



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

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## CD-1 (444)

### *955 Burrard Street*

### *By-law No. 9190*

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

**Effective November 23, 2005**

*(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 Definitions

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

**“Base Surface”** means the base surface calculated from the official established building grades.

3 Uses

Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (444) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwellings and Seniors Supportive or Assisted Housing;
- (b) Cultural and Recreational Uses, limited to Community Centre, Fitness Centre Swimming Pool, and similar uses;
- (c) Institutional Uses, limited to Child Day Care Facility, School – Elementary or Secondary, School – University or College, Social Service Centre, Community Care Facility and Group Residence; [9674; 08 06 24]
- (d) Service Uses, limited to School – Arts or Self-Improvement and School – Business; and
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 3 including accessory office, retail, and restaurant uses.

4 Conditions of use

Dwelling units are in an “activity zone” as defined in the Noise Control By law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.

5 Floor area and density

**5.1** The total floor area for all permitted uses must not exceed 33 908.5 m<sup>2</sup>.

**5.2** Computation of floor area must include:

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

**5.3** Computation of floor space ratio and floor area must exclude: [9311; 06 06 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 such exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;

**Note:** *Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 9190 or provides an explanatory note.*

- (c) the floors or portions of floors 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, 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; [9311; 06 06 13]
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m and to which there is no permanent means of access other than a hatch;
- (e) residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas accessory to residential use, except that the total area excluded must not exceed 328 m<sup>2</sup> in any building;
- (g) child day care facility; and
- (h) 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.

**5.4** Computation of floor space ratio and floor area may exclude, at the discretion of the Director of Planning or Development Permit Board: [9311; 06 06 13]

- (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%;
- (b) unenclosed outdoor areas underneath tower building overhangs, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs except that:
  - (i) such overhangs must not go above the first eight storeys, and
  - (ii) the total area of all overhang exclusions must not exceed 2% of the total floor area being provided.

**5.5** The use of floor space excluded, under this By-law, from the computation of floor space ratio and floor area must not be for any purpose other than that which justified the exclusion. [9311; 06 06 13]

**6** Height

**6.1** The maximum building height, measured above the base surface and to the top of the roof slab above the uppermost habitable floor, must not exceed 120.4 m. [9311; 06 06 13]

**6.2** Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law. [9311; 06 06 13]

**7** Parking, loading and bicycle parking

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

- (a) for dwelling units, the following parking requirements apply:
  - (i) for dwelling units up to and including 80 m<sup>2</sup> of gross floor area, a minimum of one parking space for each 80 m<sup>2</sup> of gross floor area,
  - (ii) for dwelling units of more than 80 m<sup>2</sup> of gross floor area, a minimum of one parking space for each unit plus one additional parking space for each 125 m<sup>2</sup> of gross floor area in excess of the initial 80 m<sup>2</sup>, except that there need not be more than two spaces for each unit, and [9311; 06 06 13]

- (iii) for all dwelling units, the maximum permitted parking must not exceed 0.2 spaces for each unit more than the required minimum number of parking spaces; [9311; 06 06 13]
- (b) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of co-operative vehicles and associated parking spaces for the 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.

8 Acoustics

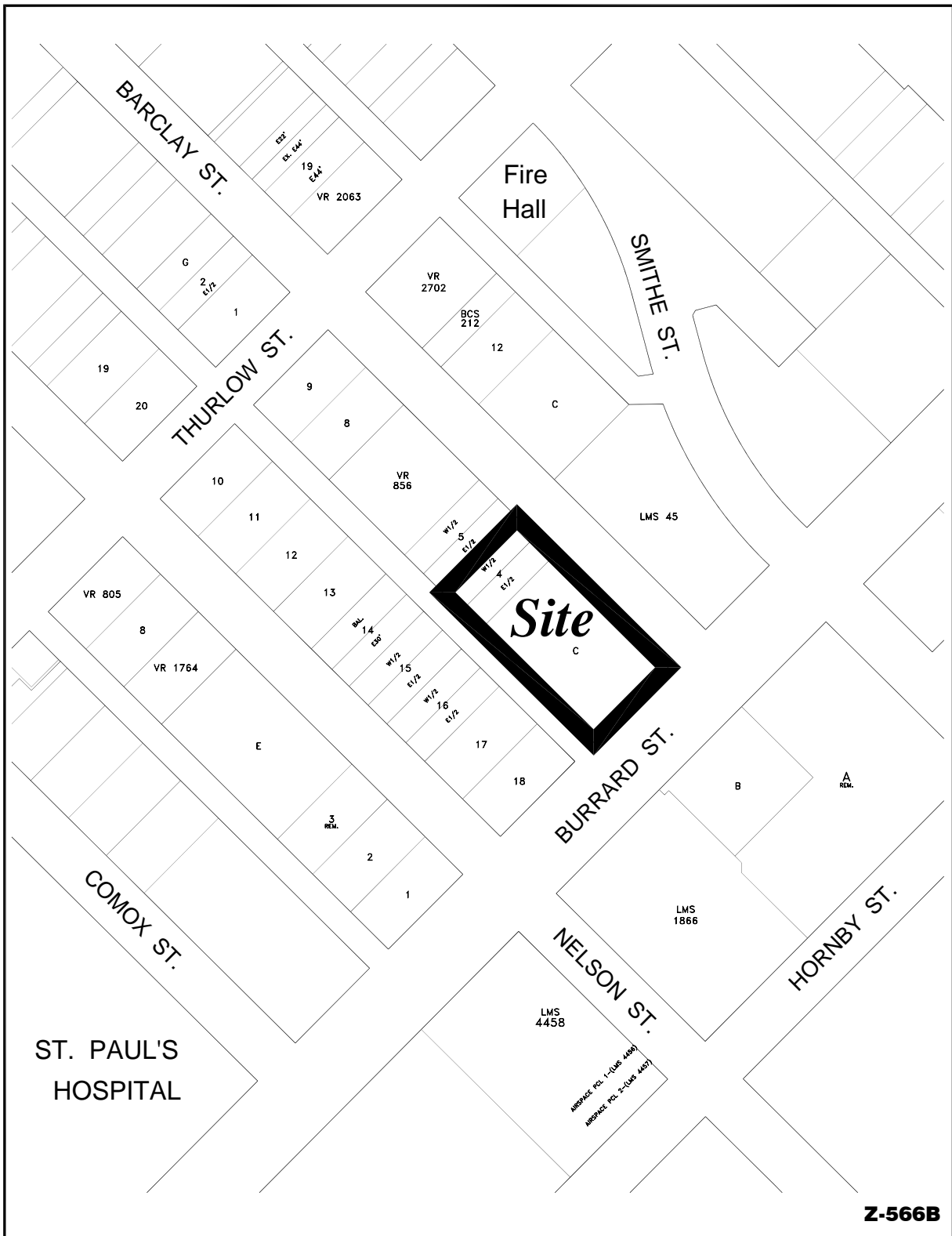
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level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

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

9 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.

10 *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*



**Z-566B**

RZ - 955 Burrard St.

map: 1 of 1  
scale: 1:2000



**City of Vancouver**

date: Mar. 8, 2005

955 Burrard Street

**BY-LAW NO. 9190**

**A By-law to amend  
Zoning and Development By-law No. 3575  
by rezoning a certain 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-566B 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:

“Base Surface” means the base surface calculated from the official established building grades.

**Uses**

3. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (444) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwellings and Seniors Supportive or Assisted Housing;
- (b) Cultural and Recreational Uses, limited to Community Centre, Fitness Centre Swimming Pool, and similar uses;
- (c) Institutional Uses, limited to Child Day Care Facility, School - Elementary or Secondary, School - University or College, Social Service Centre, and Special Needs Residential Facility;
- (d) Service Uses, limited to School - Arts or Self-Improvement and School - Business; and

- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 3 including accessory office, retail, and restaurant uses.

#### Conditions of use

4. Dwelling units are in an "activity zone" as defined in the Noise Control By-law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.

#### Floor area and density

5.1 The total floor area for all permitted uses must not exceed 33 908.5 m<sup>2</sup>.

5.2 Computation of floor area must include:

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

5.3 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 such exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
- (c) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, 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) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m and to which there is no permanent means of access other than a hatch;
- (e) residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas accessory to residential use, except that the total area excluded must not exceed 328 m<sup>2</sup> in any building;

- (g) child day care facility; and
- (h) 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.

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

- (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%;
- (b) unenclosed outdoor areas underneath tower building overhangs, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs except that:
  - (i) such overhangs must not go above the first eight storeys, and
  - (ii) the total area of all overhang exclusions must not exceed 2% of the total floor area being provided.

#### Height

6. The maximum building height, measured above the base surface and to the top of the roof slab above the uppermost habitable floor, must not exceed 120.4 m.

#### Parking, loading and bicycle parking

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

- (a) for dwelling units, the following parking requirements apply:
  - (i) for dwelling units up to and including 80 m<sup>2</sup> of gross floor area, a minimum of one parking space for each 80 m<sup>2</sup> of gross floor area,
  - (ii) for dwelling units of more than 80 m<sup>2</sup> of gross floor area, one parking space for each unit plus one additional space for each 125 m<sup>2</sup> of gross floor area in excess of 80 m<sup>2</sup> to a maximum of two spaces for each unit, and



- (iii) for all dwelling units, the maximum permitted parking must not exceed 0.2 spaces more than the required minimum number of parking spaces;
- (b) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of co-operative vehicles and associated parking spaces for the 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.

**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 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
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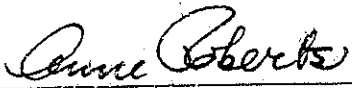
**Severability**

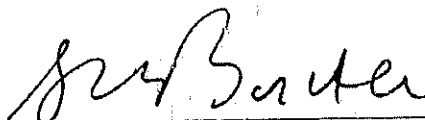
9. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

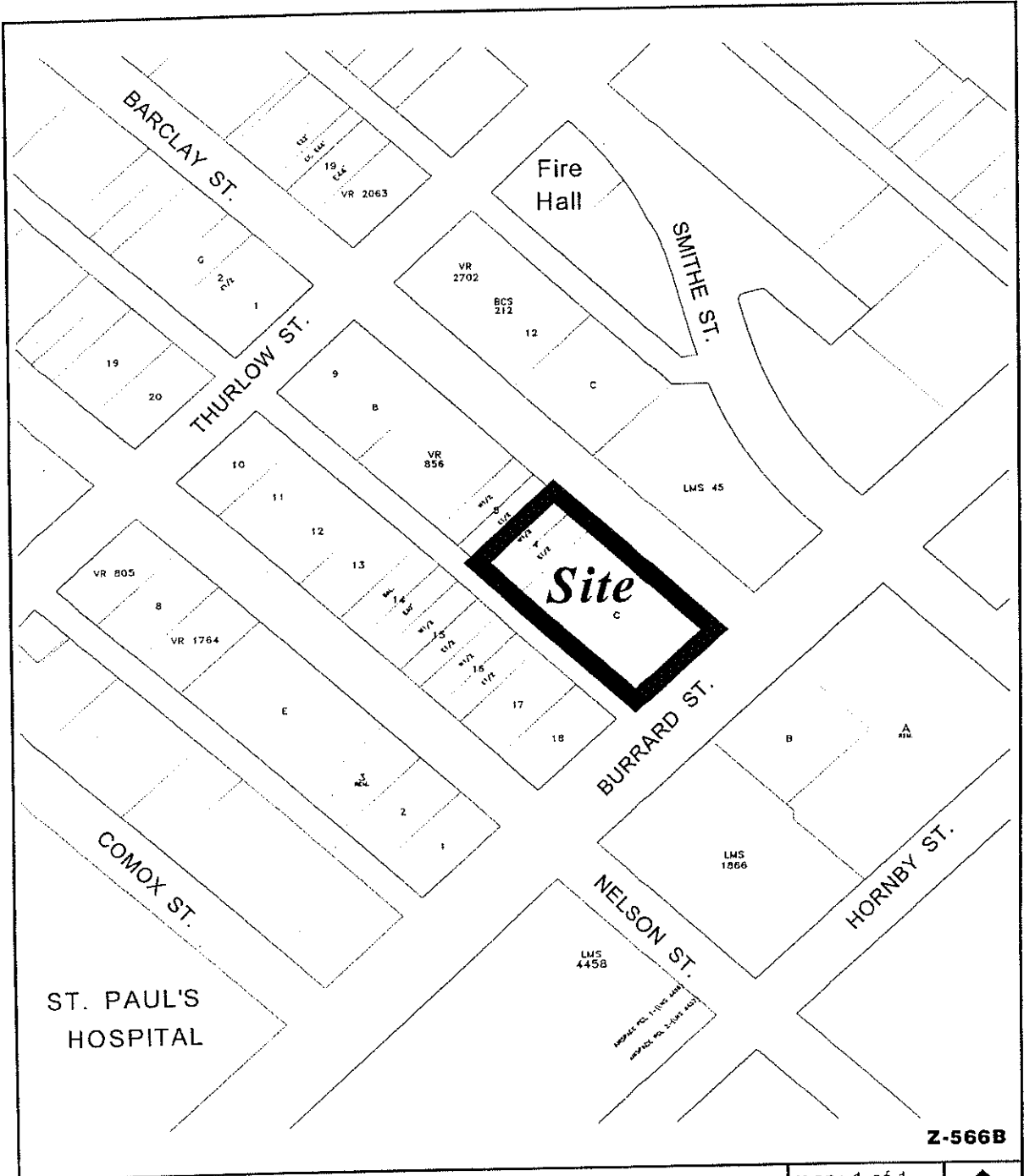
**Force and Effect**

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

ENACTED by Council this 23<sup>rd</sup> day of November, 2005

  
\_\_\_\_\_  
Deputy Mayor

  
\_\_\_\_\_  
City Clerk



RZ - 955 Burrard St.	map: 1 of 1	↑
	scale: 1:2000	
City of Vancouver	date: Mar. 8, 2005	

## BY-LAWS

MOVED by Councillor Cadman  
SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY

1. **A By-law to amend Subdivision By-law No. 5208 (regarding the addition of standards for RT-10 and RT-10N and RM-1 and RM-1N Districts Schedules) (By-law No. 9186)**  
(Councillors Cadman, Ladner, and Louie ineligible to vote)
2. **A By-law to amend Zoning and Development By-law No. 3575 to create new districts schedules in the Kingsway and Knight Street housing area (By-law No. 9187)**  
(Councillors Cadman, Ladner, and Louie ineligible to vote)
3. **A By-law to amend Parking By-law No. 6059 (regarding RT-10 and RT-10N, RM-1 and RM-1N Districts Schedules) (By-law No. 9188)**  
(Councillors Cadman, Ladner, and Louie ineligible to vote)
4. **A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 955 Burrard Street and 969 Burrard Street and 1017 - 1045 Nelson Street) (By-law No. 9189)**  
(Councillor Cadman ineligible to vote)
5. **A By-law to amend Zoning and Development By-law No. 3575 by rezoning a certain area to CD-1 (re 955 Burrard Street) (By-law No. 9190)**  
(Councillor Cadman ineligible to vote)
6. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 955 Burrard Street) (By-law No. 9191)**  
(Councillor Cadman ineligible to vote)
7. **A By-law to amend Sign By-law No. 6510 (re 955 - 969 Burrard Street and 1017 - 1045 Nelson Street) (By-law No. 9192)**  
(Councillor Cadman ineligible to vote)
8. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 2950 Celtic Avenue) (By-law No. 9193)**  
(Councillors Woodsworth, Cadman and Mayor Campbell ineligible to vote)
9. **A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 1133 West Georgia Street) (By-law No. 9194)**  
(Councillors Louis and Roberts ineligible to vote)

10. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 1133 West Georgia Street) (By-law No. 9195)  
(Councillors Louis and Roberts ineligible to vote)
11. A By-law to amend Sign By-law No. 6510 (re 1133 West Georgia Street)  
(By-law No. 9196)  
(Councillors Louis and Roberts ineligible to vote)
12. A By-law to amend CD-1 By-law No. 5407 (re 1155 East Broadway) (By-law No. 9197)  
(Councillors Green, Louie and Louis ineligible to vote)
13. A By-law to amend Sign By-law No. 6510 (re 1155 East Broadway) (By-law No. 9198)  
(Councillors Green, Louie and Louis ineligible to vote)
14. A By-law to amend Subdivision By-law No. 5208 (re 6650 Arbutus Street)  
(By-law No. 9199)  
(Councillors Louis and Roberts ineligible to vote)
15. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 6650 Arbutus Street) (By-law No. 9200)  
(Councillors Louis and Roberts ineligible to vote)
16. A By-law to amend False Creek North Official Development Plan By-law No. 6650  
(re 505 - 600 Abbott Street) (By-law No. 9201)  
(Councillor Cadman and Mayor Campbell ineligible to vote)
17. A By-law to amend CD-1 By-law No. 6747 (re 505 - 600 Abbott Street)  
(By-law No. 9202)  
(Councillor Cadman and Mayor Campbell ineligible to vote)
18. A By-law to amend CD-1 By-law No. 4671 (re 749 West 33<sup>rd</sup> Avenue)  
(By-law No. 9203)  
(Councillors Louis and Roberts and Mayor Campbell ineligible to vote)
19. A By-law to amend Zoning and Development By-law No. 3575 by rezoning a certain area to CD-1 (re 969 Burrard Street and 1017 - 1045 Nelson Street)  
(By-law No. 9204)  
(Councillor Cadman ineligible to vote)
20. A By-law to amend CD-1 By-law No. 6063 (re 1835 West 75<sup>th</sup> Avenue)  
(By-law No. 9205)  
(Councillors Louis and Roberts ineligible to vote)
21. A By-law to amend Miscellaneous Fees By-law No. 5664 and Vehicles for Hire By-law No. 6066 regarding housekeeping matters (By-law No. 9206)

The Council adjourned at 3:40 p.m.

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#### DENSITY TRANSFER

- (vi) register a section 219 covenant on the property at 1188 West Pender Street to reduce the commercial development potential on that site by 52,600 sq. ft., such covenant not to be released until such time as this site is rezoned to CD-1 to appropriately reflect its actual development potential.
- B. THAT the application by the Director of Current Planning to amend Downtown Official Development Plan (By-law No. 4912), as a consequential amendment to the rezoning of the above noted site from DD to CD-1, to remove the sites from the maps in the D ODP, be approved.
- C. THAT the application by Hancock Brückner Eng + Wright Architects to amend the Sign By-law No. 6510 to establish regulations for this CD-1 in accordance with Schedule B(DD) be approved.
- D. THAT the Director of Legal Services be instructed to bring forward for enactment the following amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

Amend Schedule A (activity zone) by adding the following:  
"[CD-1-# ] [By-law # ] 1211 Melville Street"

#### CARRIED UNANIMOUSLY

#### 6. HRA DESIGNATION & REZONING: 955-969 Burrard & 1017-1045 Nelson Streets (YMCA & First Baptist Church)

An application by Stantec Architecture and James KM Cheng Architects was considered as follows:

Summary: To rezone the site from Downtown District (DD) and RM-5B to Comprehensive Development (CD-1) for mixed-use buildings. In addition, Heritage Revitalization Agreements are required for First Baptist Church and portions of the YMCA building. Consequential amendments to the Sign By-law and Noise Control By-law are also required. The Downtown District base maps will also be altered to delete the DD zoned sites.

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

#### Staff Opening Comments

Phil Mondor, Senior Planner, Rezoning Centre, provided an overview of the report, and drew Council's attention to two specific items:

- lane treatments, which, at the request of Engineering and supported by Planning staff, was withdrawn from the application, and will come back during the development permit process; and

- proposed tower height, which the applicant and staff have agreed to reduce from 44 to 42 storeys, to reduce impacts to Nelson Park.

Mr. Mondor further advised that, in lieu of an earlier requested 'yellow memo' to address several questions raised by Council, Larry Beasley, Director of Current Planning, would speak to this matter. Mr. Beasley provided details, and responded to questions from Council, on Development Cost Levies (DCLs), childcare access fees, parking spaces tied to child care, and the nature of the lease for child care, and read into the record an amendment which defines the conclusions reached in discussions with the applicant team. He advised if Council agrees with the conclusions, that the amendment to condition C(v) in staff's recommendations (distributed at the meeting and on file), be approved. Paul Pinsker, Parking and Development Engineer, provided information on parking requirements and bicycle standards.

### **Applicant Comments**

Dr. Greg Anderson, Executive Minister, First Baptist Church, noted approval of the application would create development potential for facilities of both historic and ongoing programs that focus on community well being. He expressed hope that the development will enhance and beautify the neighborhood and make it a pleasant place to live.

### **Summary of Correspondence**

Council received one letter in support, with reservations regarding parking and height, and one letter in opposition, since referral to Public Hearing.

### **Speakers**

The Mayor, referred to the amendment put forward by staff, and asked if any of the sixteen registered speakers, or others in attendance, still wished to address Council.

Graham Peat, resident, and Mardel Greenough, West End Residents Association, while not against development by the YMCA, spoke in opposition to aspects of the application, including increased traffic and noise, wind tunnel effect, parking, general lack of light due to shadowing from the tower, and specifically, the shadow impact of the 42 storey tower on a portion of Nelson Park during the morning hours. They also noted the lack of any guarantee that parking, community benefits and affordable housing will be incorporated into the development once the rezoning is approved.

Elyn Dobbs, Strata Council treasurer, complimented the YMCA on their collaborated approach to this development and response to suggestions from the community and expressed the hope the First Baptist Church would follow a similar path. Ms. Dobbs also complimented staff for their attention to noise mitigation details early in the process.

### Staff Closing Comments

In response to requests from Council, Mr. Beasley advised the Planning Department will work with the West End Residents Association to ensure they are connected with the process. Cameron Gray, Director, Housing Centre, provided comments on potential future development by the First Baptist Church in regard to market rental spaces.

### Council Decision

MOVED by Councillor Louie

- A. THAT the application by Stantec Architecture and James KM Cheng Architects to rezone the sites at 955-969 Burrard Street from Downtown District to CD-1 and the sites at 1017-1045 Nelson Street from RM-5B to CD-1 to increase maximum floor area and building height generally as outlined in Appendix A to Policy Report "Rezoning of 955 Burrard Street (Downtown YMCA) and 969 Burrard Street & 1017-1045 Nelson Street (First Baptist Church): DD (G) and RM-5B to CD-1 and Heritage Revitalization Agreement at 955 Burrard Street" dated March 3, 2005 be approved, subject to the following conditions:
- A. THAT the proposed form of development be approved by Council in principle, generally as prepared by Stantec Architecture Inc. and James KM Cheng Architects, in revised plans stamped "Received Planning Department", December 4, 2003 for the First Baptist Church part of the site and January 5, 2005 for the YMCA part of the site, but not including the proposed lane treatment which is shown, provided that the Director of Planning or the Development Permit Board, as the case may be, may approve 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, as the case may be, who shall have particular regard to, among other things, the following:

#### Design Development

- (i) design development to refine the YMCA tower floorplate sizes and shape, particularly at the lower levels, to improve the relationships with the neighbouring building;
- (ii) design development to the overall YMCA tower character;

Note to Applicant: aspects to review include, among other things: the roof top mechanical, the flat west face, and sculpting of the upper floors.

- (iii) design development to the overall YMCA building base;

Note to Applicant: aspects to review include, among other things: the character relationship between the heritage facades and the new building with regards to the Barclay Street elevation.

- (iv) design development to the Barclay Street façade of the YMCA building;

Note to Applicant: the designated one storey brick entry pavilion on Barclay Street is to be retained. It must be either retained in site or relocated to an adjacent area and designed into a logical and useful function for the building.

- (v) design development to building character of the FBC (First Baptist Church) tower;

Note to Applicant: aspects to review include, among other things; the mechanical penthouse appearance.

- (vi) design development to the building character of the FBC street-facing and lane-facing townhouses;

- (vii) design development to the character of the FBC ancillary building;

- (viii) design development to the FBC landscape areas that face the street and link through to the lane;

- (ix) consideration of design development to the lane between the FBC and the YMCA to enhance the landscape features and accommodate both pedestrian and vehicular movement, subject to (xv) below;

Note to Applicant: aspects to review include, among other things, the full length of the lane from Burrard to Thurlow Streets.

#### Child Day Care Facility

- (x) design a licensed 69-space childcare centre, including a family and child development centre, on the 5th and 6th floors of the new YMCA facility, in accordance with the Community Care Facilities requirements and the City's Child Care Design Guidelines (1993) and to the satisfaction of the Director of Social Planning, Facilities Development, and Community Care Facilities Licensing;

Note to Applicant: a shortfall in outdoor play space can be resolved if the preschool program (20 spaces) is relocated from the 6th to the 5th floor where the child development/family centre is presently proposed. The terrace could be designed for use as outdoor space and the



footprint of the 6th floor would lend itself to a better interior/exterior design for the infant/toddler and 3-5 program.

#### Landscape

- (xi) provide a legal survey illustrating the following information:
  - existing trees 20-cm caliper or greater on the development site; and
  - the public realm (property line to curb and including the lane), including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;
- (xii) provide a Certified Arborist assessment of all existing trees 20-cm caliper or greater located on the development site;
- (xiii) all existing trees 20-cm caliper or greater (whether proposed to be removed or retained) must be illustrated (with corresponding notations) on the Landscape Plan;
- (xiv) provide new street trees along the frontages of the entire site, including a complete street tree colonnade on Burrard Street. At development application stage new street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board";

#### City Lane

- (xv) non-standard (special) treatments of the lane surface, installation of trees or lane designs that differ from the City norms, shall first, prior-to inclusion in any development permit application, require an application to the City Engineer. The City Engineer, shall review any such request, giving regard to the anticipated developments, impacts on infrastructure, including increased future maintenance costs, all in consultation with the Director of Planning;

#### Sustainability

- (xvi) the applicant to work with staff to pursue sustainability measures so as to design and construct "green buildings" and to seek the LEED certification;

#### Crime Prevention Through Environmental Design (CPTED)

- (xviii) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:

- theft in the underground parking areas,
- providing full secure separation for residential uses and parking,
- residential break and enter,
- mischief such as graffiti and alcove areas, and
- increasing the defensibility of the ground level pathway.

#### AGREEMENTS

- C. THAT, prior to enactment of the CD-1 By-law, at no cost to the City, the registered owners shall make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

#### HERITAGE

- (i) the owner of the "B" listed Heritage Register building at 955 Burrard Street shall enter into a Section 219 covenant requiring that the owner enter into the Heritage Revitalization Agreement and associated agreement outlined below prior to issuance of the development permit for the 955 Burrard Street project;
- (ii) the owner of the "B" listed Heritage Register building at 955 Burrard Street shall agree to the City designating the Burrard and Barclay Street masonry facades including the one-storey masonry doorway on Barclay and the building itself to a depth of 30 ft (9.14 m) measured from Burrard Street, under Schedule "B" of the Heritage By-law, without further compensation;
- (iii) the owner of the municipally-designated "A" Heritage Register building at 969 Burrard Street shall agree to the City designating the Sanctuary and the Narthex of the interior of the building, as documented in a photometric record, under Schedule "B" of the Heritage By-law, without further compensation other than may be provided in a future Heritage Revitalization Agreement referred to in Recommendation F concerning seismic upgrading and interior restoration;

#### HOUSING

- (iv) the owner of the municipally-designated "A" Heritage Register building at 969 Burrard Street and the properties at 1017 to 1045 Nelson Street shall grant the City a Section 219 covenant satisfactory to the Directors of the Housing Centre and Legal Services to require that:
  - a) the redevelopment of the site shall include approximately 1 858 m<sup>2</sup> (20,000 sq. ft.) gross floor area of replacement rental housing;
  - b) the number of dwelling units comprising the replacement rental housing and their size, design, rents, degree of affordability and

tenant selection criteria shall be as required by the Directors of the Housing Centre and Facilities Design and Management, and shall take into consideration housing need and the economic viability of the redevelopment;

- c) the occupant eligibility and monthly rentals for the replacement rental housing and other terms and conditions therefore shall be set out in a housing agreement between the Owner and the City to be made pursuant to section 565.2 of the Vancouver Charter. The housing agreement to be presented to City Council for its approval shall be to the satisfaction of the Directors of the Housing Centre and Legal Services. Prior to issuance of the development permit for the new tower, the housing agreement shall be registered in the Land Title Office with priority over all charges which could defeat or delay its enforcement;
- d) this housing shall not be subdivided by strata plan and that the development, building and occupancy permits for the new residential tower shall not be issued ahead of those permits for the replacement rental housing; and
- e) a relocation plan for all tenants (defined as any tenant who occupies a residential unit minimally on a month-to-month basis) be prepared, which will record the names of all tenants, a notification plan for advising tenants on the timing of redevelopment and displacement, and a proposal for relocation of all tenants. The plan should include assistance to tenants in finding alternative accommodation and may include offers of financial assistance with relocation costs. All tenants of all existing residential buildings who occupy residential units on a minimum month-to-month tenancy will be informed of the timing for redevelopment, and given adequate notice as required under City by laws and the Residential Tenancy Act.

#### CHILDCARE

- (v) the owner of the property at 955 Burrard Street (YMCA) shall provide a fully fitted up, furnished and equipped, full-age range childcare facility comprising:
  - (i) 49 spaces for infants and toddlers and 3 to 5 year olds on the 6th floor with indoor area of 611 m<sup>2</sup> (6,577 sq. ft.) and outdoor area of 561 m<sup>2</sup> (6,035 sq. ft.);
  - (ii) 20 spaces for pre-schoolers on the 5th floor with indoor area of 153 m<sup>2</sup> (1,651 sq. ft.) and outdoor area of 140 m<sup>2</sup> (1,507 sq. ft.); and
  - (iii) a Family & Child Development Centre on the 5th floor with indoor area of 511 m<sup>2</sup> (5,500 sq. ft.).

(Note: Floor area for indoor space excludes additional circulation space required to accommodate the elevator, elevator lobbies and emergency exit stairwells, and the outdoor space will be immediately adjacent, fenced and equipped outdoor play space which includes landscaping and grassed areas.)

Both the indoor and outdoor space of the 69-space childcare facility must meet all community care facilities licensing and Childcare Design Guideline requirements and be satisfactory to the Director of Social Planning and Director of Facilities Design and Management. The owner shall bear all start-up costs.

The operator of the 69-space childcare space will deliver quality licensed early childhood services to the broader community at a cost that does not exceed the city average of City-owned facilities on the downtown peninsula.

The indoor childcare space shall be leased to the City, and with ancillary agreements, where necessary, all satisfactory to the Director of Legal Services at nominal rent and with arrangements, terms and conditions satisfactory to the City Manager, in consultation with the Directors of Social Planning and Legal Services, to, in effect, be for the "life of the building", and, if after the "life of the building" the childcare space is not satisfactorily included in a new building (or Council does not relieve the landowner of that obligation through rezoning), then the new building will be built of a size foregoing the bonussed density now allocated to enable the childcare space, and similarly the outdoor play yard (unless the Director of Legal Services determines that the City should hold it under easement). The childcare space shall bear its own utility costs but it shall not contribute to building operating costs or taxes. The lease shall include at no additional cost the unrestricted use of a number and location of parking spaces as determined by the Development Permit Board. The lease shall be secured by an option to lease. The owner shall have the right to sublease the childcare space from the City on the same terms and conditions as the lease. This right shall be secured by an option to sublease. These agreements shall be to the satisfaction of the Directors of Social Planning and Legal Services;

#### ENGINEERING

- (vi) arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:
- a) clarification of charges shown on title (charge summary should be provided) and, if necessary, modification, release, extension or replacement of such charges;
  - b) consolidation of the lands (3 legal lots) fronting Barclay Street and the lands (9 legal lots) fronting Nelson Street into single parcels will be required prior to issuance of any new development permit for either site;
  - c) upgrading of the sewer (storm and sanitary) system and water system to meet the demands of this development;

Note to Applicant: The application lacks the detail necessary to determine the extent of upgrading that may be necessary. Further review is required.

- d) undergrounding of all new BC Hydro and Telus services to this site from the closest existing suitable service point, including a review of any cabling that may be required to determine impacts on the neighbourhood;
- e) provision of a construction management plan, prior-to the issuance of any building permit to construct all or a portion of this development; and
- f) clarification of and arrangements for any existing or proposed building encroachments.

#### SOILS (VANCOUVER CHARTER)

- (vii) the property owners shall, as required by the General Manager of Engineering Services and the 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.

D. THAT, after enactment of the CD-1 By-law and before the earlier of December 6, 2005 or issuance of the development permit, at no cost to the City the registered owner of the "B" listed Heritage Register building at 955 Burrard Street shall:

- (i) enter into a Heritage Revitalization Agreement with the City, to:
  - (a) secure the rehabilitation, protection and on-going maintenance and replication of the Burrard and Barclay Street masonry facades including the one-storey masonry doorway on Barclay and the building itself to a depth of 30 ft. (9.14 m) measured from Burrard Street; and
  - (b) award bonus density of 89,260 sq. ft. for transfer off-site; and
- (ii) enter into an associated agreement with the City to secure the timely rehabilitation of the protected heritage facades at 955 Burrard Street, prior to transferring any heritage bonus density off-site, unless the owners secure such rehabilitation work under separate agreement to the satisfaction of the Director of Legal Services, and that the agreements be given priority over all other charges on title, except those already held by the City.

B. THAT the application by the Director of Current Planning to amend Downtown Official Development Plan (By-law No. 4912), as a consequential amendment to the rezoning of the above noted sites from DD to CD-1, to remove the sites from the maps in the D ODP, be approved.

- C. THAT the application by Stantec Architecture and James KM Cheng Architects to amend the Sign By-law No. 6510 to establish regulations for this CD-1 in accordance with Schedule B(DD) be approved.
- D. THAT the Director of Legal Services be instructed to bring forward for enactment the following amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

Amend Schedule A (activity zone) by adding the following:  
"[CD-1 # ] [By-law # ] 955-969 Burrard Street

- E. THAT Council designate as municipally-protected heritage property the Burrard and Barclay masonry facades and the building itself to a depth of 9.14 m measured from Burrard Street for the "B" Heritage Register building at 955 Burrard Street.
- F. THAT Council designate as municipally-protected heritage property under Schedule "B" of the Heritage By-law the Sanctuary and Narthex of the interior of the municipally-designated "A" Heritage Register building at 969 Burrard Street.
- G. THAT Council authorize the Heritage Revitalization Agreement and accompanying by-laws for 955 Burrard Street to:
- (i) secure the rehabilitation, protection and on-going maintenance of the Burrard and Barclay Street masonry facades including the one-storey masonry doorway on Barclay and the building itself to a depth of 30 ft. (9.14 m) measured at Burrard; and
  - (ii) award bonus density for transfer off-site, to an amount of 8 292 m<sup>2</sup> (89,260 sq. ft.).
- [NOTE: The accompanying by-law is not to be enacted until after enactment of the CD-1 By-law detailed in Recommendation A and before December 6, 2005.]

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

Miscellaneous text amendments

BY-LAW NO. 9311

A By-law to amend CD-1 By-law No.'s 7679, 8536, 8546, 8587, 8592, 8740, 8819, 8896, 8943, 8978, 8993, 9081, 9088, 9116, 9154, 9167, 9170, 9173, 9184, 9190, 9195, and 9204

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

1. Council repeals section 3.5 of By-law No.'s 8536 and 8546, and section 4.9 of By-law No. 8740.
2. To By-law No. 7679 as section 6.8, By-law No.'s 8587, 9154 and 9167 as section 4.6, By-law No.'s 8592, 8536, 8546, 8978 and 9116 as section 3.5, By-law No. 8740 as section 4.9, By-law No.'s 8819, 8896, 9184, 9190 and 9195 as section 5.5, By-law No.'s 8993, 9088 and 9204 as section 4.5, and By-law No. 9173 as section 5.6, Council adds:  
  
"The use of floor space excluded, under this By-law, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion."
3. To Section 3 of By-law No.'s 8536 and 8546, Section 4 of By-law No.'s 8587, 9088, 9170 and 9204, and Section 5 of By-law No.'s 8896, 8943, 9081, 9173, 9184, 9190 and 9195, after "Computation of floor space ratio", wherever it appears, Council adds "and floor area".
4. To section 5.4(c) of By-law No. 9173, section 5.3(c) of By-law No.'s 9190 and 9195, and section 4.3(c) of By-law No. 9204, after "bicycle storage,", wherever it appears, Council adds "heating and mechanical equipment,".
5. Council repeals section 6.2 of By-law No.'s 8943 and 9195.
6. Council re-numbers section 7 of By-law No. 8740 as section 7.1, section 6 of By-law No.'s 8896, 9081, 9173, 9184 and 9190 as section 6.1, section 4 of By-law No. 8978 as section 4.1, and section 5 of By-law No.'s 9088, 9170 and 9204 as section 5.1.
7. To By-law No. 7679 as section 7.6, By-law No. 8536 as section 4.3, By-law No.'s 8546, 8592 and 8978 as section 4.2, By-law No. 8587 as section 5.3, By-law No. 8740 as section 7.2, By-law No.'s 8896, 8943, 9081, 9173, 9184, 9190, and 9195 as section 6.2, and By-law No.'s 9088, 9170 and 9204 as section 5.2, Council adds:

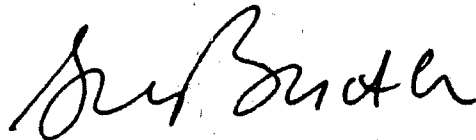
"Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."

8. To section 6.1 of By-law No. 8943, after "191.7 m", Council adds:  
", except that mechanical appurtenances and decorative roof may increase the building height to no more than 196.9 m".
9. To section 6.1 of By-law No. 9195, after "178 m", Council adds:  
", except that mechanical appurtenances and decorative roof may increase the building height to no more than 182.9 m".
10. Council repeals section 7(a)(ii) and (iii) of By-law No. 9190 and section 6(a)(ii) and (iii) of By-law No. 9204, and substitutes:  
"(ii) for dwelling units of more than 80 m<sup>2</sup> of gross floor area, a minimum of one parking space for each unit plus one additional parking space for each 125 m<sup>2</sup> of gross floor area in excess of the initial 80 m<sup>2</sup>, except that there need not be more than two spaces for each unit, and  
(iii) for all dwelling units, the maximum permitted parking must not exceed 0.2 spaces for each unit more than the required minimum number of parking spaces;"
11. 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.
12. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 13<sup>th</sup> day of June, 2006



Mayor



City Clerk



7. **CD-1 Rezoning: 311 West 2<sup>nd</sup> Avenue  
May 31, 2006 (VanRIMS.No. 11-3600-03)**

The Policy Report *CD-1 Rezoning: 311 West 2<sup>nd</sup> Avenue*, dated May 31, 2006, is postponed.

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Chow

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Ladner  
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

**BY-LAWS**

MOVED by Councillor Louie  
SECONDED by Councillor Cadman

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

CARRIED UNANIMOUSLY

1. **A By-law to amend Parking Meter By-law No. 2952 to implement a pay by phone system (By-law No. 9309)**
2. **A By-law to amend Development Permit Board and Advisory Panel By-law No. 5869 regarding designation of members (By-law No. 9310)**
3. **A By-law to amend CD-1 By-law No.'s 7679, 8536, 8546, 8587, 8592, 8740, 8819, 8896, 8943, 8978, 8993, 9081, 9088, 9116, 9154, 9167, 9170, 9173, 9184, 9190, 9195 and 9204 (By-law No. 9311)**  
(Councillors Ball, Chow and the Mayor ineligible to vote)
4. **A By-law to amend Sign By-law No. 6510 (re 798 Granville Street) (By-law No. 9312)**  
(Councillors Ball, Chow and the Mayor ineligible to vote)

**4. Text Amendment: Miscellaneous Text Amendments**

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

**Summary:** To amend various downtown CD-1 By-laws to add missing standard provisions and to correct an error in the Sign By-law

The Director of Current Planning recommended approval.

**Staff Comments**

Phil Mondor, Rezoning Planner, was present to respond to questions.

**Summary of Correspondence**

No correspondence was received on this application since it was referred to Public Hearing.

**Speakers**

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

**Council Decision**

MOVED by Councillor Stevenson

THAT the application by the Director of Current Planning to amend several CD-1 By-laws and the Sign By-law generally as described in Appendix A to Policy Report "Miscellaneous Text Amendments" dated April 4, 2006, be approved.

CARRIED UNANIMOUSLY

These minutes will be adopted by Council on May 30, 2006.

**CITY OF VANCOUVER**

**5**



**SPECIAL COUNCIL MEETING MINUTES**

**MAY 16, 2006**

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 16, 2006, at 7:38 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to various CD-1 By-laws, the Sign By-law, and the Heritage By-law.

**PRESENT:**

Deputy Mayor David Cadman  
Councillor Suzanne Anton  
Councillor Kim Capri  
Councillor Heather Deal  
Councillor Peter Ladner  
Councillor B.C. Lee  
Councillor Raymond Louie  
Councillor Tim Stevenson

**ABSENT:**

Mayor Sam Sullivan (Sick Leave)  
Councillor Elizabeth Ball (Sick Leave)  
Councillor George Chow (Leave of Absence)

**CITY CLERK'S OFFICE:**

Laura Kazakoff, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Cadman in the Chair, to consider proposed amendments to various CD-1 By-laws, the Sign By-law, and the Heritage By-law.

**CARRIED UNANIMOUSLY**

**1. Heritage Revitalization Agreement/Heritage Designation: 73-91 East 27<sup>th</sup> Avenue**

An application by Robert Brown, Resource Rethinking Building Inc., was considered as follows:

Summary: Heritage Revitalization Agreement and designation to permit strata titling in exchange for rehabilitation and conservation of five houses on this lot.

The Director of Current Planning recommended approval.

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 24<sup>th</sup> day of June, 2008

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Mayor

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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 5<sup>th</sup> 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 5<sup>th</sup> 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 39<sup>th</sup> 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