



City of Vancouver *Zoning and Development By-law*

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CD-1 (409)

1128 West Hastings Street

By-law No. 8439

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

Effective March 26, 2002

(Amended up to and including By-law No. 9423, dated January 30, 2007)

1 *[Section 1 is not reprinted here. It contains a standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

2 **Uses**

The area shown included within the heavy black outline on Schedule A will be more particularly described as CD-1(409), and the only uses permitted within the outlined area, subject to such conditions as Council may be resolution prescribe, and the only uses for which development permits will be issued, are

- (a) Dwelling Uses,
- (b) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, or Vehicle Dealer,
- (c) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Catering Establishment, Hotel, Laundromat or Dry Cleaning Establishment, Motor Vehicle Wash limited to the underground Parking Garage, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, and,
- (d) Accessory Uses customarily ancillary to the above uses.
[8732; 03 10 07]

3 **Floor Space Ratio**

3.1 The floor space ratio must not exceed 7.92, except for dwelling use where it must not exceed 3.0. [9423; 07 01 30]

3.2 The following must be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 1.2 m, both above and below ground, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.3 The following must be excluded from the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8% of the provided residential floor area;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sun roofs and walls;
- (c) where floors are used for off-street parking and loading, 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 the base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length;
- (d) 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; [8760; 03 12 09]
- (e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause will not apply to walls in existence prior to March 14, 2000.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 8439 or provides an explanatory note.*

3.4 The following may be excluded from the computation of floor space ratio:

- (a) 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 subject to the following:
 - (i) total area of all open and enclosed balcony or sundeck exclusion does not exceed 8% of the residential floor area being provided, and
 - (ii) no more than 50% of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area does not exceed the lesser of 10% of the permitted floor area or 600 m²,
 - (ii) the excluded area is secured by covenant and right-of-way in favour of the City of Vancouver which set out public access and use, and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4 Height

The maximum building height measured above the base surface will be the lesser of 113.39 m or 36 storeys.

5 *[Section 5 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

By-law No. 8439 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



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

Z-521

RZ - 1128 W Hastings Street

map: 1 of 1

scale: 1:2000



City of Vancouver



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

JULY 26, 2001

A Special Meeting of the Council of the City of Vancouver was held on Thursday, July 26, 2001, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Heritage By-law and the Zoning and Development By-law.

PRESENT: *Mayor Philip Owen (Items 1, 2 and 3)
 Acting Mayor Gordon Price
 Councillor Fred Bass
 Councillor Jennifer Clarke
 Councillor Daniel Lee
 Councillor Don Lee
 *Councillor Tim Louis (Items 1, 2 and 3)
 *Councillor George Puil (Items 1, 2 and 3)
 Councillor Sam Sullivan

ABSENT: Councillor Lynne Kennedy (Leave of Absence)
 Councillor Sandy McCormick (Leave of Absence)

CITY CLERK'S OFFICE: Nancy Largent, Meeting Coordinator

** denotes presence for part of the meeting*

COMMITTEE OF THE WHOLE

MOVED by Councillor Clarke:
 SECONDED by Councillor Don Lee

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

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION: 55 Water Street

2. REZONING: 1128 West Hastings Street (Pinnacle Hotel)

An application by Hancock Bruckner Eng & Wright Architects was considered as follows:

Summary: The proposed rezoning from DD to CD-1 would permit additional heritage density to be transferred to this existing mixed-use hotel/residential building to allow for retail and hotel service use of currently exempt floor space.

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

Staff Comments

Phil Mondor, Rezoning Planner, briefly reviewed the application, noting that the Central Area Plan does not require retail in this area, but permits it.

Applicant Comments

Martin Bruckner, Hancock Bruckner Eng & Wright Architects, offered to answer any questions.

Correspondence

Council received one letter requesting a restrictive covenant.

Speakers

The Mayor called for speakers for and against the application, but none came forward.

Closing Comments

There were no closing comments.

Council Decision

MOVED by Councillor Puil

THAT the application by Hancock Bruckner Eng & Wright Architects to rezone 1128 West Hastings Street from DD to CD-1 to permit additional density to be transferred to this existing mixed-use hotel residential building to allow for retail and hotel service use of currently exempt floor space, be approved subject to the following conditions:

(a) That the form of development be approved by Council in principle, generally as approved by the Director of Planning for DE 401550 (issued September 15, 1997) and amended by DE 403325 (issued July 23, 1998) and DE 404214 (issued December 7, 1999) and plans prepared by Eng Wright Bruckner Partners, Architects, and stamped "Received City Planning Department, January 12, 2001".

(b) That, prior to enactment, arrangements are made to the satisfaction of the Director of Legal Services verifying that the applicant has acquired 298.39 m²

(3,212 sq. ft.) of heritage density bonus from a heritage donor site.

CARRIED UNANIMOUSLY



**CITY OF VANCOUVER
REGULAR COUNCIL MEETING MINUTES
MARCH 26, 2002**

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, March 26, 2002, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT:

- Mayor Philip Owen
- Councillor Fred Bass
- Councillor Jennifer Clarke
- Councillor Lynne Kennedy
- Councillor Daniel Lee
- Councillor Don Lee
- Councillor Tim Louis
- Councillor Sandy McCormick

*Councillor Gordon Price

*Councillor George Puil

CITY MANAGER'S OFFICE:

- Councillor Sam Sullivan
- Brent MacGregor, Deputy City Manager

CITY CLERK'S OFFICE:

- Syd Baxter, City Clerk
- Tarja Tuominen, Meeting Coordinator

*Denotes presence for a portion of the meeting.



PRAYER

The proceedings in the Council Chamber were opened with a prayer read by the City Clerk.

Councillor Don Lee
Councillor Fred Bass

Should any of the above Members of Council be unable to attend the hearing, the hearing and the power to make a Council decision in relation to the hearing be delegated to the remaining two Councillors and alternate Councillor Gordon Price.

CARRIED UNANIMOUSLY
(Councillor Price absent for the vote)

OTHER REPORTS

I. Report of Special Advisory Committee on Cultural Communities

March 5, 2002 (File: 3055-1)

Cl. 1: 2001 Annual Report

MOVED by Councillor Louis

THAT the 2001 Annual Report of the Special Advisory Committee on Cultural Communities be received for information.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Don Lee

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Don Lee
SECONDED by Councillor Sullivan

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

CARRIED UNANIMOUSLY

BY-LAWS

1. A By-law to amend Zoning and Development By-law No. 3575 (1128 West Hastings Street - Pinnacle Hotel) (By-law No. 8439)

MOVED by Councillor Clarke
SECONDED by Councillor Price

THAT the By-law be introduced and read a first time.

CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Councillor Clarke
SECONDED by Councillor Price

THAT the By-law be given second and third readings and the Presiding Officer and City Clerk be authorized to sign and seal the By-law.

CARRIED UNANIMOUSLY
(Councillors Kennedy and McCormick excused from voting)

2. A By-law to amend Sign By-law No. 6510 (1128 West Hastings Street - Pinnacle Hotel) (By-law No. 8440)

MOVED by Councillor Daniel Lee
SECONDED by Councillor Price

THAT the By-law be introduced and read a first time.

CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Councillor Daniel Lee
SECONDED by Councillor Price

THAT the By-law be given second and third readings and the Presiding Officer and City Clerk be authorized to sign and seal the By-law.

CARRIED UNANIMOUSLY
(Councillors Puil, Sullivan and the Mayor excused from voting)

~~**3. A By-law to amend By-law No. 8006 to increase the South Granville Business Improvement Area funding ceiling for the balance of the current term (By-law No. 8441)**~~

~~MOVED by Councillor Louis
SECONDED by Councillor Clarke~~

~~THAT the By-law be introduced and read a first time.~~

~~CARRIED UNANIMOUSLY~~

~~The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.~~

There being no amendments, it was

MOVED by Councillor Kennedy
SECONDED by Councillor Daniel Lee

THAT the By-law be given second and third readings and the Presiding Officer and City Clerk be authorized to sign and seal the By-law.

CARRIED UNANIMOUSLY

MOTIONS

A. Administrative Motions

1. Approval of Form of Development: 1128 West Hastings Street (File: 2606)

MOVED by Councillor Kennedy
SECONDED by Councillor Don Lee

THAT the form of development for the CD-1 zoned site known as 1128 West Hastings Street be approved generally as approved by the Director of Planning for DE 401550 (issued September 15, 1997) and amended by DE 403325 (issued July 23, 1998) and DE 404214 (issued December 7, 1999) and plans generally as illustrated in Development Application No. DE 406105 prepared by Eng Wright Bruckner Partners Architects, and stamped "Received, City of Vancouver Planning Department, August 16, 2001", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CARRIED UNANIMOUSLY

B. Motions on Notice

1. Road Races (File: 5762)

At the Council meeting of March 12, 2002, Councillor McCormick submitted the following Notice of Motion, which was recognized by the Chair.

MOVED by Councillor McCormick
SECONDED by Councillor Clarke

THAT WHEREAS irresponsible driving such as road races is taking a horrific toll on the young people of Vancouver; and

WHEREAS the Vancouver Police Department is responsible for enforcement of the Motor Vehicle Act; and

WHEREAS long-term solutions for issues involving youth include education as well as enforcement; and

WHEREAS a youth-led process to address this issue can be implemented through Vancouver School Board Student Councils and Vancouver Park Board Community Centre Youth Councils;

1128 West Hastings Street
(Pinnacle Hotel)

BY-LAW NO. 8440

A By-law to amend Sign By-law No. 6510

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

1. This By-law amends the indicated sections of Sign By-law No. 6510.
2. In clause (g) of section 1.0 of Schedule B:
 - (a) in sub-clause (iv), delete the period, and substitute a semi-colon;
 - (b) add the following after sub-clause (iv):

“(v) on the site regulated by CD-1 By-law described as CD-1(409) (1128 West Hastings Street). a facia sign above a height of 107 m above grade shall not be permitted.”
3. To Schedule E, add at the end:

“1128 West Hastings Street	CD-1(409)	B(DD)”
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2. A By-law to amend Sign By-law No. 6510 (1128 West Hastings Street - Pinnacle Hotel) (By-law No. 8440)

MOVED by Councillor Daniel Lee
SECONDED by Councillor Price

THAT the By-law be introduced and read a first time.

CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Councillor Daniel Lee
SECONDED by Councillor Price

THAT the By-law be given second and third readings and the Presiding Officer and City Clerk be authorized to sign and seal the By-law.

CARRIED UNANIMOUSLY
(Councillors Puil, Sullivan and the Mayor excused from voting)



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

NOVEMBER 20, 2003

A Special Meeting of the Council of the City of Vancouver was held on Thursday, November 20, 2003, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law, Official Development Plans, Sign By-law and to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

PRESENT:

- Mayor Larry Campbell
- Councillor David Cadman
- Councillor Peter Ladner
- Councillor Raymond Louie
- Councillor Tim Louis
- Councillor Anne Roberts
- Councillor Tim Stevenson
- *Councillor Sam Sullivan
- Councillor Ellen Woodsworth

ABSENT:

- Councillor Fred Bass (Leave of Absence - Civic Business)
- Councillor Jim Green (Civic Business)

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louis
 SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development By-law, Official Development Plans, Sign By-law, to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY

1. Text Amendment: Zoning and Development By-law, CD-1s, and Official Development Plans

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

Summary: Housekeeping amendments to the Zoning and Development By-law, including CD-1s and Official Development Plans.

The Director of Current Planning recommended approval.

Staff Comments

Dave Thomsett, Senior Planner, Rezoning Centre, was present to respond to questions.

Summary of Correspondence

No correspondence was received since the date the application was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louis

THAT the application by the Director of Current Planning to amend the Zoning & Development By-law, CD-1 By-laws and Official Development Plans generally as set out in Appendices A & B of the Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws, and Official Development Plans, Zoning and Development Fee By-law and Policies and Guidelines" dated September 23, 2003, be approved.

CARRIED UNANIMOUSLY
(Councillor Sullivan absent for the vote)

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 11 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text amendments) (By-law No. 8758)
2. A By-law to amend By-law Nos. 6180, 6320, and 8587 which amended Zoning and Development By-law No. 3575 by rezoning certain areas to CD-1 (By-law No. 8759)
3. A By-law to amend miscellaneous CD-1 By-laws (re miscellaneous text and residential storage amendments) (By-law 8760)

(Councillors Bass, Green and Sullivan excused from voting)

4. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text and residential storage amendments) (By-law 8761)

(Councillors Bass, Green and Sullivan excused from voting)

5. A By-law to amend Downtown District Official Development Plan By-law No. 4912, Downtown-Eastside/Oppenheimer District Official Development Plan By-law No. 5532, and Southeast Granville Slopes Official Development Plan By-law No. 5752 (By-law 8762)

(Councillors Bass, Green and Sullivan excused from voting)

6. A By-law to amend Solid Waste and Recycling By-law No. 8417 to regulate certain 2004 utility fees and miscellaneous amendments (By-law 8763)

7. A By-law to amend Water Works By-law No. 4848 (2004 Fees and miscellaneous amendments) (By-law 8764)

8. A By-law to authorize the borrowing of certain sums of money from January 8, 2004 to January 7, 2005 pending the collection of real property taxes (By-law No. 8765)

9. A By-law to amend By-law No. 8093, being the Sewer and Watercourse By-law (Establishment of 2004 Sewer Use and Connection Rates) (By-law No. 8766)

10. A By-law to amend License By-law No. 4450 re 2004 marina operator fee increases

(By-law No. 8767)

11. A By-law to amend Impounding By-law No. 3519 (2004 Charges re Towing Service Contract) (By-law 8768)

1128 West Hastings Street

BY-LAW NO. 9423

A By-law to amend CD-1 By-law No. 8439

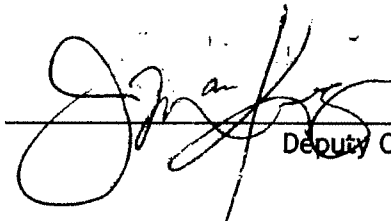
THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. From section 3.1 of By-law No. 8439, Council strikes out "7.86", and substitutes "7.92".
2. 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.
3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 30th day of January, 2007



Mayor



Deputy City Clerk

BY-LAWS

MOVED by Councillor Capri
SECONDED by Councillor Ball

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 6 inclusive, and by-laws 8 and 9, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to to regulate the construction of buildings and related matters and to adopt the British Columbia Building Code (2007 Building By-law) (By-law No. 9419)**
2. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 2999 Grandview Highway) (By-law No. 9420)**
3. **A By-law to amend Sign By-law No. 6510 (re 2999 Grandview Highway) (By-law No. 9421)**
4. **A By-law to amend CD-1 By-law No. 7820 (re 1762 Davie Street) (By-law No.9422)**
5. **A By-law to amend CD-1 By-law No. 8349 re 1128 West Hastings Street (By-law No. 9423)**
6. **A By-law to amend Parking By-law No. 6059 (Relaxation and Payment-in-lieu 412 Carrall Street) (By-law No. 9424)**
7. **A By-law to amend Secondhand Dealers and Pawnbrokers By-law No. 2807 regarding miscellaneous matters - WITHDRAWN**
8. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (53 West Hastings Street) (By-law No. 9425)**
9. **Heritage Taxation Exemption By-law for 53 West Hastings Street (By-law No. 9426) (Requires two-thirds affirmative votes of those members present)**

Council Decision

MOVED by Councillor Capri

- A. THAT Council approve the designation of the Kendrick House at 2543 Pandora Street, listed on the Vancouver Heritage Register in the "C" category, as Protected Heritage Property.
- B. THAT Council commend the building owners for designating their property on a voluntary basis and for participating in the Vancouver Heritage Foundation's *Restore It* program.

CARRIED UNANIMOUSLY

4. Text Amendment: 1128 West Hastings Street

An application by Martin Bruckner, IBI/HB Architects, was considered as follows:

Summary: To amend an existing CD-1 Comprehensive Development District By-law to permit a small increase in floor space ratio for a hotel meeting room through the addition of a floor in an existing double height meeting room.

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

Staff Comments

Phil Mondor, Rezoning Planner, in response to a question, provided information regarding the status of banked heritage density and the process regarding heritage bonus density transfers.

Applicant Comments

Martin Bruckner, IBI/HB Architects, and Carlo Meola, Pinnacle International, were present to respond to questions.

Summary of Correspondence

Council received no correspondence on this application since it was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Anton

THAT the application by IBI/HB Architects, to amend CD-1 By-law No. 8439 (reference No 409) for 1128 West Hastings Street (Strata Lots 1-466, DL 185, Strata Plan LMS 4107 and Strata Lots 1-39, DL 185, Strata Plan LMS 4114) to permit a small increase in floor space ratio, generally as presented in Appendix A to Policy Report "CD-1 Text Amendment - 1128 West Hastings Street" dated July 4, 2006", be approved, subject to the following conditions:

FORM OF DEVELOPMENT

THAT the proposed amendment to the form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received Planning Department, June 30, 2006", provided that the Director of Planning may allow minor alterations when approving the detailed scheme of development.

AGREEMENTS

THAT the registered owner's offer of a contribution be accepted and that, prior to enactment of the CD-1 By-law amendment, such offer be secured to the satisfaction of the Director of Legal Services through an agreement confirming that the registered owner has purchased heritage bonus density with value of \$180,000 from a suitable heritage donor site.

CARRIED UNANIMOUSLY

5. Rezoning: 102 - 160 West 1st Avenue

An application by Gomberoff Bell Lyon Architects on behalf of Wall Financial Corporation, was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District a site in the Southeast False Creek Official Development Plan (SEFC ODP) area to permit development of four mid-rise residential buildings, the highest being 15-storeys, plus a cultural amenity for the Playhouse Theatre Company.

The Director of Planning and the Managing Director of Cultural Services recommended approval.

Staff Comments

John Madden, Planner, provided an overview of the application.