



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

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 604.873.7060  
[planning@vancouver.ca](mailto:planning@vancouver.ca)

## CD-1 (468)

*1409-1477 West Pender Street*

*By-law No. 9665*

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

***Effective June 10, 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 (468).
- 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 (468) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Dwelling Uses in conjunction with any use listed in this section 2.2;
  - (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
  - (c) Live-Work Use;
  - (d) Office Uses;
  - (e) Retail Uses;
  - (f) Service Uses; and
  - (g) Accessory Uses customarily ancillary to the uses listed in this section 2.2.
- 3 Conditions of use
- 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).
- 4 Density
- 4.1 Computation of floor area must assume that the site consists of 2 228 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 4.2 The floor space ratio for all uses, combined, must not exceed 10.66.
- 4.3 Computation of floor space ratio 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.
- 4.4 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, 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 m<sup>2</sup> 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 m<sup>2</sup>; 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.

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

- (a) enclosed residential balconies if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure, except that:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and
  - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) 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;
- (c) 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; and
- (d) structures such as pergolas, trellises, and tool sheds which support the use of intensive green roofs or urban agriculture.

**4.6** The use of floor space excluded under section 4.4 or 4.5 must not include any purpose other than that which justified the exclusion.

## 5 Building height

**5.1** Subject to section 5.2, the building height, measured above base surface, must not exceed 107.4 m.

**5.2** Sections 10.10 and 10.11 of the Zoning and Development By-law are to apply to this By-law, except that the Director of Planning or Development Permit Board may allow:

- (a) an additional 1.37 m of height for rooftop guard rails that are architecturally integrated into the design of the building; and
- (b) mechanical appurtenances such as elevator machine rooms that, in total, exceed one-third of the width of the building and cover more than 10% of the roof area if they are appropriately integrated into the design of the building and do not exceed a height of 7.6 m above the parapet level.

## 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 0.9 parking space for every dwelling unit plus one space for each additional 200 m<sup>2</sup> of gross floor area but no more than the lesser of:

- (a) 1.1 parking spaces for every dwelling unit plus one space for each 125 m<sup>2</sup> of gross floor area, and
- (b) 2.2 parking spaces for every dwelling unit.

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.

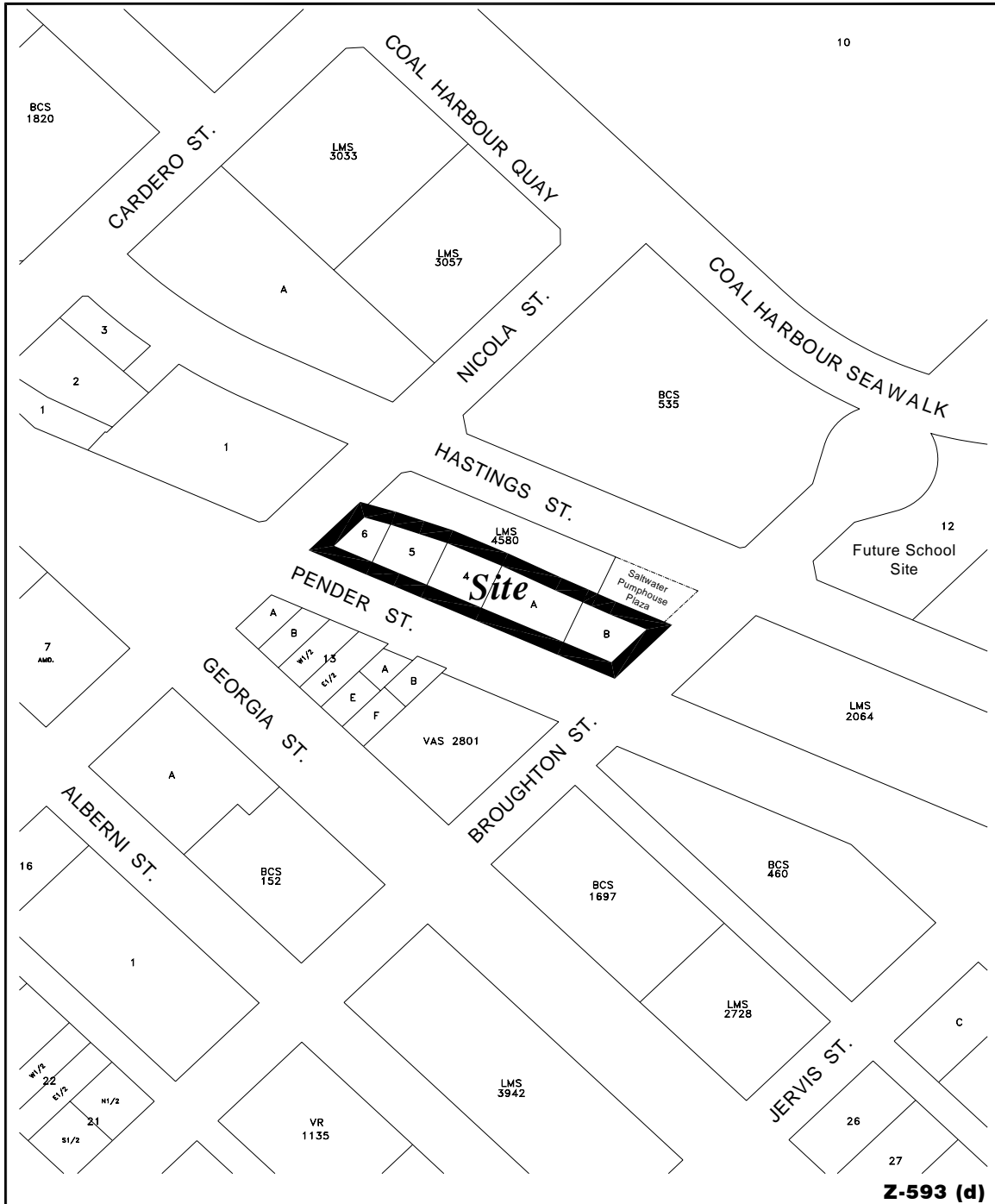
<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

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.]*

**Schedule A**



**Z-593 (d)**

<p>RZ - 1409 - 1477 West Pender Street</p>	<p>map: 1 of 1</p>	
	<p>scale: NTS</p>	
<p><b>City of Vancouver</b></p>	<p>date: May 2007</p>	

1409 - 1477 West Pender Street

**BY-LAW NO. 9665**

**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-593 (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 (468).

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

- (a) Dwelling Uses in conjunction with any use listed in this section 2.2;
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- (e) Retail Uses;
- (f) Service Uses; and
- (g) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

### Conditions of use

3. 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

4.1 Computation of floor area must assume that the site consists of 2 228 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

4.2 The floor space ratio for all uses, combined, must not exceed 10.66.

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- (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;
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5.1 Subject to section 5.2, the building height, measured above base surface, must not exceed 107.4 m.

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- (a) an additional 1.37 m of height for rooftop guard rails that are architecturally integrated into the design of the building; and
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**Parking, loading, and bicycle spaces**

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**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.

Portions of dwelling units	Noise levels (Decibels)
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kitchen, bathrooms, hallways	45

**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.

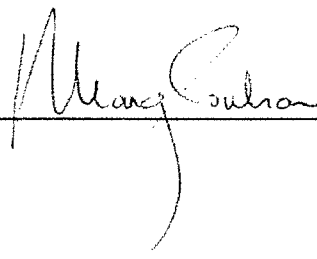
**Force and effect**

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

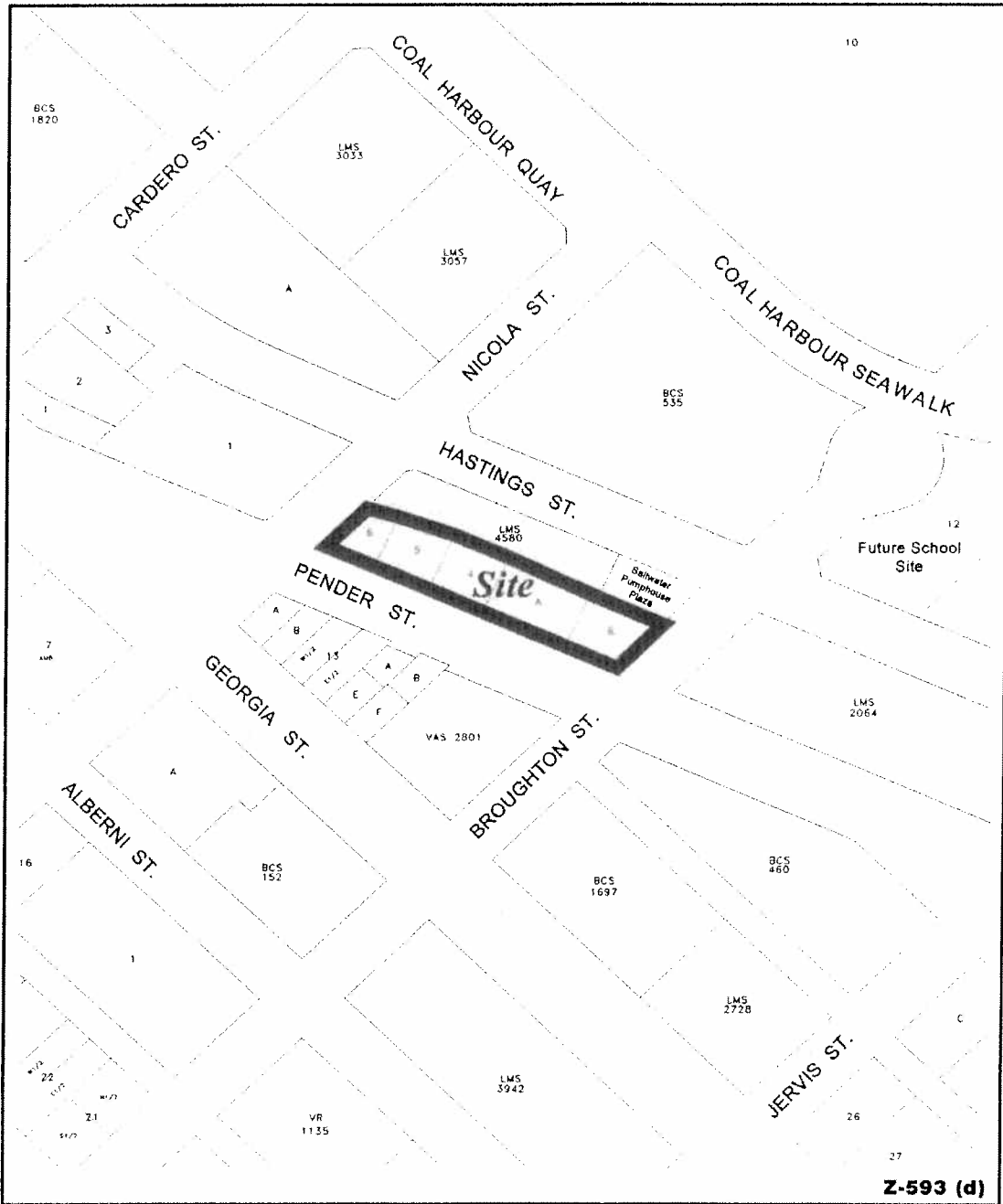
ENACTED by Council this 10<sup>th</sup> day of June, 2008

A handwritten signature in cursive script, appearing to read "Sam Miller", written above a horizontal line.

Mayor

A handwritten signature in cursive script, appearing to read "Mary Coulson", written above a horizontal line.

City Clerk



RZ - 1409 - 1477 West Pender Street

map: 1 of 1

scale: NTS



City of Vancouver

date: May 2007

**BY-LAWS**

MOVED by Councillor Stevenson  
SECONDED by Councillor Chow

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

CARRIED UNANIMOUSLY  
(Councillor Anton absent for the vote)

23. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5718 Willow Street) (By-law No. 9663)**  
(Councillors Ball and Stevenson ineligible to vote on By-law No. 23)
24. **A By-law to amend Sign By-law No. 6510 (1181 Seymour Street) (By-law No. 9664)**  
(Councillors Chow and Stevenson ineligible to vote on By-law No. 24)
25. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1409 - 1477 West Pender Street) (By-law No. 9665)**  
(Councillors Ball, Cadman and Stevenson ineligible to vote on By-law No. 25)
26. **A By-law to amend Sign By-law No. 6510 (1409 - 1477 West Pender Street) (By-law No. 9666)**  
(Councillors Ball, Cadman and Stevenson ineligible to vote on By-law No. 26)
27. **A By-law to designate certain real property as protected heritage property (1955 West 12<sup>th</sup> Avenue) (By-law No. 9667)**  
(Councillors Ball, Cadman and Louie ineligible to vote on By-law No. 27)
28. **A By-law to designate certain real property as protected heritage property (2504 York Avenue) (By-law No. 9668)**  
(Councillors Ball, Cadman and Louie ineligible to vote on By-law No. 28)
29. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (2537 West 49<sup>th</sup> Avenue) (By-law No. 9669)**  
(Councillors Ball, Cadman and Louie ineligible to vote on By-law No. 29)
30. **A By-law to designate certain real property as protected heritage property (2537 West 49<sup>th</sup> Avenue) (By-law No. 9670)**  
(Councillors Ball, Cadman and Louie ineligible to vote on By-law No. 30)

C. THAT Recommendation A & B be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and 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 rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning 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

**5. CD-1 REZONING: 1409-1477 West Pender Street**

An application by Jim Hancock, IBI/HB Architects was considered as follows:

Summary: To rezone the site from DD (Downtown District) to CD-1 (Comprehensive Development District) to permit a mixed-use project containing a 36-storey residential tower, a 10-storey mid-rise residential building, commercial uses at grade across the entire site, and a five-storey podium containing live-work units. The maximum floor space ratio would be increased to 10.66 and maximum building height increased to 107.4 m (352.2 ft.).

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

**Staff Opening Comments**

Phil Mondor, Rezoning Planner, provided a review of the application, and advised after hearing from speakers he would comment on letters received to date expressing concerns with the proposed restaurant use and sunlight access impacts resulting from the proposed five-storey podium. Mr. Mondor, along with Ralph Segal, Senior Development Planner, and Brent Toderian, Director of Planning, responded to question from Council regarding the LED silver rating, shadowing issues on the Dockside building, amenity contributions, potential for daycare and affordable housing, traffic impacts and the rationale for staff's support of live/work residences.

## Applicant Comments

Jon Stovell, Reliance Holdings Limited, representing the property owner, introduced the project Architects, Jim Hancock and Martin Bruckner, IBI/HB. Mr. Stovell advised of open houses held at the site and things done in response to comments received. He also noted the high quality unique design of the proposed structure with optimal building massing and minimized shadowing, and acknowledged the significant contribution of the heritage density transfer from Gastown in addition to the \$3 million cash amenity. Mr. Stovell advised he concurred with staff's report and asked Council to approve this rezoning application.

## Summary of Correspondence

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

- 2 letters in opposition
- 2 letters in support
- 5 other letters

## Speakers

The Mayor called for speakers for and against the application.

The following delegations spoke in general support of the application; however several speakers expressed specific concerns which are included in the points noted below:

Brian McDermott  
Glen Grierson  
Susan Fiedlar  
Lorne Goldman

Comments provided by the foregoing speakers included:

- wholeheartedly enthused about the increase of density in the area, but more people are needed to support more retail space as there exists a seasonal component of residents;
- support for the proposed neighbourhood bistro, although concerns with noise are recognized;
- before the developer purchased this property there was a proliferation of drug use and undesirable individuals; this problem has now moved on;
- any new development improves the security and safety of the area and provides more "eyes on the street";
- not in favour of a restaurant overlooking the plaza, but the plaza does require activation as it would improve the neighbourhood;
- live/work would bring an element of "neighbourhood" missing from Coal Harbour due to many off-shore and seasonal neighbours;

- human-scale access to the water needs to be looked into; and
- heritage incentive program has revitalized the Gastown area and benefited the community, this is a good way to move density and benefit both Coal Harbour and Gastown.

The following delegations expressed concerns and/or spoke in opposition to the application:

Walter Hiebert (overhead presentation)  
Giuseppe Cuzzetto (overhead presentation)  
Brian Meakin, Rosebud Properties No. 2 Ltd.  
Carter Maitland, condominium owner, Dockside (brief filed)  
Malcolm Smith  
Stan Tse  
Roy Sperling  
Irfaan Hafeez (overhead presentation)  
Reg Romero  
Harvey Dales, owner, 1445 W. Georgia  
Mark O'nions

Comments provided by the foregoing speakers included:

- Coal Harbour lacks commercial, shopping opportunities; this development will bring more residents into the area and result in a further loss of commercial space;
- big buildings are intimidating; this development should remain within the existing guidelines, ODP and by-law; an FSR increase to 10.66 is extremely excessive and breeches the code of good taste;
- concern with densification of the area, lack of notification and confusion with signing on site advising of the rezoning application;
- in favour of developing this property, but this development is over and above what is appropriate for this site;
- monolithic design dwarfs everything around it and does not add to public open space;
- concern with amount of residential compared to commercial (retail and office space);
- windows of several bedroom units opening to the south that require protection from shadowing and access to light;
- the form of building is departing from a very establishment proven formula of a three storey podium with tower block to a five-storey podium to accommodate live-work space;
- views will be obstructed and value of units in adjacent buildings will decrease; in addition residents will be subjected to a 30-month noise timeline;
- while the benefits of increasing density are recognized, this development, as well as other projects in a several block radius, with likely create more traffic congestion and traffic along Pender and Georgia;
- a condominium occupying this space with no amenities is ridiculous; request rezoning be put on hold to allow for an assessment of community needs;
- views of the mountains are being replaced by views of tall buildings;
- owner of townhome in Dockside will be affected by construction , and expressed concern on behalf of his tenant with a one year lease that the bedroom and kitchen windows are possibly as near as 15 feet from the excavation site;

- not opposed to initial proposal of a three storey podium, the current five storey proposal has not totally obstructed his view;
- this 77% increase in fsr sets a dangerous precedent in massing of heritage transfer density;
- do not object to development in this area - just this specific development;
- more and more commercial space is being eroded by development of residential properties; in ten years there will be a shortage of commercial space and commercial will leave for the suburbs resulting in a bedroom community, and less desire to live downtown;
- concern that cross sections of the building podium were not made available to residents of Dockside; and
- residents want to be a community like Yaletown; Coal Harbour lacks commercial amenities and has no sense of community.

### **Applicant Closing Comments**

Jon Stovell, in response to speakers' comments regarding the need for commercial, advised although the zoning does not require it, the proposal is to build a full floor as retail, with the exception of two residential lobbies. Mr. Stovell also noted heritage density needs to go somewhere, and both Coal Harbour and Gastown benefit; by increasing the population of Coal Harbour, Gastown becomes an attractive destination for local residents. Reduced impacts on the Palais Georgia were also noted by Mr. Stovell by a reduction in height of the second tower from fifteen to 10 storeys, which results in a building 200 feet lower than permitted. Additional public realm space has been added, and less shadowing also on the seawall, park and community centre. In summation Mr. Stovell advised this proposal offers less tower crowding and view loss than what could have been built.

### **Staff Closing Comments**

Phil Mondor provided clarification on the height of the tower and referred to conditions as set out in a revised recommendation (distributed at the meeting and on file) regarding the matter of the restaurant. He further advised of a recent conversation with Park Board staff regarding services to residents including green space/open space/community recreation facilities and noted five sites had been identified as potential park sites, and also noted additional funds available from dcls and cacs to further address these concerns. Mr. Mondor concluded by advising that staff support the application and recommend its approval subject to conditions, including those amendments as set out in the yellow memo distributed this day.

### **Council Decision**

MOVED by Councillor Capri

- A. THAT the application by IBI/HB Architects Inc. to rezone the site at 1409, 1425 and 1477 West Pender Street (PID: 015-842-932, 015-842-967, 015-843-203; Lot B of 1&2, Lot A of 2&3, and Lots 4, 5 and 6 EXC Plan 15915, Block 42, DL 185, Plan 92) from DD



(Downtown District) to CD-1 (Comprehensive Development District), to permit a mixed-use development containing two residential towers of 36 storeys and 10 storeys and floor space ratio of 10.66, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 1409-1477 West Pender Street" dated May 1, 2007, 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 IBI/HB Architects in revised plans and stamped "Received Planning Department, April 12, 2007", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

#### Design Development

- i) design development to enhance public realm and pedestrian amenity at all sidewalk interfaces, with particular care taken along the sloping Broughton and Nicola frontages;

Note to Applicant: Blank walls are to be avoided. High quality landscape and materials, along with public art, are sought. Particular attention is needed for the garage entry off Nicola Street.

- ii) design development of the interface with Pumphouse Plaza, to enhance and, as much as possible, activate this public open space, taking into account operational and service requirements of the pumphouse; in addition, should any restaurant use be proposed adjoining the Plaza, it should address potential neighborhood concerns regarding noise, traffic and use of the public plaza;

Note to Applicant: Delete all proposed improvements to the plaza, and make separate arrangements to the satisfaction of the General Manager of Engineering Services for any changes or improvements. Consideration of Restaurant use at the eastern end of the site will involve separate liquor licensing process, outdoor restaurant seating in the public plaza will require separate approval, and all approval process for these, including development permit approval, will involve public notification and consultation.

- iii) design development to enhance the architectural treatment of the blank elevator core walls on Pender Street;

- iv) design development to the space between the proposed podium and the Dockside development to the north to improve daylight access and to enhance the landscape treatment;

Note to Applicant: To achieve the foregoing, some shaping and terracing of the podium's north face is encouraged. Stepping back of the upper two floors should be considered, if floor area can be appropriately redistributed elsewhere, including to Pender St. (south) side of the podium.

- v) design development to detailing and specification of curtain wall and other exterior materials to ensure that the high quality of the proposed dynamic architectural form is achieved.

### **Social Planning**

- vi) design development to provide a minimum 130 m<sup>2</sup> secure outdoor children's play area with a covered seating area for adult surveillance and/or an adjacent common amenity room, following the High Density Housing for Families with Children Guidelines, to the satisfaction of the Director of Social Planning;

Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around the play area. A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available online at:

<http://vancouver.ca/commsvcs/Guidelines/C017.pdf>

### **Crime Prevention through Environmental Design (CPTED)**

- vii) design development to take into consideration the principles of CPTED, having particular regard to:

- reducing opportunities for theft in the underground parking;
- providing secure access for off-site parking users;
- providing a gate to the loading area; and
- reducing opportunities for break and enter and vandalism.

### **Landscape**

- viii) consider provision of permanent landscaping on the podium and tower roof areas;

Note to Applicant: Planters should meet or exceed BCLNA (B.C. Landscape & Nursery Association) Standards.

- ix) provision of high efficiency irrigation for all landscaped areas and hose bibs for each individual private patio, semi-private patio and extensive green roof spaces;
- x) provision of new street trees adjacent the site.

Note to Applicant: Ensure that tree root barriers are specified for trees. New street trees should be noted "Final species, quantity and spacing to the approval of the City Engineer and Park Board." Contact Eileen Curban (604.871.6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (604.257.8587) of Park Board regarding tree species.

#### **Sustainability**

- xi) a preliminary LEED score card should be submitted with development (DE) application showing proposed strategies for attainment of at least LEED Silver or equivalent;

Note to Applicant: Registration and certification with CAGBC (Canada Green Building Council) to achieve LEED Silver certification is encouraged but not required. Best effort to pursue equivalency to the satisfaction of the Director of Planning will be accepted.

#### **AGREEMENTS**

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

#### **ENGINEERING**

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
  - A. Consolidation of Lots A, B, 4, 5 & 6 is required.
  - B. Dedication for road purposes of a 3 foot by 3 foot corner-cut at the southwest corner of the site (at Nicola and West Pender Streets) is required. No portions of the building above or below grade, or any constructed landscape features are to be proposed within this corner-cut area.
  - C. For the release of the following Easement and Indemnity Agreements prior to occupation of any new development. 236999M, 259196M, 378854M and 405763M.

- D. Provision of either funding of 50% of the total cost of a Pedestrian/Bicycle Actuated signal at the intersection of Nicola and West Pender Streets, subject to approval by City Council or funding of \$50,000 toward other pedestrian related improvements identified and approved by Council.
- E. Provision of funding of 50% of the total cost of a traffic signal at the intersection of West Hastings and Broughton Streets subject to Council Approval within 5 years of occupancy of the complete project.
- F. Upgrading of the water system to meet the service demands of this development. Upgrading of the water main on West Pender Street between Nicola Street and Broughton Street is required. Please provide details of fire flow demands to determine full extent of upgrading.
- G. Provision of Triangle West sidewalk improvements on Broughton Street and Nicola Street adjacent the site.
- H. Provision of improved sidewalks on Pender Street adjacent the site.
- I. Provision of street trees adjacent the site where space permits.
- J. Undergrounding of all existing and new utility services from the closest existing suitable service point. All services, and in particular vista switches and 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.

#### SOILS

- (ii) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion; and
- (iii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, 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 a Certificate of Compliance has been provided to the City by the Ministry of Environment.

#### HERITAGE DENSITY TRANSFER

- (iv) secure the purchase and transfer of 10 382 m<sup>2</sup> (111,755 sq. ft.) heritage bonus density to the site at 1409-1477 West Pender Street from a suitable donor site or sites;

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

#### PUBLIC ART

- (v) provide public art according to the Public Art Policies and Guidelines through an agreement to the satisfaction of the Director of Cultural Affairs.

#### COMMUNITY AMENITY CONTRIBUTION

- (vi) payment of the community amenity contribution of \$ 3.0 million which has been offered to the City is to be secured prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

**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-laws.

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 application to amend the Sign By-law, to establish regulations for this Comprehensive Development District in accordance with Schedule E [assigned Schedule "B" (DD)], as set out in Appendix C to Policy Report "CD-1 Rezoning - 1409-1477 West Pender Street" dated May 1, 2007, be approved;

- C. THAT, the Noise Control By-law be amended to include this Comprehensive Development District in Schedule B, as set out in Appendix C;
- D. THAT Recommendations A to C be adopted on the following conditions:
- i) THAT the passage of the above resolutions 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 rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning 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

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Anton

SECONDED by Councillor Chow

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 recessed at 10:00 p.m. on June 12<sup>th</sup>, and  
adjourned at 9:15 p.m. on June 14, 2007

\* \* \* \* \*

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

JUNE 12 and 14, 2007



A Special Meeting of the Council of the City of Vancouver was held on Tuesday, June 12, and reconvened on Thursday June 14, 2007, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning, Sign, and official development plan by-laws. The minutes have been consolidated for ease of reference.

**PRESENT:**  
(June 12)  
(Item 1-4 and portion of  
Item 5)

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

**ABSENT:**

Councillor Elizabeth Ball (Sick Leave)  
Councillor Tim Stevenson

**CITY CLERK'S OFFICE:**

Denise Salmon, Meeting Coordinator

**PRESENT:**  
(June 14)  
(Completion of Item 5)

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

**ABSENT:**

Councillor David Cadman  
Councillor Elizabeth Ball (ineligible to participate)  
Councillor Tim Stevenson (ineligible to participate)

**CITY CLERK'S OFFICE:**

Denise Salmon, Meeting Coordinator