



City of Vancouver *Zoning and Development By-law*

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planning@vancouver.ca

CD-1 (461)

3203-3229 West 10th Avenue

By-law No. 9588

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

Effective January 15, 2008

(Amended up to and including By-law No. 9619, dated April 1, 2008)

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

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (461).

2.2 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 (461) 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 Dwelling containing no more than 20 dwelling units;
- (b) Parking Uses, limited to Parking Garage containing no more than 37 parking spaces; and
- (c) Accessory Uses, limited to one resident manager's office for the Multiple Dwelling.

3 Density

3.1 Computation of floor area must assume that the site consists of 1 409.7 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The floor space ratio for all uses must not exceed 1.25.

3.3 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, 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 cross-sectional areas and included in the measurements for each floor at which they are located.

3.4 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;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are:
 - (i) at or below base surface, or
 - (ii) above base surface and where developed as off-street parking are situate in an accessory building situate in the rear yard, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, recreation facilities, and meeting rooms accessory to residential uses, not to exceed 10% of the permitted floor area;
- (e) undeveloped floor area located:
 - (i) above the highest storey or half-storey, and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) all 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 is to be no exclusion for any of the residential storage space above base surface for that unit; and

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9588 or provides an explanatory note.

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

4 Building height

The building height must not exceed 10.7 m, measured above the base surface.

5 Horizontal angle of daylight

5.1 Each habitable room in a building containing three or more dwelling units must have at least one window on an exterior wall.

5.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.

5.4 An obstruction referred to in section 5.2 means:

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

5.5 A habitable room referred to in section 5.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) less than 10% of the total floor area of the dwelling unit, or
 - (ii) less than 9.3 m².

5.6 If:

- (a) the Director of Planning or Development Permit Board first considers the intent of this CD-1 By-law and all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

[9619; 08 04 01]

6 Parking, loading, and bicycle spaces

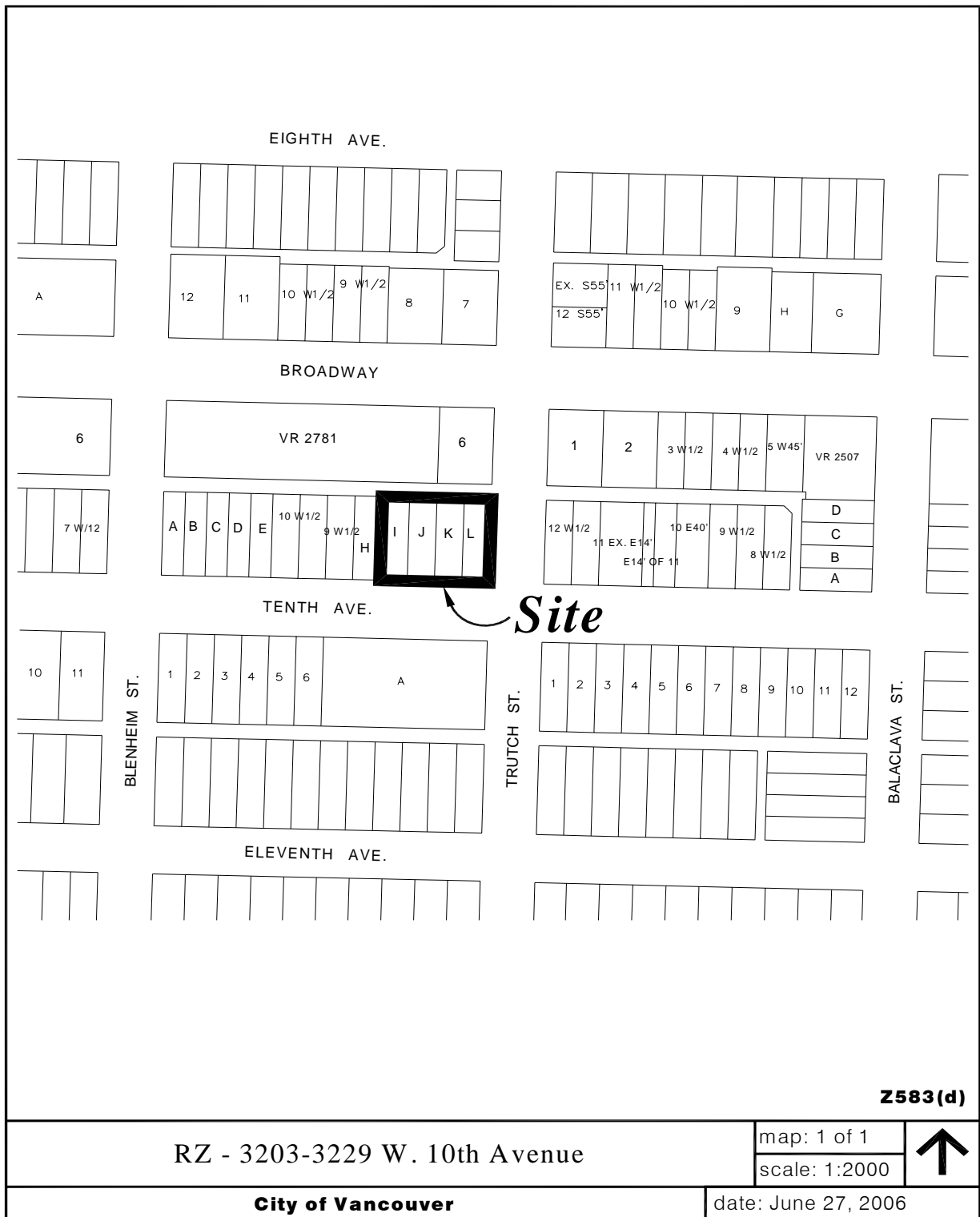
Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that there must be at least one parking space for each 70 m² of gross floor area of residential use and no more than 2.2 parking spaces are mandatory.

7 **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 |

8 **Severability**
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.

9 *[Section 9 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.]*



3203 - 3229 West 10th Avenue

BY-LAW NO. 9588

**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-583(d) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (461).

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

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- (b) Parking Uses, limited to Parking Garage containing no more than 37 parking spaces; and
- (c) Accessory Uses, limited to one resident manager's office for the Multiple Dwelling.

Density

3.1 Computation of floor area must assume that the site consists of 1 409.7 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The floor space ratio for all uses must not exceed 1.25.

3.3 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building; and
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- (e) undeveloped floor area located:
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Building height

- 4. The building height must not exceed 10.7 m, measured above the base surface.

Horizontal angle of daylight

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- (b) part of the same building including permitted projections;
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Parking, loading, and bicycle spaces

6. 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 at least one parking space for each 70 m² of gross floor area of residential use and no more than 2.2 parking spaces are mandatory.

Acoustics

7. 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.

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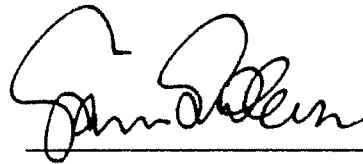
Severability

8. 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

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

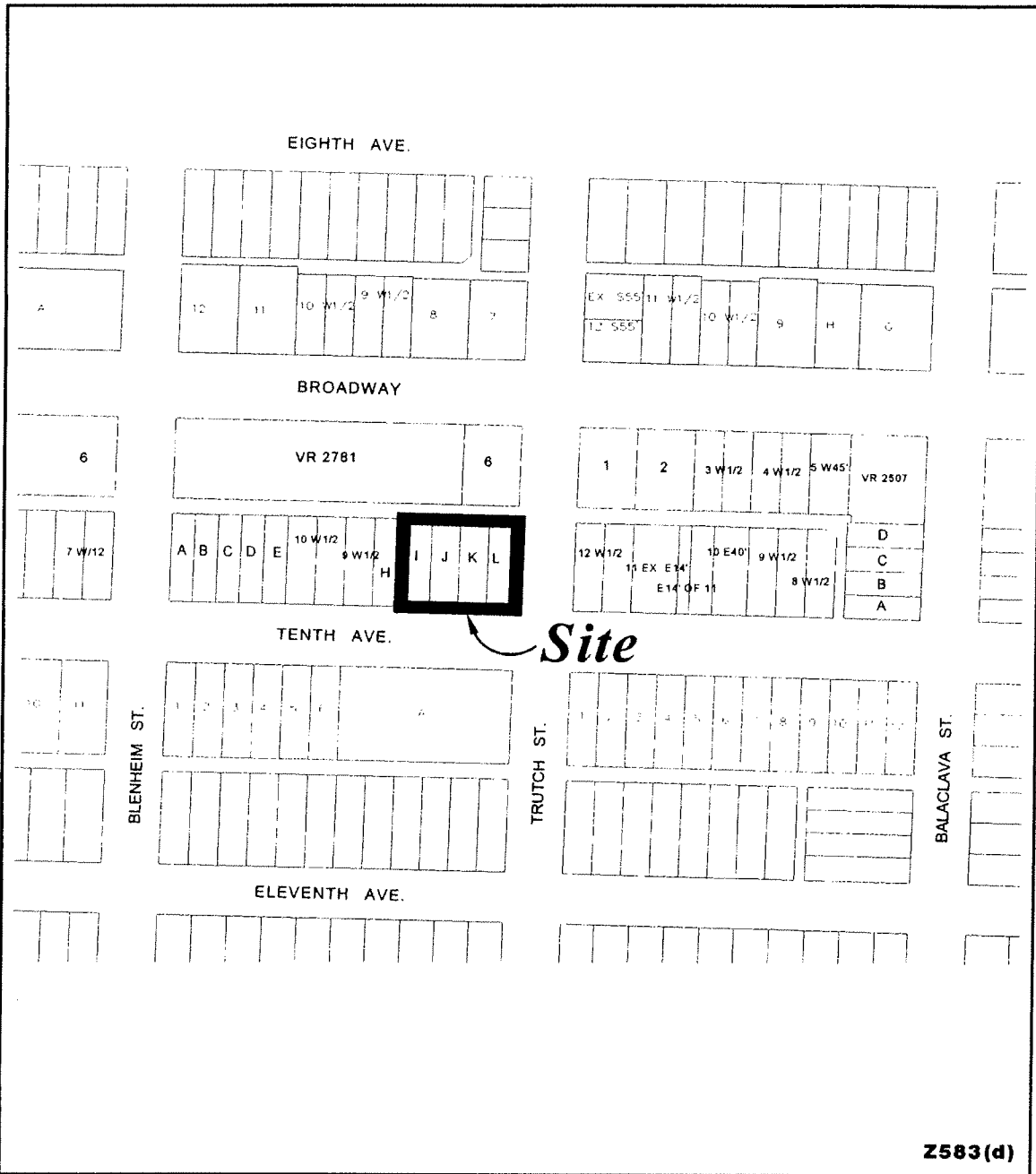
ENACTED by Council this 15th day of January, 2008



Mayor



City Clerk



Z583(d)

RZ - 3203-3229 W. 10th Avenue

map: 1 of 1
scale: 1:2000



City of Vancouver

date: June 27, 2006

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Louie

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

CARRIED UNANIMOUSLY

1. **A By-law to amend Noise Control By-law No. 6555 (re 388 West 1st Avenue) (By-law No. 9580)**
2. **A By-law to enact a Housing Agreement for 40 Powell Street (By-law No. 9581)**
3. **A By-law to enact a Housing Agreement for 399 Smithe Street (By-law No. 9582)**
4. **A By-law to enact a Housing Agreement for 3203-3229 West 10th Avenue (By-law No. 9583)**
5. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (By-law No. 9584)**
(Councillor Stevenson ineligible to vote on By-law No. 5)
6. **Heritage Taxation Exemption By-law for 6 Water Street (By-law No. 9585)**
7. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (By-law No. 9586)**
8. **Heritage Taxation Exemption By-law for 12 Water Street (By-law No. 9587)**
9. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 3203-3229 West 10th Avenue) (By-law No. 9588)**
10. **A By-law to amend Subdivision By-law No. 5208 (re 3203-3229 West 10th Avenue) (By-law No. 9589)**
11. **A By-law to amend Vehicles for Hire By-law No. 6066 to increase taxicab rates (By-law No. 9590)**

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.

- D. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

CARRIED UNANIMOUSLY

4. REZONING: 3203-3229 West 10th Avenue

An application by Robert Turecki, Robert Turecki Architect, was considered as follows:

Summary: To rezone from RS-5 One-Family Dwelling District to CD-1 Comprehensive Development District to permit development of 20 dwelling units on an existing commercial parking lot.

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

Also before Council was the following:

- Memorandum dated July 4, 2006, from J. Baxter, Rezoning Planner, submitting further recommendation as noted below:
- C. That the Proposed Conditions of Approval, Appendix C, page 4 of 5 be amended as follows (***bold italics denotes changes***):
1. Condition (c) (iii) to be amended to read “make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services ***to provide and maintain a minimum of 37 parking spaces on the rezoned lands for the benefit of the lands located at 3204 West Broadway (Lot 6, Block 59, D.L. 540, Plan 229)***;
 2. Condition (c) (v) to be amended to read “make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared ***equally*** between the City and the developer;
 3. Condition (c) (vi) to be amended to read “make arrangements, to the satisfaction of the General Manager of Engineering Services, for the undergrounding of all new utility services from the closest existing suitable service point. 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.

Staff Opening Comments

Rob Jenkins, Assistant Director, Current Planning Initiatives Branch, provided historic background on the project, noted neighbourhood concerns and meetings held to address those concerns, and provided highlights of the application currently before Council. Mr. Jenkins also drew Council's attention to staff's additional recommendations contained in the above referenced memorandum. Larry Beasley, Director of Current Planning, in response to a question from Council, advised that the applicant has agreed to secure eight residential market rental units for a period of fifteen years, rather than ten years, as previously agreed.

Applicant Opening Comments

Robert Turecki, Architect, provided Council with an overview of the process and initiatives undergone to date to address concerns of some neighbours, and also explained why approval of the development would not set a precedent. Mr. Turecki noted the development would provide much needed affordable housing in the neighbourhood, with both the character and smaller scale of nearby buildings reflected in his development. Mr. Turecki also noted financial support for the 10th and Trutch traffic signal would be provided, as well as additional parking to help alleviate neighbourhood congestion. Also submitted by Mr. Turecki were results/responses to his survey (on file in City Clerk's Office) of neighbourhood residents which requested feedback on the project.

Monty Simons, land owner, acknowledged the joint effort involved to provide a proposal which appeases all concerned, which includes a decrease in the number of townhouses, relocation of the parking entrance to the lane and provision of parking for guests and the nearby restaurant, as well as underground parking, which will address vandalism, loitering and car break-in issues.

Summary of Correspondence

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

- Thirty (30) letters in opposition to the application;
- Five (5) letters in support of the application; and
- One (1) other letter relating to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Greg Booth, Upper Kitsilano Residents Association

Andrew Bobyn
Colin Gorrie
Leah Whitehead
Susan Walsh
Bruno Rheaume
Graeme Webster, Upper Kitsilano Residents Association
Joan Bunn, Upper Kitsilano Residents Association
Veronica Ross
Lori Lochrie
Shelley Stuart
Gordon Clark
David Gardener
Host Weckwert
Aria Troller

A summary of comments provided by the foregoing speakers follows:

- do not grant this rezoning application;
- there are better sites nearby owned by the applicant and already zoned for this type of development;
- densification should be planned, not done on an ad hoc basis;
- the City should consider purchasing the site, which is close to many amenities, to create a greater community centre or senior citizens building;
- the community has, on a number of occasions, requested participation in a comprehensive visioning process; this needs to be done prior to consideration of the application;
- this rezoning will remove the site forever from other potential community uses and negatively impact the quality of life in our neighbourhood;
- existing traffic conditions are already dangerous, this development, including the proposed traffic light, will exacerbate this situation;
- this spot rezoning could set a precedent which would change the character and livability of our neighbourhood;
- supply of parking should not be the deciding factor for approval of this application; there is also the residential land use issue, and Council should consider the need to replace the St. James Community Centre and accessibility issues there as well;
- residents of this project will put a further strain on the already very busy facilities at the nearby community centre;
- there is no guarantee the rental housing offered in the development will be affordable;
- houses with suites, rather than a multiple unit complex, should be constructed on the four lots;
- no public benefit, just eight rental units for fifteen years;
- this project is out of scale with the existing streetscape along West 10th Avenue;
- 20 suites is more than double what could normally be accommodated on this lot;
- the traffic light offered by the development is not an adequate response to address safety issues;

- parks and community centre infrastructure is not in place to address increased density; and
- Kitsilano already has its share of densification, with the Brewery Lands, multi-unit developments along both 4th Avenue and Broadway, and secondary sites in almost every home.

Bev Ballantyne (brief filed), spoke in general support of the application, and noted it is a tiny step toward a more sustainable community, but also questioned the need for the large number of parking spaces and the proposed traffic light, will bring more traffic to the neighbourhood.

In response to questions from Council, Paul Pinsker, Parking Management Engineer, provided clarification on traffic and parking issues and Mr. Beasley explained why rezoning this site would not set a precedent. Cameron Gray, Director, Housing Centre, provided clarification on the type of rental housing proposed for the development, and both he and Mr. Beasley responded to questions in regard to the potential to build supportive housing on this site. Mr. Beasley also suggested Council may wish to request Engineering staff to review the traffic situation on West 10th Avenue and report back.

Applicant Closing Comments

In response to a question from Council, Mr. Turecki advised he was amenable to an added condition of rezoning - that the project achieve a LEED Silver level of green building construction.

Staff Closing Comments

Mr. Beasley advised this project has been continually reshaped to address neighbourhood issues brought forward over a number of years, and he believes this application is compatible and in scale with the surrounding area, and the security of rental units is a justifiable public benefit. Mr. Beasley noted additional parking has been offered, which Council could choose to make more generally available in the community, and suggested staff could be requested to review and come forward with mitigation measures to address the area's recognized traffic management problems. Mr. Beasley also suggested if this rezoning is not approved, the site will likely remain a parking lot; however if approved, the development would be attractive to some families, which will help address the strong need for any level of housing affordability in Vancouver.

Council Decision

MOVED by Councillor Ladner

- A. THAT the application by Robert Turecki, Architect, to rezone 3203-3229 West 10th Avenue (Lots I, J, K and L, Block 59, D.L. 540, Plan 22895) from RS-5 to CD-1, to permit a three and one-half storey multiple dwelling providing 20 dwelling units and a resident manager's office at a floor space ratio of 1.25 plus underground parking for an adjacent commercial use, generally as presented in Appendix A to Policy Report

“CD-1 Rezoning: 3203 - 3229 West 10th Avenue” dated May 18, 2006, 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 Robert Turecki, Architect, and stamped “Received City Planning Department, March 17 and April 6, 2006”, 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:

Design Development

- (i) design development to reduce the height of the building, at the northeast corner of the site, to a maximum height of 10.7 m (35.10 ft.);
- (ii) design development to better integrate the upper half storey and roof form to create a more cohesive rhythm and character in keeping with the surrounding single-family context;
- (iii) design development to the detailed architectural character and materials;

(Note to Applicant: This can include wide fascia and window trim, bay window detailing, brick with concrete lintels and wood siding and doors. The use of stucco should be avoided).
- (iv) design development to relocate the open exit stair proposed in the front yard on West 10th Avenue and replacing it with character landscaping;

(Note to Applicant: This can be achieved by relocating the exit to the lane, by placing an exit walkway adjacent to the parking ramp or by providing an internal exit with a flush door at the lane).
- (v) design development to improve the daylight access to the lower level units by reducing the setback area under the units above;
- (vi) design development to create a more visible and attractive access to the underground public parking spaces, including universal access;

(Note to Applicant: Handicap parking will be required in the public parking area. A glass enclosed stair with an elevator, which is separate and secure from residential users, should be provided at the corner of the lane at Trutch Street).
- (vii) design development to improve the visual appearance of the lane interface and parking ramp;

(Note to Applicant: This can be achieved by enclosing the garbage and hydro/gas services with decorative fencing. A trellis with vines over portions of the ramp and treating the sidewalls of the ramp with architectural concrete and reveals should be provided).

- (viii) design development to provide a small public seating area at the corner of Trutch Street and West 10th Avenue;

(Note to Applicant: This can be achieved by provision of a corner bulge adjacent to the corner, or other similar feature, with landscaping and furnishing to the satisfaction of the General Manager of Engineering Services);

- (ix) design development to explore the possibility of providing an appropriately located, designed and landscaped outdoor child play area;

(Note to Applicant: Use of toxic plants in areas accessed by children should be avoided. Landscape materials including plants should be interesting and safe and of a size and design to withstand use by children);

- (x) provision of a standard concrete lane crossing at the Trutch Street lane entry of the site;

- (xi) provision of setbacks generally as shown on the drawings, notably:
2.3 m (7.5 ft.) from West 10th Avenue;

- 3.8 m (12.5 ft.) from Trutch Street;
- 1.3 m (4.3 ft.) from the west property line;
- 2.9 m (9.5 ft.) from the north property line;

- (xii) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

Landscape

- (xiii) design development to create a residential looking front yard that is contextual with the other one-family dwellings on West 10th Avenue. This can be accomplished by narrowing the entrance walkways to 1.2 m (4 ft.) and deleting one of the ground floor patios;

- (xiv) provision of adequate planting depth for the inner row of trees proposed for West 10th Avenue and for Trutch Street. The underground slab may need to be sloped downwards to accommodate the required planting depth.

(Note to Applicant: All inner trees to be planted on private property. Section A shows the underground slab extending at grade to the property line).

- (xv) provision at time of full development permit application of a full Landscape Plan (in the front, sides and rear yard) illustrating proposed plant materials

(common and botanical names), sizes and quantities; notations of existing trees to be retained; paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale;

- (xvi) provision at the time of full development permit application of large scale sections (1/4" = 1' or 1:50) illustrating the planting depths for the internal courtyard and the private deck planters and also illustrating the detailed treatment of the public realm interface (townhouse, private patio, street, etc.) including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;
- (xvii) provision of one additional street tree in the outer boulevard of West 10th Avenue where the existing curb cut is to be removed;
- (xviii) provision of a water conserving landscape through the use of a high efficiency irrigation system and drought resistant plants. A note to this effect should be added to the Landscape Plan; and

Crime Prevention through Environmental Design (CPTED)

- (xix) design development to reduce opportunities for theft in the underground parking area.

(Note to Applicant: This can be achieved by providing secure separation for residential from public parking including circulation and access to services).

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) consolidate Lots I to K, Block 59, D.L. 540, Plan 22895;
 - (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the provision of adequate water service for the proposed development

(Note to Applicant: The application does not contain adequate information to determine if water system upgrading is necessary. Please provide fire flow demands for this proposal to determine if system upgrading is necessary);

- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to provide and maintain a minimum of 37 parking spaces on the rezoned lands for the benefit of the lands located at 3204 West Broadway (Lot 6, Block 59, D.L. 540, Plan 229);

- (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a pedestrian signal at Trutch Street and West 10th Avenue or Trutch Street and West Broadway within 5 years of occupancy of the site. The costs are to be shared equally between the City and the developer;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared equally between the City and the developer;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services, for the undergrounding of all new utility services from the closest existing suitable service point. 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;
- (vii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services, and

HOUSING AGREEMENT

- (viii) Make arrangements to the satisfaction of the Director of the Housing Centre and the Director of Legal Services by way of a Housing Agreement, to secure eight residential market rental units, for a period of fifteen years; where the Director of Legal Service deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other City officials and City Council.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning: 3203 - 3229 West 10th Avenue" dated May 18, 2006.
- C. THAT a Parking Management Plan be secured as part of the Development Permit for this project, including some general availability for area demands.
- D. THAT the General Manager of Engineering Services review the traffic and safety situation on West 10th Avenue and report back on traffic management and remediating measures.
- E. THAT the project achieve a LEED Silver level of green building construction.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

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 Stevenson

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:40 p.m.

* * * * *



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

JULY 18, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 18, 2006, 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 and Sign By-laws.

PRESENT:

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

CITY CLERK'S OFFICE:

Denise Salmon, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
 SECONDED by Councillor Ladner

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

CARRIED UNANIMOUSLY**1. REZONING: 360 West 1st Avenue**

An application by Scott Baldwin, Polygon Homes, was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit development of a 13-storey residential tower and a row of 3-storey townhouses in the Southeast False Creek Official Development Plan (SEFC ODP) area.

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

Miscellaneous text amendments

BY-LAW NO. 9619

A By-law to amend CD-1 By-law No. 9588

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

1. After section 5.5 of CD-1 By-law No. 9588, Council adds:

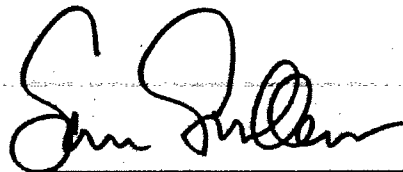
"5.6 If:

- (a) the Director of Planning or Development Permit Board first considers the intent of this CD-1 By-law and all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement."

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

ENACTED by Council this 1st day of April, 2008



Mayor



City Clerk

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Ladner

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

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text amendments) (By-law No. 9616)
(Councillors Capri, Ladner, Louie and Stevenson ineligible to vote on By-law 1)
2. A By-law to amend Sign By-law No. 6510 (re miscellaneous text amendments) (By-law No. 9617)
(Councillors Capri, Ladner, Louie and Stevenson ineligible to vote on By-law 2)
3. A By-law to amend CD-1 By-law No. 9116 (re miscellaneous text amendments) (By-law No. 9618)
(Councillors Capri, Ladner, Louie and Stevenson ineligible to vote on By-law 3)
4. A By-law to amend CD-1 By-law No. 9588 (re miscellaneous text amendments) (By-law No. 9619)
(Councillors Capri, Ladner, Louie and Stevenson ineligible to vote on By-law 4)
5. A By-law to amend Vancouver Development Cost Levy By-law No. 8149 regarding community energy centres (By-law No. 9620)
6. A By-law to amend Area Specific Development Cost Levy By-law No. 9418 regarding community energy centres (By-law No. 9621)
7. A By-law to amend CD-1 By-law No. 9454 (re the Olympic Village) (By-law No. 9622)
(Councillors Deal and Lee ineligible to vote on By-law 7)
8. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 801 West Georgia Street) (By-law No. 9623)



CITY OF VANCOUVER

CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

MARCH 11, 2008

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, March 11, 2008, at 8:00 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law, CD-1 By-law, Sign By-law, and False Creek North Official Development Plan.

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

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Chow

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning and Development By-law, CD-1 Bylaw, Sign By-law and False Creek North Official Development Plan.

CARRIED UNANIMOUSLY
(Councillors Capri, Ladner, Louie and Stevenson absent for the vote)

1. TEXT AMENDMENT: Miscellaneous Text Amendments

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

Summary: Miscellaneous text amendments to the Zoning and Development By-law, CD-1 (Comprehensive Development) By-laws, and the Sign By-law. The amendments achieve the intent of earlier rezonings.

The Director of Planning recommended approval.

Staff Comments

Michelle McGuire, Planning Analyst, Rezoning Centre, was present to respond to questions.

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Anton

THAT the application to amend the Zoning and Development By-law, Sign By-law and CD-1 By-laws for miscellaneous amendments generally as presented in Appendix A to Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, Sign By-law and CD-1 By-laws" dated January 28, 2008, be approved.

CARRIED UNANIMOUSLY

(Councillors Capri, Ladner, Louie and Stevenson absent for the vote)

2. TEXT AMENDMENT: 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue

An application by Pinnacle International (West First) Plaza Inc. was considered as follows:

Summary: To amend the CD-1 By-law for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue to allow a one-storey increase in the building height and a revised form of development for 27-99 West 2nd Avenue, in addition to other miscellaneous amendments.

The Director of Planning recommended approval.

Staff Comments

Trish French, Assistant Director of Current Planning, explained the application.

Applicant Comments

John Bingham and Robert Duke, Howard Bingham Hill Architects, and Mike De Cotiis and Vito De Cotiis, Pinnacle International, were present to respond to questions.