



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7000 fax 604.873.7060
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CD-1 (462)

*102-160 West 1st Avenue
(now known as 140 West 1st Avenue)
By-law No. 9594*

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

Effective February 12, 2008

(Amended up to and including By-law No. 10228, dated March 1, 2011)

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

In this By-law, despite section 2 of the Zoning and Development By-law, “base surface” means the base surface calculated from the official established building grades.

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (462).

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

- (a) Cultural and Recreational Uses, limited to Theatre;
- (b) Dwelling Uses, in conjunction with any of the uses listed in this section 3.2; [9598; 08 02 12]
- (c) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, Community Care Facility and Group Residence; [9674; 08 06 24]
- (d) Live-Work Use;
- (e) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, and Wood Products Manufacturing - Class B;
- (f) Office Uses;
- (g) Parking Uses;
- (h) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;
- (i) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Catering Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant – Class 1, School – Arts or Self-Improvement, School – Business, and Production or Rehearsal Studio;
- (j) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (k) Interim Uses not listed in this section 3.2, and accessory uses customarily ancillary to them, if:
 - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
 - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
 - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (462), and
 - (iv) any development permit for an interim use has a time limit of three years.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9594 or provides an explanatory note.*

4 Conditions of use

- 4.1** Dwelling units are in an “intermediate zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.
- 4.2** The design and lay-out of at least 20% of the dwelling units must:
[10228; 11 03 01]
- (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council’s “High Density Housing for Families with Children Guidelines”.
- 4.3** All uses except dwelling uses must have direct access to grade.
- 4.4** Any development permit issued for live-work uses must stipulate as permitted uses:
- (a) dwelling units;
 - (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and
 - (c) dwelling unit combined with any uses set out in subsection (b).

5 Density

- 5.1** Computation of floor area must assume that the site consists of 7 023.79 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 area for all uses, combined, must not exceed 36 666 m².
[10228; 11 03 01]
- 5.3** Computation of floor area must include 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.
- 5.4** Computation of floor area must exclude:
- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
 - (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below 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) 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;
 - (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 1 000 m²; and
 - (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.

- 5.5** Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:
- (a) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
 - (b) 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%;
 - (c) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
 - (d) unenclosed outdoor areas at grade level underneath building overhangs, if:
 - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
 - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
 - (e) open to below spaces or double height volumes on the second storey units if the location of the first floor is within 2 m of grade to a maximum of 15% of the floor area of the first floor of that unit for residential and live-work units;
 - (f) passive solar appurtenances on buildings that help mitigate solar gain; and
 - (g) trellises and other garden structures which support the use of intensive green roofs and urban agriculture.

5.6 The use of floor space excluded under section 5.4 or 5.5 must not include any purpose other than that which justified the exclusion.

6 Building height

6.1 The building height, measured above base surface, must not exceed 52 m.
[10228; 11 03 01]

6.2 Despite section 6.1, maximum building height does not include mechanical penthouse, trellises, and other garden structures which support the use of intensive green roofs or urban agriculture, as provided by section 10.11 of the Zoning and Development By-law.

7 Setbacks

The setback of dwelling use, retail use, or live-work use must be at least 1.5 m from the rear property line at the lane, except that passive solar appurtenances on buildings that help mitigate solar gain may project into the setback.

8 Horizontal angle of daylight

8.1 Each habitable room must have at least one window on an exterior wall of a building.

8.2 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.

8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.

- 8.4** If:
- (a) the Director of Planning or Development Permit Board first considers 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.

- 8.5** An obstruction referred to in section 8.2 means:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 (462).

- 8.6** A habitable room referred to in section 8.1 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.

9 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 loading space, Class C for theatre use in place of the first loading space, Class B required for that use under the Parking By-law.

10 Acoustics

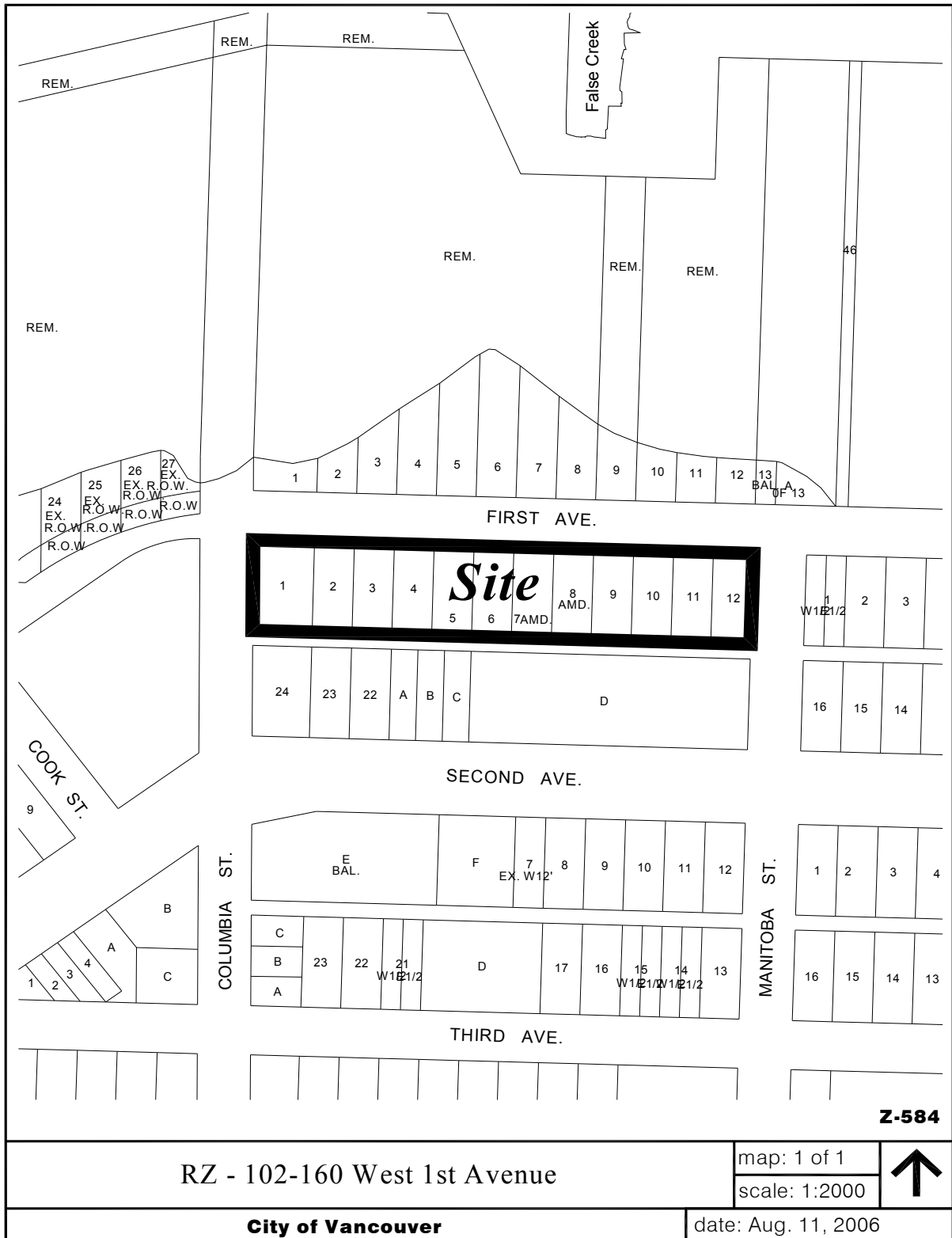
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level 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

11 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.

- 12** *[Section 12 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*



Backup Notes

102 - 160 West 1st Avenue

BY-LAW NO. 9594

**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-584 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2. In this By-law, despite section 2 of the Zoning and Development By-law, "base surface" means the base surface calculated from the official established building grades.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (462).

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

- (a) Cultural and Recreational Uses, limited to Theatre;
- (b) Dwelling Uses, limited to Multiple Dwelling;
- (c) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
- (d) Live-Work Use;
- (e) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products

Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, and Wood Products Manufacturing - Class B;

- (f) Office Uses;
- (g) Parking Uses;
- (h) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;
- (i) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Catering Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant - Class 1, School - Arts or Self-Improvement, School - Business, and Production or Rehearsal Studio;
- (j) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (k) Interim Uses not listed in this section 3.2, and accessory uses customarily ancillary to them, if:
 - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
 - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
 - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (462), and
 - (iv) any development permit for an interim use has a time limit of three years.

Conditions of use

4.1 Dwelling units are in an “intermediate zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.

4.2 The design and lay-out of at least 25% of the dwelling units must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms; and

- (c) comply with Council's "High Density Housing for Families with Children Guidelines".

4.3 All uses except dwelling uses must have direct access to grade.

4.4 Any development permit issued for live-work uses must stipulate as permitted uses:

- (a) dwelling units;
- (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio - class A; and
- (c) dwelling unit combined with any uses set out in subsection (b).

Density

5.1 Computation of floor area must assume that the site consists of 7 023.79 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 area for all uses, combined, must not exceed 33 149.57 m².

5.3 Computation of floor area must include 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.

5.4 Computation of floor area must exclude:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below 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) 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;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 1 000 m²; and
- (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.

5.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
- (b) 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%;
- (c) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
- (d) unenclosed outdoor areas at grade level underneath building overhangs, if:
 - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
 - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (e) open to below spaces or double height volumes on the second storey units if the location of the first floor is within 2 m of grade to a maximum of 15% of the floor area of the first floor of that unit for residential and live-work units;

- (f) passive solar appurtenances on buildings that help mitigate solar gain; and
- (g) trellises and other garden structures which support the use of intensive green roofs and urban agriculture.

5.6 The use of floor space excluded under section 5.4 or 5.5 must not include any purpose other than that which justified the exclusion.

Building height

6.1 The building height, measured above base surface, must not exceed 47 m.

6.2 Despite section 6.1, maximum building height does not include mechanical penthouse, trellises, and other garden structures which support the use of intensive green roofs or urban agriculture, as provided by section 10.11 of the Zoning and Development By-law.

Setbacks

7. The setback of dwelling use, retail use, or live-work use must be at least 1.5 m from the rear property line at the lane, except that passive solar appurtenances on buildings that help mitigate solar gain may project into the setback.

Horizontal angle of daylight

8.1 Each habitable room must have at least one window on an exterior wall of a building.

8.2 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.

8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.

8.4 If:

- (a) the Director of Planning or Development Permit Board first considers 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.

- 8.5 An obstruction referred to in section 8.2 means:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 (462).
- 8.6 A habitable room referred to in section 8.1 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.

Parking, loading, and bicycle spaces

9. 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 loading space, Class C for theatre use in place of the first loading space, Class B required for that use under the Parking By-law.

Acoustics

10. 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

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.

Force and effect

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

ENACTED by Council this 12th day of February, 2008

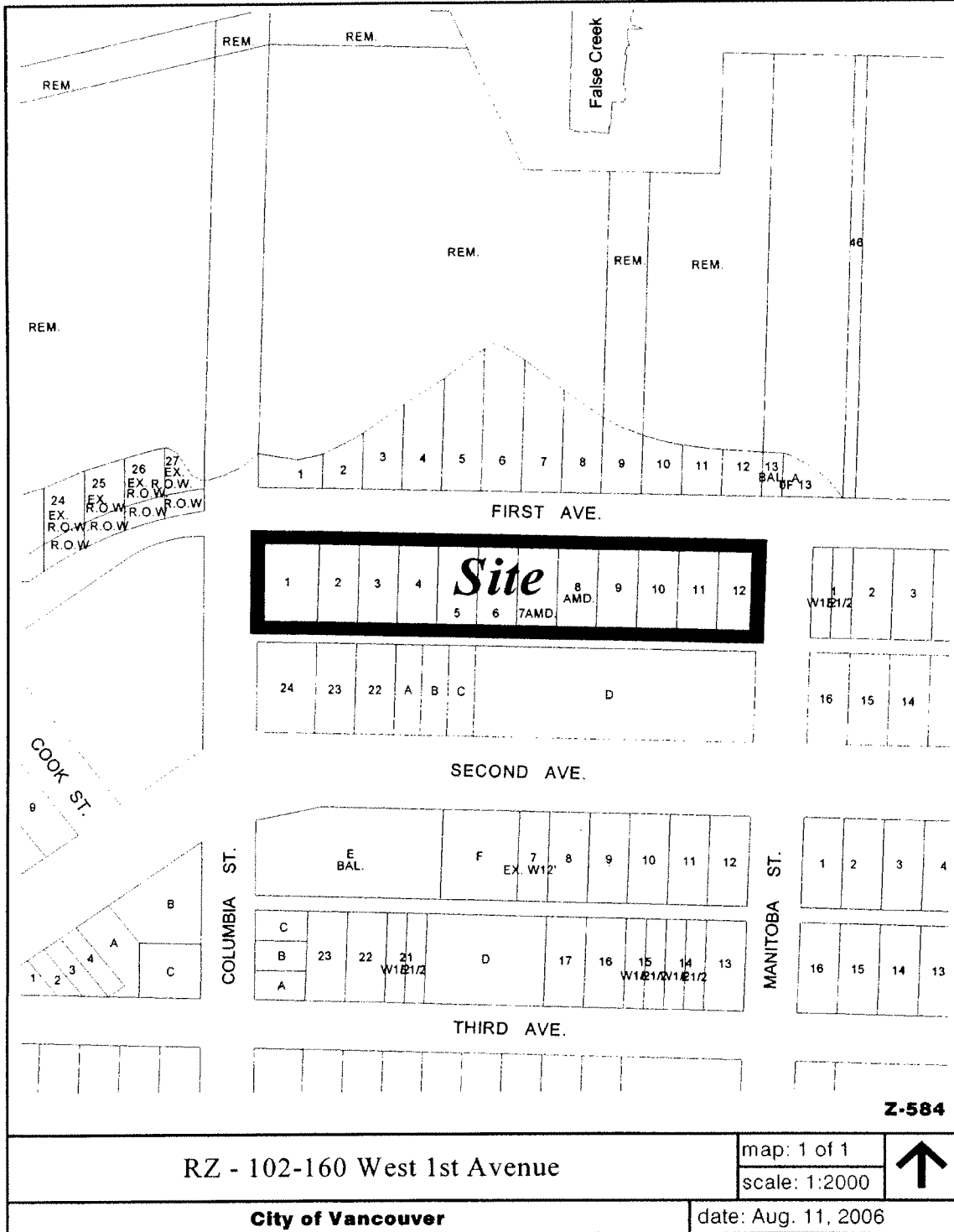


Mayor



City Clerk

Schedule A



Z-584

RZ - 102-160 West 1st Avenue

map: 1 of 1

scale: 1:2000



City of Vancouver

date: Aug. 11, 2006

140 West 1st Avenue

BY-LAW NO. 9598

A By-law to amend CD-1 By-law No. 9594


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

1. From section 3.2(b) of By-law No. 9594, Council strikes out "limited to Multiple Dwelling", and substitutes "in conjunction with any of the uses listed in this section 3.2".
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 12th day of February, 2008



Mayor



City Clerk

BY-LAWS

MOVED by Councillor Chow
SECONDED by Councillor Stevenson

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 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 Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 102-160 West 1st Avenue [now known as 140 West 1st Avenue]) (By-law No. 9594)**
2. **A By-law to amend Sign By-law No. 6510 (re 102-160 West 1st Avenue [now known as 140 West 1st Avenue] (By-law No. 9595)**
3. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 4887 Cambie Street) (By-law No. 9596**
(Councillor Chow ineligible to vote on By-law No. 3)
4. **A By-law to amend Subdivision By-law No. 5208 (re 4887 Cambie Street) (By-law No. 9597)**

Council Decision

MOVED by Councillor Anton

THAT the application by IBI/HB Architects, to amend CD-1 By-law No. 8439 (reference No 409) for 1128 West Hastings Street (Strata Lots 1-466, DL 185, Strata Plan LMS 4107 and Strata Lots 1-39, DL 185, Strata Plan LMS 4114) to permit a small increase in floor space ratio, generally as presented in Appendix A to Policy Report "CD-1 Text Amendment - 1128 West Hastings Street" dated July 4, 2006", be approved, subject to the following conditions:

FORM OF DEVELOPMENT

THAT the proposed amendment to the form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received Planning Department, June 30, 2006", provided that the Director of Planning may allow minor alterations when approving the detailed scheme of development.

AGREEMENTS

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 \$180,000 from a suitable heritage donor site.

CARRIED UNANIMOUSLY

5. Rezoning: 102 - 160 West 1st Avenue

An application by Gomberoff Bell Lyon Architects on behalf of Wall Financial Corporation, was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District a site in the Southeast False Creek Official Development Plan (SEFC ODP) area to permit development of four mid-rise residential buildings, the highest being 15-storeys, plus a cultural amenity for the Playhouse Theatre Company.

The Director of Planning and the Managing Director of Cultural Services recommended approval.

Staff Comments

John Madden, Planner, provided an overview of the application.

Applicant Comments

Stuart Lyon, GBL Architects Group and Bruno Wall, Wall Financial Corp., were present to respond to questions.

Summary of Correspondence

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

Speakers

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

Darlene Howard, Playhouse Theatre, spoke in support of the application and noted the project represents another positive step for Vancouver in building a world class city. She advised the Playhouse and its Board of Governors fully support the rezoning and are committed to the project which will allow them to showcase their works in a dynamic new space.

Council Decision

MOVED by Councillor Ball

- A. THAT the application by GBL Architects on behalf of Wall Financial Corporation to rezone 102 to 160 West 1st Avenue (Lots 1 to 6,7 AMD, 8 AMD, and 9-12, Blk 10, DL 200A, Plan 197) from M-2 to CD-1, generally as presented in Appendix A to Policy Report "CD-1 Rezoning and Cultural Amenity Bonus: 102 - 160 West 1st Avenue (Playhouse Theatre Company Site)" dated July 12, 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 Gomberoff Bell Lyon Architects Group Inc., and stamped "Received Planning Department, April 19, 2006", 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, who shall consider the following conditions:

DESIGN DEVELOPMENT - GENERAL

- (i) design development to the theatre uses on the street and mews to maximize interaction and pedestrian amenity through the use of display windows, openings and continuous weather protection on the streets;
- (ii) design development to improve livability and ensure privacy to residential units facing the lane at the upper levels to accommodate future mid-rise massing on the site to the south, across the lane;

Note to Applicant: This can be achieved by ensuring all primary living spaces face east or west with secondary living spaces such as bedrooms only facing the lane and by refining the mid-rise and tower massing at the upper levels to narrow the width or provide additional setbacks.

- (iii) provide high quality, durable architectural materials and detailing including rain protection overhangs and response to solar orientation;
- (iv) design development to the Manitoba Street sidewalk and public realm to ensure adequate width to allow outdoor display of goods, seating, and other commercial activities adjacent to the building edge;
- (v) design development to include an accessible washroom associated with the building's amenity room in accordance with the City's High Density Housing for Families with Children Guidelines;

CPTED (Crime Prevention through Environmental Design)

- (vi) design development to take into consideration the principles of CPTED having particular regard to reducing opportunities for:
 - theft in the underground parking:
 - ground level break and enter;
 - mail theft;
 - mischief in alcoves and on the public walkway; and
 - graffiti on blank wall surfaces.

LANDSCAPE DESIGN

Public, Semi-Public Realm Treatment

- (vii) provision of semi-public and semi-private spaces that are consistent with the South East False Creek Public Realm Plan. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities;

- (viii) design development to improve the landscape response to the building walls and setback areas on the lane by providing 'green walls' and hedging within the setback areas;

Technical

- (ix) provision of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation 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;
- (x) provision of large scale (1/4"=1' or 1:50) partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the streets and lanes; including planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios, and privacy screens;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Underground parking roofs may need to be reconfigured to increase soil depth. Underground parking to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting depth for inner boulevard trees and planters. Continuous soil troughs for street and lane trees and climbing plants for walls should be provided wherever possible.

- (xi) provision at the time of development permit application of a detailed Landscape Design Rationale explaining the programming and uses of outdoor spaces and landscape structures. This should include a discussion of any aspects of landscaping sustainability that are proposed for the site such as landscaped lane treatments, continuous trenches for tree pits, green walls, extensive green roofs, use of captured stormwater for irrigation or water features or provisions for urban agriculture.
- (xii) provision at the time of development permit application of a Lighting Plan for the site;
- (xiii) provision of hose bibs for all patios that cannot be serviced by at grade non-potable water;

Specific Landscape Conditions

- (xiv) design development to the public pedestrian mews to provide a safe and pedestrian friendly walking connection between West 1st Avenue and the lane. The space should be visually accessible from the street and from the lane. The separation between the public space and the townhouse patios should be well defined. There should be partial views through from the patios to the public walkway to provide 'eyes on the street';

Note to applicant: The walls at the south end of the pool should be deleted as they block views into the commons. Consideration should be given to having a central pathway instead of two pathways at each side of the space. Grade level planting bed could be added in front of the raised patio areas to provide additional separation between the spaces. Security gates should be provided if the commons is to be locked at night. Pedestrian level lighting should be provided if the commons is to remain open at night. The walkways to the townhouses facing the commons should be provided with gates.

- (xv) design development to the south facing courtyard adjacent to the lane to delete the proposed evergreen trees and provide enough deciduous trees to allow some sunlight and some shade for the children's play area in summer. The lane edge planter and fencing should provide some transparency as well as security for this courtyard space;
- (xvi) design development to maximize the landscape at the NE and NW corner bulges by extending the planting areas consistent with the SEFC Public Realm Plan;
- (xvii) design development to the public realm to provide a clear and consistent public walkway surface to ensure sight-challenged pedestrians and wheel chair occupants can safely travel the public sidewalk. Any special paving to be interrupted to allow the main walkway paving to be continuous;
- (xviii) provision at the time of full development permit application of a full Landscape Plan. The Landscape Plan to illustrate the upper decks and terraces as well as the full ground plan. The ground level lane landscape to clearly illustrate all lane edge treatments;

Bicycle Parking

- (xix) design development to provide bicycle parking spaces meeting Parking By-law requirements;

ENVIRONMENTAL SUSTAINABILITY

- (xx) applicant to achieve the SEFC Green Building Strategy and meet a minimum LEED™ Silver Canada Certified standard (with a target of 36 points), including City of Vancouver prerequisites (with full LEED™ registration and documentation) or equivalency;

Energy

- (xxi) provide energy efficient design and modeling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency.

- (xxii) provide full building design to meet ASHRAE 90.1 2004 in its entirety (with the exception of outright energy efficiency, which is covered under provision “xxi”, above) including:

- improved envelope options such as “continuous insulation”, increased r-values, and thermal breaks for balconies and slab extensions;
- energy efficient lighting;
- air exchange effectiveness;
- full best practice building systems commissioning;
- daylighting; and
- provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning outlining provision for this service to be submitted at the time of application for Building Permit.

- (xxiii) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the False Creek Neighbourhood Energy Utility proposed for the area;
- (xxiv) provide vertical glazing to a maximum of 40 percent or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
- (xxv) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxvi) provide climate zone control for residential and live-work units that is compatible with the False Creek Neighbourhood Energy Utility;

- (xxvii) provision of fireplaces listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights; interrupted power ignition is preferred;

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

Stormwater Management and Green Roofs

- (xxviii) provision of a green roof (including a useable, intensive roof and/or inaccessible, extensive roof) on principle building roofs;
- (xxix) provision of effective impervious area of no more than 60 percent of total site area with 30 percent of useable intensive green roof area in soft landscape (this includes drop off areas, walkways rooftops and plazas);
- (xxx) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- (xxxii) design development to provide a balanced stormwater management system that maximizes on site water quality/quantity (e.g., greenroofs, on-site ponds, infiltration galleries, etc.) and potable water conservation through reuse for irrigation, water features, and toilet flushing (e.g. cistern with dual piping, water treatment). Detailed technical drawings of stormwater reuse system will be required at the time of development permit application;

Note to Applicant: Provide a stormwater retention system separated from the potable water system (dual system) for the irrigation of the ground level semiprivate open spaces and public realm landscaping to be sized for the summer drought periods. In addition, water storage for the roof top shared open space to be considered. All hose bibs to be supplied with potable water unless clearly indicated otherwise. This system is to be designed in coordination with Building - Processing;

- (xxxii) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition "xi");
- (xxxiii) provision of green roof design to meet structural load, soil depths, and access & egress conditions necessary for an intensive green roof/urban agriculture (regardless of initial roof design - intensive or extensive);

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (xxxiv) provide low water use plumbing fixtures at or below 1.8 gpm for faucets and showerheads and 6L/3L dual flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision of these features to be submitted at the time of application for Building Permit.

Urban Agriculture

- (xxxv) Design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number to be productive and viable. The total amount of gardening spaces should be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes;

Note to Applicant: Explore opportunities to expand the area designated for garden plots, e.g. by using the green roof panels on the tower roof, so that a minimum of 30 percent of the units without private garden space (not balconies) have access to a private garden plot. Note that the existing garden plots of approximately 4 by 12 ft. can be counted as 2 plots if need to reach the 30 percent goal. Regarding the relationship between the proposed play areas and the proposed garden plots on Landscape level 1, explore opportunities to further integrate these areas in order to facilitate children's involvement in gardening and to support parent's ability to garden and monitor children's activities.

Building Durability

- (xxxvi) provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

- (xxxvii) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit ensuring that a minimum of 75 percent landfill diversion through the construction process;

UNIVERSAL DESIGN

(xxxviii) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" as outlined in Appendix G.

AGREEMENTS

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

ENGINEERING

Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:

- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, in consultation with the Director of Planning, for:
 - a. the provision, operation, and maintenance of co-operative vehicles and the provision and maintenance of parking spaces for use exclusively by such co-operative vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking bylaw and;
 - b. designation of visitor or surplus parking spaces which are publicly accessible for future use by co-operative vehicles, with such spaces not to be in addition to required parking for residents or visitors;

all as outlined in the table below:

Dwelling Units	Co-operative Vehicle	Co-operative Vehicle Parking Space	Future Converted Co-operative Parking Space
1-49	None	None	1
50-149	1	1	1
150-249	2	2	2
250-349	2	2	3
Each add'l 100 units	+0	+0	+1

- (ii) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements;
- (iii) improvements to the lane south of 1st Ave in keeping with the final SEFC public realm design requirements;
- (iv) site consolidation prior to the issuance of any development permits;
- (v) clarification of the following charges on title - Easement & Indemnity Agreements 497499M, 28603M, & 279550M; Indemnity Agreement 28462M prior-to issuance of any development permits for the lands, and release of such charges prior to issuance of any occupation permit for any new building;
- (vi) clarification of Covenant GD44853; and Right of Way GD44854 prior to issuance of any development permits for the lands, and release of such charges prior to any construction above grade pursuant to any development permit following rezoning enactment;
- (vii) dedication of the north 0.8 m of the site for road purposes;
- (viii) dedication for road purposes of a triangular portion of existing Lot 12 to line up with the new portion of Manitoba Street north of 1st Avenue. Note: the proposed dedication area at Manitoba Street as shown on the applicant's plans does not agree with that shown on the latest transportation geometric. Those portions of the building (both above and below grade) which are proposed within the dedication area shown on the attached sketch are to be removed;
- (ix) provision of a 1.5 m right of way along the south property line of the site adjacent to the residential uses along the lane for pedestrian purposes is required;
- (x) provision of a surface right of way for public, pedestrian access over the midblock pedestrian walkway between 1st Avenue and the lane, and for those portions of sidewalk along 1st Avenue located within the property lines;
- (xi) upgrading or extension of the storm sewer system to meet the SEFC stormwater management plan. (Note: the application does not currently contain enough detail to determine this, further clarification is required);

- (xii) undergrounding of all existing and 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;
- (xiii) provision of 3 streams of waste removal for the development(regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system;
- (xiv) building design is to include provision for connections to and be compatible with the False Creek Neighbourhood Energy Utility proposed for the area;

SOILS

- (xv) The property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter;
- (xvi) 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 Certificates of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection;

OLYMPIC SECURITY REQUIREMENTS

- (xvii) enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alias, provide for the following:
 - a. the Owner may make application for a development permit and a building permit pursuant to the Rezoning at any time, provided however that if the Owner commences construction of the improvements permitted pursuant to the Rezoning (the "Improvements"), the Improvements shall be completed, at a minimum, to "lock down" (including, without limitation,

completion of all doors and windows to the satisfaction of the City's Chief Building Official) on or before January 12, 2010;

- b. prior to issuance of any building permit for the Improvements, the Owner shall be required to lodge a letter of credit with the City, on terms acceptable to the Director of Legal Services, in an amount deemed adequate by the Chief Building Official, in his sole opinion, to secure completion of the Improvements to lock down prior to January 12, 2010;
- c. the Owner acknowledges and agrees that the Chief Building Official shall inspect the Improvements on or before October 12, 2009 and shall determine whether or not, in his opinion, the Improvements will be completed to lock down prior to January 12, 2010. If the Chief Building Official is not satisfied that lock down will be achieved by January 12, 2010, the Chief Building Official may order that the Owner take all necessary steps to ensure that lock down can be achieved by January 12, 2010 and the Owner shall take all necessary steps to do so at the Owner's cost. Alternatively, the Chief Building Official may, in his sole discretion, permit the City, or its permittees or licensees to complete the Improvements to lock down, at the cost and risk of the Owner;
- d. the Owner acknowledges and agrees that notwithstanding that the Owner may construct the Improvements, the Owner may not occupy, or permit occupation of the Improvements, other than for site servicing, construction, maintenance and security purposes, prior to January 12, 2010;
- e. the Owner shall not access or use the Lands for any purpose other than maintenance of and security for the Improvements during the period between January 12, 2010 and March 12, 2010. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
- f. the Owner shall permit the City and its permittees and licensees, including without limitation the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games ("VANOC") and any security organizations responsible for security for the 2010 Olympic Winter Games, to enter the Lands and any buildings and improvements located thereon at any time, and from to time, from December 1, 2009 to January 11, 2010 for security planning purposes and from January 12, 2010 to March 12, 2010 for any security purposes they deem necessary or desirable for the purpose of providing security protection for the Vancouver Olympic Village;

- g. the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner; and
- h. the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel;
- i. the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games;

the Security Agreement shall be fully registered against title to the Lands in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

PUBLIC ART

- (xviii) Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs for the provision of public art in accordance with the City's Public Art Policy and the SEFC Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and

- (xix) Submit a preliminary public art plan to the satisfaction of the Managing Director, Cultural Services setting out the proposed public art program aims, artist terms of reference, site and artist selection methods, project budget, implementation plan and a schedule consistent with the objectives and intent of the SEFC Public Art Plan;

CULTURAL AMENITY SPACE

- (xx) execution of a Section 219 Covenant providing for the design and construction by the property owner of the shell space for a cultural amenity space in the development as detailed in Appendix H and as included as part of the approved form of development, including a minimum area of 4 081.79 m² to be designed to the satisfaction of the Development Permit Board and the Managing Director, Cultural Services and to be constructed to the satisfaction of the Director of Facilities Design and Development;
- (xxi) an option to purchase in favour of the City for an air space parcel (which air space parcel will be created by the registered owner at its cost) for the cultural amenity space for a nominal purchase price;
- (xxii) a statutory right of way in favour of the City to allow the City access to the site during construction to monitor construction of the cultural amenity space;

COMMUNITY AMENITY CONTRIBUTION

- (xxiii) execution of Section 219 Covenant providing that prior to issuance of the development permit the agreed Community Amenity Contribution in the amount of \$3,812,220, is to be paid to the City, such Covenant to be on terms and conditions satisfactory to the Director of Legal Services;

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.

- B. THAT the consequential amendment to 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 of the Policy Report "CD-1 Rezoning and Cultural Amenity Bonus: 102 - 160 West 1st Avenue (Playhouse Theatre Company Site)" dated July 12, 2006, be approved;
- C. THAT the Noise Control By-law be amended to include this CD-1 in Schedule B as set out in Appendix C of the Policy Report "CD-1 Rezoning and Cultural Amenity Bonus: 102 - 160 West 1st Avenue (Playhouse Theatre Company Site)" dated July 12, 2006.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Lee

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

SECONDED by Councillor Capri

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

CARRIED UNANIMOUSLY

The Special Council adjourned at 8:20 p.m.



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
SEPTEMBER 26, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, September 26, 2006, at 7:58 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 Heritage 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: Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Ball

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

CARRIED UNANIMOUSLY

1. Heritage Revitalization Agreement: 53 West Hastings Street

An application by Gair Williamson, Gair Williamson Architects, was considered as follows:

Summary: Heritage Revitalization Agreement to rehabilitate this heritage building into live-work units with a retail unit at grade in exchange for Heritage Building Rehabilitation Program incentives. A Single Room Accommodation conversion and demolition permit is required.

The Directors of Planning and the Housing Centre recommended approval.

Special needs residential facilities

BY-LAW NO. 9674

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

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

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

Table 1

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

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

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

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

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

ENACTED by Council this 24th day of June, 2008

Mayor

City Clerk

EXPLANATION

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

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

Director of Legal Services
June 24, 2008

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

MOVED by Councillor Lee
SECONDED by Councillor Stevenson

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 3 to 7, 9, 10 and 16, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

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

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Anton
SECONDED by Councillor Stevenson

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1, 2, 8, 11, 12, 14, 15, 17 and 18, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

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

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

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

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

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

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

Staff Opening Comments

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

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Chow

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

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

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

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

CARRIED UNANIMOUSLY

Backup Notes

By-law No. 10228, dated March 1, 2011

140 West 1st Avenue

BY-LAW NO. 10228

A By-law to amend CD-1 By-law No. 9594

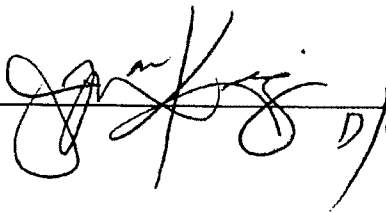
THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of CD-1 By-law No 9594.
2. In section 4.2, Council strikes out “25%” and substitutes: “20%”.
3. In section 5.2, Council strikes out “33 149.57” and substitutes: “36 666”.
4. In section 6.1, Council strikes out “47” and substitutes: “52”.
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 1st day of March, 2011



Mayor



City Clerk

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Meggs

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

CARRIED UNANIMOUSLY
(Councillor Jang absent for the vote)

BY-LAWS

MOVED by Councillor Anton
SECONDED by Councillor Cadman

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1 through 21 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Jang absent for the vote)

1. **A By-law to amend Mountain View Cemetery By-law No. 8719 regarding fees and miscellaneous amendments (By-law No. 10208)**
2. **A By-law to amend Subdivision By-law No. 5208 (5606, 5626, 5656 and 5686 Alma Street) (By-law No. 10209)**
3. **A By-law to amend CD-1 By-law No. 7434 (475 Alexander Street) (By-law No. 10210)**
4. **A By-law to amend CD-1 By-law No. 9693 (2900 East Broadway) (By-law No. 10211)**
5. **A By-law to assess real property to defray 2010 costs for the South Fraser Street Collective Parking Project (By-law No. 10212)**
6. **A By-law to assess real property to defray 2010 costs for the East Hastings Street Collective Parking Project (By-law No. 10213)**
7. **A By-law to assess real property to defray 2010 maintenance costs for the Trounce Alley and Blood Alley Square Local Improvement Project (By-law No. 10214)**
8. **A By-law to Designate a Business Improvement Area in that area of the City known as West Broadway (By-law No. 10215)**
9. **A By-law to Grant Money for a Business Promotion Scheme in the West Broadway Business Improvement Area (By-law No. 10216)**



10. A By-law to Designate a Business Improvement Area in that area of the City known as Cambie Village (By-law No. 10217)
11. A By-law to Grant Money for a Business Promotion Scheme in the Cambie Village Business Improvement Area (By-law No. 10218)
12. A By-law to Designate a Business Improvement Area in that area of the City known as Collingwood (By-law No. 10219)
13. A By-law to Grant Money for a Business Promotion Scheme in the Collingwood Business Improvement Area (By-law No. 10220)
14. A By-law to Designate a Business Improvement Area in that area of the City known as Hastings Crossing (By-law No. 10221)
15. A By-law to Grant Money for a Business Promotion Scheme in the Hastings Crossing Business Improvement Area (By-law No. 10222)
16. A By-law to Designate a Business Improvement Area in that area of the City known as Hastings North (By-law No. 10223)
17. A By-law to Grant Money for a Business Promotion Scheme in the Hastings North Business Improvement Area (By-law No. 10224)
18. A By-law to Designate a Business Improvement Area in that area of the City known as Kerrisdale (By-law No. 10225)
19. A By-law to Grant Money for a Business Promotion Scheme in the Kerrisdale Business Improvement Area (By-law No. 10226)
20. A By-law to amend Southeast False Creek Official Development Plan By-law No. 9073 (Southeast False Creek ODP re density 140 West 1st Avenue) (By-law No. 10227)
21. A By-law to amend CD-1 By-law No. 9594 (140 West 1st Avenue) (By-law No. 10228)



SPECIAL COUNCIL MEETING MINUTES

DECEMBER 14, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, December 14, 2010, at 7:44 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, sign, and heritage by-laws.

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

CITY CLERK'S OFFICE: Pat Boomhower, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the zoning, sign, and heritage by-laws.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote)

~~1. **TEXT AMENDMENT: Miscellaneous Text Amendments to CD-1 By-laws – 651 Expo Boulevard, 1201-1215 Bidwell Street & 1702-1726 Davie Street, 1142 Granville Street and 5912-5970 Oak Street**~~

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

Summary: To amend Comprehensive Development By-laws: CD-1 (415) By-law No. 8587 for 651 Expo Boulevard, CD-1 (489) By-law No. 10101 for 1201-1215 Bidwell Street and 1702-1726 Davie Street, CD-1 (491) By-law No. 10127 for 1142 Granville Street, and CD-1 (492) By-law No. 10129 for 5912-5970 Oak Street, for miscellaneous text amendments.

~~Summary of Correspondence~~

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

- ~~• 1 email in opposition~~

~~Speakers~~

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

~~Council Decision~~

~~MOVED by Councillor Louie~~

~~THAT the application by W.T. Leung Architects Inc. on behalf of Austeville Properties Ltd. to amend the Downtown Official Development Plan By-law, to remove the density restrictions on non-residential uses in Area J, generally as presented in Appendix A of the Policy Report dated November 3, 2010, entitled "Amendment to the Downtown Official Development Plan regarding 1277 Robson Street (Pacific Palisades)" be approved.~~

~~CARRIED UNANIMOUSLY~~

3. TEXT AMENDMENT: 140 West 1st Avenue (Playhouse Theatre Company Site)

An application by Stuart Lyon, GBL Architects Inc. was considered as follows:

Summary: To amend Comprehensive Development By-law CD-1 (462) to permit an increase in the maximum permitted height from 47 m (154.2 ft.) to 52 m (170.6 ft.), an increase in the maximum permitted floor area from 33 150 m² (356,835 sq. ft.) to 36 666 m² (394,682 sq. ft.) and a reduction in the required family units from 25% to 20%.

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

Council also had before a Memorandum dated December 7, 2010, from Ian Cooper, Senior Rezoning Planner, Rezoning Centre, which advised of minor corrections contained in the by-law posted for this item pertaining to the Southeast False Creek Official Development Plan and provided clarification on building heights contained in the Policy Report dated November 2, 2010, entitled "CD-1 Text Amendment - 140 West 1st Avenue (Playhouse Theatre Company Site)".

Summary of Correspondence

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

- 1 email in opposition

Staff Comments

Michael Naylor, Senior Rezoning Planner, and Kent Munro, Assistant Director, Current Planning, responded to questions.

Applicant Comments

Stewart Lyon, GBL Architects, and Bruno Wall, President of Wall Financial Corporation, responded to questions regarding DCLs, CACs, and small units price.

Speakers

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

Council Decision

MOVED by Councillor Anton

- A. THAT the application by GBL Architects Group on behalf of Wall Financial Corporation to amend CD-1 (462) - By-law No. 9594 - for 140 West 1st Avenue to permit an increase in the maximum permitted height from 47 m (154.2 ft.) to 52 m (170.6 ft.), an increase in the maximum permitted floor area from 33 150 m² (356,835 sq. ft.) to 36 666 m² (394,682 sq. ft.) and a reduction in the required family units from 25% to 20% generally as presented in Appendix A of the Policy Report dated November 2, 2010, entitled "CD-1 Text Amendment - 140 West 1st Avenue (Playhouse Theatre Company Site)" be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the revised form of development be approved by Council in principle, generally as prepared by GBL Architects Group, and stamped "Received City Planning Department, May 26, 2010", 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) design development to satisfy the Southeast False Creek Design Guidelines For Additional Penthouse Storeys during a more detailed design review at the Development Permit stage; and

- (ii) provision and review of a red-dotted overlay of the previous floor plans and elevations for detailed comparison of the approved and revised designs.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the amended 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 and to the Director of Planning, as necessary, make arrangements for the following:

1. Public Art

Revise the public art agreement to increase the public art contribution by \$68,503, satisfactory to the Director of Legal Services and the Managing Director of Cultural Services.

2. Community Amenity Contribution

The agreed Community Amenity Contribution of \$3,631,400 is to be paid to the City and such payment is to be made prior to enactment of the amendment to By-law CD-1 (462), at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

- B. THAT consequential amendments to the Southeast False Creek Official Development Plan to increase the floor area limits for maximum total floor area and for maximum residential floor area for the whole of the Southeast False Creek area and for Area 2B, generally as presented in Appendix C of the Policy Report dated November 2, 2010, entitled "CD-1 Text Amendment - 140 West 1st Avenue (Playhouse Theatre Company Site)" be approved.

- C. THAT A above be adopted on the following conditions:

- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law to amend By-law CD-1 (462) and that any costs incurred in fulfilling requirements imposed as a condition of amending By-law CD-1 (462) are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY