

City of Vancouver *Zoning and Development By-law*

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CD-1 (423)

1475 Howe Street

By-law No. 8925

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

Effective September 14, 2004

(Amended up to and including By-law No. 8974, dated January 18, 2005)

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 Definitions

Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

General Office Live-Work means the use of premises for a dwelling unit, general office, or both uses in conjunction with one another, provided that:

- (a) any such use must not include a health enhancement centre or any dating service, entertainment service, exotic dancer business, social escort service or other similar business, as determined by the Director of Planning in consultation with the Chief License Inspector; and
- (b) any development permit for such premises will be for dwelling units, general office, and dwelling unit combined with general office.

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (423).

3.2 The only uses permitted within CD-1 (423), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to 151 Dwelling Units;
- (b) General Office Live-Work, limited to 4 General Office Live-Work units; and
- (c) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2.

4 Conditions of use

4.1 Each general office live-work unit must have a separate and exclusive pedestrian entrance facing Pacific Street.

5 Density

5.1 The floor space ratio for all permitted uses must not exceed 4.95.

5.2 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 and contribute to the amenity or environment of the Downtown District, except that the total floor area of all such exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios or roof gardens only 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 are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 8925 or provides an explanatory note.

- (e) covered exterior entry walkways and corridors that provide weather protection; and [8974; 05 01 18]
- (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.

5.3 Computation of floor space ratio, at the discretion of the Director of Planning or Development Permit Board, may exclude:

- (a) enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and
 - (ii) enclosure of the excluded balcony floor area must not exceed 50%;

and

- (b) ancillary social and recreational uses primarily for the enjoyment of residents and employees including saunas, swimming pools, squash courts, gymnasiums, workout rooms, games rooms, hobby rooms, and other uses of a public service, social, or recreational nature, which, in the opinion of the Director of Planning, are similar to the foregoing, except that such ancillary facilities must not exceed 5% of allowable floor space in the principal use.

5.4 For the purposes of section 5.2 and 5.3, Council deems “general office live-work” to be a residential use.

5.5 The use of floor space excluded, under section 5.2 and 5.3, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion. [8974; 05 01 18]

5.6 Computation of floor space ratio must include all floors having a minimum ceiling heights of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building.

6 Building height

6.1 The maximum building height, measured above the base surface, must not exceed 91.4 m. [8974; 05 01 18]

6.2 Section 10.11 Relaxation of Limitations on Building Height of the Zoning and Development By-law does not apply beyond 91.4 m.

7 Setbacks

The setback of a building must be at least:

- (a) 3 m from the south property boundary;
- (b) 3.7 m from the east property boundary;
- (c) 3 m from the north property boundary; and
- (d) 10.2 cm from the west property boundary.

8 Parking and loading, and bicycle storage

Any development or use of the site requires the provision, development, and maintenance of off-street parking and loading, and bicycle storage, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, except that:

- (a) each dwelling unit must have a minimum of 0.8 off-street parking spaces and one additional parking space for each 200 m² of gross floor area;
- (b) each dwelling unit must have a maximum of 0.2 parking spaces beyond the minimum number of parking spaces; and
- (c) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow:
 - (i) the substitution of co-operative vehicles and associated parking spaces for required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number, and
 - (ii) if the owner provides 4 co-operative vehicles and associated parking spaces, a reduction in the total number of parking spaces to 191.

9 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 |

10 Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

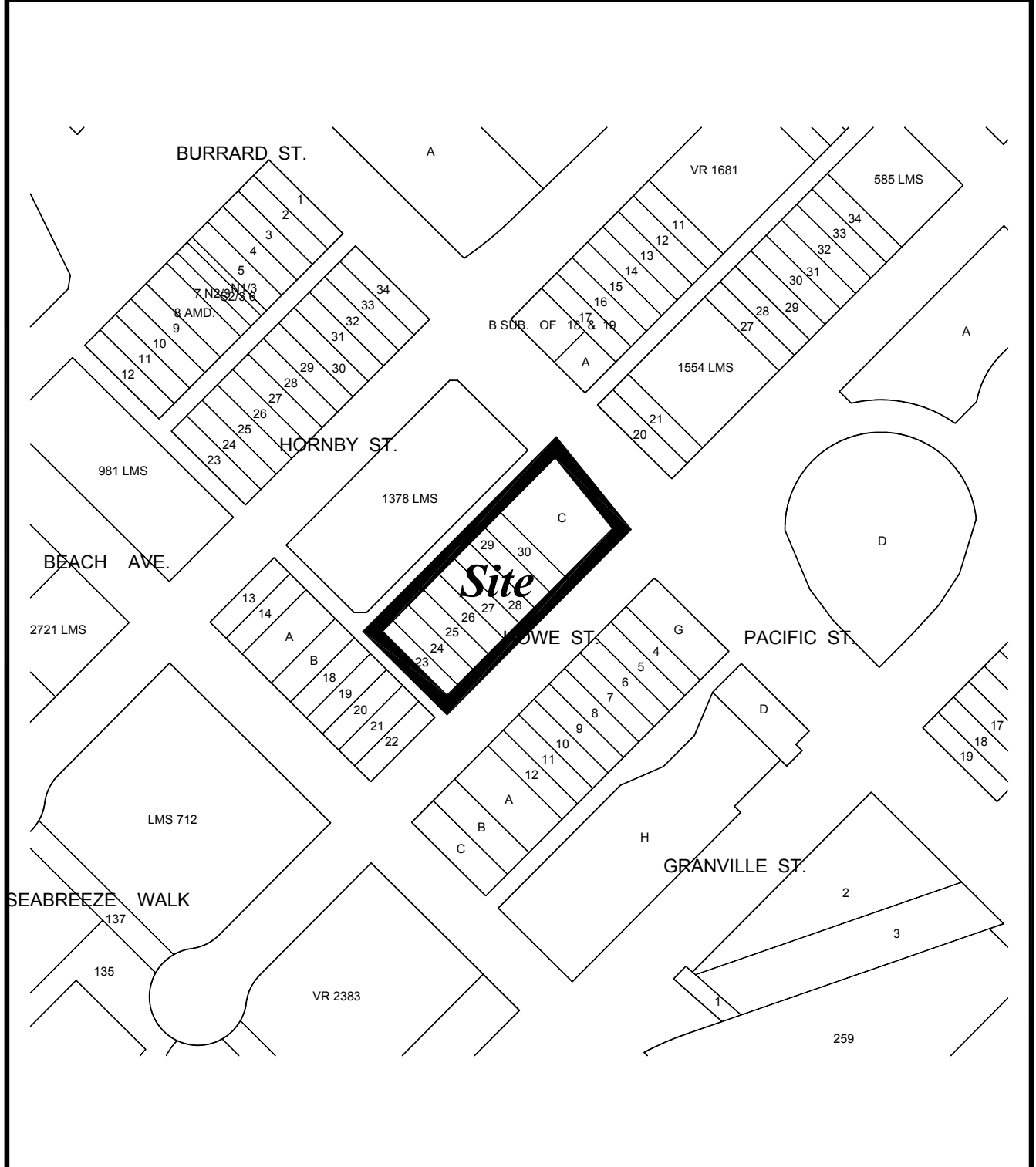
11 Force and effects

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

12 *[Section 12 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. 8925 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



The property outlined in black () is rezoned:
 From **FCCDD** to **CD-1**

Z-553

RZ - 1475 Howe Street

map: 1 of 1

scale: 1:2000



City of Vancouver

1475 Howe Street

BY-LAW NO. 8925

**A By-law to amend Zoning and Development By-Law No. 3575
to rezone an area to CD-1**

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-553 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2. Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

General Office Live-Work means the use of premises for a dwelling unit, general office, or both uses in conjunction with one another, provided that:

- (a) any such use must not include a health enhancement centre or any dating service, entertainment service, exotic dancer business, social escort service or other similar business, as determined by the Director of Planning in consultation with the Chief License Inspector; and
- (b) any development permit for such premises will be for dwelling units, general office, and dwelling unit combined with general office.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (423).

3.2 The only uses permitted within CD-1 (423), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to 151 Dwelling Units;

- (b) General Office Live-Work, limited to 4 General Office Live-Work units; and
- (c) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2.

Conditions of use

4. Each general office live-work unit must have a separate and exclusive pedestrian entrance facing Pacific Street.

Density

5.1 The floor space ratio for all permitted uses must not exceed 4.95.

5.2 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing and contribute to the amenity or environment of the Downtown District, except that the total floor area of all such exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios or roof gardens only 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 are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) covered exterior entry walkways and corridors at the ground level that provide weather protection; 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.

5.3 Computation of floor space ratio, at the discretion of the Director of Planning or Development Permit Board, may exclude enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:

- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided; and
- (b) enclosure of the excluded balcony floor area must not exceed 50%.

5.4 Computation of floor space ratio must include all floors having a minimum ceiling heights of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building.

Height

6.1 The maximum building height, measured above the base surface, must not exceed 91.4 m or 30 storeys.

6.2 Section 10.11 Relaxation of Limitations on Building Height of the Zoning and Development By-law does not apply beyond 91.4 m.

Setbacks

7. The setback of a building must be at least:

- (a) 3 m from the south property boundary;
- (b) 3.7 m from the east property boundary;
- (c) 3 m from the north property boundary; and
- (d) 10.2 cm from the west property boundary.

Parking and loading, and bicycle storage

8. Any development or use of the site requires the provision, development, and maintenance of off-street parking and loading, and bicycle storage, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, except that:

- (a) each dwelling unit must have a minimum of 0.8 off-street parking spaces and one additional parking space for each 200 m² of gross floor area;
- (b) each dwelling unit must have a maximum of 0.2 parking spaces beyond the minimum number of parking spaces; and

- (c) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow:
 - (i) the substitution of co-operative vehicles and associated parking spaces for required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number, and
 - (ii) if the owner provides 4 co-operative vehicles and associated parking spaces, a reduction in the total number of parking spaces to 191.

Acoustics

9. 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> |
|-----------------------------------|--------------------------------|
| Bedrooms | 35 |
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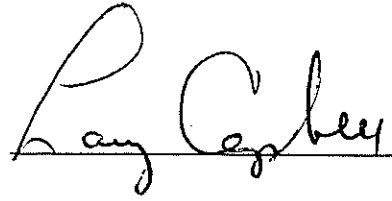
Severability

10. A decision by a court that any part of this By-law is illegal, void, or unenforceable 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 14th day of September, 2004

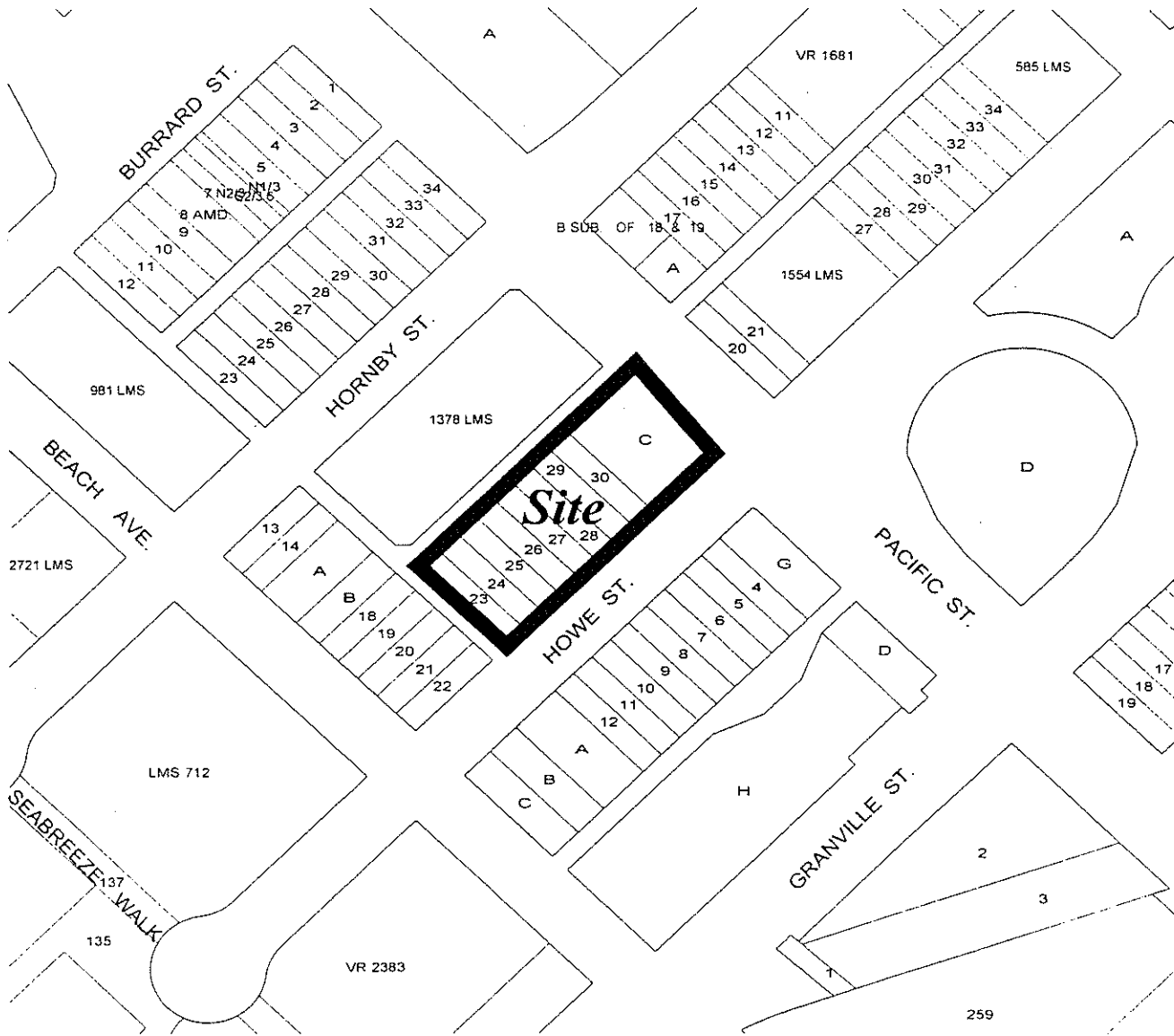



Mayor



City Clerk

By-law No. 8925 being a By-law to amend By-law No. 3575
being the Zoning & Development By-law



The property outlined in black () is rezoned:
From **FCCDD** to **CD-1**

Z-553

RZ - 1475 Howe Street

map: 1 of 1

scale: 1:2000



BY-LAWS

MOVED by Councillor Bass
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 2 to 14 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

2. A By-law to amend Zoning and Development Fee By-law No. 5585 to increase fees (By-law No. 8915)
3. A By-law to amend Building By-law No. 8057 to increase fees (By-law No. 8916)
4. A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 8917)
5. A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 8918)
6. A By-law to amend Private Property Tree By-law No. 7347 to increase fees (By-law No. 8919)
7. A By-law to amend Miscellaneous Fees (Planning) By-law No. 5664 to change the by-law title and increase fees (By-law No. 8920)
8. A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 8921)
9. A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 8922)
10. A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 8923)
11. A By-law to provide for the imposition of interest on delinquent property taxes for 2005 (By-law No. 8924)
12. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1475 Howe Street) (By-law No. 8925)
(Councillor Woodsworth and the Mayor excused from voting)
13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (745 - 749 West 42nd Avenue and 5816 - 5818 Tisdall Street) (By-law No. 8926)
14. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5312 - 5392 Oak Street) (By-law No. 8927)

Councillor Louis requested the City Manager to provide information on By-law 1.

MOVED by Councillor Bass
SECONDED by Councillor Louie

THAT Council enact the by-law listed on the agenda for this meeting as number 1 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Noise Control By-law No. 6555 (900 Pacific Boulevard) (By-law No. 8913)

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

APRIL 20 AND 22, 2004



A Special Meeting of the Council of the City of Vancouver was held on Tuesday, April 20, 2004, 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, Sign and Heritage By-laws and the Official Development Plan. Subsequently, the meeting was recessed, and reconvened in the Council Chamber at 7:30 p.m. on Thursday, April 22, 2004, with the same members present. The Minutes have been consolidated for ease of reference.

PRESENT:

Deputy Mayor Raymond Louie
 Councillor Fred Bass
 Councillor David Cadman
 Councillor Jim Green
 Councillor Peter Ladner
 Councillor Tim Louis
 Councillor Anne Roberts
 Councillor Tim Stevenson
 Councillor Sam Sullivan

ABSENT:

Mayor Larry Campbell (Leave of Absence - Civic Business)
 Councillor Ellen Woodsworth

CITY CLERK'S OFFICE:

Denise Salmon, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
 SECONDED by Councillor Bass

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

CARRIED UNANIMOUSLY**1. REZONING: 1475 Howe Street**

An application by Rafii Architects was considered as follows:

Summary: Rezone from False Creek Comprehensive Development District (FCCDD) to Comprehensive Development District (CD-1) to permit a residential and live-work development. At the time of enactment, the Noise Control By-law will be amended with respect to this site.

The Director of Current Planning recommended approval, subject to conditions.

Staff Opening Comments

Alan Duncan, Planner, Rezoning Centre, provided a description of the application, noted the form of development is compatible with the surrounding area, subject to design refinements and provided highlights on both the sustainability aspects and public benefits of the application.

In response to questions from Council, Mr. Duncan provided clarification on the number of parking spaces recommended for the project. Larry Beasley, Director of Current Planning, provided additional details related to Council's new policy on allocation of spaces for cooperative vehicles, and also advised the applicant is voluntarily designing and constructing the building as a "green building".

Applicant Comments

Chuck Brook, Brook Development Planning, advised of his general agreement with the staff report and noted the development will set new standards for architecture and sustainability, and further advised LEED certification will be pursued for the building. Mr. Brook also responded to questions related to amount of parking proposed, and noted his willingness to reduce this amount of parking. Staff advised wording could be provided to address Council's concerns regarding the proposed amount of parking, although caution was noted related to the shortage now experienced in South False Creek.

Summary of Correspondence

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

Speakers

The Deputy Mayor called for speakers for and against the application.

The following delegations spoke in opposition to the application:

Ken Mimura
David Song
Diana Merry
Yu Feng Zhang
Andrew Smyth
Rebecca Brown
Rod MacKin
Bob Bubek

Comments provided by the foregoing speakers included the following:

- property values will decrease due to shadow cast by the tower, and views will be obstructed;
- the building will be 80 feet away from adjacent building, and both views and privacy will be compromised;

- the proposed parkade will double vehicles accessing the alleyway, which is already congested and will result in gridlock;
- concern with the proximity of the two sites - a very narrow space between the two towers;
- public information meeting gave little option for input from citizens, other than placement of tower;
- if the tower is constructed the adjacent courtyard will be severely deprived of sun;
- do not allow transfer of density to this site; and
- this project is not right for this site.

The following delegations spoke in support of the application:

Majid Motlagh
Peter Carrall
Ashian Jan

Comments provided by the foregoing speakers included the following:

- relocation of the tower is a wise decision, as many of the units at 888 Pacific will not now be blocked;
- less view blockage is afforded by the redesigned slender tower;
- this development will enhance the whole neighbourhood; and
- the building will block out the interchange up from Granville Street, which is an asset.

Staff Closing Comments

Mr. Beasley advised the tower compares favorably with the floor plate size of the adjacent building at 888 Pacific, and in response to questions from Council regarding the applicant's willingness towards a green building, echoed Council's hope those savings from the reduction in parking will be geared toward additional greening and sustainable features within the building. Bob Macdonald, Parking Engineer, provided suggested wording for Council, should it wish to reduce the amount of parking.

Council Decision

MOVED by Councillor Cadman

- A. THAT the application by Rafii Architects Inc., to rezone 1475 Howe Street (Lots 23 - 30, Block 121, DL 541, PL 210, Lot C, Block 121, DL 541, PL 17157, Group 1 NWD; PID: 007308621; 015505529; 015505634; 015505685; 015505707; 015505774; 015505472; 015505481; and 015505812) from FCCDD to CD-1, to permit a residential and live-work development in a 30-storey tower and townhouses at a floor space ratio of 4.95, generally as outlined in Appendix A of the Policy report dated March 9, 2004 entitled "CD-1 Rezoning - 1475 Howe Street" be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Rafii Architects, Architect, and stamped "Received City Planning Department", October 10, 2003, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or the Development Permit Board, who shall have particular regard to, among other things, the following:

Design Development:

- (1) Design development to the tower and Howe Street townhouses;

Note to Applicant: Aspects to review include, among other things, the principle pedestrian entrance to the tower on Howe Street should have more prominence and identity; the tower form/character should be refined overall and visually come to the ground; the sky gardens need to be detailed with respect to landscape and character treatment; and the townhouse character along Howe Street needs to have a stronger rhythm and individual unit identity.

- (2) Design development to the Pacific Street live-work units that increases their height to three storeys and sets them back 3 m (10 ft.) from the property line;

Note to Applicant: Aspects to review include, among other things, the live-work units need to have a stronger scale and character compatible with the scale and character of Pacific Street.

- (3) Design development to the south façade of the townhouses facing May and Lorne Brown Park to balance with the architectural massing and character of the park-facing façade of the existing adjacent building to the west;
- (4) Design development to the streetscape details along Howe and Pacific Streets;

Note to Applicant: Aspects to review include, among other things, the three-storey development along Howe and Pacific Streets should reflect the Downtown South streetscape details that include among other things, a 3.7 m (12 ft.) setback (3 m/10 ft. along Pacific Street) and patios that are approximately 1 m (3 ft.) above grade. The proposed streetscape design needs to accommodate both a short-term resolution for the existing conditions and a long-term plan that accommodates the future beautification treatment. The proposed street furniture can be considered but should not be the Downtown South colour or design. All existing street trees, furnishings and utilities (e.g., hydrants, poles, etc.) should be shown on the site plan.

- (5) Design development to the small plaza at the corner of Pacific and Howe Streets;

Note to Applicant: Aspects to review include, among other things, allowance for public seating and provision of windows in the adjacent townhouse and live-work units that overlook this area for safety and security purposes.

- (6) Design development to delete portions of the building and parkade shown within dedicated areas;

Crime Prevention Through Environmental Design (CPTED):

- (7) Design development to take into consideration the principles of CPTED having particular regard to reduce opportunities for:
 - theft in the underground parking area including full separation of residential and live-work parking,
 - break and enter to ground level and podium level residential units,
 - mischief in alcoves on the lane and at the corner open space,
 - graffiti on blank walls and skateboarding on low walls and landscape furnishings, and
 - providing direct internal access to townhouse units where appropriate;

Note to Applicant: Theft in the underground parking has become a significant concern in new towers downtown; therefore, special attention should be paid to parking security.

Landscape:

- (8) Design development to the central common open space to provide permanent seating and a stronger "centre" to the space and provision of secure and equipped outdoor play area suitable for children;

Note to Applicant: As part of development permit approval, a secure and equipped outdoor play area suitable for children (refer to section 3.3 of the City's High Density Housing for Families with Children Guidelines) must be provided to the satisfaction of the Director of Social Planning. Particular care should be given to provide adequate fencing and fall zones (contact Community Care Facilities Licensing staff if you may require more information), and to avoid toxic plants and landscaping materials in and around the play area (a list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available on line or by calling the City's Early Childhood Coordinator at 604-871-6042).

- (9) Design development to ensure adequate soil depth for proposed trees as part of the streetscape within the property line; and

Note to Applicant: At the development permit stage, sections should be provided to confirm adequate soil depth for tree growth.

Sustainability:

- (10) Planning and Engineering staff to work with the applicant to pursue sustainability measures for the buildings and landscape, so as to design and construct a "green building", as part of the approval of a development permit.

AGREEMENTS

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

Heritage Density Transfer:

- (1) submit typical Letters A and B, (available from the Project Coordinator) to be completed by both the owner of the "donor" site and the owner of the "receiver" site.

Note: Letter B should be modified to reflect rezoning enactment rather than development permit application. The owner of the donor site should also supplement Letter B with an accounting of the following: amount of density awarded by City Council, all transactions that have occurred to date (including any tentative agreements for purchasing density and the final balance anticipated).

Public Art:

- (2) 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.

Engineering Services:

- (3) ensure the following are addressed to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services:
 - (i) consolidate Lots 23 - 30, Block 121, DL 541, PL 210, Lot C, Block 121, DL 541, PL 17157, Group 1 NWD; PID: 007308621;

015505529; 015505634; 015505685; 015505707; 015505774;
015505472; 015505481; and 015505812;

- (ii) dedication of a 3.05 m by 3.05 m (10 ft. by 10 ft.) corner cut off from the south-west corner of Lot 23;
- (iii) dedication of a portion of Lot C for road purposes (approximately 7.6 m/24.8 ft. at the lane and 4.4 m/14.3 ft. at Howe Street);
- (iv) undergrounding of new BC Hydro and Telus services from the closest existing suitable service point;
- (v) connection of the site to BC Hydro's dual radial electrical servicing system; and
- (vi) execute a legal agreement satisfactory to the Director of Legal Services.

Soils:

- (4) ensure an approved remediation plan has been accepted or a Certificate of Compliance (COC) or Conditional Certificate of Compliance (CCOC) has been issued by the Provincial Ministry of Water Lands and Air Protection.

Note to Applicant: The City may also require a soil agreement (covenant) be registered on title which in part Holds issuance of an Occupancy permit pending receipt of a COC or CCOC.

- B. THAT, subject to approval of the rezoning at Public Hearing, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule B.
- C. THAT section 8 (c) of the draft rezoning by-law before Council this evening, be amended by replacing section 8 (c) with the following:
 - (c) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow:
 - (i) the substitution of co-operative vehicles and associated parking spaces for required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number, and
 - (ii) if the owner provides 4 co-operative vehicles and associated parking spaces, a reduction in the total number of parking spaces to 191.

CARRIED UNANIMOUSLY

1475 Howe Street

BY-LAW NO. 8974

**A By-law to amend By-law No. 8925 which amended
Zoning and Development By-law No. 3575
by rezoning an area to CD-1**

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

1. This By-law amends the indicated provisions of By-law No. 8925.
2. From section 5.2(e), Council strikes out "at the ground level".
3. Council repeals section 5.3, and substitutes:

"5.3 Computation of floor space ratio, at the discretion of the Director of Planning or Development Permit Board, may exclude:


- (a) enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and
 - (ii) enclosure of the excluded balcony floor area must not exceed 50%;and
- (b) ancillary social and recreational uses primarily for the enjoyment of residents and employees including saunas, swimming pools, squash courts, gymnasiums, workout rooms, games rooms, hobby rooms, and other uses of a public service, social, or recreational nature, which, in the opinion of the Director of Planning, are similar to the foregoing, except that such ancillary facilities must not exceed 5% of allowable floor space in the principal use."

4. Council renumbers section 5.4 as 5.6.
5. After section 5.3, Council inserts:

“5.4 For the purposes of section 5.2 and 5.3, Council deems “general office live-work” to be a residential use.

5.5 The use of floor space excluded, under section 5.2 and 5.3, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion.”
6. From section 6.1, Council strikes out “or 30 storeys”.
7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 18th day of January, 2005



Deputy Mayor



City Clerk

BY-LAWS

MOVED by Councillor Stevenson
SECONDED by Councillor Green

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 and 2, and authorize the Deputy Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend By-law No. 8925 which amended Zoning and Development By-law No. 3575 by rezoning an area to CD-1 (re 1475 Howe Street) (By-law No. 8974)
(Councillors Bass, Louis, Stevenson and Sullivan excused from voting)

CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

OCTOBER 21, 2004

A Special Meeting of the Council of the City of Vancouver was held on Thursday, October 21, 2004, 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 and Heritage By-laws, and to enter into a Heritage Revitalization Agreement.

PRESENT: Mayor Larry Campbell
Councillor David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Anne Roberts
Councillor Ellen Woodsworth

ABSENT: Councillor Fred Bass (Sick Leave)
Councillor Tim Louis (Leave of Absence)
Councillor Tim Stevenson (Sick Leave)
Councillor Sam Sullivan (Leave of Absence)

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Green

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 and Heritage By-laws, and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY

1. Text Amendment: 1475 Howe Street

An application by the Director of Current Planning as follows:

Summary: The proposed amendments would clarify floor space exclusion and height provisions in the CD-1 By-law.

The Director of Current Planning recommended approval.

Staff Comments

Larry Beasley, Director of Current Planning, and Alan Duncan, Planner, Park Board, were present to respond to questions.

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

MOVED by Councillor Cadman

THAT the application by the Director of Current Planning to amend CD-1 By-law No. 8925 for 1475 Howe Street to clarify floor area exclusions and height provisions generally as set out in Appendix A to the Policy Report "Text Amendment - CD-1 Rezoning - 1475 Howe Street" dated August 25, 2004, be approved.

CARRIED UNANIMOUSLY

2. Text Amendment: 6450 Clarendon Street

An application by Lloyd Plishka, Architect, was considered as follows:

Summary: The proposed amendment would increase the permitted floor space ratio.

The Director of Current Planning recommended approval.

Staff Comments

Lynda Challis, Planner, Rezoning Centre, was present to respond to questions.

Applicant Comments

Lloyd Plishka, Architect, was present to respond to questions.

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 Discussion

MOVED by Councillor Cadman

THAT the application by Lloyd Plishka, Architect, to amend CD-1 By-law No. 3914 for 6450 Clarendon Street to increase the permitted floor space ratio generally as set out in Appendix A to the Policy Report "CD-1 Text Amendment - 6450 Clarendon Street " dated August 26, 2004, be approved.

CARRIED UNANIMOUSLY