



City of Vancouver *Zoning and Development By-law*

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CD-1 (446)

1133 West Georgia Street

By-law No. 9195

(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. 10092, dated July 20, 2010)

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

2.1 Words in this By-law have the meanings given to them in the Zoning and Development By-law except that Council deems the base surface for this sloped site to be 30.4 m.

2.2 In this By-law:

“**co-operative parking space**” means a parking space reserved for the exclusive use of a co-operative vehicle; and

“**co-operative vehicle**” means a four-wheeled automobile, van, or pick-up truck owned and operated by an organization which provides car-sharing services to its members.

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (446).

3.2 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 (446) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses;
- (c) Institutional Uses;
- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses; and
- (g) Accessory Use customarily ancillary to any use permitted by this section 3.2.

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 Computation of floor space ratio must assume that the site consists of 2 426.2 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications. [9575; 07 12 11]

5.2 The floor space ratio must not exceed 20.80, except that approval by the Director of Planning of any dwelling use requires the concurrent or prior approval by the Director of Planning of office, retail, or service uses having a floor space ratio of at least 9.0. [9575; 07 12 11] [10092; 10 07 20]

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9195 or provides an explanatory note.*

- 5.3** Computation of floor area must include: [9575; 07 12 11]
- (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, measured by their gross-sectional areas and included in the measurements for each floor at which they are located.
- 5.4** Computation of floor space ratio and floor area must exclude: [9311; 06 06 13] [9575; 07 12 11]
- (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;
 - (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, 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 m² for a 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 3 048 m² 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.
- 5.5** 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] [9575; 07 12 11]
- (a) enclosed residential balconies if the Director of Planning or Development Permit Board 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, and any architectural canopy, trellis, or glazed roof that offers weather protection to open space available for common use by residents, visitors, or members of the public; [9575; 07 12 11]
 - (c) floor area in double-height space which is to count once only; and
 - (d) interior public space, including atria and other similar spaces, except that:
 - (i) the excluded area must not exceed the lesser of 10% of the permitted floor area and 557.42 m²,
 - (ii) a covenant and right of way in favour of the city, which sets out public access and use, must secure the excluded area, and
 - (iii) the Director of Planning must first consider all applicable policies and guidelines adopted by Council.
- [9575; 07 12 11]
- 5.6** 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] [9575; 07 12 11]

6 Height

6.1 The building height, measured above the base surface to the top of the roof slab above the uppermost habitable floor, must not exceed 182.88 m, except that mechanical appurtenances and decorative roof may increase the building height to no more than 187.76 m. [9311; 06 06 13] [10092; 10 07 20]

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 spaces

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that there must be:

- (a) for non-dwelling uses, except for hotel:
 - (i) at least one parking space for each 145 m² of gross floor area,
 - (ii) no more than one parking space for each 115 m² of gross floor area, and
 - (iii) at least 1% of parking spaces designated as shared vehicle parking spaces for use by persons who are using a shared vehicle;
- (b) for dwelling uses:
 - (i) at least the lesser of one parking space for each 140 m² of gross floor area and one parking space for each dwelling unit,
 - (ii) no more than 0.5 parking space for each studio dwelling unit, one parking space for each one bedroom dwelling unit, 1.5 parking spaces for each two bedroom dwelling unit, and two parking spaces for each three or more bedroom dwelling unit,
 - (iii) 0.02 shared vehicle parking spaces for each dwelling unit, and, for parking calculation purposes, any number larger than or equal to 0.5 is to equal one,
 - (iv) at least 0.008 loading spaces, Class A for one to 299 dwelling units, and
 - (v) at least 0.006 loading spaces, Class A for more than 299 dwelling units; and
- (c) for hotel use, no more than 0.4 parking space for each sleeping or housekeeping unit.

[10092; 10 07 20]

8 Acoustics

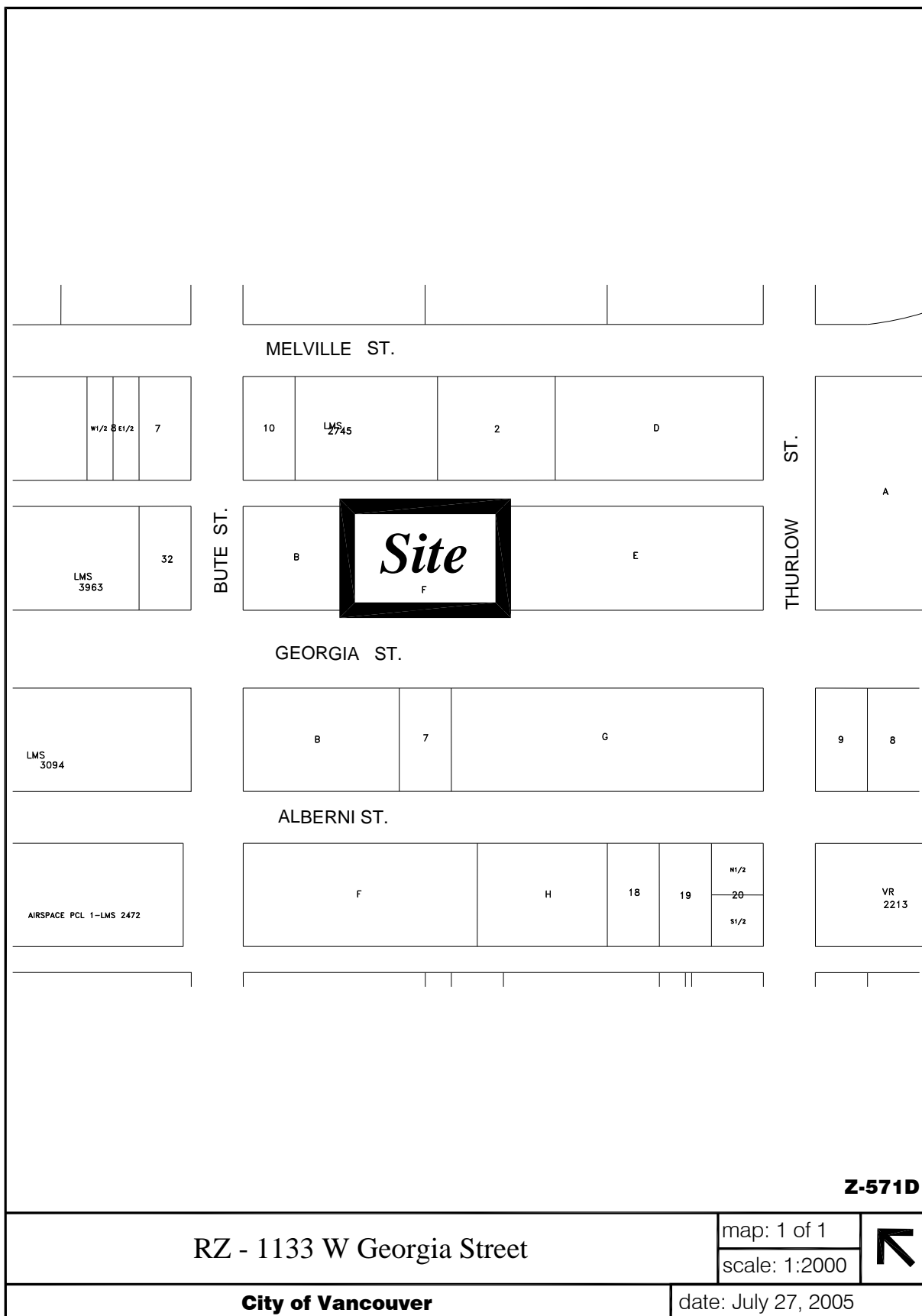
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level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

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

9 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.]*



RZ - 1133 W Georgia Street

map: 1 of 1
scale: 1:2000



City of Vancouver

date: July 27, 2005

Backup Notes

1133 West Georgia Street

BY-LAW NO. 9195

**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-571D attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2.1 Words in this By-law have the meanings given to them in the Zoning and Development By-law except that Council deems the base surface for this sloped site to be 30.4 m.

2.2 In this By-law:

“co-operative parking space” means a parking space reserved for the exclusive use of a co-operative vehicle; and

“co-operative vehicle” means a four-wheeled automobile, van, or pick-up truck owned and operated by an organization which provides car-sharing services to its members.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (446).

3.2 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 (446) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses;
- (c) Institutional Uses;

- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses; and
- (g) Accessory Use customarily ancillary to any use permitted by this section 3.2.

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 floor area must not exceed 41 434 m², except that approval by the Director of Planning of any dwelling use requires the concurrent or prior approval by the Director of Planning of at least 21 887 m² of office, retail, or service uses.

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, 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;
- (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 m² for a 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 3 048 m² 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 or Development Permit Board 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; and
- (c) floor area in double-height space which is to count once only.

Height

6.1 The building height, measured above the base surface to the top of the roof slab above the uppermost habitable floor, must not exceed 178 m.

6.2 Despite the preceding section 6.1 and sections 10.11.1 and 10.11.2 of the Zoning and Development By-law, mechanical appurtenances and decorative roof may increase the building height to no more than 182.9 m.

Parking, loading and bicycle storage

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 less than 44 m² of gross floor area, there must be at least 0.3 and no more than 0.5 parking spaces for each dwelling unit,

- (ii) for dwelling units of 44 m² or more of gross floor area but less than 70 m², the number of required and permitted parking spaces is to increase at a rate of 0.025 m² above 44 m² of gross floor area,
 - (iii) for dwelling units of 70 m² or more of gross floor area, the number of required and permitted parking spaces is to increase at a rate of 0.008 for each square metre, and
 - (iv) despite the preceding three clauses, each dwelling unit need have no more than two parking spaces and must have no more than 2.2 parking spaces;
- (b) for health club and spa uses, the following parking requirements apply:
- (i) any portion of the spa or health club uses that operates as an amenity for the sole use of hotel guests or site residents need not have any parking, and
 - (ii) any other spa use must provide parking as specified in Section 4.3.1 of the Parking By-law; and
- (c) 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 one co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number, or such greater substitution of co-operative vehicles and associated parking spaces at such ratio and for such number of dwelling units as they may consider appropriate with respect to the site.

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
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

Severability

9. 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.

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 23rd day of November, 2005

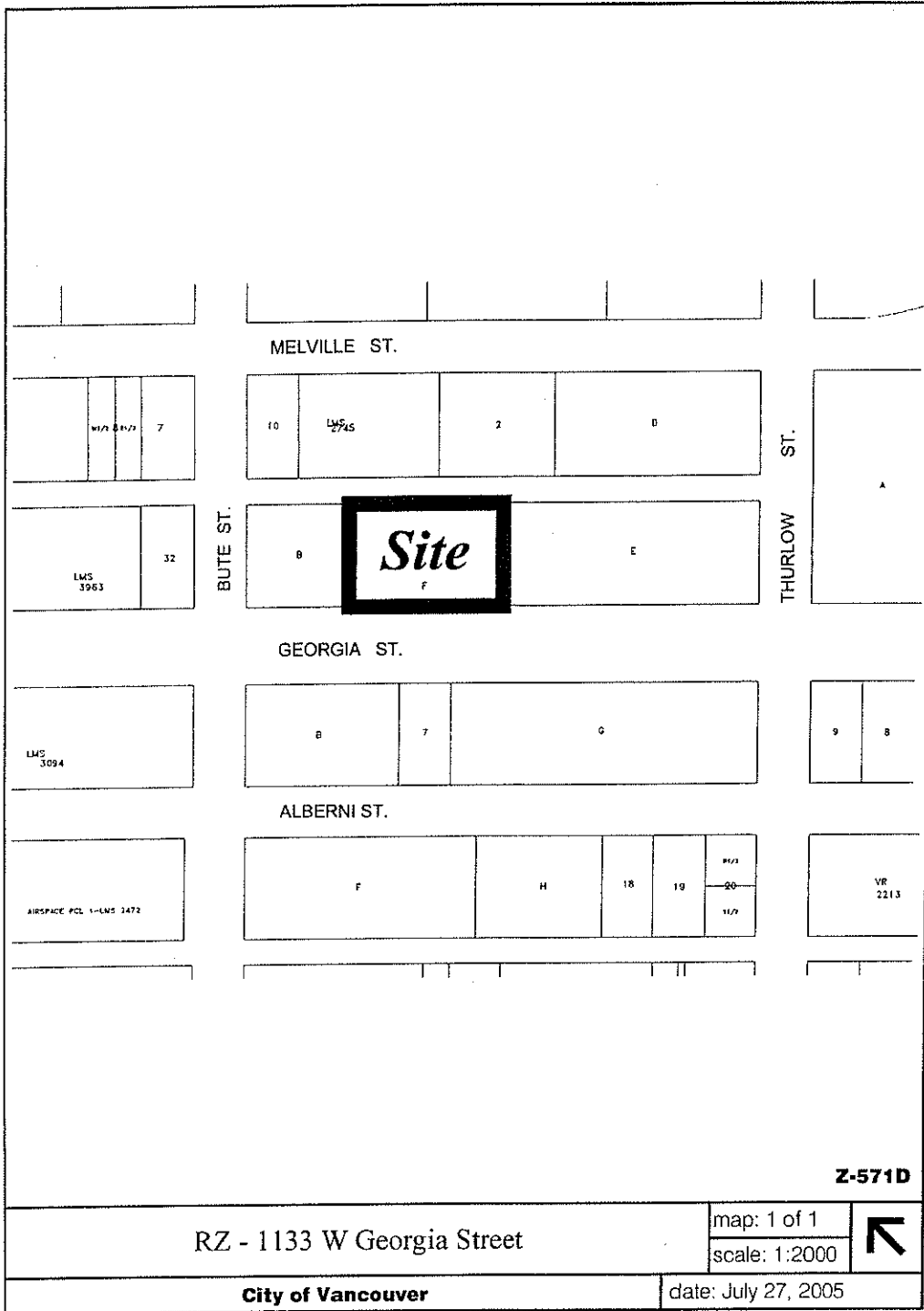


Deputy Mayor



City Clerk

Schedule A



development permit do not include approval of signage. Signs are regulated under the Vancouver Sign By-law and require separate application and permits.

AGREEMENTS

- (c) THAT, given the property owner's offer of a cash Community Amenity Contribution of \$33,300, this contribution be accepted and secured to the satisfaction of the General Manager, on terms and conditions satisfactory to the Director of Legal Services.

- B. THAT the Sign By-law be amended to establish regulations for this CD-1 to not permit facia signs above a height of 137 m above grade.

- C. THAT design development, as anticipated in A (a) and (b) above, be additionally undertaken to seek to maintain the appearance of the approved rooftop form, including consideration of an increase in the height of the building's curtain wall to match the increase in height of the mechanical room.

- D. THAT staff and applicant continue to explore low-cost opportunities at the development application stage to provide resident and limited public access to a rooftop viewing area, including the possibility of a live rooftop web-cam with a display in the development's public space.

CARRIED

(Councillors Ladner, Louie, Stevenson and Sullivan opposed to D)

3. Rezoning: 1133 West Georgia Street

An application by Musson Cattell Mackey Partnership Architects was considered as follows:

Summary: The proposed rezoning from Downtown District (DD) to Comprehensive Development District (CD-1) would permit a tall mixed-use building. Consequential amendments to the DD, the Sign By-law and Noise Control By-laws (at time of enactment) are required.

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

Also before Council were two memorandums dated September 15, 2005, from Phil Mondor, Rezoning Planner, Rezoning Centre, in which he put forward three additional recommendations in regard to Miscellaneous CD-1 By-law Amendments, a proposed Public Viewing Area, and a Community Amenity Contribution.

Staff Comments

Phil Mondor, Rezoning Planner, responded to questions concerning the proposed limited access public viewing area as described in his memorandum and the open space plaza or "green court".

Applicant Comments

Mark Thompson, Musson Cattell Mackey Partnership Architects, responded to questions regarding the feasibility of providing a public viewing area. He further noted it would be a challenge to provide such a viewing area on the top of the building and the applicants would prefer to explore the possibility of a public observation floor lower down in the building.

Summary of Correspondence

Council was advised that one letter in opposition to the application was received since referral to Public Hearing.

Speakers

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

Council Decision

A Council member expressed concern with regard to the proposed public viewing area and subsequent reduction of Community Amenity Contribution which would result if it were made a requirement of this application.

MOVED by Councillor Green

- A. THAT the application by Musson Cattell Mackey Partnership Architects on behalf of West Georgia Holdings Ltd. to rezone 1133 West Georgia Street (Lot F, Block 17, DL 185, Plan LMP 14977) from DD (Downtown District) to CD-1 (Comprehensive Development District) for a tall mixed-use building generally as outlined in Appendix A of the Policy report dated July 8, 2005 entitled "1133 West Georgia Street: Rezoning from DD to CD-1" 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 Musson Cattell Mackey Architects, and stamped "Received Planning Department, June 2, 2005", provided that the Director of Planning or the Development Permit Board, as the case may be, 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 final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of

Planning or Development Permit Board, as the case may be, who shall consider the following conditions:

DESIGN DEVELOPMENT - GENERAL

- (i) design development to the overall building envelope and character, proposed exterior building materials and detailing to ensure the intended architectural excellence, elegance, quality and character is achieved;

Note to applicant: aspects to consider include, among other things: glass specifications, a comprehensive exterior building sample board, description of window systems including potential rhythm of spandrel and vent components, lighting plan and signage plan.

- (ii) design development to refine the tower base in relationship to the upper portions of the tower and the adjacent building to enhance the overall building character and presence on West Georgia Street;

Note to applicant: aspects to consider include, among other things: the architectural scale, rhythm and material specifications; and review of the internal spaces at the base to provide more elegant spaces.

- (iii) design development to strengthen the definition of the green court facing West Georgia Street to enhance its public character;

Note to applicant: aspects to consider include, among other things: richness of materials and detailing, and lighting; fully detailed landscape plans including, among other things, plant types and irrigations systems should be provided.

- (iv) design development and of the Palm Court to clarify its programming and 'publicness';

Note to applicant: aspects to consider include, among other things: providing an agreement regarding hours of operation, security and maintenance; providing moveable chairs and public washrooms; refining the waterfall with consideration of making it more sustainable; and provision of public art.

- (v) design development to provide amenity area for the residents;

Note to applicant: The provision of on-site residential amenities should be clarified.

- (vi) design development on the lane side to enhance livability for the townhouses across the lane at 1166 Melville Street;

Note to applicant: aspects to consider include, among other things: the visual and acoustic characteristics of the Palm Court and the loading and passenger loading functions abutting the lane.

DESIGN DEVELOPMENT - LANDSCAPE

- (vii) 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), including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;

- (viii) Provide a full Landscape Plan;

Note to Applicant: Plan should have minimum scale of 1/8"=1'-0" illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements. All existing street trees, and public utilities such as lamp posts, hydro poles, fire hydrants, bike racks, benches and other street furnishings, etc. should be noted;

- (ix) Provide new street trees along Georgia Street in order to fill in the gap in the row of existing street trees

Note to Applicant: The West Georgia Street Tree and Sidewalk Design Guidelines will apply. New street trees should be spaced 8 m O.C and noted "Final species, quantity and spacing to the approval of City Engineer and Park Board", on the Landscape Plan. Street tree spacing and quantity, and tree species will be determined in consultation with Engineering Services.

- (x) An irrigation system shall be specified in all common planted areas. Notation to this affect should be added to the drawing;

Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Association of B.C. Standards and Guidelines.

- (xi) Provide a Landscape lighting plan.

Note to Applicant: These lighting details can be added to the Landscape plan.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (xii) 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.

PARKING, LOADING, BICYCLE PARKING AND PASSENGER LOADING

- (xiii) Provision of parking spaces to meet Parking By-law requirements regarding location, access and design; Note to Applicant: the following should be addressed:
- clarification of the number of parking levels that will have connections between this and the adjacent Terasen site is required;
 - the parking design should include corner cuts for the provision of independent two-way traffic flow where 200 or more vehicles are being served; Note: the connectivity to the adjacent Terasen site will impact this requirement.
 - the easterly angled parking space appears problematic;
 - the development and provision of a suitable loading connection to the coffee shop and the café will require careful review, as the current layout requires traversing through hotel front desk areas; and
 - a large coffee shop area with more than 16 seats may be required to provide parking and loading as a restaurant use.
- (xiv) Provision of loading spaces to meet Parking By-law requirements regarding number, location, access and design; Note to Applicant: the following should be addressed:
- loading facilities are significantly inadequate. The hotel requires two Class B loading spaces and one Class A loading space;
 - one residential loading space is required for the proposed 180 dwelling units;
 - loading should be taken underground to meet the loading needs of the proposal, with full compliance of Class B loading spaces dimensional and overhead clearance requirements;
 - the provision of 2 or more loading spaces will require a minimum unobstructed overhead clearance of 3.8 m or 12 ft. 6 in.; and

- the easterly courier space on P2 is obstructed by the service elevators and the tower structure.
- (xv) Provision of passenger spaces to meet Parking By-law requirements regarding number, location, access and design; Note to Applicant: the following should be addressed:
- one Class C (tour bus) passenger space is required for a 180-room hotel; and
 - three Class A passenger spaces are required (1 space/every 50 rooms).
- (xvi) Provision of bicycle spaces and bicycle room to meet Parking By-law requirements regarding number, location, access and design; Note to Applicant: the following should be addressed:
- the bicycle room may not be large enough; and
 - arrangements to ensure access to the shower/change facilities in the fitness club/spa for Class A commercial bicycle parking will be needed as per the Vancouver Building By-law (section 3.7.4.10);
- (xvii) Provision of garbage facilities to meet City requirements; Note to Applicant: proposed garbage facilities appear to be significantly inadequate; clarification is needed.

SUSTAINABILITY

- (xviii) Submission of a preliminary LEED score card showing proposed strategies for attainment of LEED silver, and arrangements for subsequent submission to CAGBC (Canada Green Building Council), to the satisfaction of the Director of Planning.

AGREEMENTS

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

ENGINEERING

- (i) to the satisfaction of the General Manager of Engineering Services,
- a) clarification of charges shown on title (charge summary should be provided) and, if necessary, modification, release, extension or replacement of such charges;

Note to Applicant: The summary is to include both a description of the charges and description of any impacts they might have on this proposed development.

- b) reciprocal rights of way agreements for vehicular and pedestrian access to the adjacent Terasen Gas building;
- c) discharge of the existing crossing and canopy agreements charged to the title of the land;
- d) 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 details to determine the extent of upgrading. Flow demands are necessary to determine upgrading needs and a \$1000.00 fee should be submitted to run flow monitoring and to determine the extent of upgrading which may be required.

- e) undergrounding of all new utility 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;

Note to Applicant: All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

- f) completion of the Georgia Street Public Realm streetscape requirements adjacent the site;

Note to Applicant: The West Georgia Street Tree and Sidewalk Design Guidelines will apply.

- g) upgrading of the lane entries at Thurlow Street and Bute Street to "Downtown concrete lane entries" standard;

Note to applicant: a separate application to the General Manager of Engineering Services will be required for any special paving or treatments to the lane, beyond the lane entries requested.

SOILS

- (ii) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter the property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion;
- (iii) execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Confirmations of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection;

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

Agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law; provided however the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

Agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the Downtown Official Development Plan be amended to remove this site from all map references.
- C. THAT the Sign By-law be amended to establish regulations for this CD-1 in accordance with Schedule B (DD) and provisions that a fascia sign above a height of 137 m above grade will not be permitted.
- D. THAT, subject to approval of the rezoning, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule A.
- E. THAT the CD-1 By-law be amended as follows:
 - (i) Section 5.1 to be amended by substituting '41 434 m²' for '40 932 m²';
 - (ii) Section 5.3 (f) 1 to be amended by substituting '3 048 m²' for '328 m²'; and

- (iii) Section 5.4 (d) to be deleted.
- F. THAT City Council accept the property owner's offer of a community amenity contribution of \$12.5 million, such offer to be secured prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and subject to the following allocation:
- (i) transfer of heritage bonus density, with a value of \$5 million, from a suitable donor site,
 - (ii) cash payment of \$1.2 million for the undertaking of public realm improvements in the Bute Street High Street character area and pedestrian corridor, similar to Triangle West standards, subject to a staff report back to City Council on the details of the proposed expenditures, and
 - (iii) cash payment of \$6.3 million to be subject to a future allocation by City Council to amenities in the area surrounding the site and in the downtown, such as childcare, affordable housing and cultural infrastructure, after a staff report back to City Council.

carried unanimously

AMENDMENT MOVED by Councillor Bass

THAT the following be added to the motion:

THAT staff and applicant explore low-cost opportunities at the development application stage to provide resident and limited public access to a rooftop viewing area.

LOST

(Councillors Cadman, Green, Ladner, Louie, Stevenson, Sullivan and the Mayor opposed)

The amendment having lost, the motion was put and CARRIED UNANIMOUSLY.

4. Rezoning: 6650 Arbutus Street

An application by Andrew Rozen of Polygon Development 108 Ltd. was considered as follows:

Summary: The proposed rezoning from One-Family Dwelling District (RS-5) to Comprehensive Development District (CD-1) would permit 28 townhouses.

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

Also before Council was a memorandum from Joanne Baxter, Rezoning Planner, Rezoning Centre, which noted the posted by-law for this application contained an error.

CITY OF VANCOUVER



SPECIAL COUNCIL MEETING MINUTES

SEPTEMBER 15, 2005

A Special Meeting of the Council of the City of Vancouver was held on Thursday, September 15, 2005, 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, Sign and Noise Control By-laws.

PRESENT:

Mayor Larry Campbell
 Councillor Fred Bass
 Councillor David Cadman
 Councillor Jim Green
 Councillor Peter Ladner
 Councillor Raymond Louie
 Councillor Tim Stevenson
 Councillor Sam Sullivan
 Councillor Ellen Woodsworth

ABSENT:

Councillor Tim Louis (Leave of Absence)
 Councillor Anne Roberts (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE:

Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
 SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY**1. Rezoning: 1750 Davie Street**

An application by Henriquez Partners Architects was considered as follows:

Summary: The proposed rezoning would permit a one-storey addition to the front of this existing building. Consequential amendments to the Sign and Noise Control By-laws are also required.

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

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 33rd 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 75th 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.

DD

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:

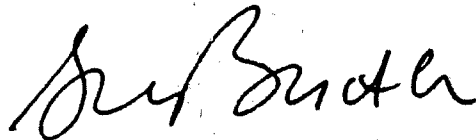
"Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."

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 m² of gross floor area, a minimum of one parking space for each unit plus one additional parking space for each 125 m² of gross floor area in excess of the initial 80 m², 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 13th day of June, 2006



Mayor



City Clerk

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

The Policy Report *CD-1 Rezoning: 311 West 2nd 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 27th 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.

1133 West Georgia Street

BY-LAW NO. 9575

A By-law to amend CD-1 By-law No. 9195

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

1. This By-law amends the indicated provisions of CD-1 By-law No. 9195.
2. In section 5.4, Council:
 - (a) in subsection (b), after “overhangs”, adds “, and any architectural canopy, trellis, or glazed roof that offers weather protection to open space available for common use by residents, visitors, or members of the public”;
 - (b) from the end of subsection (b), strikes out “and”;
 - (c) from the end of subsection (c), strikes out “.”, and substitutes “; and”; and
 - (d) after subsection (c), adds:
 - “(d) interior public space, including atria and other similar spaces, except that:
 - (i) the excluded area must not exceed the lesser of 10% of the permitted floor area and 557.42 m²,
 - (ii) a covenant and right of way in favour of the city, which sets out public access and use, must secure the excluded area, and
 - (iii) the Director of Planning must first consider all applicable policies and guidelines adopted by Council.”
3. Council:
 - (a) repeals section 5.1; and
 - (b) re-numbers sections 5.2 to 5.5 as sections 5.3 to 5.6.

4. After the title to section 5, Council inserts:

“5.1 Computation of floor space ratio must assume that the site consists of 2 426.2 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

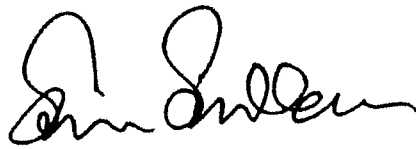
5.2 The floor space ratio must not exceed 17.74, except that approval by the Director of Planning of any dwelling use requires the concurrent or prior approval by the Director of Planning of office, retail, or service uses having a floor space ratio of at least 9.0.”

5. To section 7(a)(ii), after “0.025”, Council adds “parking spaces per”.

6. 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.

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

ENACTED by Council this 11TH day of December, 2007



Mayor



City Clerk

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 Stevenson
SECONDED by Councillor Anton

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 Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to amend Solid Waste By-law No. 8417 regarding recyclable material amendments and 2008 fee increases (By-law No. 9558)**
2. **A By-law to amend Water Works By-law No. 4848 regarding 2008 fee increases (By-law No. 9559)**
3. **A By-law to amend Sewer and Watercourse By-law No. 8093 regarding 2008 fee increases (By-law No. 9560)**
4. **A By-law to amend Building By-law No. 9419 to increase fees (By-law No. 9561)**
5. **A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 9562)**
6. **A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 9563)**
7. **A By-law to amend Miscellaneous Fees By-law No. 5664 regarding fee increases (By-law No. 9564)**
8. **A By-law to amend Private Property Tree By-law No. 7347 to increase fees (By-law No. 9565)**
9. **A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 9566)**
10. **A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 9567)**
11. **A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 9568)**

12. A By-law to amend Parking By-law No. 6059 to expand the boundaries of the payment-in-lieu map (By-law No. 9569)
13. A By-law to amend 2007 Taxation Exemption By-law No. 9392 regarding the Baptist Foundation of B.C. (By-law No. 9570)
14. A By-law to exempt from taxation certain lands and improvements pursuant to section 396 of the Vancouver Charter (By-law No. 9571)
15. A By-law to amend Vehicles for Hire By-law No. 6066 regarding 2008 taxicab fee increases (By-law No. 9572)
16. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 388 West 1st Avenue) (By-law No. 9573)
(Councillor Deal ineligible to vote on By-law No. 16)
17. A By-law to amend Sign By-law No. 6510 (re 388 West 1st Avenue) (By-law No. 9574)
(Councillor Deal ineligible to vote on By-law No. 17)
18. A By-law to amend CD-1 By-law No. 9195 (re 1133 West Georgia Street)
(By-law No. 9575)
19. A By-law to authorize the borrowing of certain sums of money from January 8, 2008 to January 7, 2009, pending the collection of real property taxes
(By-law No. 9576)
20. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 1529 West 33rd Avenue) (By-law No. 9577)
(Councillor Chow ineligible to vote on By-law No. 20)
21. A By-law to designate certain real property as protected heritage property (re 1529 West 33rd Avenue) (By-law No. 9578)
(Councillor Chow ineligible to vote on By-law No. 21)

- B. THAT the application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" (DD)) as set out in Appendix C to Policy Report "CD-1 Rezoning: 1695 Main Street" dated November 1, 2006, be approved.
- C. THAT the Noise Control By-law be amended to include this Comprehensive District in Schedule B as set out in Appendix C to Policy Report "CD-1 Rezoning: 1695 Main Street" dated November 1, 2006.

CARRIED UNANIMOUSLY

4. TEXT AMENDMENT: 1133 West Georgia Street

An application by Mark Thompson, Musson Cattell Mackey Partnership Architects was considered as follows:

Summary: To amend the CD-1 by-law to permit additional residential floor area of 1 607 m² (17,300 sq. ft.) within the approved form of development.

The Director of Planning recommended approval.

Also before Council was a memorandum dated December 1, 2006, from P. Mondor, Rezoning Planner, submitting a recommendation (included in the Summary and Recommendation) on the Community Amenity Contribution as follows:

THAT the registered owner's offer of a contribution be accepted and that, prior to enactment of the CD-1 By-law amendment, such offer be secured to the satisfaction of the Director of Legal Services through an agreement confirming that the registered owner has purchased heritage bonus density with value of \$1,583,000 from a suitable heritage donor site.

Staff Comments

Phil Mondor, Rezoning Planner, in response to questions from Council, referenced the above noted memorandum and provided clarification on the Community Amenity Contribution for this project and also confirmed the application is still within the commercial requirements for the site. Mr. Mondor also recognized the need to provide Council members with an information session related to Community Amenity Contributions.

Applicant Comments

John Davidson and Dane Jansen of Davidson Yuen Simpson Architects, on behalf of the applicant, Mark Thompson, Musson Cattell Mackey Partnership Architects, were present to answer 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

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

MOVED by Councillor Deal

- A. THAT the application by Musson Cattell Mackey Partnership Architects on behalf of West Georgia Holdings Ltd. to amend CD-1 By-law No. 9195 for 1133 West Georgia Street (Lot F, Block 17, DL 185, PLAN LMP14977) to increase the maximum floor area by 1 607 m² (17,300 sq. ft.), generally as represented in Appendix A to Policy Report "CD-1 Text Amendment: 1133 West Georgia Street" dated November 1, 2006, be approved.
- B. THAT the registered owner's offer of a contribution be accepted and that, prior to enactment of the CD-1 By-law amendment, such offer be secured to the satisfaction of the Director of Legal Services through an agreement confirming that the registered owner has purchased heritage bonus density with value of \$1,583,000 from a suitable heritage donor site.

CARRIED
(Councillor Anton opposed)

5. TEXT AMENDMENT: 1762 Davie Street

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

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

The Director of Planning recommended approval.

Backup Notes

By-law No. 10092, dated July 20, 2010

BY-LAW NO. 10092

A By-law to amend CD-1 By-law No. 9195

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

1. This By-law amends the indicated provisions of CD-1 By-law No. 9195.
2. From section 5.2, Council strikes out “17.74”, and substitutes “20.80”.
3. From section 6.1, Council strikes out “178” and “182.9”, and substitutes “182.88” and “187.76” respectively.
4. Council repeals section 7, and substitutes:

“Parking, loading, and bicycle spaces

7. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that there must be:

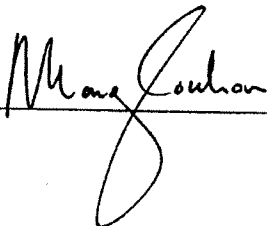
- (a) for non-dwelling uses, except for hotel:
 - (i) at least one parking space for each 145 m² of gross floor area,
 - (ii) no more than one parking space for each 115 m² of gross floor area, and
 - (iii) at least 1% of parking spaces designated as shared vehicle parking spaces for use by persons who are using a shared vehicle;
- (b) for dwelling uses:
 - (i) at least the lesser of one parking space for each 140 m² of gross floor area and one parking space for each dwelling unit,
 - (ii) no more than 0.5 parking space for each studio dwelling unit, one parking space for each one bedroom dwelling unit, 1.5 parking spaces for each two bedroom dwelling unit, and two parking spaces for each three or more bedroom dwelling unit,
 - (iii) 0.02 shared vehicle parking spaces for each dwelling unit, and, for parking calculation purposes, any number larger than or equal to 0.5 is to equal one,

- (iv) at least 0.008 loading spaces, Class A for one to 299 dwelling units, and
 - (v) at least 0.006 loading spaces, Class A for more than 299 dwelling units; and
- (c) for hotel use, no more than 0.4 parking space for each sleeping or housekeeping unit.”
5. 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.
6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 20th day of July, 2010



Mayor



City Clerk

BY-LAWS

Councillor Jang rose and confirmed he has received a report of the Public Hearing in regard to by-laws 3 and 4, and would therefore be voting on the enactment of the by-laws.

MOVED by Councillor Woodsworth
SECONDED by Councillor Cadman

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 2, 5, 11 and 13, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1, 3, 4, 6 through 10 and 12 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

1. **A By-law to amend CD-1 By-law No. 9195 (1133 West Georgia Street)**
(By-law No. 10092)
(Councillor Cadman ineligible to vote)
2. **A By-law to amend Vehicles for Hire By-law No. 6066 regarding chauffeur's permits**
(By-law No. 10093)
3. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (2330-2372 Kingsway and 2319 East 30th Avenue)** (By-law No. 10094)
(Councillors Meggs, Reimer, Stevenson, Woodsworth and the Mayor ineligible to vote)
4. **A By-law to amend Sign By-law No. 6510 (2330-2372 Kingsway and 2319 East 30th Avenue)** (By-law No. 10095)
(Councillors Meggs, Reimer, Stevenson, Woodsworth and the Mayor ineligible to vote)
5. **A By-law to enact a Housing Agreement for 5498 Fraser Street** (By-law No. 10096)
6. **A By-law to amend CD-1 By-law No. 8131 (1980 Foley Street - Great Northern Way Campus)** (By-law No. 10097)
(Councillors Deal and Stevenson and the Mayor ineligible to vote)
7. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (887 Great Northern Way)** (By-law No. 10098)
(Councillors Deal and Stevenson and the Mayor ineligible to vote)

REPORT TO COUNCIL
SPECIAL COUNCIL MEETING MINUTES

DECEMBER 8, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, December 8, 2009, 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 By-law.

PRESENT:

Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT:

Councillor David Cadman (Leave of Absence - Civic Business)

CITY MANAGER'S OFFICE:

Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE:

Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth

SECONDED by Councillor Louie

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

CARRIED UNANIMOUSLY

1. CD-1 TEXT AMENDMENT: 1133 West Georgia Street (Vancouver's Turn)

An application by Dane Jansen, dysarchitecture, was considered as follows:

Summary: To amend the CD-1 (Comprehensive Development) By-law to increase the maximum density from 17.74 FSR (floor space ratio) and the maximum height from 600 ft. to 616 ft. for this mixed-use hotel, commercial and residential building.

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

Also before Council was a Memorandum dated December 7, 2009 from the Rezoning Planner, which referred to the "Applicant's Comments" section on page 5 of the Policy Report dated November 3, 2009, entitled CD-1 Text Amendment: 1133 West Georgia Street (Vancouver's Turn), and noted that the Applicant had since withdrawn their objection to the car share provisions and are now in agreement with the recommendations and conditions as set out in the report, and that no action by Council is required on the matter.

Staff Opening Comments

Current Planning staff provided an overview of the application, and with the Applicant, responded to questions.

Summary of Correspondence

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

- 19 letters and emails in opposition
- 85 form letters in opposition
- 1 other email

Speakers

The Mayor called for speakers for and against the application.

The following delegations spoke in support of the application:

Pastor David Koop, Coastal Church

The following spoke in opposition to the application or noted concerns about the transfer of density, form of the tower, loss of views, parking, or the zoning by-law amendments.

Keith Lambert
Amos Michelson
Margaret Wallace
Andrew Terrett, Canadian Properties Inc.
Nick Bedford
Oscar Olvera
Chuck Brook, Brook + Associates

During the hearing of speakers, Current Planning staff and the Applicant responded to questions.

Council Decision

REFERRAL MOVED by Councillor Louie

THAT discussion and decision on the application by Holborn Development (West Georgia) Ltd. to amend CD-1 #446 (By-law No. 9195) for 1133 West Georgia Street to increase the maximum allowable floor space ratio and building height, generally as presented in Appendix A of the Policy Report, "CD-1 Text Amendment - 1133 West Georgia Street", dated November 17, 2009, be referred to the Regular Council meeting on December 15, 2009, as Unfinished Business.

CARRIED UNANIMOUSLY

At this point in the proceedings it was

MOVED by Councillor Deal

THAT, under Section 2.3(e) of the Procedure By-law, Council extend the meeting end time by one hour or less.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

~~2. REZONING: 1372 Seymour Street~~

~~An application by Beau Jarvis, Onni Group of Companies, was considered as follows:~~

~~Summary: To rezone from DD (Downtown) to CD-1 (Comprehensive Development) District to permit the construction of a 41-storey tower with a podium of 5 and 7 storeys. The maximum height would be 119.7 m (392 ft.) and the maximum FSR would be 7.82. 255 dwelling units are proposed, including 7 townhouses at grade with a residential amenity space and a 37 space childcare centre. An office/multi-use space for the Vancouver Society of Childcare Centre would also be provided.~~

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

~~Summary of Correspondence~~

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

- ~~▪ 4 emails in opposition~~



REPORT TO COUNCIL
REGULAR COUNCIL MEETING MINUTES

DECEMBER 15, 2009

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, December 15, 2009, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Deputy Mayor George Chow
Councillor Suzanne Anton
Councillor Heather Deal*
Councillor Kerry Jang*
Councillor Raymond Louie*
Councillor Geoff Meggs*
Councillor Andrea Reimer*
Councillor Tim Stevenson*
Councillor Ellen Woodsworth

ABSENT: Mayor Gregor Robertson (Leave of Absence - Civic Business)
Councillor David Cadman (Leave of Absence - Civic Business)

CITY MANAGER'S OFFICE: Penny Ballem, City Manager

CITY CLERK'S OFFICE: Marg Coulson, Acting City Clerk
Tina Hildebrandt, Meeting Coordinator

*Denotes absence for a portion of the meeting.

~~**PRAYER**~~

~~The proceedings in the Council Chamber were opened with a prayer read by Councillor Deal.~~

~~**ACKNOWLEDGEMENT - "Police Officer of the Year"**~~

~~Deputy Mayor Chow acknowledged Detective Constable Lisa Byrne as 2009 Police Officer of the Year and invited Det/Cst Byrne and Chief Constable Jim Chu to say a few words.~~

~~**ANNOUNCEMENT - Mitts for Kids**~~

~~Deputy Mayor Chow invited Mary Ann Clark to provide an overview on the Mitts for Kids program.~~

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Woodsworth

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Chow in the Chair.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Louie

THAT Council adopt Communication Items 1 and 2, Administrative Reports A1 to A3, A5, A7, A10 to A13, A16 and A17, and Policy Reports P2 and P3 on consent.

CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

1. TEXT AMENDMENT: 1133 West Georgia Street (Vancouver's Turn)

On Tuesday, December 8, 2009, Council concluded the Public Hearing on the above-noted matter, and referred discussion and decision to the Regular Council meeting on December 15, 2009, as Unfinished Business.

MOVED by Councillor Louie

THAT the application by Holborn Development (West Georgia) Ltd. to amend CD-1 #446 (By-law No. 9195) for 1133 West Georgia Street to increase the maximum allowable floor space ratio and building height, generally as presented in Appendix A, of the Policy Report, "*CD-1 Text Amendment - 1133 West Georgia Street*", dated November 17, 2009, be approved, subject to the following conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Musson Cattell Mackey Partnership/dys architecture, Architects, and stamped "Received City Planning Department, September 1, 2009", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:
 - (i) provision of one additional disability parking space;
 - (ii) provision of one additional Class A (taxi) passenger space, in accordance with the Parking By-law;

Engineering

- (iii) designate parking space #62 as a small car space, in order to provide the necessary room for a corner cut;
- (iv) modify and designate the parking space at gridline D6-D7 on parking levels P4 to P7 as a small car space;

Note to applicant: A standard-sized vehicle cannot park within the space without encroaching into the adjacent 12 ft. driving aisle.

- (v) re-orient the parking space at gridline C-3 on parking levels P4 to P8 to facilitate front-in entry into the parking space;
- (vi) delete parallel parking space 419 on level P8.

Note to applicant: Due to the curve in the drive aisle and limited stall length, access into the space is not possible.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (a) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, complete the following on terms satisfactory to the Director of Legal Services:

Engineering

- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 1. upgrading of the 200 mm sanitary sewer in the lane north of Georgia Street from Bute Street to the manhole east of Bute Street, to handle the additional loads on the sewer system from this proposal;
 2. provision of adequate water service to meet the fire flow demands of the project; and

Note to Applicant: The rezoning application lacks the details necessary to determine if watermain upgrading is required. Please supply additional project details including the projected fire flow

demands. Should upgrading be necessary, then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure the works.

3. provision of car-share agreement that provides for the following:
 - The provision, operation, and maintenance of car-share vehicles at a rate of 0.02 vehicles per dwelling unit.
 - If the calculation results in a fractional number, the nearest whole number above zero shall be taken. A fraction of one-half shall be rounded up to the next whole number.
 - Provision of shared vehicle parking spaces calculated in accordance with the by-law, with such parking spaces being in addition to the minimum parking spaces required by the by-law.
 - A professional car-sharing organization satisfactory to the Director of Planning and General Manager of Engineering Services must manage the carsharing vehicles.
 - The shared vehicle parking spaces must be publicly accessible 24/7 to members of the car-sharing organization who do not reside in the development.
 - The minimum residential parking can be further reduced up to 5 spaces in lieu of one car-share vehicle and parking space. A maximum of two carsharing vehicles per 100 units is to be available for this reduction in parking.

Community Amenity Contribution

- (ii) complete the purchase and transfer of heritage density with a value of \$7.28 million, from a suitable donor site(s);

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase(s), including the amount, sale price and total cost of the heritage density.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

CARRIED
(Councillor Woodsworth opposed)

~~2. **REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
1201-1215 Bidwell Street and 1702-1726 Davie Street**~~

~~On Thursday, December 10, 2009, Council concluded the Public Hearing on the above-noted matter, and referred discussion and decision to the Regular Council meeting on December 15, 2009, as Unfinished Business.~~

~~MOVED by Councillor Louie~~

- ~~A. THAT the application, by Henriquez Partners Architects on behalf of Millennium English Bay Properties Ltd, to rezone 1201-1215 Bidwell Street and 1702-1726 Davie Street (PID: 015752551, 015752640, 015752674, 014-499-029) Lot 8, Lot 9 except the west 50.75 feet and Lot A (see 17609K) of Lot 9, Block 62, District Lot 185, Plan 92) from C-5 (Commercial District) to CD-1 (Comprehensive Development District), to increase the density from 2.2 to 6.27 FSR to permit construction of a mixed-use development containing rental and condominium housing and at-grade commercial uses, generally in accordance with Appendix A, to the Policy Report "CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street", dated October 20, 2009, be approved subject to the following conditions:~~

~~**PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**~~

- ~~a. THAT the proposed form of development be approved by Council in principle, generally as prepared by Henriquez Partners Architects in plans and stamped "Received Planning Department, June 15, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.~~
- ~~b. THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:~~