



City of Vancouver *Zoning and Development By-law*

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CD-1 (483)

236 - 298 West 1st Avenue

By-law No. 10033

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

Effective May 4, 2010

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-597(a) 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 (483).

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

- (a) Dwelling Uses, limited to Multiple Dwelling, Seniors Supportive or Assisted Housing, and Dwelling Units 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) 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;
- (e) Office Uses;
- (f) Parking Uses;
- (g) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;
- (h) Service Uses, limited to Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant – Class 1, School – Arts or Self-Improvement, and School - Business;
- (i) Accessory Uses customarily ancillary to the uses listed in this section 2.2; and
- (j) Interim Uses not listed in this section 2.2, 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 (483), and
 - (iv) any development permit for an interim use has a time limit of three years.

3 Conditions of use

3.1 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.

- 3.2 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".
- 3.3 All uses except dwelling uses must have direct access to grade.
- 3.4 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).
- 4 Density
- 4.1 Computation of floor space ratio must assume that the site consists of 3 393 m², 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 must not exceed 3.5.
- 4.3 Despite section 4.2, the Development Permit Board may permit an increase in floor space ratio, not to exceed 10%, resulting from a transfer of extra density from a designated heritage property, within the area of the Southeast False Creek Official Development Plan, in relation to which its receipt was as compensation for the reduction in market value at the time of designation.
- 4.4 Computation of floor space ratio must include:
- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
 - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
 - (c) in the case of dwelling uses and live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.
- 4.5 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 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.

4.6 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;
- (d) despite section 4.4(c), 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;
- (e) features generally on the westerly facades of buildings to reduce solar gain, which may be in the form of french balconies and horizontal extensions; and
- (f) tool sheds, trellises and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 4.4(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden areas.

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

5 Building height

5.1 The building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor, excluding parapet wall must not exceed 38 m.

5.2 Section 10.11 of the Zoning and Development By-law is to apply except that, despite section 10.11 and section 5.1 of this By-law, the Director of Planning or Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for structures which support the use of intensive green roofs or urban agriculture, such as elevator and stair enclosures, amenity areas, tool sheds, trellises, and other garden structures.

6 Horizontal angle of daylight

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

6.2 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.

6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

6.4 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.

6.5 An obstruction referred to in section 6.2 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 (483).

6.6 A habitable room referred to in section 6.1 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.

7 Parking, loading, and bicycle spaces

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

8 Acoustics

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

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

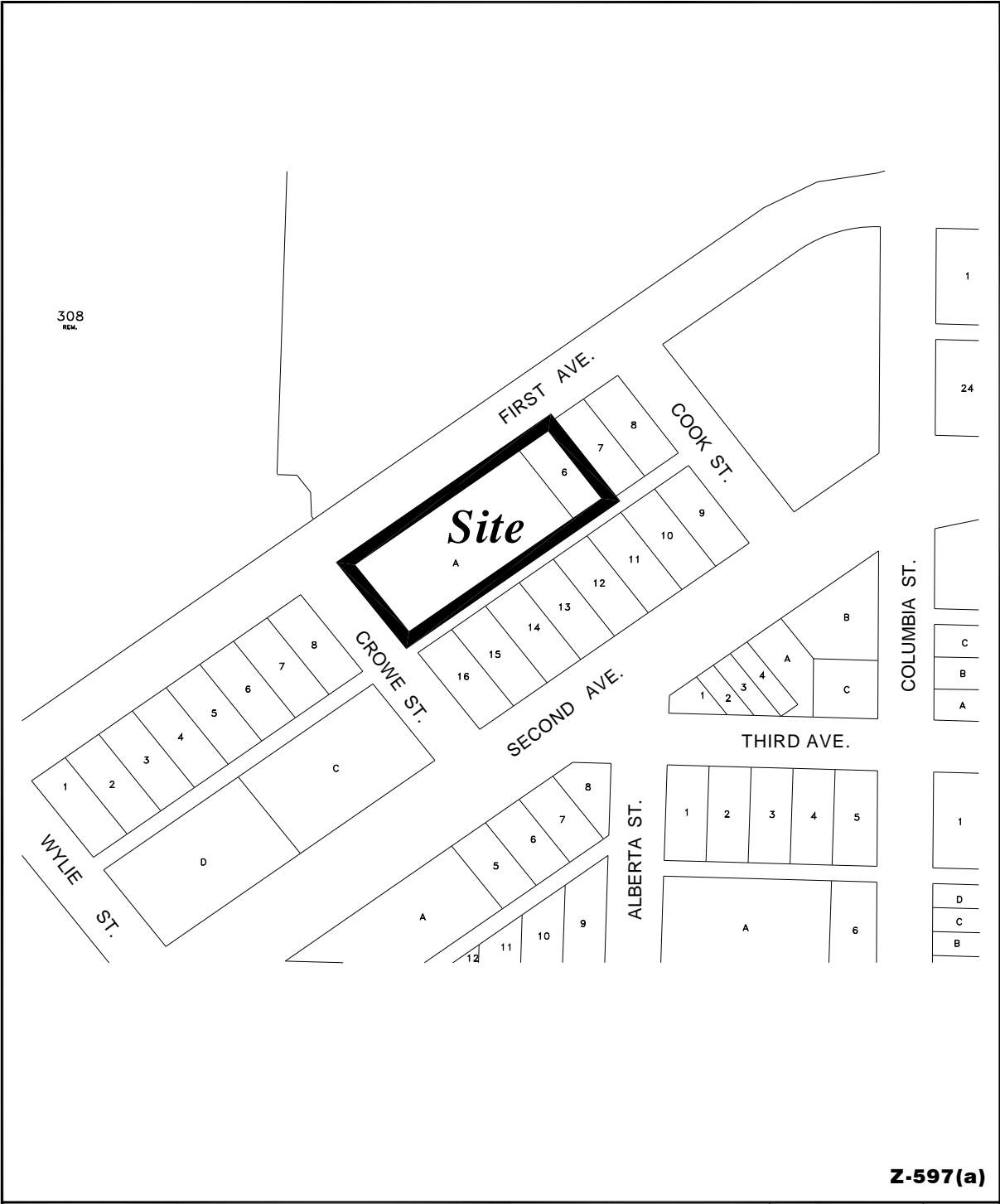
9 Severability

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

10 Force and effect

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

ENACTED by Council this 4th day of May, 2010.



Z-597(a)

<p>RZ- 236-298 W 1st Avenue</p>	<p>map: 1 of 1</p>	
	<p>scale: 1:2000</p>	
<p>City of Vancouver</p>	<p>date: Jan. 2008</p>	

Backup Notes

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

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 Jang

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Deal
SECONDED by Councillor Cadman

THAT Council enact the by-law listed on the agenda for this meeting as number 1 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

Councillor Jang rose and confirmed he has received a report of the Public Hearing in regard to by-laws 2 and 3, and would therefore be voting on the enactment of the by-laws.

MOVED by Councillor Deal
SECONDED by Councillor Cadman

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 2 and 3 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to amend Noise Control By-law 6555 (1300 - 1336 Granville Street)**
(By-law No. 10032)
2. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (236 - 298 West 1st Avenue) (By-law No. 10033)**
(Councillors Meggs, Reimer, Woodsworth, and the Mayor ineligible to vote)

3. **A By-law to amend Sign By-law No. 6510 (236 - 298 West 1st Avenue)**
(By-law No. 10034)
(Councillors Meggs, Reimer, Woodsworth, and the Mayor ineligible to vote)

MOTIONS

~~Administrative Motions~~

1. **Establishing Road on the east side of Knight Street, between 55th and 57th Avenue, adjacent to 7228 Knight Street, for a widening strip for the installation of left turn bays on Knight Street at 57th Avenue**

MOVED by Councillor Jang
SECONDED by Councillor Deal

THAT WHEREAS the registered owner will be conveying to the City of Vancouver for road purposes lands in the City of Vancouver, Province of British Columbia, more particularly known and described as follows:

All that portion of Lot 48, Except the West 7 Feet now Road, Blocks 29 to 31, District Lot 200, Plan 1770 as shown heavy outlined on plan of survey completed April 13, 2010, attested to by James E. Gregson, B.C.L.S. and marginally numbered LD4962.

AND WHEREAS it is deemed expedient and in the public interest to accept and allocate the said lands for road purposes.

BE IT RESOLVED that the above described lands to be conveyed are hereby accepted and allocated for road purposes and declared to form and to constitute a portion of a road.

CARRIED UNANIMOUSLY

2. **Special Relief Resolution - Pavement and Curbs - Salisbury Drive from Franklin Street to Hastings Street**

MOVED by Councillor Woodsworth
SECONDED by Councillor Cadman

PREAMBLE

On November 7, 2006, Council approved a Council initiated pavement and curbs project (the "project").



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 12 AND 21, 2008

CITY OF VANCOUVER

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, February 12, 2008, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider zoning, official development plan, sign by-law amendments and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, February 21, 2008, at 7:30 p.m. in the Council Chamber. The Minutes have been consolidated for ease of reference.

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: Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

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 zoning, official development plan, sign by-law amendments and heritage by-laws.

CARRIED UNANIMOUSLY
(Councillors Ladner and Louie absent for the vote.)

~~1. **TEXT AMENDMENT:** 140 West 1st Avenue (formerly 102-160 West 1st Avenue)~~

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

~~Summary: To amend the Southeast False Creek (SEFC) Official Development Plan (ODP) to allow a height increase on this site and subject to enactment of the CD-1 (Comprehensive Development District) for this site to consider a CD-1 text amendment and amendments to the conditions of approval for the CD-1 By-law.~~

4. CD-1 REZONING: 236-298 West 1st Avenue

An application by David Evans, Cressey (Cook) Development LLP, was considered as follows:

Summary: To rezone from M-2 (Industrial District) to CD-1 (Comprehensive Development District), under SEFC ODP, to permit a 156 unit residential development in a 13 storey tower with a townhouse podium.

The Director of Planning recommended approval.

Staff Opening Comments

Michael Naylor, Planner, Rezoning Centre, responded to questions.

Applicant Comments

David Evans, Cressey Developments, was present to respond to questions.

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Cressey (Cook) Development LLP, to rezone 236-298 West 1st Avenue (PID 011-068-477, Lot 6, Block 4, DL 302, Plan 5832 and PID 007-137-681, Lot A, Block 4, DL 302, Plan 18593) from M-2 (Industrial) to a CD-1 (Comprehensive Development) District to permit a 13-storey residential building and a 3-storey mid-block building with a total density of 3.5 Floor Space Ratio, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 236-298 West 1st Avenue" dated December 21, 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 Rafii Architects Inc. , and stamped "Received Planning Department, April 24, 2007", 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

- (i) design development to further refine the architectural resolution and the apparent bulkiness of the tower;
- (ii) design development to the breezeway between the tower and the mid-block massing;

Note to Applicant: This can be achieved by providing a wider gap at grade, by extending the lobby and amenity spaces along the tower base to enliven the breezeway edge, and by adding windows to the sides of adjacent residential units.

- (iii) design development to provide improved daylight access and privacy to residential units;

Note to Applicant: The objective is to maintain approximately 24.4 m separation between main living spaces facing each other above the second floor across Crowe Street. Primary living spaces for units adjacent to the lane are to be oriented east or west.

- (iv) design development to provide improved interface between the ground-level open space on site and the public lane;

Note to Applicant: Consistent with the SEFC Public Realm Plan, a pedestrian courtyard is to be provided on the development site open to the lane, including specialty paving, bench seating, lighting and landscaping. The remainder of the site's open space design should transition from public to private striving not to use fencing or gating.

- (v) provision of high quality, durable architectural materials and detailing including rain protection overhangs;
- (vi) provision of grade-level setbacks from the property lines (after dedications) to the principle building façade of at least 2.4 m on the streets and of at least 1.5 m on the lane to provide the landscape interface specified in the SEFC Public Realm Plan;
- (vii) provision of a private, un-gated pedestrian link on the east edge of the property to be shared in common by future development on the adjacent site to the east;

Note to Applicant: Windows from adjacent units should be located to view this area.

- (viii) design development to the public realm to incorporate historic and art features consistent with the SEFC Public Realm Plan, Public Art Plan and Interpretive Strategy;

Crime Prevention Through Environmental Design (CPTED)

- (ix) design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for:
 - theft in the underground parking;
 - residential break and enter;
 - mail theft; and
 - mischief in alcoves and vandalism, such as graffiti;

Landscape Design

- (x) Public Realm Treatment – provision of a variety of spaces that are consistent with the SEFC 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;
- (xi) Open Space and Landscape Treatment – provision, at time of development permit application, of:
 - a detailed rationale outlining intent for the specific programming of individual outdoor spaces and landscape structures, including overall use, pedestrian capacity, storage (e.g., compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat); and
 - continuous soil trough to establish climbing plants on walls and structures;
 - durable landscape materials and structures such as plant specific soils, durable planters, wall trellis structures;
- (xii) Technical:
 - Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Reconfigure underground parking design to increase soil depth for planting. Planted areas adjacent to structures and on slab to contain continuous soil volumes. 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;
 - provision of large scale partial plans, elevations and sections illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, patios and privacy screens;
 - provision at time of development permit application of a lighting plan;
 - provision of hose bibs for all patios that cannot be serviced using at-grade non-potable water; and
 - provision at time of development permit application 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, including site grading. Proposed plant materials are to be clearly illustrated on the Landscape Plan. The Landscape Plan is to be at 1:100 (1/8" = 1'-0");
- (xiii) Trees – protect lane-edge trees and planting from vehicular impacts by providing metal tree-surrounds, bollards or low curbs as needed;
- (xiv) Roof Decks – design development to provide urban agriculture grow plots, tool storage and hose bibs on common roof deck areas;

Note to Applicant: provide notations for hose bibs on landscape plan; provide details of green roof system and soil depth sections through all roof planters.

Social Planning

- (xv) design development to ensure that all indoor amenity rooms comply with the High Density Housing for Families with Children Guidelines;

Note to applicant: All indoor amenity rooms should have an accessible washroom. Multi-purpose amenity rooms should also include a kitchenette and adequate storage area.

- (xvi) design development to provide a children's play area on the common roof deck.
- (xvii) design development to provide opportunities for additional active and passive uses and activities.

Note to applicant: Outdoor cooking, preparation and eating areas, a grassy area and/or an increased number of seating areas could be provided for other uses.

Universal Design

- (xviii) 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;

Environmental Sustainability

- (xix) applicant to work with City staff through best efforts, to achieve the SEFC Green Building Strategy (as presented in Appendix E) and to 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

- (xx) provide energy efficient design and show modelling results to meet or exceed the Commercial Buildings Incentive Program (CBIP) standard for energy efficiency;
- (xxi) provide full building design to meet ASHRAE 90.1 (2004) in its entirety (with the exception of outright energy efficiency, which is covered under the previous provision) 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, is to be submitted at the time of application for Building Permit.

- (xxii) provide vertical glazing to a maximum of 40% or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
- (xxiii) provide, in the building design, connections to and compatibility with the False Creek Neighbourhood Energy Utility;

Note to Applicant: Clarify how the building design includes provision for connections to the False Creek Neighbourhood Energy Utility and show on the plans the room, labeled "NEU Energy Transfer Station (ETS)", that will house the system infrastructure. The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall, suitable space for the installation of the NEU system ETS equipment, with adequate provision for connection to outside NEU distribution piping and communications conduit. The developer shall make available use of sewer and potable water piping in each ETS room. The ETS room shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C. The developer must provide a dedicated 15 amp 120V, 60 Hz, single-phase electrical service for operation of the ETS, to the satisfaction of the General Manager of Engineering Services.

- (xxiv) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxv) provide climate zone control for residential and live-work units;
- (xxvi) specify fireplaces that are listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 (2001) heating appliance standards;

Note to applicant: No continuous pilot lights; interrupted power ignition is preferred. A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit. Fireplaces are not encouraged, but where fireplaces are specified, the proponent is encouraged to work with the False Creek Neighborhood Energy Utility to properly balance the unit's space-heating load.

- (xxvii) provide for the charging of e-vehicles and e-scooters, by initially equipping a minimum 3% of the residential parking stalls with 120 V AC single phase outlets (per section 86 of the Canadian Electric Code), with provision for future expansion to 15% of all residential parking stalls;

Note to applicant: Implementation of the above will ensure one (1) additional LEED point for the project. Also, to ensure adequate overnight charging, a conductive split duplex receptacle, or two single receptacles by two separate circuits rated at 120 V at 20 Amps or more each, is required.

Stormwater Management

- (xxviii) provide an overlay of all roofs to illustrate the amount of green roof coverage by intensive and extensive green roofs;

Note to applicant: Green roofs covering 50% of all roof surfaces are encouraged but not required.

- (xxix) provide best current practices for managing water conservation including high-efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- (xxx) design development to reduce the use of potable water for irrigation by providing a stormwater retention system (e.g. cistern, on-site pond, infiltration galleries, etc.);

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

In-Building Water Efficiency

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

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

Urban Agriculture

- (xxxii) 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 to 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;

Building Durability

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

Waste Management

- (xxxiv) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit, ensuring that a minimum of 75% landfill diversion through the construction process;
- (xxxv) provide three streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.

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

Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- (i) consolidation of PID 011-068-477, Lot 6, Block 4, DL 302, Plan 5832 and PID 007-137-681, Lot A, Block 4, DL 302, Plan 18593;
- (ii) dedication of up to 2.0 m of the site along the north boundary for road purposes;

Note to Applicant: The exact dimensions of the dedication are to be determined by the final geometric design for the 1st Avenue reconstruction. The dimensions are expected to be 0.8 m width at the west boundary (for road widening) and, beginning at a distance of about 38.0 m from the east boundary, a gradual increase in width to a total of 2.0 m at the east boundary (to provide extra street width for a proposed streetcar stop on 1st Avenue at Cook Street).

- (iii) discharge of Easement and Indemnity agreements 498452M, J7774, and J87654 prior to occupancy of the site;
- (iv) provision of a shared vehicle ramp with knock-out panel for future access to underground parking and services for the adjacent site to the east;
- (v) provision of a 1.5 m wide easement along the east boundary of this development site, to be combined in the future with a comparable easement on the adjacent site to the east when that site is redeveloped, for the purpose of a private pedestrian walkway to be shared by both developments;

Note to Applicant: The design of this area as shown in the application, with gates, may be subject to adjustment when the development to the east occurs. The width of the easement for the adjacent site will be determined at the time of rezoning of that site.

- (vi) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees, street furniture and landscaping adjacent the site in keeping with the final design requirements of the SEFC Public Realm Plan;

Note to Applicant: See Engineering Services' detailed comments on public realm treatments in Appendix D.

- (vii) provision of improvements to the lane south of 1st Avenue in keeping with the final design requirements of the SEFC Public Realm Plan, including a "runnel", lane bulges, lane landscaping and lane lighting where applicable;

- (viii) provision of a 1.5 m wide statutory right-of-way along the south side of the site (along the lane) for utility purposes;
- (ix) undergrounding of all *existing* and *new* utility services from the closest existing suitable service point;

Note to Applicant: All services, 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.

- (x) make arrangements to the satisfaction of the General Manager of Engineering 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 By-law; 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 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

Note to Applicant: Co-op spaces must be provided in an area with 24-hour accessibility (e.g. within visitor parking or outside the building).

SOILS

- (xi) 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.
- (xii) 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 have been provided to the City by the Ministry of Water, Land and Air Protection.

OLYMPIC SECURITY REQUIREMENTS

- (xiii) prior to enactment of the CD-1 By-law, the registered owner of the Lands (the "Owner") shall 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 alia, provide for the following:
- (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements") at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010:
 - i. cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 - ii. not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
 - (B) 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;
 - (C) 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, at the sole discretion of the City Engineer; and
 - (D) 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;

the Security Agreement shall be fully registered 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;

COMMUNITY AMENITY CONTRIBUTION

- (xiv) the agreed community amenity contribution of \$1,470,056 is to be paid to the City and such payment 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-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 a consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (DD) as set out in Appendix C to Policy Report "CD-1 Rezoning - 236-298 West 1st Avenue" dated December 21, 2007, be approved.
- C. THAT, subject to approval of the rezoning at the Public Hearing, the Noise Control By-law be amended to include this Comprehensive District in Schedule B as set out in Appendix C to Policy Report "CD-1 Rezoning - 236-298 West 1st Avenue" dated December 21, 2007, be approved.
- D. THAT 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

~~5. **HRA/HERITAGE DESIGNATION: 190 PHOENIX STREET**~~

~~An application by Craig Taylor, Christopher Bozyk Architect, was considered as follows:~~

~~Summary: Heritage Revitalization Agreement and Designation to permit an increase in density and to convert the building to residential use with retail at grade. The building will be added to the Vancouver Heritage Register as part of the process.~~

~~The Director of Planning recommended approval.~~

~~Also before Council was a Memorandum from staff dated February 21, 2008, in response to questions of Council in relation to the project.~~

~~**Staff Opening Comments**~~

~~Yardley McNiell, Planner, Heritage Group, and Jacquie Gijssen, Planner, Cultural Services, provided an overview of the application and, together with Brent Toderian, Director of Planning, Rob Jenkins, Assistant Director of Planning, and Jerry Evans, Property Development Officer - Real Estate Services, responded to questions.~~

~~**Applicant Comments**~~

~~Chris Bozyk, Christopher Bozyk Architects, explained the project, and, together with Richard Wittstock, AMACON, responded to questions.~~

~~**Summary of Correspondence**~~

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

~~*Opposed*~~

- ~~• 101 emails and letters;~~
- ~~• a Petition with 2,894 signatures; and~~
- ~~• 50 form letters~~

~~*In Support*~~

- ~~• 2 emails;~~

~~*Other*~~

- ~~• 2 emails~~

~~*Applicant*~~

- ~~• 1 letter regarding alternate artist space~~