



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

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

## CD-1 (475)

### *26 Southwest Marine Drive*

### *By-law No. 9763*

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

***Effective November 25, 2008***

## 1 Zoning District Plan amendment

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-595(b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

## 2 Uses

**2.1** The description of the area shown within the heavy black outline on Schedule A is CD-1 (475).

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

- (a) Cultural and Recreational Uses, limited to Park or Playground;
- (b) Dwelling Uses, limited to Dwelling Unit for the use only of a caretaker, watchperson, or other individual similarly employed to maintain, secure, or protect a non-residential use on the same site if, in the opinion of the Director of Planning or Development Permit Board, such maintenance, security, or protection is essential to such use;
- (c) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Brewing or Distilling, Chemicals or Chemical Products Manufacturing - Class B, 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, Machinery or Equipment Manufacturing, Metal Products Manufacturing - Class B, Miscellaneous Products Manufacturing - Class B, Motor Vehicle Parts Manufacturing, Non-metallic Mineral Products Manufacturing - Class B, Paper Manufacturing, Paper Products Manufacturing, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, Transportation Equipment Manufacturing, and Wood Products Manufacturing - Class B;
- (d) Office Uses, limited to General Office but not including the offices of accountants, lawyers or notaries public, or of real estate, advertising, insurance, travel or ticket agencies;
- (e) Retail Uses, limited to Adult Retail Store, Furniture or Appliance Store, Gasoline Station - Full Serve, Gasoline Station - Split Island, Pawnshop, Retail Store, Secondhand Store, and Vehicle Dealer;
- (f) Service Uses, limited to Animal Clinic, Auction Hall, Catering Establishment, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Restaurant, Repair Shop - Class A, Repair Shop - Class B, School - Vocational or Trade, Sign Painting Shop, and Work Shop;
- (g) Transportation and Storage Uses, limited to Cold Storage Plant, Packaging Plant, Storage Warehouse, Storage Yard, Taxicab or Limousine Station, Truck Terminal or Courier Depot, Weighing or Inspection Station, and Works Yard;
- (h) Utility and Communication Uses, limited to Public Utility, Radiocommunication Station, and Recycling Depot;

- (i) Wholesale Uses, limited to Bulk Fuel Depot, Cardlock Fuel Station, Junk Yard or Shop, Lumber and Building Materials Establishment, Wholesaling - Class A, and Wholesaling - Class B; and
- (j) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2, including accessory office, except that the total area of all accessory uses, except for parking, must not exceed 33 1/3% of gross floor area of the principal and accessory uses combined, and that a wall must separate the floor area in accessory uses accessible to the general public from the floor area in other uses.

### 3 Density

- 3.1** The floor space ratio for all uses, combined, must not exceed 1.63.
- 3.2** The gross floor area for a retail store must be at least 929 m<sup>2</sup>.
- 3.3** The floor space ratio for retail uses, excluding parking, must not exceed 0.79.
- 3.4** The gross floor area for general office uses must not exceed the greater of 235 m<sup>2</sup> or 33 1/3% of gross floor area for all uses combined.
- 3.5** The aggregate gross floor area of all retail stores in which the storage and retailing of clothing or shoes takes up more than 50% of the gross floor area of the store must not exceed 5 574 m<sup>2</sup>.
- 3.6** For the purpose of computing floor space ratio, the site is to consist of all parcels included under this By-law, and its size is deemed to be 29 768 m<sup>2</sup> being the site size at the time of the rezoning application and prior to any dedications.
- 3.7** Computation of floor space ratio must include all floors of all buildings, including accessory buildings, both above and below ground level, measured to the extreme outer limits of the building.
- 3.8** 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 eight percent of the residential floor area being provided;
  - (b) patios and roof gardens, for residential purposes only, 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:
    - (i) are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
    - (ii) are above base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length; and
  - (d) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause is not to apply to walls in existence before March 14, 2000.

## 4 Building Height

4.1 The building height, measured above base surface, must not exceed 18.6 m.

4.2 Despite section 4.1, the Director of Planning or Development Permit Board may permit an increase in the maximum height to 20.11 m for those portions of the building along the 69th Avenue elevation that are not within the following setbacks:

- (a) 4 m from the south property line but only to a depth that does not exceed 43 m;
- (b) 3 m from the west property line; and
- (c) 13 m from the east property line.

## 5 Setbacks

The setbacks must be at least:

- (a) 12.1 m from the north property line for landscaping; and
- (b) 1.00 m from each of the east and south property lines.

## 6 Parking, loading, and bicycle spaces

Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle spaces, except that the maximum number of parking spaces must not exceed 10% above the minimum number of parking spaces required.

## 7 Severability

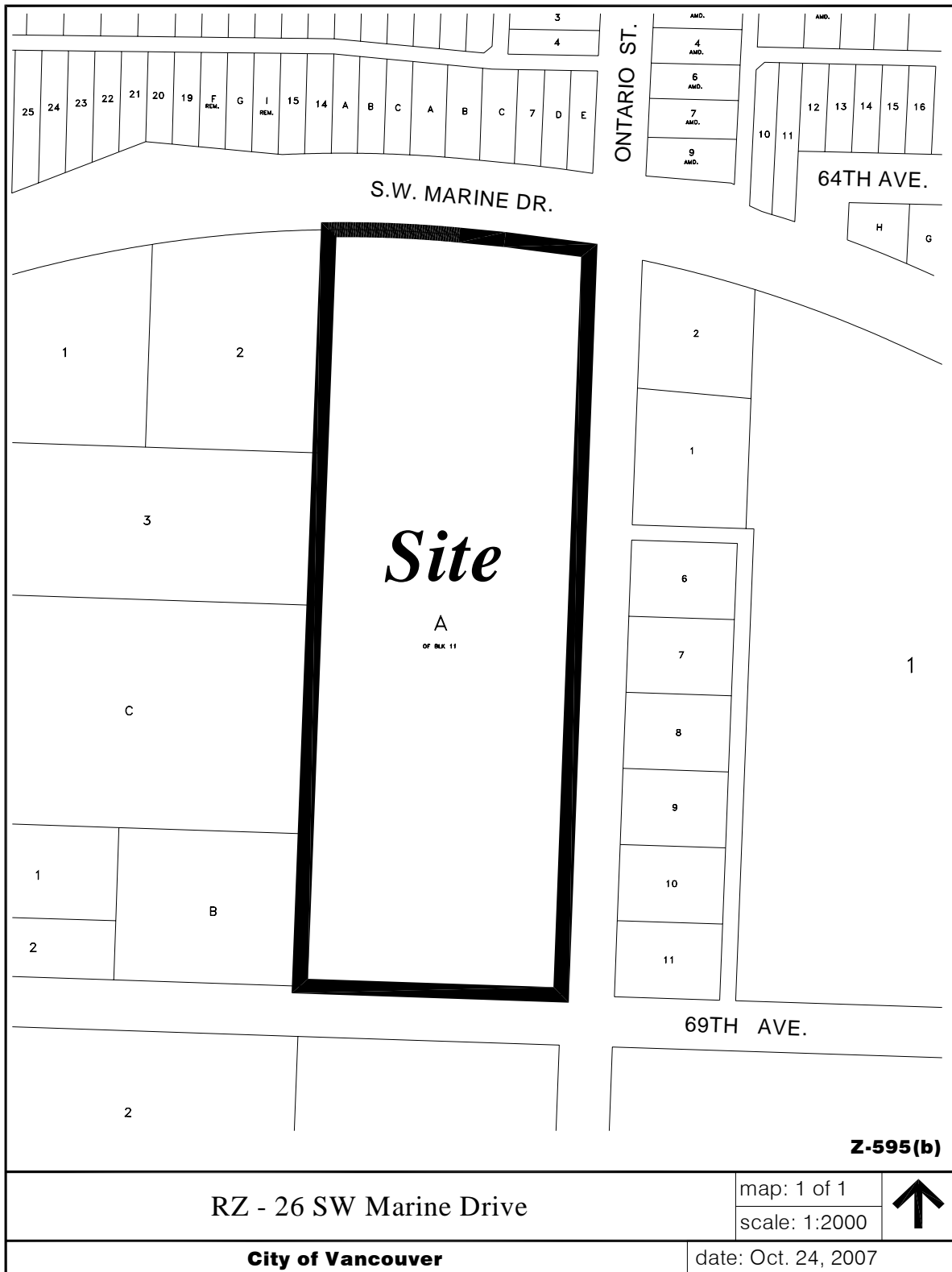
A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

## 8 Force and effect

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

ENACTED by Council this 25th day of November, 2008.

**Schedule A**



26 Southwest Marine Drive

**BY-LAW NO. 9763**

**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-595(b) 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 (475).

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

- (a) Cultural and Recreational Uses, limited to Park or Playground;
- (b) Dwelling Uses, limited to Dwelling Unit for the use only of a caretaker, watchperson, or other individual similarly employed to maintain, secure, or protect a non-residential use on the same site if, in the opinion of the Director of Planning or Development Permit Board, such maintenance, security, or protection is essential to such use;
- (c) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Brewing or Distilling, Chemicals or Chemical Products Manufacturing - Class B, 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, Machinery or Equipment Manufacturing, Metal Products Manufacturing - Class B, Miscellaneous Products Manufacturing - Class B, Motor Vehicle Parts Manufacturing, Non-metallic Mineral Products Manufacturing - Class B, Paper Manufacturing, Paper Products

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

- (d) Office Uses, limited to General Office but not including the offices of accountants, lawyers or notaries public, or of real estate, advertising, insurance, travel or ticket agencies;
- (e) Retail Uses, limited to Adult Retail Store, Furniture or Appliance Store, Gasoline Station - Full Serve, Gasoline Station - Split Island, Pawnshop, Retail Store, Secondhand Store, and Vehicle Dealer;
- (f) Service Uses, limited to Animal Clinic, Auction Hall, Catering Establishment, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Restaurant, Repair Shop - Class A, Repair Shop - Class B, School - Vocational or Trade, Sign Painting Shop, and Work Shop;
- (g) Transportation and Storage Uses, limited to Cold Storage Plant, Packaging Plant, Storage Warehouse, Storage Yard, Taxicab or Limousine Station, Truck Terminal or Courier Depot, Weighing or Inspection Station, and Works Yard;
- (h) Utility and Communication Uses, limited to Public Utility, Radiocommunication Station, and Recycling Depot;
- (i) Wholesale Uses, limited to Bulk Fuel Depot, Cardlock Fuel Station, Junk Yard or Shop, Lumber and Building Materials Establishment, Wholesaling - Class A, and Wholesaling - Class B; and
- (j) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2, including accessory office, except that the total area of all accessory uses, except for parking, must not exceed 33 1/3% of gross floor area of the principal and accessory uses combined, and that a wall must separate the floor area in accessory uses accessible to the general public from the floor area in other uses.

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  - (b) patios and roof gardens, for residential purposes only, 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:
    - (i) are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
    - (ii) are above base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length; and
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### **Building Height**

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- (a) 4 m from the south property line but only to a depth that does not exceed 43 m;
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### **Setbacks**

5. The setbacks must be at least:

- (a) 12.1 m from the north property line for landscaping; and
- (b) 1.00 m from each of the east and south property lines.

### **Parking, loading, and bicycle spaces**

6. Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle spaces, except that the maximum number of parking spaces must not exceed 10% above the minimum number of parking spaces required.

### **Severability**

7. 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 the By-law.

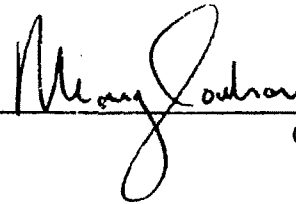
**Force and effect**

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

ENACTED by Council this 25<sup>th</sup> day of November, 2008

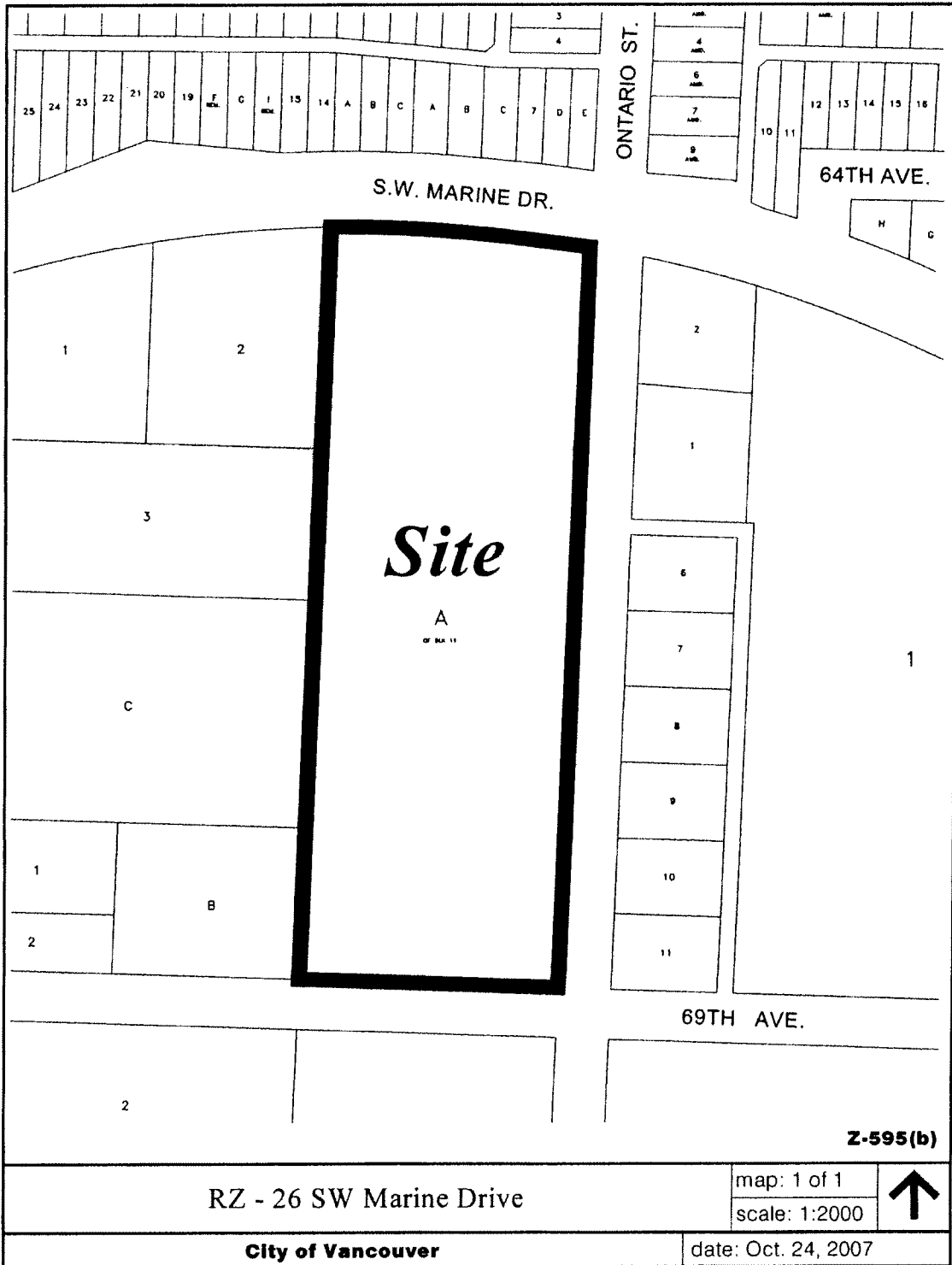


\_\_\_\_\_  
Mayor



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

Schedule A



Z-595(b)

RZ - 26 SW Marine Drive

map: 1 of 1

scale: 1:2000



City of Vancouver

date: Oct. 24, 2007

**BY-LAWS**

MOVED by Councillor Cadman  
SECONDED by Councillor Capri

THAT Council, except for those members excused as noted in the agenda, enact the by-law(s) listed on the agenda for this meeting as numbers 1-17 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-law(s).

CARRIED UNANIMOUSLY  
(Councillors Chow and Lee absent for the vote)

1. **A By-law to amend Solid Waste By-law No. 8417 regarding 2009 fee increases and miscellaneous amendments (By-law No. 9754)**
2. **Vancouver Development Cost Levy By-law (By-law No. 9755)**
3. **Procedure By-law (By-law No. 9756)**
4. **A By-law to amend License By-law No. 4450 regarding appeals from license suspension (By-law No. 9757)**
5. **A By-law to amend Vehicles for Hire By-law No. 6066 regarding vehicle for hire license appeals (By-law No. 9758)**
6. **A By-law to amend Tax Prepayment By-law No. 4804 to amend the annual rate of interest for payments in advance through the Tax Instalment Prepayment Plan (By-law No. 9759)**
7. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 18 West Hastings Street) (By-law No. 9760)**  
(Councillor Chow ineligible to vote)
8. **Heritage Taxation Exemption By-law for 18 West Hastings Street (By-law No. 9761)**
9. **A By-law to enact a Housing Agreement for 18 West Hastings Street (By-law No. 9762)**
10. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 26 Southwest Marine Drive) (By-law No. 9763)**  
(Councillor Chow and the Mayor ineligible to vote)
11. **A By-law to amend Sign By-law No. 6510 (re 26 Southwest Marine Drive) (By-law No. 9764)**  
(Councillor Chow and the Mayor ineligible to vote)

12. **A By-law to designate certain real property as protected heritage property (re 26 Southwest Marine Drive) (By-law No. 9765)**  
(Councillor Chow and the Mayor ineligible to vote)
13. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 3238 Granville Street and the westerly portion of 1402 McRae Avenue) (By-law No. 9766)**  
(Councillors Cadman, Louie and Stevenson ineligible to vote)
14. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the owner of Heritage Property (re 1402 McRae Avenue) (By-law No. 9767)**  
(Councillor Cadman, Louie and Stevenson ineligible to vote)
15. **A By-law to designate certain real property as protected heritage property (re 1402 McRae Avenue) (By-law No. 9768)**  
(Councillors Cadman, Louie and Stevenson ineligible to vote)
16. **A By-law to amend CD-1 By-law No. 8587 (re 651 Expo Boulevard) (By-law No. 9769)**
17. **A By-law to amend False Creek North Official Development Plan By-law No. 6650 (re dwelling units) (By-law No. 9770)**
18. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 201 West 2<sup>nd</sup> Avenue) - WITHDRAWN**
19. **A By-law to amend Sign By-law No. 6510 (re 201 West 2<sup>nd</sup> Avenue) - WITHDRAWN**

#### **MOTIONS**

##### **A. Administrative Motions**

1. **Closing portions of Water Street adjacent to 36 Water Street**

MOVED by Councillor Stevenson  
SECONDED by Councillor Louie

##### **THAT WHEREAS:**

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. Portions of the building constructed on Parcel X Block 2 Old Granville Townsite Plan BCP19290 encroach onto the southerly side of Water Street;
3. The portion of Water Street encroached upon, abutting said Lot X, was dedicated by the deposit of Plan 168;

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 and in a form satisfactory to the Director of Legal Services.

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

- B. THAT a consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (I-3), generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 2900 East Broadway" dated June 28, 2007, be approved.

CARRIED UNANIMOUSLY

## 2. REZONING: 26 SW Marine Drive

An application by Joanne Stich, Kasian Architecture Interior Design and Planning, Ltd. was considered as follows:

Summary: To rezone this site from I-2 (Industrial District) to CD-1 (Comprehensive Development District) to permit 1.63 FSR (0.79 retail FSR) large format retail, including Canadian Tire retail and service store, separate retail units, and restaurants, and preservation and heritage designation of the existing post-1940's building façade.

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

Also before Council were the following:

- Memorandum dated November 1, 2007, from T. Timm, General Manager, Engineering Services, submitting a recommended condition as follows to replace proposed condition c (ii)(b) in the referral report:

"Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a maximum 6.0 metre land dedication or other suitable arrangements, and an additional 3.0 metre "option to purchase" along the north property line of the site to accommodate sidewalk and future bikeway facilities and connections. The dedication area is to be reduced where possible, once final road geometrics, sidewalk locations and construction issues have been fully refined.

Should this requested recommendation receive approval, proposed condition c (ii) (b) of this referral report should be deleted as it no longer would be applicable."

- Memorandum dated November 5, 2007, from V. Potter, Senior Rezoning Planner, submitting an amendment to the Heritage section in Appendix B with the addition of the following:
  - (iv) The owner will submit a signed letter waiving any future compensation as a consequence of the designation of the site. The letter is to be signed by all parties with a financial interest in the property. Heritage staff can provide a copy of a standard Heritage Designation Compensation Agreement for this purpose.
- Memorandum dated November 13, 2007, from Vicki Potter, Senior Rezoning Planner, responding to a request arising from the July 10, 2007, Council meeting, that staff clarify the reasons behind its recommendation to include in the CD-1 by-law a cap of 40,000 sq. ft. on retail clothing floor area.

### **Staff Opening Comments**

Vicki Potter, Senior Rezoning Planner, Brent Toderian, Director of Planning, and Paul Pinsker, Transportation Engineer, provided an overview of the application, and responded to questions from Council.

Paul Ardagh (Development Consulting Group) responded to questions from Council related to the Retail Impact Study.

### **Applicant Opening Comments**

Trent Holfeld, Canadian Tire; Michael McDonald, Kasian Architecture; Peter Joyce, Traffic Engineer, Bunt and Associates and Jami Koehl, Mustel Group, addressed Council speaking to the highlights and benefits of the project and responded to queries from Council.

### **Summary of Correspondence**

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

- 56 emails and letters in support
- 67 emails and letters in opposition
- 4 other emails and letters

### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Anne Roberts, Building Better Neighbourhoods  
Brent Granby  
Paul Keeling, Civil Society Development Project

Gail Davidson, Upper Kits Residents Association  
Ann Grant  
Deming Smith  
Stan Jang, Riley Park South Cambie Community Visions Group  
Katherine Ruffen  
David Chudnovsky, MLA Vancouver-Kensington  
Eric Doherty, Society Promoting Environmental Conservation (SPEC)  
Richard Campbell  
Tracy Jager  
Arno Schortinghuis, Vancouver Area Cycling Coalition  
Ned Jacobs  
Isabel Minty  
Damien Gillis  
Rob Baxter  
Paul Tetrault  
Louise Seto, Co-Chair, Sunset Vision Implementation Committee  
Paul Bogaert, Bike Doctor  
Mary Sherlock  
Gudrun Langolf  
Mary-Anne Code  
Ellen Woodsworth, COPE  
Martha Roth  
Margaret McGregor  
Stephanie Clarke, Executive Director, South Hill (Fraser Street) BIA  
Fred Bass  
Mel Lehan  
Bryan King, Building Better Neighbourhoods  
Randy Chatterjee

The following spoke in support of the application:

Bill Fraser  
Carol Anderson, Jump-Start  
Jay Byfield  
Ann Biggon  
Avtar Bains  
Ron Sengara  
Les Brotherston  
Marc Soo  
Harvey Enchin  
Daniel Lee  
Ray Hajee  
Gerald Adamus

#### **Applicant Closing Comments**

The applicant team provided closing comments.



## Staff Closing Comments

Staff provided closing comments.

## Council Decision

MOVED by Councillor Anton

- A. THAT the application by Kasian Architecture Interior Design and Planning, Ltd. to rezone 26 S.W. Marine Drive (PID 009902791, Lot A, Except Part in Reference Plan 6793, North Part of Block 11, District Lot 322, Plan 8878, N.W.D.) from I-2 Industrial District and RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District to permit large format area retail development, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 26 SW Marine Drive" dated June 28, 2007, be approved, subject to the following conditions:
- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Kasian Architecture, Interior Design and Planning, and stamped "Received City Planning Department", July 25, 2006, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
  - (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

### DESIGN DEVELOPMENT

- (i) design development to clearly distinguish new development from the rehabilitated heritage building;

Note to applicant: This can be achieved by creating a contrast between new and old through the use of contemporary building systems that express the prevailing industrial context. Overall massing and detailed aspects of exterior walls/fenestration should be derived, yet, distinguished, from the existing building's architectural qualities with respect to form, scale, horizontal proportioning and detailing.

- (ii) design development to ensure that active uses and at least one door access are provided to the retained portion of the Heritage Building;

Note to Applicant: Provide a tenant layout for the portion of the retained heritage building and make a notation on elevations showing clear glass and operable door(s).

- (iii) design development to reduce the overall scale impacts of the proposed development;

Note to applicant: This can be achieved by reducing height in areas where scale impacts are most noticeable and placing a greater emphasis on horizontal proportioning. Further design development to architectural expression to reduce the extent of blank wall and achieve a simpler, lighter industrial character is also required. Opportunities to maximize clerestory glazing should be pursued.

- (iv) design development to more clearly announce building entries and related on-site circulation systems;

Note to applicant: A greater reliance on good design, and less reliance on wayfinding systems, is required.

- (v) design development to achieve a more streetwall like character for the Ontario Street frontage while managing the scale of the overall development;

Note to applicant: A development strategy that maximizes and expresses active uses, reveals pedestrian/patron movement through maximum clear glazing and de-emphasizes automobile parking and access is required. Confirmation of outdoor display expectations, and related design considerations is required.

- (vi) provision of a single vehicle entry point (crossing) on Ontario Street.

Note to Applicant: The crossing may have more than one inbound and outbound lane. Provision of a qualified traffic consultant's review of the single entry operation is required prior to issuance of any related development permit.

- (vii) provision of truck delivery routes and loading operation details for Canadian Tire and other tenants of the site to determine circulation, access patterns and impacts on the neighbourhood.

- (viii) provision of a conceptual signage package that proposes signage types and locations;

Note to applicant: The signage concept should be developed for site, building and tenancy considerations and should be expressed in a simple, understated manner. The signage concept should enhance the heritage setting and Marine Drive entrance on the northerly portion of the site while acknowledging the importance of the Ontario Street corridor as a secondary access for vehicles and primary access for pedestrians, cyclists as well as visitors by automobile. Minimal reliance on wayfinding systems is required.

- (ix) provision of a conceptual lighting package that confirms lighting types and locations;

Note to applicant: The lighting concept should be developed for site, building and tenancy considerations and should be expressed in a simple, understated manner. The lighting concept should enhance the heritage setting and Marine Drive entrance on the northerly portion of the site through special lighting of the heritage building, while acknowledging the importance of the Ontario Street corridor as a secondary access for vehicles and primary access for pedestrians, cyclists as well as visitors by automobile.

- (x) design development to properly screen loading activities and utility functions;

Note to applicant: The architectural strategy for screening should be integral to the overall building expression and quality.

- (xi) confirmation of proposed materials, including glazing and screening systems, to ensure a high quality built form response in an industrial context;

- (xii) design development to confirm the location and design of weather protection systems to ensure functionality and visual quality in an industrial context;

- (xiii) design development to the open front area along Marine Drive to provide for a comprehensive landscape plan that incorporates the bio-filtration system, bikeway along Ontario, signage (if proposed in this area), City Food Policy objectives, and the remaining portions of the open lawn, which supports the historic use of this space as a framing element for the historic façade;

- (xiv) design development to the proposed driveway access off S.W. Marine Drive, to include surfacing treatment that minimizes the visual impact on the formal lawn and heritage façade and maximizes retention of existing trees:

Note to Applicant: This could include use of decorative unit pavers and a rolled rim curb.

- (xv) design development to include a conservation plan for the heritage façade;

Note to applicant: The purpose of the plan is to identify the scope of work for the heritage façade, and to identify the proposed remedial measures, and should be included on the development permit drawings

as a series of construction notes, and supported by current photos of the facade.

#### GREENWAYS/BIKEWAYS

- (xvi) reconfiguration of the plaza to intersect with the sidewalk and pond;

Note to Applicant: Configuration of the plaza should be changed to an equilateral triangle. Each side a minimum of 45 feet long, with one point intersecting the sidewalk, another point intersecting with the pond, and one side parallel to the sidewalk.

- (xvii) design development to include changes and improvements consistent with City greenway/bikeway standards and acceptable to the Director of Planning in consultation with the General Manager of Engineering Services;

Note to Applicant: Contact Engineering Services, 604.873.7155 for additional clarification on plaza amenities sought.

#### SUSTAINABILITY

- (xviii) commitment to achieving the equivalent of a minimum threshold of 39 points on the LEED Canada NC-1 Project Check List attached to the submitted materials;

Note to Applicant: The City encourages the applicant to complete full LEED™ certification for LEED Gold with the CaGBC.

- (xix) provide a written sustainability rationale, supplemented with drawings if necessary, that details all of the design features, construction practices, product specifications and applications that will allow the applicant to achieve the 39 points LEED Canada NC-1 Project Check List or equivalent attached to the submitted materials;

Note to Applicant: This rationale is to be submitted at the building permit stage and reviewed by City of Vancouver Sustainability Staff.

#### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (xx) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for graffiti on exposed party walls on the internal property line;
- (xxi) provision of a comprehensive security report by a licensed security professional for securing or patrolling parking areas for both business and non-business hours.

## AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

### ENGINEERING

- (i) make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for:
- (a) Provision of independent public utility services (Hydro, Telus; Cable) with all services to be underground 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.
  - (b) Confirmation that the hydro pole and guy wires located at the westerly end of the site on 69<sup>th</sup> Avenue can be relocated or removed to allow for the proposed driveways is required. Written confirmation from BC Hydro and confirmation from the City's Utilities Management Branch is required.
- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for:
- (a) clarification of all charges on title. Provision of 2 copies of a charge summary meeting the requirements of the Director of Legal Services;
  - (b) Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a maximum 6.0 metre land dedication or other suitable arrangements, and an additional 3.0 metre "option to purchase" along the north property line of the site to accommodate sidewalk and future bikeway facilities and connections. The dedication area is to be reduced where possible, once final road geometrics, sidewalk locations and construction issues have been fully refined.
  - (c) provision of a right of way to allow public access and use of the "bike plaza";
  - (d) provision of appropriate rights of way and agreements granting access across this site to the site adjacent to the westerly property line ("Nevada Bob's") allowing for a single point of access to both sites for any future development;

Note to Applicant: It is expected that for any future development of the adjacent site, the City would seek similar rights.

- (e) upgrading of the storm and sanitary mains to provide adequate service to the site;

Note to Applicant: A storm water management plan will be necessary and will be developed to reduce the extent of sewer system upgrading necessary for this project.

- (f) upgrading of the City water mains to provide adequate water service for the site;

Note to applicant: The current application does not provide enough detail to determine the extent of water system upgrading. Fire flow demand details are required to determine specifics of system upgrading.

- (g) provision of up to \$100,000.00 for traffic calming measures, temporary and/or permanent, as may be required within 5 years of final occupancy to protect against shortcutting within the local neighbourhood bounded by 59<sup>th</sup> Avenue, Main Street, Marine Drive and Cambie Street, 100% funded by the applicant;
- (h) provision of a raised median/left turn bay, prior to occupancy, to serve westbound Marine Drive vehicles turning south onto Ontario Street (up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works);
- (i) improvements to the west leg of the Marine Drive/Main Street intersection, prior to occupancy, including related signalization changes, to serve increased vehicle volumes (this involves a lengthening of the left turn bay on Marine Drive), 50% funded by the applicant;
- (j) median, curb, and signal modifications on Marine Drive between Ontario Street and Manitoba Street, 100% applicant funded prior to occupancy, which: 1) Introduce a new left turn bay serving the site's principal access along the westerly portion of the site; 2) Provide all infrastructure related to the signalization of the access aforementioned; and 3) Restrict against motor vehicles turning from northbound Ontario to westbound Marine;
- (k) median modifications to restore northbound to westbound movement by motor vehicles (up to 100% funded by the applicant, within 3 years of final occupancy), to be determined by the General Manager of Engineering Services;
- (l) provision of new or revised curb parking regulation signage, 100% applicant funded, along Marine Drive between Manitoba Street and Main

Street, to assist traffic safety as may be required within 3 years of final occupancy;

- (m) provision of a contribution of \$100,000.00 towards transit priority measures implemented in the vicinity of Main Street and Marine Drive;
- (n) improvements to Ontario Street from Marine Drive to 69<sup>th</sup> Avenue, 100% applicant funded, prior to occupancy, in conformance with Greenways/Bikeways standards and are to include the following:
  - 1. provision of 6 ft. wide broomed finished sidewalk with sawcut expansion joints on the west side of Ontario St. adjacent the site;
  - 2. provision of additional and upgraded "Greenways" lamp standards on the west side of Ontario St, adjacent the site;
  - 3. provision of street trees on the west side of Ontario St. adjacent the site where space permits; and
  - 4. provision of standard marked bicycle lanes in both directions on Ontario Street;
- (o) provision of a contribution of \$100,000.00 towards improvements to bicycle routes serving the site, other than those specified elsewhere in these conditions, within the area bounded by 59<sup>th</sup> Avenue, Fraser River, Cambie Street and Main Street;
- (p) provision of a Transportation Demand Management Plan to encourage among employees and customers travel by means other than the private automobile, and particularly the single-occupant private automobile, to the satisfaction of the General Manager of Engineering Services;
- (q) provision of curb, gutter and pavement to centreline on 69<sup>th</sup> Avenue between Ontario and Manitoba streets, prior to occupancy, up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works;
- (r) provision of 5 ft. or 6 ft. wide (as space permits) broomed finished concrete sidewalk on north side of 69<sup>th</sup> Avenue between Ontario and Manitoba streets, prior to occupancy, up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works;
- (s) provision of street trees on the north side of 69<sup>th</sup> Avenue between Ontario and Manitoba street where space permits, prior to occupancy, up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works;
- (t) provision of infill street trees on Marine Drive adjacent the site, where space permits;

Note to Applicant: Off-site traffic measures require separate Council approvals.

#### HERITAGE

- (iii) execute an agreement satisfactory to the Director of Legal Services and the Director of Planning, to protect the historic façade from vandalism during the construction process and complete the conservation work to the heritage façade and the open lawn on Marine Drive, in a timely manner;
- (iv) The owner will submit a signed letter waiving any future compensation as a consequence of the designation of the site. The letter is to be signed by all parties with a financial interest in the property. Heritage staff can provide a copy of a standard Heritage Designation Compensation Agreement for this purpose.

#### PUBLIC ART

- (v) Execute an agreement satisfactory to the Directors of Legal Services in consultation with the Assistant Director, Office of Cultural Affairs, for the provision of public art in accordance with the City's *Public Art Policy and Guidelines*, such agreement to provide for security in a form and amount satisfactory to the Director of Legal Services; and provide a preliminary public art plan to the satisfaction of the Assistant Director, Office of Cultural Affairs;

Note to Applicant: The *Public Art Policy & Guidelines* set out all Public Art Program requirements, including details of the preliminary public art plan referred to above. City approval of a Detailed Public Art Plan is a prior to condition of Development Permit issuance. Please discuss your application with Bryan Newson, program manager, 604.871.6002, before beginning your public art planning.

#### SOILS

- (vi) obtain and submit to the City copies of all soils studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils on the site in accordance with a Remediation Plan approved by the Ministry of Environment and acceptable to the City, providing security satisfactory to the Director of Legal Services for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site; and
- (vii) execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for security to the satisfaction of the Director of Legal Services, protecting the City and Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising



the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval.

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

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

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 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 Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (C-1), generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 26 SW Marine Drive" dated June 28, 2007, be approved;
- C. THAT Council add the building at 26 S.W. Marine Drive to the Vancouver Heritage Register in the "A" category;
- D. THAT Council approve a Heritage Designation By-law, to:
  - (i) designate as municipally protected heritage property the front masonry façade of the historic Chrysler Building at 26 S.W. Marine Drive for the full width of the building, the corresponding masonry façade along the Ontario Street frontage for a length of approximately 11.4 m (37.4 ft.), and the western elevation for a length of 7.3 m (24 ft.)
  - (ii) designate as municipally protected heritage property the open area in front of the historic façade, to include all property within the Marine Drive, east and west property lines and the face of the historic façade, including a horizontal

line that runs along the face of the historic façade to the east and west property lines.

- E. THAT the draft by-law be amended with respect to the aggregate gross floor area of retail stores in which the storage and retailing of clothing or shoes takes up more than 50% of the gross floor area of the store. The approved maximum must not exceed 5 574 m<sup>2</sup> (60,000 sq. ft.).

carried

AMENDMENT MOVED by Councillor Cadman

THAT the motion be amended by striking out the entire motion and substituting the following:

WHEREAS:

1. EcoDensity is the most significant policy put forward by Mayor Sam Sullivan and this Council during the 2005-2008 term;
2. EcoDensity seeks to reduce the city's ecological footprint with increased density while creating a sustainable, livable and affordable city;
3. EcoDensity is mandated to develop transit to allow people to walk or cycle to work and recreation, reducing the need for cars;
4. EcoDensity is mandated to build on CityPlan, Community Visions and Neighbourhood Centre Planning to support more complete communities by having housing diversity within walking distance of shops and services, and accessible to transit;
5. EcoDensity is one solution that must be implemented in conjunction with a wide range of other City policies, including transportation, housing, employment, building codes, energy, food and waste systems, mixed use development, and neighbourhood shopping centres;
6. the City is about to adopt an EcoDensity Charter, Toolkit and an EcoDensity Action Plan that could require changes and modifications of many other policies to bring them in alignment with the ideas of EcoDensity and sustainability;
7. the Mayor announced in December 2005 the city's intentions to adopt EcoDensity policies that would require significant changes in how the city operates; the mayor issued Guiding Principles for EcoDensity in July 2006; and Council adopted and funded in July 18, 2006, a plan to develop an EcoDensity Charter and Toolkit and to hold an EcoDensity Forum, thus putting all citizens, including businesses, on notice that the policy would be adopted by Spring 2007;
8. Canadian Tire re-submitted its plans to rezone 26 SW Marine Drive in order to build a Big Box, Large Format Retail development on July 25, 2006 with full knowledge of the city's intention to enact new EcoDensity policy directions by Spring 2007; the public has expressed grave concerns that consideration of Big Box, Large Format retail, car-oriented development

- that would generate 7,000 to 10,500 car trips a day, increase levels of greenhouse gases by 7,000 tonnes a year, and put neighbourhood shopping areas at risk violates the principles of EcoDensity;
9. members of CityPlan community implementation committees, residents of South Vancouver, and members of the cycling community have asked that a decision on the Canadian Tire rezoning -- as well as any other significant city decisions be postponed -- to allow the planning work and public consultation on EcoDensity to be completed and officially adopted so that key decisions are made in conformity with the EcoDensity policy and action plan

THEREFORE BE IT RESOLVED

THAT at the conclusion of the Public Hearing on Rezoning of 26 SW Marine Drive, Council defer any decision until the EcoDensity policy and action plan is adopted in order to ensure that actions taken now do not violate or undermine the effectiveness of this impending policy decision.

LOST

(Councillors Anton, Ball, Capri, Ladner and Lee opposed)

MOVED by Councillor Louie

THAT Council continue this evening, until this item is complete.

CARRIED

(Councillor Anton opposed)

AMENDMENT MOVED by Councillor Louie

THAT motion E above be amended to replace figure 60,000 sq. ft. with the figure 40,000 sq. ft. to read:

THAT the draft by-law be amended with respect to the aggregate gross floor area of retail stores in which the storage and retailing of clothing or shoes takes up more than 50% of the gross floor area of the store. The approved maximum must not exceed 40,000 sq. ft.

LOST

(Councillors Anton, Ball, Capri, Ladner and Lee opposed)

The motions to AMEND having LOST, the motion was put and CARRIED, with Councillors Cadman, Deal, Louie and Stevenson opposed.

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

NOVEMBER 13, 15, and 27, 2007



A Special Meeting of the Council of the City of Vancouver was held on Tuesday, November 13, 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 and Development and Sign By-laws. Subsequently, the meeting was recessed, and reconvened in the Council Chamber at 7:30 p.m. on both Thursday, November 15, and Tuesday, November 27<sup>th</sup>, 2007. The minutes have been consolidated for ease of reference.

**PRESENT:** \*Mayor Sam Sullivan, Chair (November 15 and 17)  
Councillor Suzanne Anton  
Councillor Elizabeth Ball  
Councillor David Cadman  
\*Councillor Kim Capri, Acting Chair (November 27)  
Councillor Heather Deal  
Councillor Peter Ladner  
Councillor B.C. Lee  
Councillor Raymond Louie  
Councillor Tim Stevenson

**ABSENT:** Councillor George Chow (Leave of Absence)  
Mayor Sam Sullivan (November 27)

**CITY CLERK'S OFFICE:** Denise Salmon, Meeting Coordinator

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*At the November 27<sup>th</sup> portion of the Public Hearing Councillor Capri assumed the Chair due to the absence of the Mayor*

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**COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson  
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

**1. REZONING: 2900 East Broadway**

An application by Tom Bunting, Bunting Coady Architects was considered as follows: