



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

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7000 fax 604.873.7060  
[planning@vancouver.ca](mailto:planning@vancouver.ca)

## **CD-1 (489)**

*1201 - 1215 Bidwell Street and 1702 - 1726 Davie Street*

*By-law No. 10101*

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

***Effective July 20, 2010***

*(Amended up to and including By-law No. 10183, dated December 14, 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-617 (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 (489).

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

- (a) Cultural and Recreational Uses, limited to Personal Training Centre;
- (b) Dwelling Uses, in conjunction with any use listed in this section 2.2;
- (c) Office Uses;
- (d) Retail Uses, limited to Adult Retail Store, Grocery or Drug Store, Liquor Store, Pawnshop, Retail Store, Secondhand Store, and Small-scale Pharmacy;
- (e) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade; and
- (f) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

## **3 Density**

**3.1** The floor space ratio for all uses, combined, must not exceed 6.27.

**3.2** Computation of floor space ratio must include all floors, both above and below ground level, measured to the extreme outer limits of the building.

**3.3** 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) the floors or portions of floors 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, which are at or below the base surface except that the exclusion for a parking space must not exceed 7.3 m in length for the purpose of exclusion from floor space ratio computation;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness except that this clause does not apply to walls in existence prior to March 14, 2000; and
- (f) with respect to exterior:
  - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or

- (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

**3.4** Computation of floor space ratio may exclude, at the discretion of the Director of Planning:

- (a) enclosed residential balconies if the Director of Planning 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 provided residential floor area, and
  - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) interior public space, including atria and other similar spaces if the Director of Planning first considers all applicable policies and guidelines adopted by Council except that:
  - (i) excluded space must not exceed the lesser of 10% of the permitted floor area and 600 m<sup>2</sup>,
  - (ii) a covenant and statutory right of way in favour of the city and setting out public access and use must secure the excluded area, and
  - (iii) the Director of Planning must first consider all applicable policies and guidelines adopted by Council; and
- (c) amenity floor areas except that the excluded space must not exceed the lesser of 10% of the permitted floor area and 1 000 m<sup>2</sup>.

## **4 Building height**

**4.1** The building height, measured above base surface, must not exceed 64.0 m.

**4.2** Despite section 4.1 of this By-law and section 10.11 of the Zoning and Development By-law, a planted sustainable green wall may extend 2 m more or less above the maximum height of the building.

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

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

- (a) for non-dwelling uses:
  - (i) at least one parking space for each 145 m<sup>2</sup> of gross floor area,
  - (ii) no more than one parking space for each 115 m<sup>2</sup> of gross floor area,
  - (iii) at least 1% of parking spaces designated as shared vehicle parking spaces for use by visitors who are using a shared vehicle, and
  - (iv) one disability parking space for the first 500 m<sup>2</sup> of gross floor area, and 0.4 disability parking space for each additional 1 000 m<sup>2</sup> of gross floor area; and
- (b) for dwelling uses:
  - (i) at least the lesser of one parking space for each 140 m<sup>2</sup> of gross floor area and one parking space for each dwelling unit,

- (ii) no more than 0.5 parking space for each studio dwelling unit, one parking space for each one bedroom dwelling unit, 1.5 parking spaces for each two bedroom dwelling unit, and two parking spaces for each three or more bedroom dwelling unit,
- (iii) at least 0.1 parking spaces and no more than 0.2 parking spaces for each dwelling unit for visitor parking supplied from the minimum required and maximum allowable parking spaces,
- (iv) 0.02 shared vehicle parking spaces for each dwelling unit, and, for parking calculation purposes, any number larger than or equal to 0.5 is to equal one, [10183; 10 12 14]
- (v) at least 0.008 loading spaces, Class A for one to 299 dwelling units,
- (vi) at least 0.006 loading spaces, Class A for more than 299 dwelling units, and
- (vii) one disability parking space for the first seven dwelling units, and 0.034 disability parking spaces for each dwelling unit thereafter.

## **6 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

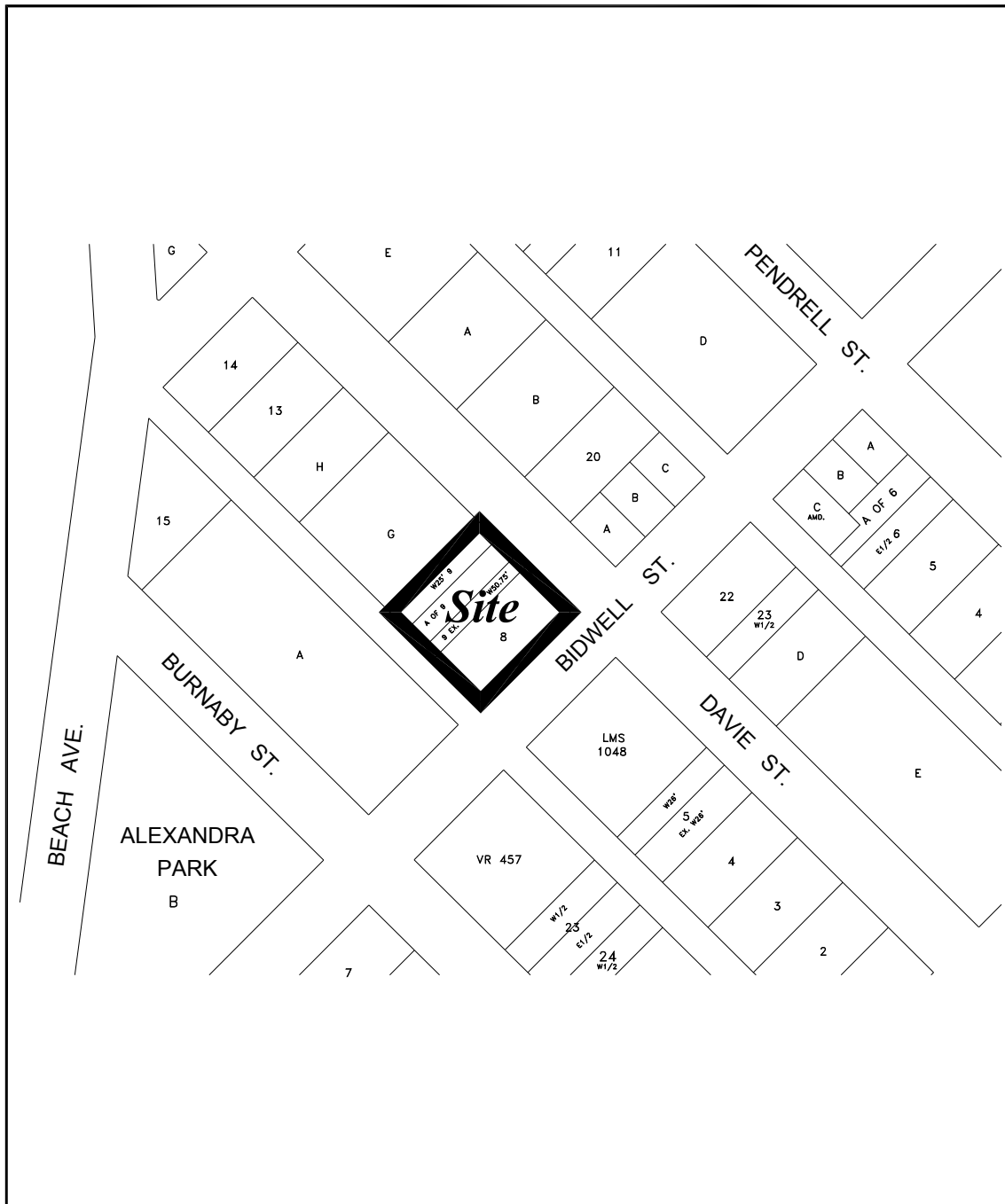
## **7 Severability**

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 20th day of July, 2010.



The property outlined in black (  ) is rezoned:

From **C-5** to **CD-1**

**Z-617 (b)**

RZ - 1201-1215 Bidwell Street & 1702-1726 Davie Street	map: 1 of 1	
	scale: NTS	
<b>City of Vancouver</b>	date: 2009-11-13	

# Backup Notes

# Backup Notes

**By-law No. 10101, dated July 20, 2010**

1201 - 1215 Bidwell Street  
1702 - 1726 Davie Street

**BY-LAW NO. 10101**

**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-617 (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 (489).

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

- (a) Cultural and Recreational Uses, limited to Personal Training Centre;
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- (e) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade; and
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## Density

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  - (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
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### **Building height**

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4.2 Despite section 4.1 of this By-law and section 10.11 of the Zoning and Development By-law, a planted sustainable green wall may extend 2 m more or less above the maximum height of the building.

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

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

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  - (v) at least 0.008 loading spaces, Class A for one to 299 dwelling units,
  - (vi) at least 0.006 loading spaces, Class A for more than 299 dwelling units, and
  - (vii) one disability parking space for the first seven dwelling units, and 0.034 disability parking spaces for each dwelling unit thereafter.

### Acoustics

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

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**Severability**

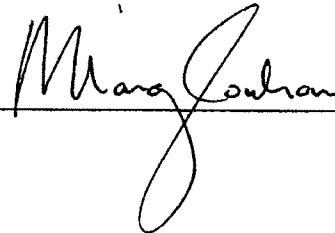
7. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

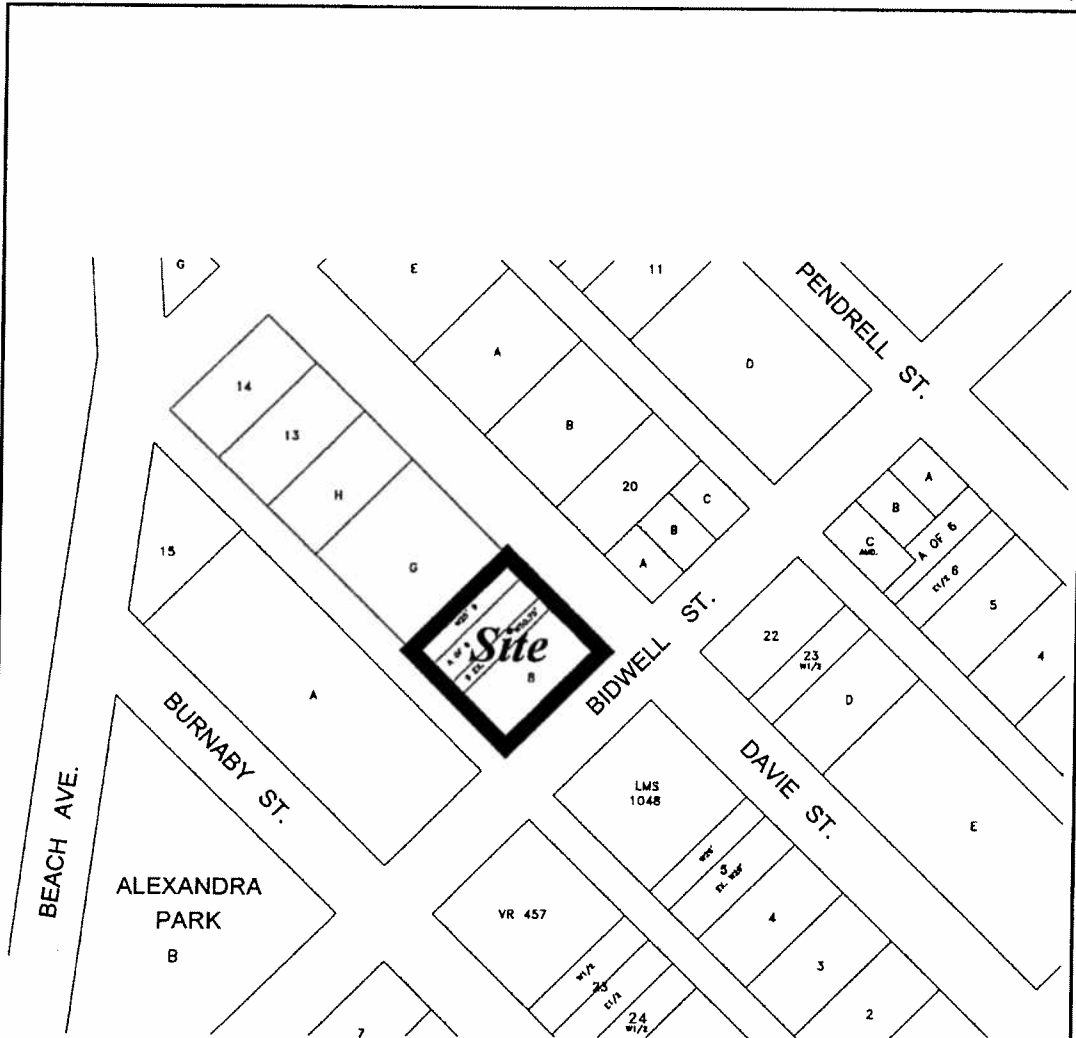
**Force and effect**

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

ENACTED by Council this 20<sup>th</sup> day of July , 2010

  
\_\_\_\_\_  
Mayor

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



The property outlined in black ( **█** ) is rezoned:  
 From **C-5** to **CD-1**

**Z-617 (b)**

RZ - 1201-1215 Bidwell Street & 1702-1726 Davie Street

map: 1 of 1

scale: NTS



**City of Vancouver**

date: 2009-11-13



REPORT TO COUNCIL  
REGULAR COUNCIL MEETING MINUTES

DECEMBER 15, 2009

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, December 15, 2009, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

**PRESENT:** Deputy Mayor George Chow  
Councillor Suzanne Anton  
Councillor Heather Deal\*  
Councillor Kerry Jang\*  
Councillor Raymond Louie\*  
Councillor Geoff Meggs\*  
Councillor Andrea Reimer\*  
Councillor Tim Stevenson\*  
Councillor Ellen Woodsworth

**ABSENT:** Mayor Gregor Robertson (Leave of Absence - Civic Business)  
Councillor David Cadman (Leave of Absence - Civic Business)

**CITY MANAGER'S OFFICE:** Penny Ballem, City Manager

**CITY CLERK'S OFFICE:** Marg Coulson, Acting City Clerk  
Tina Hildebrandt, Meeting Coordinator

\*Denotes absence for a portion of the meeting.

**PRAYER**

The proceedings in the Council Chamber were opened with a prayer read by Councillor Deal.

~~**ACKNOWLEDGEMENT - "Police Officer of the Year"**~~

~~Deputy Mayor Chow acknowledged Detective Constable Lisa Byrne as 2009 Police Officer of the Year and invited Det./Cst Byrne and Chief Constable Jim Chu to say a few words.~~

~~**ANNOUNCEMENT - Mitts for Kids**~~

~~Deputy Mayor Chow invited Mary Ann Clark to provide an overview on the Mitts for Kids program.~~

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.

CARRIED

(Councillor Woodworth opposed)

**2. REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):  
1201-1215 Bidwell Street and 1702-1726 Davie Street**

On Thursday, December 10, 2009, Council concluded the Public Hearing on the above-noted matter, and referred discussion and decision to the Regular Council meeting on December 15, 2009, as Unfinished Business.

MOVED by Councillor Louie

- A. THAT the application, by Henriquez Partners Architects on behalf of Millennium English Bay Properties Ltd, to rezone 1201-1215 Bidwell Street and 1702-1726 Davie Street (PID: 015752551, 015752640, 015752674, 014-499-029) Lot 8, Lot 9 except the west 50.75 feet and Lot A (see 17609K) of Lot 9, Block 62, District Lot 185, Plan 92) from C-5 (Commercial District) to CD-1 (Comprehensive Development District), to increase the density from 2.2 to 6.27 FSR to permit construction of a mixed-use development containing rental and condominium housing and at-grade commercial uses, generally in accordance with Appendix A, to the Policy Report "*CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street*", dated October 20, 2009, be approved subject to the following conditions:

**PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- a. THAT the proposed form of development be approved by Council in principle, generally as prepared by Henriquez Partners Architects in plans and stamped "Received Planning Department, June 15, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- b. THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

### Urban Design

- (i) Design development to refine the treatment of the blank west party wall (rental component) through incorporation of high quality material such as brick;
- (ii) A preliminary LEED™ score card should be submitted with development (DE) application showing proposed strategies for attainment of LEED™ Gold;

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

### Landscape

- (iii) Design development of the landscaping at the residential lobby entrance on Bidwell Street to provide greenery as a visual amenity for the streetscape and to blend with the residential character of the surrounding street;
- (iv) Submission of a landscape design rationale including rainwater collection and sustainable methods employed for water usage;
- (v) Provision of a detailed landscape management plan outlining specific maintenance requirements for the proposed landscape forms, including planters, green roof and walls, and irrigation systems at all building locations, to the satisfaction of the Director of Planning;
- (vi) Provide a legal survey illustrating the following information:
  - 1. Existing trees 20 cm calliper or greater on the development site
  - 2. The public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;
- (vii) Submission of a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include the outline of the proposed underground parking garage and proposed street furnishings along the Davie and Bidwell Street frontage as illustrated in the Rezoning Report;
- (viii) Section details at a minimum scale of 1/2"=1'-0" scale to illustrate proposed landscape elements including planters on



building structures, benches, fences/ gates, arbours and trellises, posts and walls and water feature. Planter section details should confirm depth of proposed planting on structures. Recommend 36 inches minimum growing medium depth for large trees on a slab application;

- (ix) Large scale ¼"=1'-0" or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane; include planter walls, stairs, landscaping, soil depth ( indicated by underground structures), semi-private patios, and privacy screens;
- (x) Provision of a high- efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas (illustrated on the Landscape Plan);
- (xi) Provision of new street trees to infill the existing street tree colonnade adjacent to the development site on Bidwell Street and Davie Street to the satisfaction of the General Manager of Engineering services and in consultation with the Director of Planning;

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Amit Gandha, Park Board, ph: 604.257.8587 for tree species selection and planting requirements. Provide a notation on the Landscape Plan, final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet in length and 18 inches in depth. Call the Park Board for inspection after tree planting completion.

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

- (xii) Design development to take into consideration the principles of CPTED, having particular regard to reduce opportunities for theft in the underground, graffiti on walls, and mail theft;

#### **Social Development - Urban Agriculture**

- (xiii) Design development to provide further detail on the proposed urban agriculture facilities;

Note to Applicant: See the City of Vancouver Urban Agriculture Guidelines for the Private Realm.

### **Engineering**

- (xiv) Provision of bicycle storage for commercial and retail uses as per the updated requirements of the City of Vancouver Parking By-Law;
- (xv) Retail bike parking is to be more accessible;
- (xvi) A review of the parking design by a qualified Transportation Engineer is recommended to eliminate the vehicle interlock created in the commercial parking area, by the tower core and visitor parking areas and to provide adequate vehicle separation and proper vehicle movements at all corners in the parkade is required. The revised plans continue to indicate a vehicle interlock situation at right angle turns within the parkade;
- (xvii) Consider provision of a dock leveller to enable trucks of various heights to load at the dock;
- (xviii) Clarify the largest truck the loading facility is designed to accommodate and ensure that this truck can manoeuvre independently into one space while the other is occupied and without requiring removal of any of the resident permit parking in the lane;
- (xix) Provision of adequate garbage and recycling facilities for residential uses. Note recycling must be directly accessible to crews from the lane without steps or landings to manoeuvre over (ramps are required or the recycling must be made available at the lane for pick up by the building operators.) Please contact Engineering, Solid Waste Branch for recycling space and pick up requirements;

Note to applicant: It is recommended that the parkade deficiencies be reviewed immediately to ensure they can be addressed at the development permit stage without major design changes, the vehicle interlock and loading bay operations are of key concern.

### **Environmental Health**

- (xx) The City's acoustical criteria shall form part of the Zoning By-law, and an Acoustical Consultant's report shall be required which assesses noise impacts on the site and recommends noise mitigating measures;

### **Heritage**

- (xxi) The Statement of Significance for 1215 Davie Street must be reviewed and approved by the Vancouver Heritage Commission;
- (xxii) Confirm the historical significance of the sign and explore options for the positioning of the sign with the intent of keeping it in the interior of the building.

### **Urban Design**

- (xxiii) Design development to refine the detailing of the brick and glass façade of the Davie Street podium to enhance its character.

## **PROPOSED CONDITIONS OF BY-LAW ENACTMENT**

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

### **Heritage**

- (i) The owner shall enter into a Heritage Revitalization Agreement with the City to secure the rehabilitation, protection and on-going maintenance of the façade of the "C" listed building at 1215 Bidwell Street;
- (ii) The owner shall agree to the City designating the buildings under the Heritage By-law without further compensation;
- (iii) The owner shall enter into associated agreements with the City to secure the timely rehabilitation of the protected heritage façade at 1215 Bidwell Street prior to issuance of the development permit for the 1215 Bidwell Street project by restricting occupancy of the new tower until rehabilitation of the heritage façade is completed, on terms and conditions satisfactory to the Director of Legal Services;

### **Housing**

- (iv) That the owner make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure the designated units as rental for the life of the building, subject to a no-separate-sales covenant and a non-stratification covenant, and subject to such rentals being made available as rental housing units pursuant to the Short Term Incentives for Rental Housing (STIR) Program;

## Engineering

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

- (v) Consolidation of Lot 8, Lot 9 except the West 50.75 feet, Lot A of Lot 9, & the West 25 feet of Lot 9 is required;
- (vi) Provision of a new or updated encroachment agreement that captures all existing and proposed encroachments over public property;\* Note to Applicant: Although the existing Easement & Indemnity Agreement E39757 allows for a building encroachment of up to 2 ½ inches onto City Street, this does not appear to cover the full extent of the existing encroachments.
- (vii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required;
- (viii) Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;
- (ix) Provision of street trees adjacent the site where space permits;
- (x) Provision of improved sidewalks to current commercial standards adjacent the site;
- (xi) Provision of standard concrete lane crossing at the Bidwell Street lane entry;
- (xii) Provision of a pedestrian /bicycle signal and related utility and road work necessary for signal installation at the intersection of Bidwell and Davie subject to City Council approval. The applicant to be responsible for 50% of the signal costs and related works, further the applicant is to be responsible for any public consultation deemed necessary;

(xiii) Provision of car share agreement that provides for the following:

- the provision, operation, and maintenance of four shared vehicles and the provision and maintenance of four parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
- a professional car-sharing organization satisfactory to the Director of Planning and General Manager of Engineering Services must manage the car sharing vehicles; and
- designation the number of visitor or surplus parking spaces as determined by the General Manager of Engineering Services, which are publicly accessible 24 hours a day (e.g. within visitor parking or outside the building in a lane or 'mews') for future use by shared vehicles, with such spaces not to be in addition to required parking for residents or visitors;

\*Note: The developer should be also be advised that building encroachments onto City street may cause problems when strata-titling a property due to section 244(1)(f) of the Strata Property Act. In such cases, the City of Vancouver may not necessarily support the additional legal provisions required to accommodate those parts of the building on City Street. If strata-titling is proposed, applicants are advised to seek independent legal advice on the matter.

#### Soils

- (xiv) Do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion; and
- (xv) If a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment.

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.

**“Heritage Density Transfer**

- (xvi) That the owner secure the purchase of heritage density with value of \$400,000 from a suitable donor site.

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

- B. THAT, the application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E [assigning Schedule “B” (C-5)], generally in accordance with Appendix C, to the Policy Report *“CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street”*, dated October 20, 2009, be approved.
- C. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following the approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B, generally in accordance with Appendix C, to the Policy Report *“CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street”*, dated October 20, 2009.
- D. THAT, subject to the approval of the rezoning, Council approve the heritage designation of the building façade of 1215 Bidwell Street, listed in the “C” category on the Vancouver Heritage Register, as a protected heritage property.
- E. THAT, subject to the approval of the rezoning, Council enter into a Heritage Revitalization Agreement for the building façade at 1215 Bidwell Street, to secure the restoration, long-term maintenance and preservation of the façade, subject to conditions contained in Appendix B, to the Policy Report *“CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street”*, dated October 20, 2009; and

FURTHER THAT the Director of Legal Services be instructed to process and to bring forward for enactment the necessary by-laws related to the Designation and Heritage Revitalization Agreement; and

FURTHER THAT the Director of Legal Services be instructed to prepare side agreements for the timely restoration and protection of the façade during the construction.

carried

REFERRAL MOVED by Councillor Anton

THAT Council refer the application by Henriquez Partners Architects, on behalf of Millennium English Bay Properties Ltd, to rezone 1201-1215 Bidwell Street and 1702-1726 Davie Street back to staff to reconsider the building as condominiums only, reconsider the unit sizes to allow more family sized units and consider a public benefit plan which results in the \$4.5M CAC going to the City of Vancouver to be put towards a public amenity in the West End; and

FURTHER THAT the City of Vancouver hold a public consultation to consider public benefits in the West End.

LOST

(Councillors Deal, Jang, Louie, Meggs, Reimer, Stevenson and Deputy Mayor Chow opposed)

The amendment having lost, the motion was put and CARRIED with Councillors Anton and Woodsworth opposed.

#### ~~COMMUNICATIONS~~

~~1. Appointment of a Council representative to the Vancouver Public Library Board~~

~~THAT Council approve the re-appointment of Councillor Tim Stevenson to the Vancouver Public Library Board for a term commencing December 1, 2009, and ending November 30, 2010.~~

~~ADOPTED ON CONSENT~~

~~2. Appointment of Council representatives to the Metro Vancouver Labour Relations Bureau~~

~~THAT Council approve the following appointments to the Metro Vancouver Labour Relations Bureau (formerly the GVRD Labour Relations Bureau) for a term commencing December 15, 2009, and ending December 14, 2010:~~

~~Metro Vancouver Labour Relations Bureau~~

<del>Director</del>	<del>Alternate</del>
<del>Councillor Geoff Meggs</del>	<del>Councillor Tim Stevenson</del>

~~ADOPTED ON CONSENT~~



REPORT TO COUNCIL  
SPECIAL COUNCIL MEETING MINUTES  
DECEMBER 1 AND 10, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, December 1, 2009, at 7:42 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning, Sign and Heritage By-laws. Subsequently, the meeting was recessed and reconvened at 7:35 pm on Thursday, December 10, 2009.

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

**ABSENT:** Mayor Robertson (December 10, 2009)  
Councillor David Cadman (Leave of Absence - Civic Business  
December 10, 2009)

**CITY MANAGER'S OFFICE:** Sadhu Johnston, Deputy City Manager (December 1, 2009)

**CITY CLERK'S OFFICE:** Lori Isfeld, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

~~COMMITTEE OF THE WHOLE~~

~~MOVED by Councillor Cadman  
SECONDED by Councillor Louie~~

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

~~CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)~~



be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a certificate of Compliance has been provided to the City by the Ministry of Environment;

- (iv) make arrangements for all new BC Hydro and Telus services are to be undergrounded, within and adjacent the site, from the closest existing suitable service point;

- B. THAT, subject to approval of the rezoning at Public Hearing, Council add the building at 2003 East 22nd Avenue, known as Fire Hall #15 to the Vancouver Heritage Register in the "B" category and designate the site as protected heritage property.

CARRIED UNANIMOUSLY

**5. REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):  
1201 - 1215 Bidwell Street and 1702 - 1726 Davie Street**

An application by Gregory Henriquez, Henriquez Partners Architects, was considered as follows:

Summary: To rezone this site from C-5 (Commercial) to CD-1 (Comprehensive Development). The permitted density would increase from a maximum floor space ratio (FSR) of 2.20 to 6.27. This increase would secure the provision of 49 rental housing units and the retention of the façade of the C-listed heritage building at 1215 Bidwell Street. The proposal is to construct a 210 ft. residential tower (maximum height permitted in the C-5 District) on a 4-storey podium base with retail/service uses at street level and three levels of rental housing above.

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

Also before Council was a Memorandum dated November 18, 2009, from Kent Munro, Assistant Director of Planning, Current Planning Division, which proposed an additional condition for this rezoning application as follows:

THAT the conditions of zoning by-law enactment, as presented in Appendix B of the Policy Report "CD-1 Rezoning - 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street" dated October 20, 2009, be amended to add the following:

**"Heritage Density Transfer**

- (c) (xvi) That the owner secure the purchase of heritage density with value of \$400,000 from a suitable donor site.

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

In addition, before Council was a Memorandum dated November 25, 2009, which summarized the evaluation methodology undertaken by City Real Estate Services in reviewing the development proposal submitted by Millennium English Bay Properties Ltd. For 49 units of rental housing and incentives requested under the Short Term Incentives for Rental ("STIR") program.

#### **Staff Opening Comments**

Rezoning Centre staff reviewed the application and along with Current Planning staff responded to questions.

#### **Summary of Correspondence**

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

- 10 emails and letters in support
- 24 emails and letters in opposition
- 2 other emails and letters

#### **Speakers**

The Chair called for speakers for and against the application.

\* \* \* \* \*

*During the hearing of speakers on December 1, 2009, it was*

*MOVED by Councillor Deal*

*THAT, under Section 2.3(e) of the Procedure By-law, Council extend the meeting end time by one hour or less.*

**CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY  
(Councillor Reimer absent for the vote)**

\* \* \* \* \*

*Council recessed at 11:05 pm and agreed to continue hearing from speakers on December 10, 2009, at 7:30 pm.*

*On December 10, 2009, the hearing re-convened at 7:35 pm with Deputy Mayor Chow in the Chair and all members present except for Mayor Robertson and Councillor Cadman (Leave of Absence - Civic Business).*

\* \* \* \* \*

*On December 10, 2009, it was*

*MOVED by Councillor Deal*

*THAT, under Section 2.6 of the Procedure By-law, Council extend the meeting end time in order to conclude hearing from speakers.*

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY*

\* \* \* \* \*

The following delegations spoke in support of the application, some of whom provided additional comments or concerns:

Janet Leduc, Heritage Vancouver  
Kim Maust, Vancouver Heritage Commission  
Martha Lewis, TRAC Tenant Resource & Advisory Centre  
Jim Green  
Marianne Bird  
Lynn Gardiner, Executive Director, West End Seniors Network  
Shirley Chan, Building Opportunities with Business Inner City Society  
Janice Maslanko  
Graham McGarva, Downtown Vancouver Association  
Linda Mix  
Janine Fuller on behalf of Jim Diva  
Alex Pedneault  
Brian Lavery  
Darren Chung  
Alan Fetherstonhaugh  
Robert Lemon, Robert Lemon Architecture  
Tanya Paz, Co-operative Auto Network  
Don MacPherson  
Ed Wilson  
Cameron Cathcart  
Ian Haywood-Farmer  
Robert Capar  
Darek Cole

Kerry Shular  
J.D. Henderson, Maxine's Hideaway

The following spoke in opposition to the application or expressed concerns about increased density, insufficient public process, tower height, loss of views, or the heritage building façade retention.

Don Bindon  
Brent Granby, West End Residents Association  
Howard Dancyger  
Paul Kopas  
Randy Helten\*  
Indra Lohia  
Marian Bayley  
Fionna Bayley\*  
Christine Ackermann  
Cecile Helten  
Michelle Mathias\*  
Yvonne Poulin  
Wendy Stephenson  
Sinisa Vujovic  
Anish Somani  
Jack Salmon\*  
Alan Kostjuk  
Laurent Farley\*  
Arne Mooers\*  
Paul Davey  
Pauline Meugens\*  
Rusty Kerr\*  
Liz Carney  
Gwen Green

\* Denotes speaking more than once.

The following spoke neither for nor against the application but offered comments and suggestions:

Alan Herbert

During the hearing of speakers Rezoning Centre, Current Planning, Central Area Planning, Housing Policy, Real Estate Services, and Heritage Planning staff responded to questions.

After the conclusion of hearing from speakers on December 10, 2009, Council agreed to refer discussion and decision on the matter to the Regular Council meeting on December 15, 2009, as Unfinished Business.

# **Backup Notes**

**By-law No. 10183, dated December 14, 2010**

1201-1215 Bidwell Street  
1702-1726 Davie Street

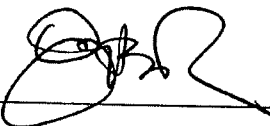
**BY-LAW NO. 10183**

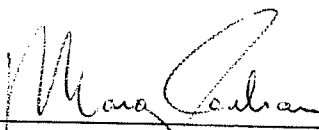
**A By-law to amend CD-1 By-law No. 10101**

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

1. This By-law amends the indicated provisions of CD-1 By-law No. 10101.
2. In subsection 5(b)(iv), Council strikes out "0.2" and substitutes: "0.02".
3. 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.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 14<sup>th</sup> day of December, 2010

  
\_\_\_\_\_  
Mayor

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

**SPECIAL COUNCIL MEETING MINUTES**

**DECEMBER 14, 2010**

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

**PRESENT:**

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

**CITY CLERK'S OFFICE:** Pat Boomhower, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Woodsworth  
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

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

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

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

The Director of Planning recommended approval.

#### 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.

The following delegations expressed concern regarding the tree removal permit process and By-law:

Michelle Mathias  
Laurent Farley

#### Staff Comments

Michael Naylor, Senior Rezoning Planner, and Kent Munro, Assistant Director, Current Planning, responded to questions regarding the Protection of Trees By-law.

#### Council Decision

MOVED by Councillor Louie

THAT the application to amend the following CD-1 (Comprehensive Development) Districts:

- (i) CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard,
- (ii) CD-1 #489 (By-law No. 10101) for 1201-1215 Bidwell Street and 1702-1726 Davie Street,
- (iii) CD-1 #491 (By-law No. 10127) for 1142 Granville Street, and
- (iv) CD-1 #492 (By-law No. 10129) for 5912-5970 Oak Street,

for miscellaneous text amendments generally as presented in Appendix A of the Policy Report dated November 3, 2010, entitled "Miscellaneous Text Amendments: CD-1 By-laws #415, #489, #491 and #492 and Protection of Trees By-law" be approved.

CARRIED UNANIMOUSLY

~~2. TEXT AMENDMENT: 1277 Robson Street (Pacific Palisades)~~

~~An application by Wing Leung, W.T. Leung Architects Inc. was considered as follows:~~

~~Summary: To amend the Downtown Official Development Plan (ODP) to remove the density restrictions on non-residential uses in Area J.~~

~~The Director of Planning recommended approval.~~



**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, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

**BY-LAWS**

MOVED by Councillor Reimer  
SECONDED by Councillor Deal

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1 - 6 inclusive and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to amend CD-1 By-Law No. 10101 regarding 1201 -1215 Bidwell Street and 1702 - 1726 Davie Street (By-law No. 10183)**
2. **A By-law to amend CD-1 By-law No. 8587 regarding 651 Expo Boulevard (By-law No. 10184)**
3. **A By-law to amend CD-1 By-law No. 10127 regarding 1142 Granville Street (By-law No. 10185)**
4. **A By-law to amend CD-1 By-law 10129 regarding 5912 - 5970 Oak Street (By-law No. 10186)**
5. **A By-law to amend Downtown Official Development Plan By-law No. 4912 regarding specific density restrictions in Area J for 1277 Robson Street (By-law No. 10187)**

The Special Council adjourned at 10:29 pm

\*\*\*\*\*