



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

CD-1 (495)

3333 Main Street

By-law No. 10134

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

Effective September 21, 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-621 (c) 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 (495).

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 (495) 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 Fitness Centre, Library, Museum or Archives, Arcade, Artist Studio, Billiard Hall, Club, Community Centre or Neighbourhood House or Hall;
- (b) Dwelling Uses, limited to:
 - (i) Dwelling units in conjunction with any of the uses listed in this By-law except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for any residential purpose except as entrances to the residential portion,
 - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit in conjunction with any of the uses listed in this By-law, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for any residential purpose except as entrances to the residential portion, and
 - (iii) Residential Unit associated with and forming an integral part of an Artist Studio, subject to section 11.19 of the Zoning and Development By-law;
- (c) Institutional Uses, limited to Child Day Care Facility, Church, Hospital, Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre, Community Care Facility – Class B or Group Residence;
- (d) Manufacturing Uses, limited to Jewellery Manufacturing, Printing and Publishing;
- (e) Office Uses;
- (f) Retail Uses, limited to Adult Retail Store, Furniture or Appliance Store, Liquor Store, Pawnshop, Secondhand Store, Grocery or Drug Store, Retail Store, Small - scale Pharmacy;
- (g) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Drive through Service, Hotel, Neighbourhood Public House, Photofinishing or Photography Laboratory, Print Shop, Repair Shop - Class A, Repair Shop - Class B, Restaurant - Class 1, Restaurant - Class 2, Restaurant - Drive-in, School - Arts or Self - Improvement, School - Business, School - Vocational or Trade, Wedding Chapel;
- (h) Utility and Communication Uses, limited to Public Utility or Radiocommunication Station; and
- (i) Accessory Use customarily ancillary to any use permitted by this section 2.2.

3 Floor area and density

3.1 Computation of floor space ratio must assume that the site consists of 3 881 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The floor space ratio for all uses, combined, must not exceed 2.54, except that:

- (a) for dwelling uses in conjunction with other uses, up to 1.95 in storeys located above the front street level storey, and up to 0.11 in the front street level storey or below, and

(b) for the purpose of subsection (a), an artist studio shall be deemed to be a dwelling use.

3.3 Computation of floor space ratio must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.

3.4 Computation of floor space ratio must exclude:

- (a) open patios or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) enclosed sunrooms and roof gardens if the Director of Planning first approves the design of sunrooms and walls, except that the total area of all enclosed sunroom and roof garden exemptions must not exceed 55 m²;
- (c) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, except that the total area of all enclosed balcony exclusions must not exceed 105 m²;
- (d) open residential balconies, except that the total area of all open balcony exclusions must not exceed 570 m²;
- (e) 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:
 - (i) are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (f) amenity areas including child day care facilities, recreation facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10 percent of the total permitted floor area, provided that for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (g) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (h) 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 shall not apply to walls in existence prior to March 14, 2000; and
- (i) 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 subsection (ii) meets the standards set out therein.

3.5 The use of floor space excluded under section 3.4 must not include any purpose other than that which justified the exclusion.

4 Height

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

4.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as:
 - (i) elevator enclosures, lobbies, and stairwells that provide access for building occupants to rooftop common area,
 - (ii) guardrails that do not exceed the minimum height specified in the Building By-law, and
 - (iii) pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture,will not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
- (b) the Director of Planning or Development Permit Board first considers:
 - (i) all applicable policies and guidelines adopted by Council,
 - (ii) the submission of any advisory group, property owner, or tenant, and
 - (iii) the effects on public and private views, shadowing, privacy, and open spaces,the Director of Planning or Development Permit Board may allow a greater height for any such structure.

5 Horizontal angle of daylight

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

5.2 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.

5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.

5.4 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 reduce the horizontal angle of daylight requirement.

5.5 An obstruction referred to in section 5.2 means:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the site;
- (b) accessory buildings located on the same site as the principal building;
- (c) any part of the same building including permitted projections; or
- (d) the largest building permitted under the zoning on any site adjoining CD-1 (495).

5.6 A habitable room referred to in section 5.1 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.

6 Parking, loading, and bicycle parking

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

7 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of 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

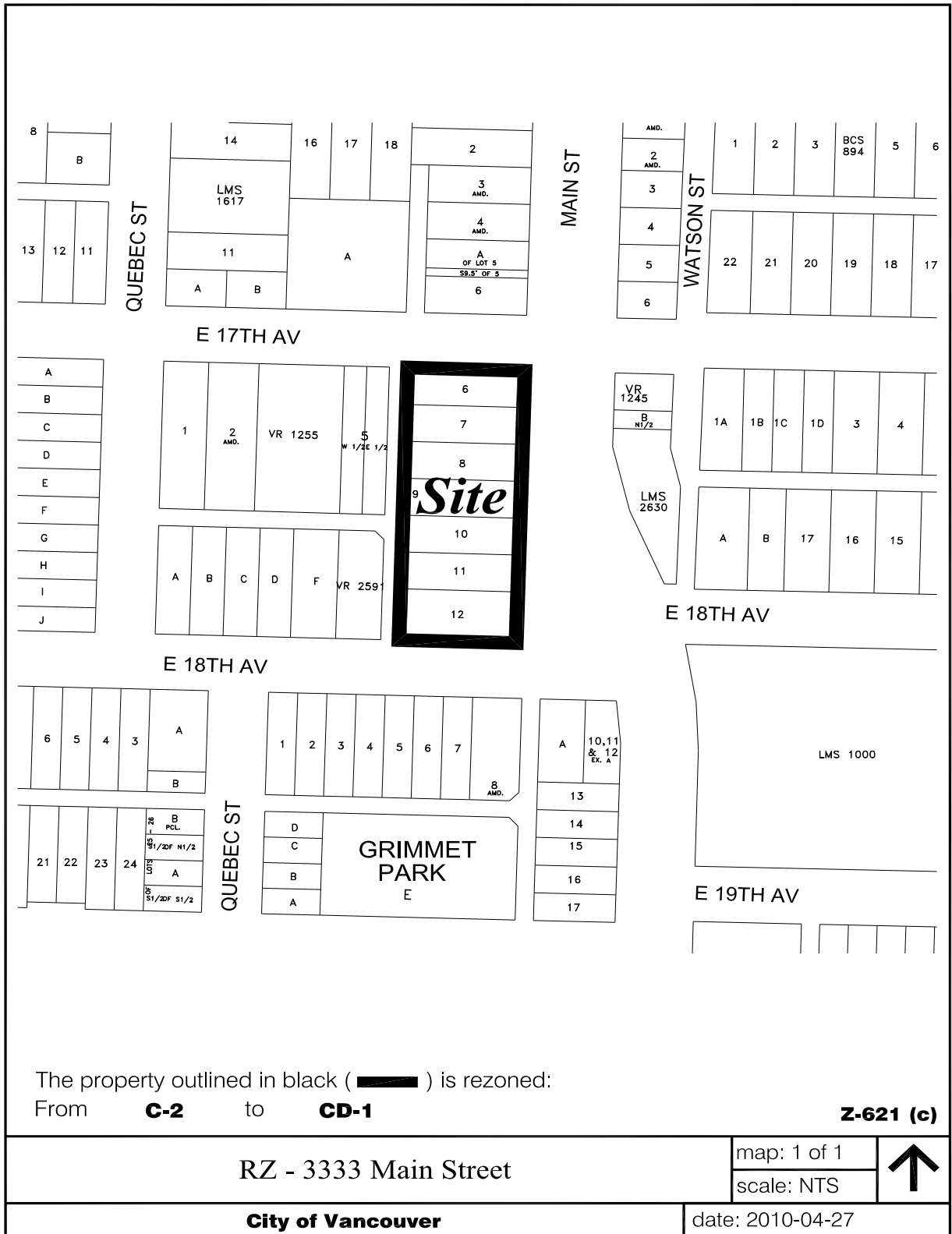
8 Severability

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

9 Force and effect

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

ENACTED by Council this 21st day of September, 2010.



Backup Notes

Backup Notes

By-law No. 10134, dated September 21, 2010

REPORT TO COUNCIL
SPECIAL COUNCIL MEETING MINUTES

MAY 18 AND 20, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 18, 2010, at 7:30 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, official development plan, sign and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, May 20, 2010, at 7:38 pm.

PRESENT:

Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman (May 18, 2010)
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs (May 20, 2010)
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT:

Councillor Geoff Meggs (Leave of Absence - May 18, 2010 -
Items 1 through 9)
Councillor David Cadman (Sick Leave - May 20, 2010 - Item 10)

CITY CLERK'S OFFICE:

Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

~~1. Heritage Designation: 1476 Graveley Street~~

~~An application by Cinnamon Bhayani and Galib Bhayani was considered as follows:~~

~~Summary: A heritage designation to preserve and protect the exterior of this heritage house as part of the Vancouver Heritage Foundation's *Restore It* grant program.~~

~~The Director of Planning recommended approval.~~

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

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 related to items 7 through 9.

CARRIED UNANIMOUSLY

* * * * *

Council recessed at 12:25 pm on Wednesday, May 19, 2010, and reconvened on Thursday, May 20, 2010 at 7:38 pm with the same members present except Councillor Meggs who was present and Councillor Cadman who was on sick leave.

* * * * *

MOVED by Councillor Stevenson

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 and sign by-laws.

CARRIED UNANIMOUSLY

10. REZONING: 3333 Main Street

An application by Kim Maust, Bastion Development Corporation was considered as follows:

Summary: To rezone from C-2 (Commercial) to CD-1 (Comprehensive Development) District to permit an increase in residential floor area on the upper floors and a height increase of six feet beyond that permitted in C-2.

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

Staff Opening Comments

Rezoning Centre staff reviewed the application and with Parking Policy staff responded to questions.

Also before Council was a memorandum dated May 6, 2010, from Michael Naylor, Acting Assistant Director, Current Planning Division, which reported on a Community Amenity Contribution and recommended amendments to the draft-by law and an addition to Appendix B of the Policy Report "CD-1 Rezoning - 3333 Main Street" dated April 20, 2010.

Applicant Comments

Brady Dunlop, Hotson Bakker Boniface and Haden Architects, provided a presentation and with Kim Maust, Bastion Development Corporation, responded to questions.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

Support - 6
Other - 3

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application, some of whom provided additional comments and some of whom expressed concerns regarding traffic in the area:

Harvey Des Roches
Brian Hamilton
Lisa Schwabe
Ned Jacobs
Peter Cawsey
Christopher Richardson
Daniel Ouellet
Jennifer Sweeney
John Wong, Wong's Insurance
Anne Pearson
Frank Huynh
Mike Jackson
Peter Hildebrand
George Kyriakelis
John Nichols
Reid Kaufman
Ian Granville

Applicant Closing Comments

Mr. Dunlop provided closing comments.

Staff Closing Comments

Planning staff responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Bastion Development Corporation, to rezone 3333 Main Street (Lots 6-12, Block 61, D.L. 302, Plan 198 PID: 005-019-648, PID:005-019-656, PID:005-019-664, PID:005-019-672, PID:005-019-681, PID:005-019-699, PID:005-019-711) from C-2 to CD-1, to permit development of a five-storey mixed-use commercial and residential building, generally as presented in Appendix A, to Policy Report, "*CD-1 Rezoning - 3333 Main Street*", dated April 8, 2010, 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 Hotson Bakker Boniface Haden Architects, and stamped "Received City Planning Department, December 4, 2009", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

- (i) design development to provide a fourteen (14.0) ft. floor-to-floor dimension for the retail spaces, in order to improve the viability and amenity of the commercial activity;

(Note to Applicant: An increase in building height of approximately one (1.0) ft, may be considered as a part of meeting this condition.)

- (ii) design development to provide an eight (8.0) ft. landscaped setback from the north property line at grade for the townhouse units;

(Note to Applicant: The intent is to create a larger open space to benefit occupants, and provide more of a transition to residential front yards located to the west along 17th Avenue.)

- (iii) design development to provide a two (2.0) ft. setback from the property line for all retail spaces;

(Note to Applicant: The intent is to provide an optimum pedestrian width. This setback need not be provided where the

upgraded open space long Main Street provides an increased width.)

- (iv) design development to provide a minimum two (2.0) ft. setback from the lane to preserve lane clearance and accommodate landscaping entirely on the site;

- (v) design development to improve the separation of adjoining residential and loading uses on the lane in terms of noise, safety and privacy;

(Note to Applicant: Consider a complete enclosure for the east loading facility, in accordance with Section 3.1 [c] of the C-2 Guidelines.)

- (vi) location of all rooftop equipment, including communications receivers and mechanical vents, on the plans and elevations, and details of the screening that will be provided to ensure visual and acoustic separation from residential units;

(Note to Applicant: Notation shall be indicated on plans confirming that: "Communication Receivers and Antennae are shown for reference only and are not approved under this Development Permit. A separate permit is required for the installation of antennae, including satellite dishes used for the transmission or reception of radio, television, satellite, microwave, cellular or related communications together with related masts, mechanical equipment and mechanical rooms.")

- (vii) details of a design for residential lighting that provides a secure night-time environment, without causing glare toward nearby properties, to be shown on the submitted plans and elevation drawings;

(Note to Applicant: This is especially important around the residential portion at grade. For more information, refer to Section 2.10 - Safety and Security, and Section 5.7 - Lights, of the C-2 Guidelines.)

- (viii) proposed finishes, materials, colours and dimensions for all exterior features on the elevation and section drawings, including soffits and wall returns;
- (ix) enlarged drawings for significant exterior features, especially at the public realm interface, keyed to the plans and/or elevations;
- (x) identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least 3 optimize energy performance points, 1 water efficiency point and 1 storm water point;

(Note to applicant: Provide a LEED® checklist confirming LEED® silver equivalency and a detailed written description of how the above noted points have been achieved. Both the checklist and description should be incorporated into the drawing set.)

- (xi) conceptual drawings showing how the signage integrates architecturally in terms of finish and materials;

(Note to Applicant: A separate Sign Permit application will be required for signage. Notation shall be indicated on plans confirming that: "All signage is shown for reference only and is not approved under this Development Permit. Signage is regulated by the Sign By-law and requires separate approvals. The owner[s] assumes responsibility to achieve compliance with the Sign By-law and obtain the required sign permits." The Sign By-law Coordinator should be contacted at 604.871.6714 for further information. Ensure also that there is a clearance of a least nine [9.0] ft. under the sign band, unless the sign bands are recessed and flushed with storefront glazing.)

Landscape

- (xii) design development to angle the parking level slab downward, as needed, to accommodate soil depth and trees inside the property line;

(Note to Applicant: The objective should be 3.0 ft. depth of soil for trees in a continuous soil volume. Respecting code and ceiling height requirements, this is typically resolved by angling the slab down 3.0 ft. by 4.0 ft., or adding a right angled "elbow".)

- (xiii) design development to garden plot planters to specify high quality, durable materials consistent with the material palette of the building;

(Note to Applicant: The planters should be designed to last the full lifespan of the project.)

- (xiv) a revised Landscape Plan/Site Plan at a more detailed, larger scale format (minimum 1/8" = 1 foot);

- (xv) adequate soil volumes and planter depth;

(Note to Applicant: Where further design development reveals a conflict, landscape amenities [trees] as proposed, should not be deleted.)

- (xvi) large scale section drawings (typical) through planted areas;

(Note to Applicant: Special attention should be paid to any planting proposed above slab such as the second floor permanent

planters, trees in the lane and the feature tree at the entrance courtyard off of Main Street, and the townhouse interface. Sections should include the soil profile, root ball and slab/retaining walls. Planting conditions should meet or exceed the latest British Columbia Landscape & Nursery Association [BCLNA] Standards.)

- (xvii) a large-scale, detailed Landscape/Planting Plan(s) for the proposed "Community Garden Area" on the second floor;

(Note to Applicant: Further design development and programming should include: starter plant list, work station, compost, irrigation, benches, vertical landscaping and additional trees and/or structures. Provide a detailed section drawing through the garden plot area to indicate materials, grading, soil depth and function.)

- (xviii) large-scale detailed section/elevation drawings of proposed "green walls";

- (xix) specification of a high-efficiency irrigation system for all common planters, and hose bibs for garden plot areas and private patios of areas equal to, or greater than 9.3 m² (100.00 sq. ft.), illustrated with symbols and noted on the Landscape Plans;

- (xx) clarification of materials/patterning on public and private walkways and streetscape design;

- (xxi) design development to provide foundation planting (shrubs/groundcover) on the "inside" boulevard along East 17th and East 18th Avenues;

(Note to Applicant: Boulevard landscaping must meet the Guidelines for Planting City Boulevards, including the provision of a 1.0 ft. wide grass strip between the public sidewalk and the plants. Plants should not exceed 1.0 m height at maturity.)

Social Infrastructure

- (xxii) design development to provide opportunities for creative play for children with a range of ages, in a location that optimizes casual surveillance from the indoor amenity area;

(Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around common outdoor amenity areas. Edible landscaping is encouraged. Play equipment is not required, and creative landscape/play features [creative motor-skills developing features such as balancing logs and boulders, a small/tangible water stream or feature, cat-proofed sandbox, etc.] which provide a myriad of creative play opportunities are encouraged.)

- (xxiii) design development to the “Community Garden Plots” on the west side of the podium roof to include on-site composting, tool storage, hose bibs and potting benches which support urban agriculture activity.

(Note to Applicant: Some garden plots should be universally accessible as per the “Urban Agriculture Guidelines for the Private Realm”. Consideration should be given to a rainwater collection system to assist with irrigation.)

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:

Engineering

- (i) consolidate Lots 6 to 12, Except the West 20 Feet now Lane, Block 61, D.L. 302, Plan 198, into a single parcel;
- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for provision of:
- Traffic calming measures at the 17th and 18th Avenues lane entries to prevent westbound turns from the lane, at no cost to the City;
 - Closure of the slip-lane and completion of all resultant curb and sidewalk work;
 - Street trees adjacent to the site, where space permits; and
 - Standard concrete lane crossings at the 17th and 18th Avenue lane intersections.
- (iii) undergrounding of all utility services from the closest existing suitable service point;

(Note to Applicant: 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 under ground/overhead utility network to accommodate the development will require review and approval by the Utilities Branch. Early contact with the Utilities Branch is recommended.)

- (iv) execute a Pedestrian Walkway Agreement satisfactory to the Director of Legal Services and the Director of Planning to provide public access through the development site, to connect the mid-block entry to the lane on the western boundary of the site.

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 are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (C-2), as set out in Appendix C, to Policy Report, "*CD-1 Rezoning - 3333 Main Street*", dated April 8, 2010, be approved
- C. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B, generally as set out in Appendix C, to Policy Report, "*CD-1 Rezoning - 3333 Main Street*", dated April 8, 2010.
- D. THAT the conditions of zoning by-law enactment, as presented in Appendix B of the Policy Report "*CD-1 Rezoning - 3333 Main Street*" dated April 8, 2010, be amended to add the following conditions:

Community Amenity Contribution

(c)(v) make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, to secure the payment of \$450,000 as a Community Amenity Contribution (CAC) to be allocated toward the design and development of an enlarged open space at the corner of Main Street and 18th Avenue, except that:

1. given that the slip-lane makes up part of the open space, the actual cost of the street works incurred by the developer to remove the slip-lane are to be deducted from the CAC; and
2. the balance is to be allocated toward the design and development of the open space by the City."

Soils

(c)(vi) 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

(c)(vii) 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 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.”

E. THAT Appendix A of the Policy Report “CD-1 Rezoning - 3333 Main Street”, dated April 8, 2010, be amended as follows:

- Under “Dwelling Uses”, remove:
 - “Principal Dwelling Unit combined with a Secondary Dwelling Unit in a Multiple Dwelling if the Development Permit Board is of the opinion that the site is suitable for residential use; and”
- Under “Density”, strike out “1.95” and substitute “1.97”.

CARRIED UNANIMOUSLY

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 Stevenson

SECONDED by Councillor Woodsworth

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 related to Item 10.

CARRIED UNANIMOUSLY

The Special Council recessed at 12:25 am on Wednesday, May 19, 2010
and adjourned at 9:35 pm on Thursday, May 20, 2010

* * * * *

BY-LAWS

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1 to 4, 6, 8 to 10, 12, 14 and 17 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

Councillor Jang rose and declared he had received a report of the Public Hearing in relation to By-law No. 15, and would therefore be voting on the By-law enactment.

MOVED by Councillor Deal
SECONDED by Councillor Jang

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 5, 7, 11, 13, 15, 16, and 18 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

1. A By-law to amend By-law No. 9935 regarding miscellaneous amendments
2. A By-law to amend Vancouver Development Cost Levy By-law No. 9755 regarding 2010 rate adjustments
3. A By-law to amend Area Specific Development Cost Levy By-law No. 9418 regarding 2010 rate adjustments
4. A By-law to amend Noise Control By-law No. 6555 (2330-2372 Kingsway & 2319 East 39th Avenue)
5. A By-law to amend Sign By-law 6510 (1201-1215 Bidwell Street & 1702-1726 Davie Street)
(Councillor Cadman and the Mayor ineligible for the vote)
6. A By-law to amend Noise Control By-law No. 6555 (1201-1215 Bidwell Street & 1702-1726 Davie Street)
7. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (2304 West 8th Avenue)
(Councillors Louie, Reimer, and Stevenson ineligible for the vote)
8. A By-law to enact a Housing Agreement for 2304 West 8th Avenue

9. A By-law to enact a Housing Agreement for 1772 Comox Street
10. A By-law to amend Energy Utility System By-law No. 9552 regarding miscellaneous amendments
11. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1142 Granville Street)
(Councillors Chow and Stevenson ineligible for the vote)
12. A By-law to enact a Housing Agreement for 1142 Granville Street
13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5912-5970 Oak Street)
(Councillor Meggs ineligible for the vote)
14. A By-law to amend Subdivision By-law No. 5208 (5912-5970 Oak Street)
15. A By-law to amend the Zoning and Development By-law No. 3575 to rezone an area to CD-1 (745 Thurlow Street)
(Councillors Chow, Meggs, Reimer, Woodsworth, and the Mayor ineligible for the vote)
16. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (538-560 West Broadway)
(Councillor Reimer ineligible for the vote)
17. A By-law to provide for the imposition of interest on delinquent property taxes for 2011
18. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (3333 Main Street)
(Councillor Cadman ineligible for the vote)

MOTIONS

A. Administrative Motions

1. Expropriation of 4824 Knight Street for the Construction of Left Turn Bays on Knight Street at 33rd Avenue

MOVED by Councillor Woodsworth
SECONDED by Councillor Anton

WHEREAS

- A. The City of Vancouver requires:

Parcel Identifier: 013-635-832, Lot 4, Except: Firstly: The West 7 Feet Now Road, Secondly: Part Plan BCP9378; Block 7, District Lot 705, Plan 2571;