.2 The relaxation and mixed-use reduction provisions of the Parking By-law apply.

Acoustics

8. 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.

<u>Portions of dwelling units</u>	<u>Noise levels (Decibels)</u>
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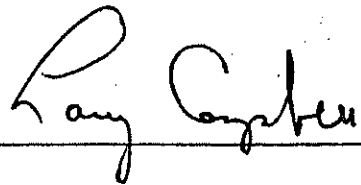
Severability

10. If a court having jurisdiction decides that any part of this By-law is void or unenforceable, such a decision is not to affect the balance of the By-law:


Force and Effect

11. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 22nd day of June, 2004



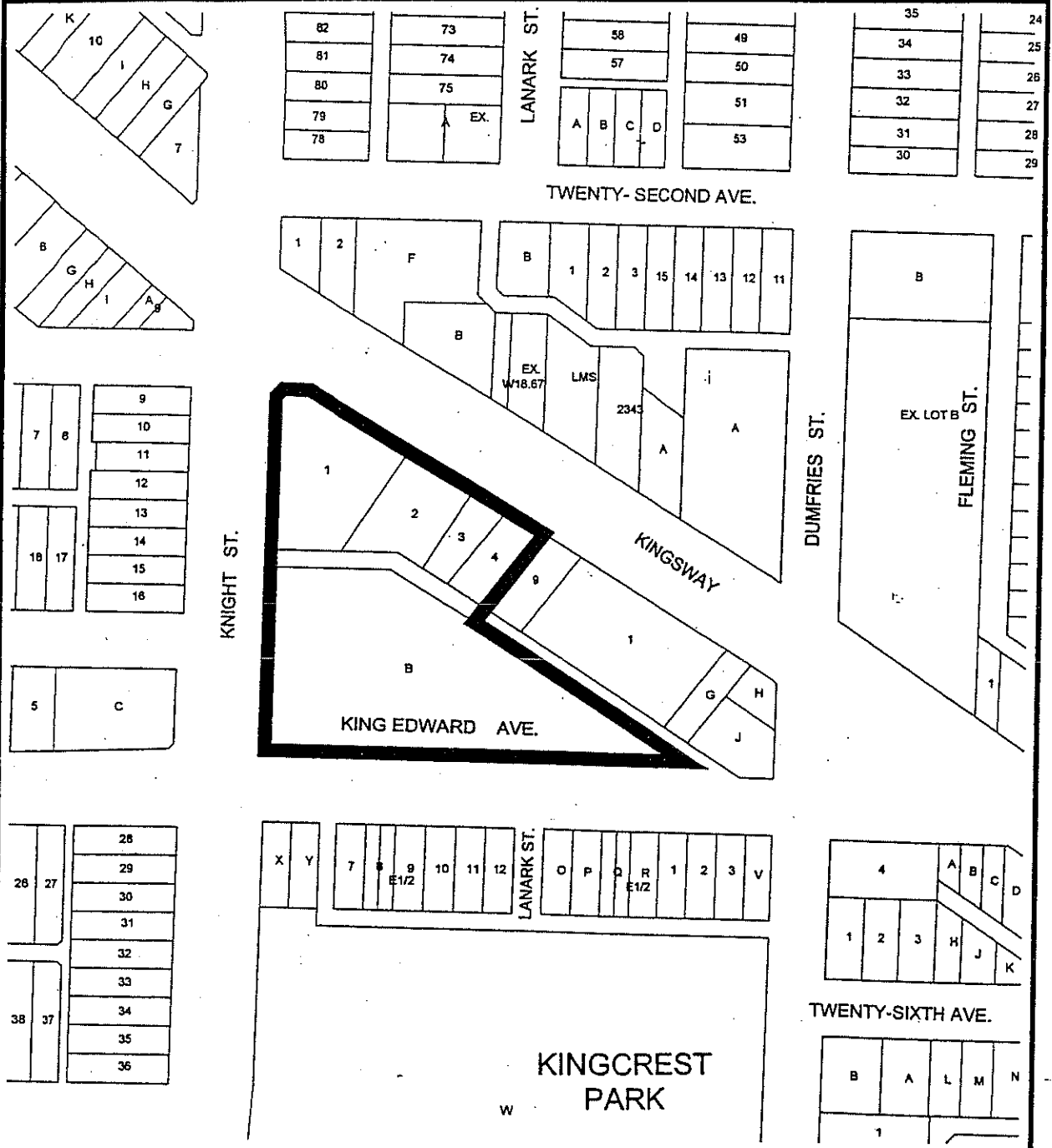
Mayor




City Clerk

By-law No. _____ 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-2** to **CD-1**

Z-543

RZ - 1402-1436 Kingsway & 4050 Knight Street

map: 1 of 1

scale: 1:2000



BY-LAWS

MOVED by Councillor Ladner
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 12 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

1. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$1,372, 018.13 for certain local improvement street work projects, including pavement, curbs, trees and bulges, cement walks, lane pavement and speed ramps, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 8871)
2. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$2,871.66 for certain local improvement traffic circle projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 8872)
3. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$13,190.81 for certain local improvement lane lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 8873).
4. A By-law to amend Single Room Accommodation By-law No. 8733 regarding Schedule A deletions (By-law No. 8874).
5. A By-law to amend Building By-law No. 8057 regarding unsafe conditions (re grow-ops and clan labs) (By-law No. 8875).
6. A By-law to amend Street Name By-law No. 4054 re Cedar Cottage Mews (By-law No. 8876).
7. A By-law to amend Building By-law No. 8057 regarding secondary suites (By-law No. 8877).
8. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of heritage Property (1380 Hornby Street) (By-law No. 8878).
(Councillor Woodsworth and the Mayor excused from voting on By-law 8)
9. A By-law to designate certain real property as protected heritage property (re 1380 Hornby Street) (By-law No. 8879)
(Councillor Woodsworth and the Mayor excused from voting on By-law 9)
10. A By-law to amend Zoning and Development By-law No. 3575 (re 1402-1436 Kingsway and 4050 Knight Street) (By-law No. 8880).
(Councillors Green and Louis excused from voting)
11. A By-law to amend Sign By-law No. 6510 (1402-1436 Kingsway and 4050 Knight Street) (By-law No. 8881).
(Councillors Green and Louis excused from voting)
12. A By-law to amend By-law No. 8093, being the Sewer and Watercourse By-law (Adjustments of 2004 Sewer BOD/TSS/Flow Rates) (By-law No. 8882).

2. Rezoning - 1402-1436 Kingsway and 4050 Knight Street

An application by Keith Hemphill, Rositch Hemphill and Associates Architects was considered as follows:

Summary: A rezoning to permit a mixed-use commercial/residential development consisting of two high-rise residential buildings, several low to mid-rise buildings, a neighbourhood branch library and public open space, and retail mews in the centre of the site.

The Director of Current Planning recommended approval subject to the conditions set out in the Summary and Recommendation contained in the Public Hearing Agenda.

Also before Council was a Memorandum dated July 10, 2003, from Lynda Challis, Rezoning Planner, Rezoning Centre, which advised that since referral, staff determined several aspects of the by-law proposed at that time required improvement and that the additions were in the by-law now before Council, namely:

- the requirement for a traffic management plan for Interim Parking Uses;
- the addition of a horizontal angle of daylight section to control potential shadowing created by the residential towers; and
- addition of grocery store parking requirements in the parking section.

Staff Opening Comments

Lynda Challis, Rezoning Planner, Rezoning Centre, reviewed the application, provided rationale for the recommendations, and with Larry Beasley, Director of Current Planning, and Trish French, Senior Planner, responded to questions. Ms. Challis reviewed the public process, noted the new uses respond well to the Kensington Cedar Cottage Community Vision directions and contribute to the vitality of the neighbourhood, and advised the conditions set out by staff are acceptable to the applicant.

Ms. Challis responded to questions regarding the restrictive covenant invoked by Canada Safeway in 1993 which prohibits any grocery store larger than 3,400 square feet and any drug store larger than 6,000 square feet from opening prior to 2013.

Ms. Challis also noted that Clause 7.2 of the by-law before Council would be amended by adding the word "exemption" before the word "relaxation" so the Clause would read:

7.2 The exemption, relaxation and mixed-use reduction provisions of the Parking By-law apply.

Applicant Comments

Keith Hemphill, Rositch Hemphill and Associates Architects, further reviewed the application, conditions and the evolution of the design and responded to questions. Mr. Hemphill noted the Urban Design Panel unanimously supported the proposal and conditions.

Mr. Hemphill also distributed a memorandum dated July 24, 2003 requesting the following be added to the CD-1 By-law:

"The Development Permit Board or the Director of Planning, as the case may be, may relax the Horizontal Angle of Daylight requirement of Section 6 having regard to live-ability of the resulting dwelling units".

Summary of Correspondence

Council received the following correspondence on this application since referral to Public Hearing:

- 9 letter in support of the application;
- 5 letters in opposition to the application;
- 1 petition with approximately 190 signatures in opposition to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application and provided additional comments:

Peter Wohlwend
Michael Chamish
Midori Oba
Jim Edmondson
Alastair Fergusson
David Pottinger
Tim Everett
Alan Lobban, Lobban's Flower Shop
Kevin Kleparchuk, Cedar Cottage Neighbourhood Pub
John Teti
Barbara McGeough & Heather Imrie
Agnes Lee
Rick Takhar
Denis St. Aubin
Jim Mutter, Vancouver Brake and Wheel
Tina Lung
Larry Craig, Domestic Furniture Mart
Andrew Bostock

Comments provided by the foregoing speakers included the following:

- support was expressed for the application because the development will create a centre focal point for the community and is essential to the revitalization of the area;
- retail will attract other businesses to the area;
- the new library, amenities and higher density will aid in the area's revitalization;
- the neighbourhood is cooperative, aware and well-organized and in favour of the mixed-use development because it will provide good community space and good long term management;
- appreciation was expressed for the public process and the developer working effectively with the community;
- the development will help level the disparity between the east and west sides of Vancouver and will encourage further development and gentrification;
- the present flea market is an eyesore, encourages criminal activity and has a negative effect on the neighbourhood;
- pedestrian, parking and traffic concerns have been effectively dealt with;
- the development is an important retail anchor to help revitalize the area, however, the retail should include a grocery store in order to achieve a viable retail centre;
- request was made to seek removal of Safeway's restrictive covenant;
- concern was expressed about late public notification;
- support was expressed for the architecture of the proposed development;
- request was made to install an overpass or underpass to give tower residents safe access to the park.

The following spoke in opposition to the application or expressed concern about the height of the tower:

Stephanie Clarke

Ravi Patel
David Laskey
Tom Pang
Antonio Morra
Ken Panton
Dan Fass

Comments provided by the foregoing speakers included the following:

- opposition was expressed because the driving force behind the proposal is residential development and the capitalization of views;
- regardless of the inclusion of a library and retail, the architecture is overwhelming, unbalanced and does not blend in with the neighbourhood;
- the Kensington Cedar Cottage Community Visions should be followed more closely;
- 16 storeys of residential is opportunistic;
- higher density will increase the traffic and parking problems;
- several requests were made to reconsider the height of the tower;
- opposition was expressed because of the neighbouring residents' loss of view;
- concern was expressed regarding the public process which only spanned four weeks and covered an inadequate radius, i.e., residents to the south were not notified;
- City Plan guidelines are not being met;
- noise mitigation should be applied to the new residential suites.

Applicant Closing Comments

The developer, Francesco Aquilini, Aquilini Investments Group, advised consultation with Safeway regarding removal of the restrictive covenant has taken place. He was optimistic an agreement can be reached and sought the support of Council and the public in this regard.

Council Decision

MOVED by Councillor Roberts

A. THAT the application by Keith Hemphill, Rositch Hemphill and Associates Architects, to rezone 1402-1436 Kingsway and 4050 Knight Street (Lots 1-4, Blk 1 & 3, DL 352, Plan LMP45824 and Lot B, Blk 1 & 3, DL 352, Plan LMP45560) from C-2 (Commercial District) to CD-1 (Comprehensive Development), to permit a mixed use development, be approved subject to the follow conditions:

(a) That the proposed form of development be approved by Council in principle, generally as prepared by Rositch Hemphill and Associates Architects, and stamped "Received City Planning Department", December 20, 2002, provided that the Director of Planning may allow 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:

(i) Design development to improve the visual scale of the overall development by:

- (1) reducing the typical floorplate sizes, while internalising balconies, for the North Block West residential tower to approximately 560 m² (6,000 sq. ft.);
- (2) expressing the North Block West residential tower down to grade at the corner;
- (3) re-distributing massing, and refining related articulation, associated with

distinct lower street fronting forms to achieve a pre-dominant 4-6 storey plus penthouse streetwall expression fronting Kingsway and Knight Street, and a 3-5 storey plus penthouse streetwall expression fronting King Edward Avenue, recognizing higher floor to floor heights for all commercial tenancies;

(4) reducing the typical floorplate size for the South Block East residential tower to approximately 465 m² (5,000 sq. ft.);

(5) relocating South Block East tower to east of the King Edward access and expressing the tower down to grade at the King Edward Avenue and lane corner;

(6) reducing the width and height of bridged openings into the centralised "Mews";

(7) clarifying phasing/ownership strategy and related opportunities for varying architectural expression to distinguish phases.

(ii) Design development to improve the usability, and utility, of the centralised "Mews", and related lane environment, by:

(1) utilising the current lane alignment and the Knight Street and King Edward Avenue crossing locations;

(2) relocating of the Kingsway crossing to underground parking at the easterly edge of the site for future shared access with the adjacent property;

(3) providing public open space north of the lane and adjacent to the North Block West residential tower;

(4) introducing pedestrian only access from the Kingsway frontage to the "Mews";

(5) relocating the new King Edward Avenue crossing further west (to allow (i) (5) above);

(6) creating a clearly distinguished zone for parking access, loading requirements and utilities that maximises manoeuvring requirements (including opportunities to overlap turning), screens this activity from the "Mews" to the west, and is safer for vehicles and pedestrians;

(7) creating opportunities for ground-oriented housing, and improved public realm, for proposed and future lane-fronting development at the easterly end;

(8) including limited parking and passenger drop-off opportunities where possible along the lane;

(9) providing a landscape plan that confirms general design intent for ground surface treatment(s), landscaping, benches and lighting to achieve a high quality lane/"Mews" environment as well as for related street frontages.

(iii) Introduction of ground-oriented housing opportunities, and related landscape treatment, into the lane environment east of the central parking access, loading and utility area.

(iv) Design development to private and semi-private open space to:

- integrate open space into the development;

- meet recreational needs of the residents, including families; and
- improve the visual quality of rooftop areas.

(v) Provision of various wall sections that

- confirm design intent for the public realm, including design related landscape, setbacks, entries, weather protection, display, lighting and related signage systems; and
- ensure pedestrian comfort, interest and storefront quality while accommodating a variety of potential tenancies and users.

(vi) Design development to provide adequate sidewalk widths for these highly used pedestrian corridors and the increased pedestrian volumes that this development is expected to generate.

(vii) Design development to the library component to ensure visible entry location. A prominent lane oriented entry, and related drop-off zone, should be considered to contribute to pedestrian activity, visual interest and safety of the "Mews" environment.

(viii) Provision of a landscape amenity at the King Edward Avenue and lane corner in consultation with Planning, Landscape and Engineering staff.

(ix) Provision of a safety and security plan that addresses recommended design changes, with an emphasis on safety and security of underground parking areas and the "Mews" environment.

(x) Confirmation of elevator override requirements, and related enclosure design, to minimise height while attractively integrating into the related building form for both towers and streetwall oriented buildings.

(xi) Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design), having particular regard for:

- providing secure separation between residential and commercial uses,
- separating the residential parking for north and south blocks,
- reducing opportunities for graffiti and skateboarding, and
- reducing opportunities for mischief in alcoves.

(xii) Design development to provide the fire department access to all above and below grade levels from within the lobby area of the principal entrance;

(xiii) Provision of details of all proposed roof garden planting and of landscaping, paving, urban furniture and light fixtures as per notation on architectural drawing A3.0.1;

(xiv) Illustration of all existing trees 20 cm caliper or greater located on the development site, all existing neighbouring trees 20 cm caliper or greater located within 2.0 m of the property line and all existing street trees located adjacent to the development site;

(xvi) Design development to provide interesting and detailed plaza designs for the entry plazas located at the corners of Knight Street and King Edward and the corner of Kingsway and Knight Street;

(xvii) Continuation of special lane paving behind the "three storey townhouses" in order to connect up with the special paving at the "Corner Park";

(xviii) Provision of street trees adjacent the site where space permits; and

(xix) Provision of loading facilities, access and manoeuvring sufficient to service oversized delivery vehicles i.e., for which a Class B loading space is inadequate, to the satisfaction of the General Manager of Engineering Services.

(c) That, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:

(i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for subdivision of the development site in accordance with the proposed development plans, and including:

(1) consolidation of Lots 1-4, Blocks 1 & 3, D.L. 352, Plan LMP 45824;

(2) dedication of a portion of Lot B, Block 1 & 3, D.L. 352, Plan LMP 45560 shown on statutory right of way Plan LMP 38953 for road (2 parts);

[Note to applicant: Correct the plans to reflect the existing corner cut at the northwest corner of Lot 1.]

(3) dedication of a portion of Lot B for lane purposes. A minimum of 2.0 m on Knight Street by 6.0 m along the south side of the lane and a further dedication at the easterly "point" of the site (where the lane meets King Edward).

[Note to applicant: Deletion of portions of the underground parking structure located within the west part of the statutory right of way Plan 38953 on Lot B and all of the proposed dedication areas. The dedication requirement at the easterly point of the site can only be determined when the King Edward Avenue street design is finalized and the lane configuration is fully developed (lengths of 6.5 m to 7.5 m are estimated for the dedication).]

(ii) Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to provide for on-site and off-site services, including, but not limited to the following off-site services:

(1) street and traffic signal improvements to existing infrastructure within 150 m approaching the intersections of Knight and Kingsway, Knight and King Edward, and Kingsway and King Edward, and any other street or lane lying within the area bounded by Kingsway, Knight Street and King Edward Avenue, within five years of occupancy of the final phase of the development, subject to Council approval.

[Note to applicant: Where works attendant to a future and separate development within the above described area are required, these shall not be the obligation of this applicant.]

(iii) Obtain and submit to the City copies of all soils studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils on the site in accordance with a Remediation Plan approved by the Ministry of Environment and acceptable to the City, providing security satisfactory to the Director of Legal Services for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site;

(iv) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for security to the satisfaction of the Director of Legal Services, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval;

(v) Shall, as required by the General Manager of Engineering Services and the City's Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter;

(vi) Make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for all new BC Hydro and Telus services to be undergrounded from the closest existing suitable service point including a review of the impact of the new site servicing to determine its effect on the neighbourhood;

(vii) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

(viii) Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide a preliminary public art plan to the satisfaction of the Director of Cultural Affairs setting out the proposed public art program aims, artist terms of reference, site and artists selection methods, project budget, implementation plan and a schedule;

(ix) Execute legal agreements satisfactory to the Director of Legal Services, the Manager of Real Estate Services and the Vancouver Public Library Board for the provision of a Neighbourhood Branch Library to:

- provide a minimum floor area of 690 m² (7,436 sq. ft.);
- provide the premises to the Vancouver Public Library on a "turn-key" basis in accordance with the Library's specifications for a Neighbourhood Branch Library to the satisfaction of City Manager, in consultation with the Vancouver Public Library Board and the Manager of Real Estate Services with improvement costs incurred by the developer to be repaid by Vancouver Public Library over the initial 10-year period following the opening of the Neighbourhood Branch Library for general use by the public; and
- lease the space to the City for a term of up to 10 years at no cost to the City, with four 5-year options to renew, with the rent during the option periods to reflect market rents.

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 effecting 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; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, 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 by 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 other City officials and City Council.

B. THAT the CD-1 By-law be amended to include "The Development Permit Board or the Director of Planning, as the case may be, may relax the Horizontal Angle of Daylight requirement of Section 6 having regard to live-ability of the resulting dwelling units".

C. THAT Council indicates its strong concern regarding a covenant on title forestalling a supermarket or drug store on the Kingsway and Knight site and request the City Manager and Director of Planning meet with the appropriate parties, including Safeway, to urge them to remove this prohibition.

**CARRIED UNANIMOUSLY
RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Bass

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

1402-1436 Kingsway
4050 Knight Street

BY-LAW NO. 9175

A By-law to amend CD-1 By-law No. 8880

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

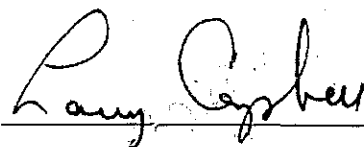
1. Council repeals section 4.2(a) of By-law No. 8880, and substitutes:

“(a) assume that the site includes all parcels to which this By-law applies, and consists of 10 196 m²; and”.

2. 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.

3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 1st day of November, 2005



Mayor



City Clerk

28. A By-law to amend Sign By-law No. 6510 (re 2820 Bentall Street) (By-law No 9164)
(Councillors Sullivan and Woodsworth excused from voting on By-law No. 28)
29. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to
CD-1 (re 1760 West 3rd Avenue) (By-law No 9165)
(Councillors Bass, Ladner, Louie, Louis and Sullivan excused from voting on By-law No. 29)
30. A By-law to amend Sign By-law No. 6510 (re 1752-1760 West 3rd Avenue) (By-law
No 9166)
(Councillors Bass, Ladner, Louie, Louis and Sullivan excused from voting on By-law No. 30)
31. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to
CD-1 (re 1750 Davie Street) (By-law No 9167)
(Councillors Louis and Roberts excused from voting on By-law No. 31)
32. A By-law to amend Sign By-law No. 6510 (re 1750 Davie Street) (By-law No 9168)
(Councillors Louis and Roberts excused from voting on By-law No. 32)
33. A By-law to amend Downtown District Official Development Plan By-law No. 4912
(re 1211 Melville Street) (By-law No 9169)
(Councillor Cadman excused from voting on By-law No. 33)
34. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to
CD-1 (re 1211 Melville Street) (By-law No 9170)
(Councillor Cadman excused from voting on By-law No. 34)
35. A By-law to amend Sign By-law No. 6510 (re 1211 Melville Street) (By-law No 9171)
(Councillor Cadman excused from voting on By-law No. 35)
36. A By-law to amend Downtown District Official Development Plan By-law No. 4912
(re 898 Seymour Street and 887-897 Richards Street) (By-law No 9172)
(Councillor Roberts excused from voting on By-law No. 36)
37. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to
CD-1 (re 898 Seymour Street and 887-897 Richards Street) (By-law No 9173)
(Councillor Roberts excused from voting on By-law no. 37)
38. A By-law to amend Sign By-law No. 6510 (re 898 Seymour Street and 887-897
Richards Street) (By-law No 9174)
(Councillor Roberts excused from voting on By-law No. 38)
39. A By-law to amend CD-1 By-law No. 6063 (re 1835 West 75th Avenue) - WITHDRAWN
40. A By-law to amend CD-1 By-law No. 8880 (re 1402-1436 Kingsway and 4050 Knight
Street) (By-law No 9175)
(Councillors Cadman, Ladner and Louie excused from voting on By-law No. 40)
41. A By-law to amend CD-1 By-law No. 4085 (re 4226 Arbutus Street [2001 Nanton
Avenue]) (By-law No 9176)

The Director of Current Planning recommended approval.

Summary of Correspondence

Council received no correspondence on this application since the date it 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 By-law No. 9111 for 2020 Harrison Drive to include standard floor area calculation inclusion and exclusion clauses, generally in accordance with Appendix A of the Policy Report entitled "Administrative CD-1 Text Amendment - 2020 Harrison Drive" dated August 5, 2005 be approved.

CARRIED UNANIMOUSLY
(Councillor Sullivan not present for the vote)

2. TEXT AMENDMENT: 1402-1436 Kingsway and 4050 Knight Street

An application by Keith Hemphill, Architect was considered as follows:

Summary: To amend the existing CD-1 By-law to include a portion of the closed lane in the site area calculation and thereby to permit the development of additional floor space.

The Director of Current Planning, recommended approval subject to conditions set out in the agenda of the Public Hearing.

Staff Comments

Joanne Baxter, Rezoning Planner, Rezoning Centre, reviewed the application.

Applicant Comments

Keith Hemphill, Architect, was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this application since the date it was referred to Public Hearing.

Speakers

Antonio Morra spoke in opposition expressing concerns related to traffic, parking, problems at the Kingsway and Knight intersection and inability to discuss the situation amicably with the developer.

Council Decision

MOVED by Councillor Roberts

THAT the application by Keith Hemphill, Architect to amend CD-1 By-law No. 8880 for 1402-1436 Kingsway and 4050 Knight Street to increase the site area figure, generally in accordance with Appendix A of the Policy Report entitled "CD-1 Text Amendment: 1402-1436 Kingsway and 4050 Knight Street" dated August 24, 2005, be approved subject to the following conditions:

- (a) That prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

Lane Closure

- (i) make arrangements to the satisfaction of the Director of Current Planning, the General Manager of Engineering Services and the Director of Legal Services for the delivery of \$137,347 representing 30 percent of the 2004 land value for the 466.4 m² (5,020 sq. ft.) portion of the lane closed and consolidated with the development site.

Community Amenity Contribution (CAC)

- (ii) deliver to the City a CAC offering in the amount of \$57,228.

CARRIED UNANIMOUSLY

3. REZONING: 3585 Graveley Street

An application by the Director of Real Estate Services was considered as follows:

Summary: To rezone this City-owned site from Industrial District (I-2) to Comprehensive Development District (CD-1) for the purpose of permitting General Office use in the total floor area of two existing buildings. Consequential amendments to the Sign By-law and Noise Control By-laws (at time of enactment) are required.

The Director of Current Planning, recommended approval subject to conditions set out in the agenda of the Public Hearing.

4028 Knight Street

BY-LAW NO. 9440

A By-law to amend CD-1 By-law No. 8880

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

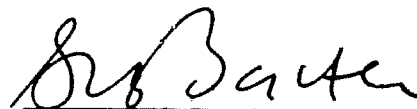
1. This By-law amends the indicated provisions of CD-1 By-law No. 8880.
2. From section 4.1, Council strikes out "3.80", and substitutes "3.86".
3. Council re-numbers sections 4.2, 4.3, and 4.4 as sections 4.3, 4.4., and 4.5 respectively.
4. After section 4.1, Council adds:

"4.2 At least 2 508 m² of floor area must consist only of a grocery store, being the use of premises to retail food, including food manufactured on the premises as an integral part of the retail operation, and an accessory drug store or other use customarily ancillary to a grocery store but does not include Neighbourhood Grocery Store or specialty shops such as bakeries, butchers, delicatessens, candy shops, and ice cream parlours which limit sales to a particular type of food."
5. From section 5, Council strikes out "51.0" and "16", and substitutes "54.0" and "17" respectively.
6. In section 7.1, Council:
 - (a) repeals subsections (a) and (b); and
 - (b) re-letters subsections (c) and (d) as subsections (a) and (b) respectively.
7. 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.
8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 13th day of March, 2007



Mayor



City Clerk

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Capri

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 9 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

**CARRIED UNANIMOUSLY AND,
BY-LAWS 2 AND 3, BY THE REQUIRED MAJORITY**

1. **A By-law to amend CD-1 By-law No. 8880 (re King Edward Village) (By-law No. 9440)**
2. **Heritage Taxation Exemption By-law for certain parts of the Woodward's site designated for commercial use (By-law No. 9441)**
3. **Heritage Taxation Exemption By-law for certain parts of the Woodward's site designated for residential use (By-law No. 9442)**
4. **A By-law to Designate a Business Improvement Area in that area of the City known as Fraser Street (By-law No. 9443)**
5. **A By-law to Grant Money for a Business Promotion Scheme in the Fraser Street Business Improvement Area (By-law No. 9444)**
6. **A By-law to amend By-law No. 8793 regarding the Davie Village Business Improvement Area (By-law No. 9445)**
7. **A By-law to Designate a Business Improvement Area in that area of the City known as Commercial Drive (By-law No. 9446)**
8. **A By-law to Grant Money for a Business Promotion Scheme in the Commercial Drive Business Improvement Expansion Area (By-law No. 9447)**
9. **A By-law to amend the Commercial Drive BIA Grant Allocation By-law (By-law No. 9448)**

MOTIONS

A. Administrative Motions

1. Form of Development - 4028 Knight Street (VanRIMS No. 11-3600-10)

MOVED by Councillor Anton

SECONDED by Councillor Stevenson

THAT the form of development for the CD-1 zoned site known as 4028 Knight Street be approved generally as illustrated in Development Application No. DE 410786 prepared by Rositch Hemphill and Associates Architects, and stamped "Received, City of Vancouver Planning Department, October 13, 2006", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CARRIED UNANIMOUSLY

2. Establishing Road on the east side of Knight Street, between 49th Avenue and 51st Avenue, adjacent to 6560 Knight Street, for a widening strip for the installation of left turn bays on Knight Street at 49th Avenue (VanRIMS No. 13-2000-30)

MOVED by Councillor Lee

SECONDED by Councillor Louie

THAT WHEREAS the registered owner will be conveying to the City of Vancouver for road purposes lands in the City of Vancouver, Province of British Columbia, more particularly known and described as follows:

All that portion of Lot 11, except the West 7 feet, now road, Block 9, West ½ of District Lot 738, Plan 1681, Group 1, New Westminster District, as shown heavy outlined on plan of survey completed February 12, 2007, attested to by Eric I. Kaardal, B.C.L.S. and marginally numbered LB889.

AND WHEREAS it is deemed expedient and in the public interest to accept and allocate the said lands for road purposes.

BE IT RESOLVED that the above described lands to be conveyed are hereby accepted and allocated for road purposes and declared to form and to constitute a portion of a road.

CARRIED UNANIMOUSLY

CITY OF VANCOUVER



SPECIAL COUNCIL MEETING MINUTES

JANUARY 30, 2007

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, January 30, 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 CD-1 By-law.

PRESENT:

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

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Capri
SECONDED by Councillor Ladner

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the CD-1 By-law.

CARRIED UNANIMOUSLY**1. TEXT AMENDMENT: 4028 Knight Street**

An application by Interform Investments was considered as follows:

Summary: To amend the CD-1 By-law to increase the permitted floor area by 611 m² (6,577 sq.ft.) to a maximum floor space ratio (FSR) of 3.86 and to increase building height by 3 m (9.8 ft.) to a maximum of 54 m (177 ft.). The amendments would allow the addition of one storey (with 7 residential dwelling units) between the 15th and 16th storeys of the northwest tower, thereby increasing the tower's overall height from 16 storeys to 17 storeys. In support of the proposal, the developer has proposed to provide a grocery store within the new development.

The Director of Planning recommended approval, subject to conditions set out in the agenda of the Public Hearing.

Staff Opening Comments

Abigail Riley, Planner, Rezoning Centre, provided an overview of the application, and reviewed the recommended Community Amenity Contribution allocations and the public notification results. She noted the recommended CD-1 By-law amendment would result in area improvements and improved amenities in the neighbourhood, as well as require a certain amount of space be reserved for exclusive grocery store use.

Ms. Riley, along with Brent Toderian, Director of Planning, and Michael Flanigan, Director of Real Estate, responded to questions regarding options for daycare in the area, security of the proposed grocery store's tenure, differences between this proposal and the original rezoning, and the current Safeway Covenant on the site.

Summary of Correspondence

Council was advised of the following correspondence which was received on this application since it was referred to Public Hearing:

- 2 emails in opposition;
- 22 emails in support, with many writers noting support was due to the proposed inclusion of a grocery store into the development.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application and a summary of their comments is provided below:

Hubert Culham
Mona Heppner

- site is already overbuilt; enormous size of development is out of scale with surrounding neighbourhood; no comparable mass exists outside of downtown core;
- this development will set a precedent for the building out of the eastside;
- development provides no real greenspace on its site, and blocks the view to the mountains from existing park to the south;
- social problems arise from this level of density;
- no apparent parking is provided; and
- should not have to bargain with the developer in order to get the grocery store.

The following spoke in support of the application and a summary of their comments is provided below:

John Buckberrough
Tom Little
Tim Everett
Michael Chamish

Anne Roberts
Jason Robertson
Dennis St. Aubain
Roseanne Ng
Carmelo Spagnuolo
Kerry Williams (petition filed - 43 signatures - unaudited)
David Beck
Peter Kletas
Patricia Wheeler
Theresa Macauley

- need to move forward with completion; delays to this project in turn delays the delivery of the neighbourhood centre and the new branch library;
- currently, area residents need to drive out of the area to shop for food; a large grocery store will allow people to shop in their own neighbourhood without need of a car, which will reduce environmental impacts; it will also increase street level activity and convenience, contribute to a healthy vibrant community, and provide an anchor for commerce;
- support recommendations, but question whether it is sufficient to allocate space for grocery store through zoning; would like to see it secured or guaranteed in such a manner as the covenant was secured;
- will likely see a reduction in crime with this development;
- business prospects along Kingsway for small businesses will improve; and
- desirability of neighbourhood will improve.

Tyler Hickey spoke in support of the application, however, expressed concerns with regard to the approval process.

During the hearing of the foregoing speakers, staff responded to questions regarding a speaker's concern in relation to the security of tenure of the proposed grocery store.

Council Decision

Prior to a decision on this matter, Council members expressed concern with regard to the use of restrictive covenants, such as the one placed on this site, and requested staff to come back with information and possible recommendations for Council's consideration in this regard.

MOVED by Councillor Deal

- A. THAT the application by Interform Investments Inc. to amend Comprehensive Development District (CD-1) By-law No. 8880 (reference No. 420) for 4028 Knight Street (Lot 1, Blk 1 & 3, DCL 352, Plan BCP11581) to increase maximum building height and maximum floor space ratio, generally as represented in Appendix A to Policy Report "CD-1 Text Amendment: 4028 Knight Street (formerly 1402-1436 Kingsway and 4050 Knight)" dated November 28, 2006, be approved subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed amended form of development be approved by Council in principle, generally as prepared by Rositch Hemphill and Associates Architects, and stamped "Received, City of Vancouver Planning Department, September 6, 2006", provided that the Director of Planning may allow minor alterations when approving the detailed scheme of development.

SAFEWAY COVENANT

- (b) That prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, provide documentation and where she determines it necessary, enter into any agreements to the satisfaction of the Director of Legal Services, confirming that the restrictive covenant BG66103, registered on behalf Canada Safeway Ltd., has been discharged or modified to permit the immediate use and occupancy of a grocery store of no less than 2 508 m² (27,000 sq. ft.) on the subject site, all to the satisfaction of the Director of Legal Services in consultation with the Director of Planning.

COMMUNITY AMENITY CONTRIBUTION (CAC)

- (c) That prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, deliver to the City a CAC offering in the amount of \$250,000.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Capri

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Chow

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 8:59 p.m.

Special needs residential facilities

BY-LAW NO. 9674

A By-law to amend CD-1 By-law No.'s 3869, 3897, 4271, 4580, 4634, 4671, 5343, 6041, 6070 6072, 6919, 7114, 7193, 7196, 7204, 7210, 7461, 7647, 7679, 7682, 7723, 7852, 8055, 8088, 8111, 8326, 8369, 8457, 8479, 8546, 8880, 9190, 9204, 9454, 9463, 9573, 9594, and 9600

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

- From each of the CD-1 by-laws listed in Column 1 of Table 1, Council strikes out, from each of the sections listed in Column 2, the words set out in Column 3, and variations of those words, and substitutes the words set out in Column 4:

Table 1

Column 1	Column 2	Column 3	Column 4
3869	2 (b) 5.1 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
3897	2 (c) 6 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
4271	2 (a)	special needs residential facility (Community Care Facility)	Community Care Facility
4580	3.1	Special Needs Residential Facility: Community Care Facility	Community Care Facility
4634	2 (e)	special needs residential facility (community care facility)	community care facility
	3 Table A	Special Needs Residential Facilities (Community Care Facilities)	Community Care Facilities
	4(c)	special needs residential facility	community care facility
4671	2.2 (a)	Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living	Community Care Facility - Class B and Group Residence
5343	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B

6041	2 (c)	Special needs residential facility - community care - Class B	Community care facility - class B
6070	2 (a) (iii)	special - needs residential facility	community care facility or group residence
6072	2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
6919	2 (a)	Special Needs Residential Facility (Community Care Facility)	Community Care Facility
7114	2 (b)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7193	2 (a)	Special Needs Residential Facility - Community Care	Community Care Facility
7196	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7204	10 (b) (iv)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7210	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7461	6.4 (b)	and special needs residential uses	community care facilities and group residences
7647	2.1 (a)	Special Needs Residential Facilities	of the following: Community Care Facilities or Group Residences
7679	4.1 (d)	and Special Needs Residential Facility	, Community Care Facility and Group Residence
7682	2 (e)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
	10 (d)	Special Needs Residential Facility	Community Care Facility
7723	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7852	2.1 (b)	Special Needs Residential Facility - Class B	Community Care Facility - Class B
	5	Special Needs Residential Facility	Community Care Facility
8055	2 (a)	Special Needs Residential Facility	Community Care Facility and Group Residence
8088	2 (b)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B

8111	2 (a) 5.1	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
8326	2 (b)	Special Needs Residential Facility - Group Living	Group Residence
8369	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
8457	2 (b)	Special Needs Residential Facility - Community care - Class B	Community Care Facility - Class B
8479	2 (b)	Special Needs Residential Facility - Group Living	Group Residence
8546	2.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
8880	3	Special Needs Residential Facility	Community Care Facility, Group Residence
9190	3 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9204	3 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9454	3.2 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9463	3.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9573	2.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9594	3.2 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9600	3.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence

2. 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.

3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 24th day of June, 2008

Mayor

City Clerk

EXPLANATION

A By-law to amend certain CD-1 By-laws re special needs residential facilities

After the public hearing on June 10, 2008, Council resolved to amend certain CD-1 By-laws to refer to community care facilities rather than special needs residential facilities. The Director of Planning has advised that there are no prior-to conditions, and enactment of the attached by-law will implement Council's resolution.

Director of Legal Services
June 24, 2008

17. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 2978 West 5th Avenue) (By-law No. 9687)**
(Councillors Ball, Cadman and Louie ineligible to vote)
18. **A By-law to designate certain real property as protected heritage property (re 2978 West 5th Avenue) (By-law No. 9688)**
(Councillors Ball, Cadman and Louie ineligible to vote)

MOVED by Councillor Lee
SECONDED by Councillor Stevenson

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 3 to 7, 9, 10 and 16, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

3. **A By-law to amend Zoning and Development By-law No. 3575 (re special needs residential facilities) (By-law No. 9673)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
4. **A By-law to amend certain CD-1 By-laws re special needs residential facilities (By-law No. 9674)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
5. **A By-law to amend Downtown-Eastside/Oppenheimer Official Development Plan By-law No. 5532 (re special needs residential facilities) (By-law No. 9675)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
6. **A By-law to amend First Shaughnessy Official Development Plan By-law No. 5546 (re special needs residential facilities) (By-law No. 9676)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
7. **A By-law to amend By-law No. 9488 Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts (re special needs residential facilities) (By-law No. 9677)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
9. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 125 Boundary Road) (By-law No. 9679)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
10. **A By-law to designate certain real property as protected heritage property (re 125 Boundary Road) (By-law No. 9680)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Deal

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Anton
SECONDED by Councillor Stevenson

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, 2, 8, 11, 12, 14, 15, 17 and 18, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

1. **A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$5,722.78 for certain local improvement lane lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9671)**
2. **A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$554,777.99 for certain local improvement street work projects, including pavement, curbs, trees and bulges, and lane pavement and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9672)**
8. **A By-law to amend Parking By-law No. 6059 (re special needs residential facilities) (By-law No. 9678)**
11. **A By-law to amend Subdivision By-law No. 5208 regarding miscellaneous amendments (By-law No. 9681)**
12. **A By-law to amend Parking By-law No. 6059 (re bicycle spaces) (By-law No. 9682)**
14. **A By-law to amend Subdivision By-law No. 5208 (re 5475 Dunbar Street and 3625 and 3641 West 39th Avenue) (By-law No. 9684)**
15. **A By-law to amend CD-1 By-law No. 8131 (re Great Northern Way Campus) (By-law No. 9685)**

4. TEXT AMENDMENT: SNRF ZONING AND DEVELOPMENT BY-LAW REVISIONS

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

Summary: To amend the definitions of Special Need Residential Facilities (SNRF) in the Zoning & Development By-law and make consequential changes to the Zoning & Development By-law and relevant CD-1 By-laws; amend references in the Downtown Eastside/Oppenheimer, Rental Housing Stock and First Shaughnessy Official Development Plan By-laws; and amend the Parking By-law. These are housekeeping amendments to update the definitions.

The Directors of Social Planning, Planning, Development Services, Housing Centre, Legal Services, and General Manager of Engineering Services recommended approval.

Also before Council was a memorandum from Anne Kloppenborg, Social Planning, dated May 20, 2008, which noted an addition to Appendix B of the Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines" dated April 15, 2008, in order to conform with the draft By-laws prepared by staff.

Staff Opening Comments

Anne Kloppenborg, Social Planning, reviewed the application, including the memo distributed with the agenda package for the Public Hearing.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

Sister Elizabeth Kelliher and Johnn Olldym spoke in opposition to the application.

Council Decision

MOVED by Councillor Chow

- A. THAT the application to:
 - i) amend the definitions of Special Needs Residential Facilities in section 2 of the Zoning and Development By-law, and make the necessary consequential changes to the Zoning and Development By-law and to the CD-1 By-laws listed in Appendix A; and
 - ii) amend references to "Special Needs Residential Facilities" in the Downtown Eastside/Oppenheimer, Rental Housing Stock and First Shaughnessy Official Development Plan By-laws,

generally in accordance with Appendix A and B to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008, be approved with the following changes to Appendix B noted in the Memorandum dated May 20, 2008, from Anne Kloppenborg, Social Planning:

In Section 1.1 of the Official Development Plan Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts, delete *special needs residential facility* and substitute *community care facility or group residence*; and in Section 2.5, delete the reference to *Special Needs Residential Facility Guidelines* and substitute *Community Care Facility and Group Residence Guidelines*.

- B. THAT Council approve amendments to the Parking By-law, generally in accordance with Appendix C to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008.
- C. THAT if approved at Public Hearing, the by-laws be accompanied at the time of enactment by the Community Care Facilities and Group Residences Guidelines and the Application Procedures for Development Permits for Community Care Facilities and Group Residences, as outlined in Appendix D to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008.

CARRIED UNANIMOUSLY