



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

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

## CD-1 (422)

### *900 Pacific Boulevard*

### ***By-law No. 8896***

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

***Effective July 20, 2004***

*(Amended up to and including By-law No. 9311, dated June 13, 2006)*

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 Definitions  
Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

**Base Surface** means base surface calculated from the official established building grades.

**Core-need Household** means a household which would have to spend more than 30 percent of its annual gross income on shelter (including utilities) in order to live in an average market rental unit which is adequate and suitable for its basic needs.

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (422).

3.2 The only uses permitted within CD-1 (422), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwelling, as follows:
  - (i) except as set out in section 3.2(a) (ii), the number of Dwelling Units must not exceed 613, of which at least 179 Dwelling Units, not including those referred to in section 3.2(a)(ii), must be for family housing, and
  - (ii) subject to the conditions set out in section 4, the number of Dwelling Units allowed under section 3.2(a)(i) may increase by 101, of which at least 63 must be for family housing;
- (b) Cultural and Recreational Uses;
- (c) Parking Uses;
- (d) Institutional Uses, limited to Public Authority Use and Child Day Care Facility;
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2; and
- (f) interim uses not listed in this section 3, and accessory uses customarily ancillary to them if:
  - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
  - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
  - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to the subject site, and
  - (iv) any development permit for an interim use has a time limit of three years.

4 Conditions of use

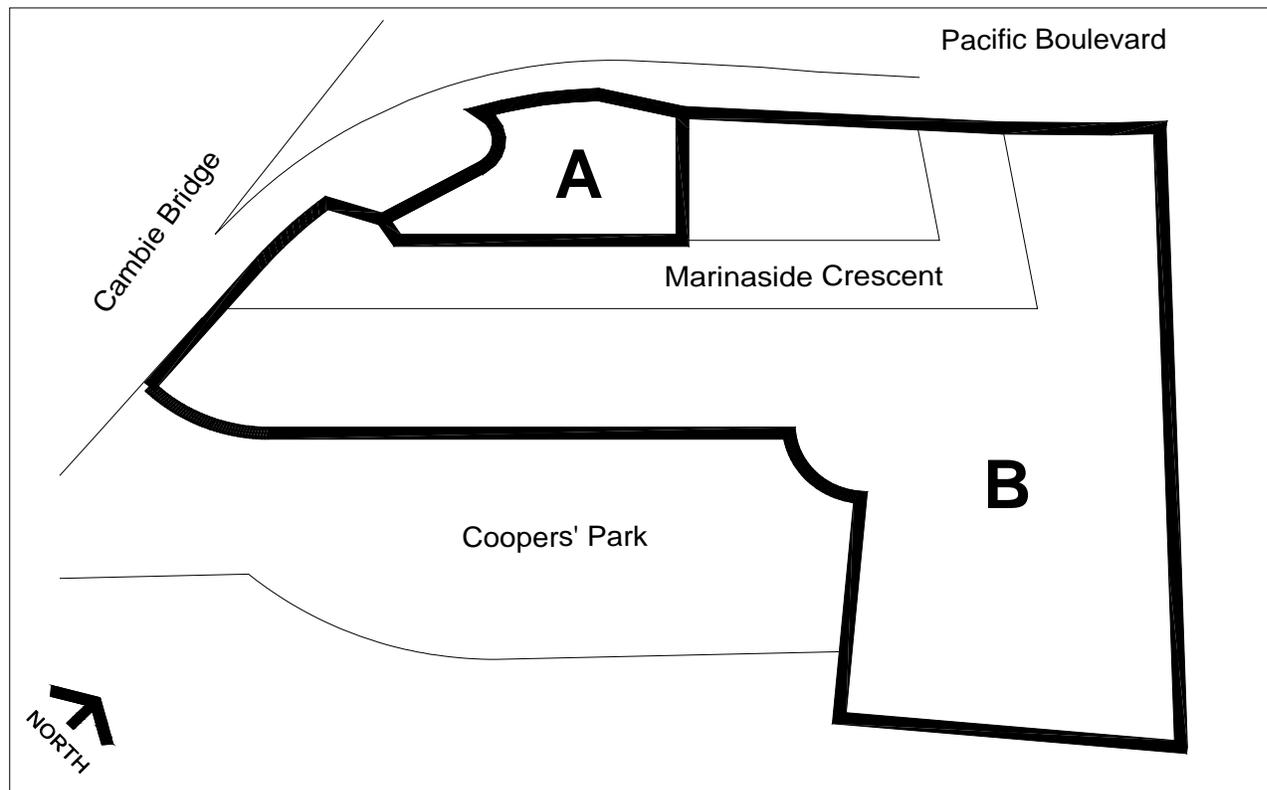
4.1 The design of all family housing units must be in accordance with Council’s “High-Density Housing for Families with Children Guidelines”.

4.2 With respect to the additional 101 dwelling units allowed under section 3.2(a)(ii):

- (a) they must be situate in sub-area A approximately as shown in “Figure 1 - Sub-Areas” at the end of this section 4.2; and
- (b) government funded programs targeted for core-need households or for such affordable housing programs or initiatives as Council may generally define or specifically approve from time to time must provide such dwelling units.

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 8896 or provides an explanatory note.

FIGURE 1 - SUB-AREAS



- 4.3** For dwelling uses, private, semi-private, and public outdoor spaces must be clearly separate and distinguishable from one another to the satisfaction of the Director of Planning or Development Permit Board.
- 4.4** Every building that is to contain core-need households must include a community room to the satisfaction of the Director of Planning or Development Permit Board in consultation with the Director of the Housing Centre.
- 4.5** Dwelling units are in an “activity zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.
- 5** Density
- 5.1** The floor space ratio for all permitted uses must not exceed 70 558 m<sup>2</sup>.
- 5.2** Computation of floor space ratio and floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building. [9311; 06 06 13]
- 5.3** Computation of floor space ratio and floor area must exclude: [9311; 06 06 13]
- (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;
  - (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
  - (c) the portion of a floor used for heating and mechanical equipment or other uses similar to the foregoing;

- (d) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, or uses which in the opinion of the Director of Planning are similar to the foregoing, that, for each area, are at or below the base surface;
- (e) undeveloped floor area located above the highest storey or half-storey, with a ceiling height of less than 1.2 m and to which there is no permanent means of access other than a hatch;
- (f) 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> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (g) amenity areas accessory to residential use except that the total area excluded must not exceed 3 530 m<sup>2</sup>; and
- (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.

**5.4** Computation of floor space ratio and floor area, at the discretion of the Director of Planning or Development Permit Board, may exclude: [9311; 06 06 13]

- (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 subject to the following:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the total permitted residential floor area, and
  - (ii) the total enclosed area of excluded balcony floor area must not exceed 50%;
- (b) windows recessed into the building face to a maximum depth of 160 mm, except that the Director of Planning may allow a greater depth to improve building character; and
- (c) unenclosed outdoor areas at grade level underneath tower building overhangs if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, except that the total area of all overhang exclusions must not exceed 1% of the total permitted residential floor area.

**5.5** The use of floor space excluded, under this By-law, from the computation of floor space ratio and floor area must not be for any purpose other than that which justified the exclusion. [9311; 06 06 13]

## 6 Building height

**6.1** The building height, measured above base surface and to the top of the roof slab above the uppermost habitable floor, must not exceed 91 m, subject to applicable policies and guidelines and to Council's approval of the form of development, except that the Development Permit Board may permit an increase in the number of storeys for any building within the total building height established for these buildings in the illustrative form of development approved at the public hearing of May 20, 2004, despite the provisions of the applicable development plan. [9311; 06 06 13]

**6.2** Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law. [9311; 06 06 13]

## 7 Parking and loading, and bicycle storage

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 and loading, and bicycle storage, except that:

- (a) for dwelling units not designated for core-need subsidized seniors housing or affordable housing, the following parking requirements apply:
  - (i) a minimum of 0.9 parking space for each dwelling unit and 1 additional parking space for each 200 m<sup>2</sup> of gross floor area, except that there need not be more than 2.0 parking spaces for each dwelling unit, and

- (ii) a maximum of 1.1 parking spaces for each dwelling unit and 1 additional parking space for each 200 m<sup>2</sup> of gross floor area, except that there must not be more than 2.2 parking spaces for each dwelling unit;
- (b) for dwelling units designated for core-need subsidized seniors housing or affordable housing, the following parking requirements apply:
  - (i) for family housing, a minimum of 1.0 parking space for each dwelling unit and a maximum of 1.2 parking spaces for each dwelling unit, and
  - (ii) for non-family housing, a minimum of .33 parking space for each dwelling unit and a maximum of 0.5 parking space for each dwelling unit; and
- (c) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of co-operative vehicles and associated parking spaces for required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number.

8 Acoustics

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

| <b>Portions of dwelling units</b> | <b>Noise levels (Decibels)</b> |
|-----------------------------------|--------------------------------|
| Bedrooms                          | 35                             |
| living, dining, recreation rooms  | 40                             |
| kitchen, bathrooms, hallways      | 45                             |

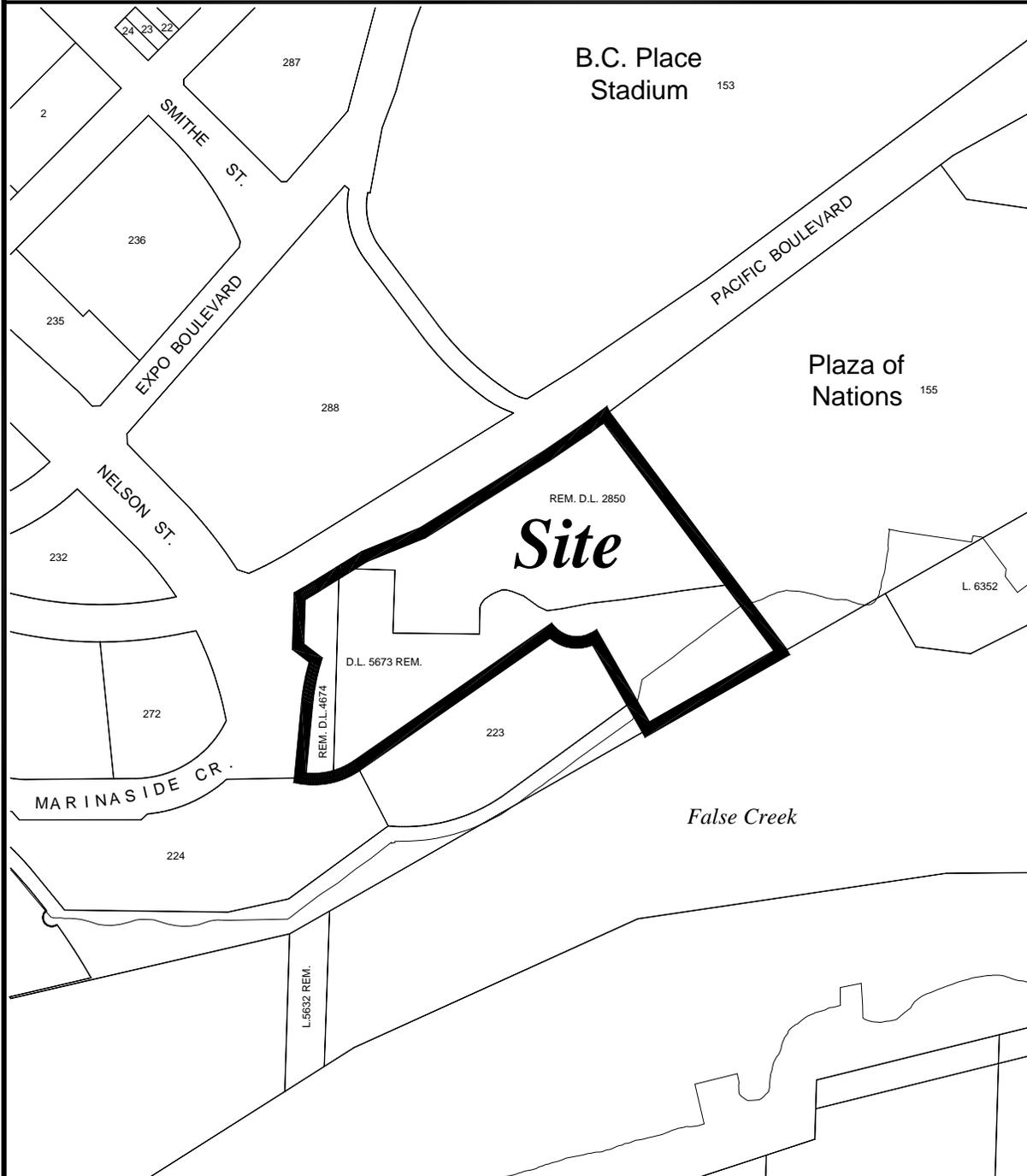
9 Severability

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

10 *[Section 10 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. 8896 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



The property outlined in black ( [black outline] ) is rezoned:  
From **BCPED** to **CD-1**

**Z-552**

RZ - 900 Pacific Boulevard

map: 1 of 1

scale: NTS



**City of Vancouver**

900 Pacific Boulevard

**BY-LAW NO. 8896**

**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-552 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

**Definitions**

2. Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

**Base Surface** means base surface calculated from the official established building grades.

**Core-need Household** means a household which would have to spend more than 30 percent of its annual gross income on shelter (including utilities) in order to live in an average market rental unit which is adequate and suitable for its basic needs.

**Uses**

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (422).

3.2 The only uses permitted within CD-1 (422), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

(a) Dwelling Uses, limited to Multiple Dwelling, as follows:

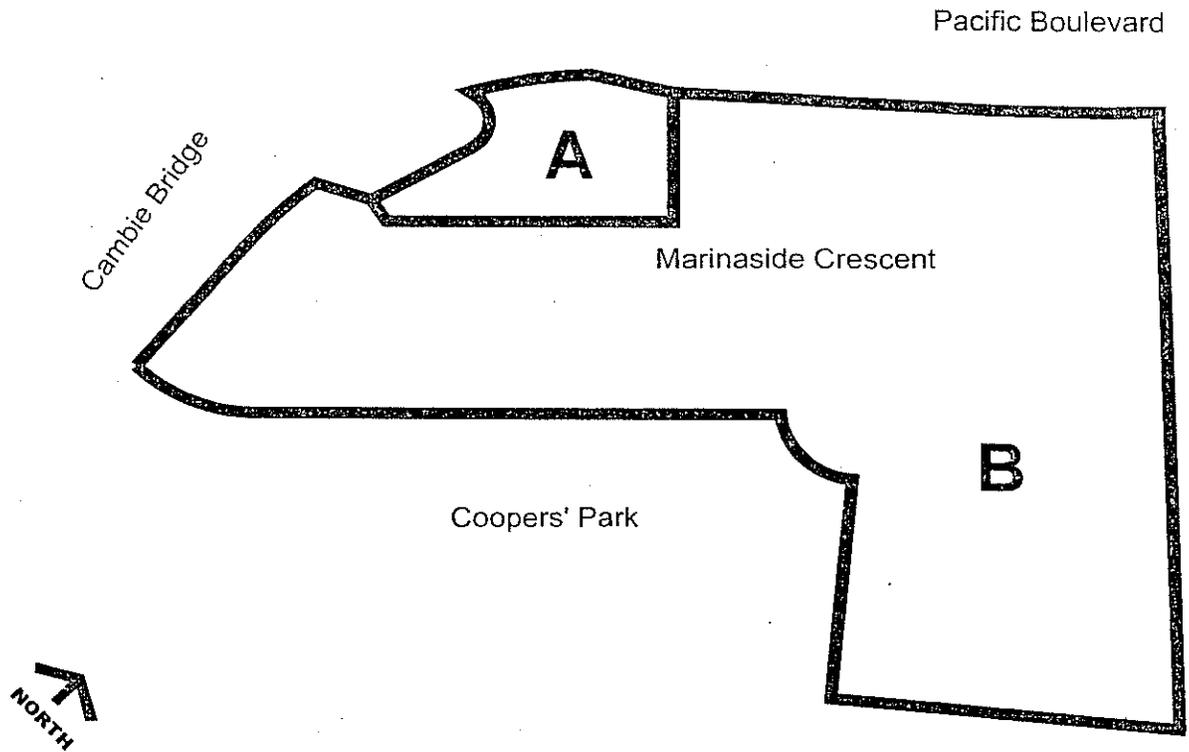
(i) except as set out in section 3.2(a) (ii), the number of Dwelling Units must not exceed 613, of which at least 179 Dwelling Units, not including those referred to in section 3.2(a)(ii), must be for family housing, and

- (ii) subject to the conditions set out in section 4, the number of Dwelling Units allowed under section 3.2(a)(i) may increase by 101, of which at least 63 must be for family housing;
- (b) Cultural and Recreational Uses;
- (c) Parking Uses;
- (d) Institutional Uses, limited to Public Authority Use and Child Day Care Facility;
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2; and
- (f) interim uses not listed in this section 3, and accessory uses customarily ancillary to them if:
  - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
  - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
  - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to the subject site, and
  - (iv) any development permit for an interim use has a time limit of three years.

#### Conditions of use

- 4.1 The design of all family housing units must be in accordance with Council's "High-Density Housing for Families with Children Guidelines".
- 4.2 With respect to the additional 101 dwelling units allowed under section 3.2(a)(ii):
- (a) they must be situate in sub-area A approximately as shown in "Figure 1 - Sub-Areas" at the end of this section 4.2; and
  - (b) government funded programs targeted for core-need households or for such affordable housing programs or initiatives as Council may generally define or specifically approve from time to time must provide such dwelling units.

FIGURE 1 - SUB-AREAS



4.3 For dwelling uses, private, semi-private, and public outdoor spaces must be clearly separate and distinguishable from one another to the satisfaction of the Director of Planning or Development Permit Board.

4.4 Every building that is to contain core-need households must include a community room to the satisfaction of the Director of Planning or Development Permit Board in consultation with the Director of the Housing Centre.

4.5 Dwelling units are in an "activity zone" as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.

## Density

5.1 The floor space ratio for all permitted uses must not exceed 70 558 m<sup>2</sup>.

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

5.3 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;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) the portion of a floor used for heating and mechanical equipment or other uses similar to the foregoing;
- (d) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, or uses which in the opinion of the Director of Planning are similar to the foregoing, that, for each area, are at or below the base surface;
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#### **Building height**

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#### **Parking and loading, and bicycle storage**

7. 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 and loading, and bicycle storage, except that:

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- (ii) a maximum of 1.1 parking spaces for each dwelling unit and 1 additional parking space for each 200 m<sup>2</sup> of gross floor area, except that there must not be more than 2.2 parking spaces for each dwelling unit;
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**Acoustics**

8. 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 the 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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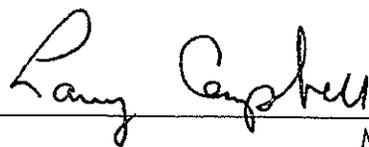
**Severability**

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

**Force and effect**

10. 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, 2004

  
\_\_\_\_\_  
Mayor

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

By-law No. \_\_\_\_\_ being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



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

**Z-552**

RZ - 900 Pacific Boulevard

map: 1 of 1  
scale: NTS



## BY-LAWS

MOVED by Councillor Sullivan  
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, 3 to 9, and 12 and 13, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to enact a Housing Agreement for 6450 Clarendon Street) (By-law No. 8894)

2. Water Shortage Response By-law

Council enactment of the By-law was referred to the Council meeting immediately following the Standing Committee on City Services and Budgets meeting on July 22, 2004.

3. A By-law to enact a Housing Agreement for 1203 Seymour Street (By-law No. 8895)

4. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (900 Pacific Boulevard) (By-law No. 8896)  
(Councillors Green, Stevenson and Woodsworth excused from voting)

5. A By-law to amend False Creek North Official Development Plan By-law No. 6650 (900 Pacific Boulevard) (By-law No. 8897)  
(Councillors Green, Stevenson and Woodsworth excused from voting on By-law 5)

6. A By-law to amend Sign By-law No. 6510 (By-law No. 8898)

7. A By-law to amend Street Name By-law No. 4054 re Waterfront Road (By-law No. 8899)

8. A By-law to amend the general provisions of Local Improvement Procedure By-law No. 3614 (contributions to street projects and miscellaneous amendments) (By-law No. 8900)

9. A By-law to amend By-law No. 3893 which amended Zoning and Development By-Law No. 3575 by rezoning an area to CD-1 (2001 Cassiar Street) (By-law No. 8901)  
(Councillors Green and Stevenson, and the Mayor, excused from voting on By-law 9)

12. Mayor and Council Members' Expenses By-law (By-law No. 8904)



**CITY OF VANCOUVER**  
**SPECIAL COUNCIL MEETING MINUTES**

**MAY 20, 2004**

A Special Meeting of the Council of the City of Vancouver was held on Thursday, May 20, 2004, 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 Bylaw, to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

**PRESENT:** Mayor Larry Campbell  
 Councillor Fred Bass  
 Councillor David Cadman  
 Councillor Peter Ladner  
 Councillor Raymond Louie  
 Councillor Tim Louis  
 \*Councillor Anne Roberts  
 Councillor Sam Sullivan

**ABSENT:** Councillor Jim Green (Leave of Absence)  
 Councillor Tim Stevenson (Leave of Absence - Civic Business)  
 Councillor Ellen Woodsworth (Leave of Absence - Civic Business)

**CITY MANAGER'S OFFICE:** Brent MacGregor, Deputy City Manager

**CITY CLERK'S OFFICE:** Diane Clairmont, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Louie  
 SECONDED by Councillor Ladner

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, to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY  
 (Councillor Roberts not present for the vote)

### 3. REZONING: 900 Pacific Boulevard

An application by James KM Cheng Architects was considered as follows:

**Summary:** An application to rezone 900 Pacific Boulevard to permit 5 market residential buildings containing 613 dwelling units, a site for a future non-market housing project, an extension of Marinaside Crescent toward the False Creek Waterbody and an expansion of Coopers' Park. Consequential amendments to the False Creek North Official Development Plan are required, in addition to amendments to the Sign and Noise Control By-laws.

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

Also before Council was the following:

- i) a letter from the Vancouver Board of Parks and Recreation, dated May 18, 2004 with the following recommendations:
  - A. THAT the Board requests that Council explore mechanisms to deliver Creekside Park extension (Parcel 9 in False Creek North) as early as possible.
  - B. THAT the Board requests that Council consider, at the time when a rezoning application is received for Parcel 6C, a year by which Creekside Park extension must be delivered.
- ii) a memo dated May 20, 2004 from Phil Mondor, Rezoning Planner, reporting back to Council on the matter of a future park in Area 9 of False Creek North. The memo offered the following new recommendation:

THAT, prior to enactment of the CD-1 By-law, and at no cost to the City, the registered owner shall enter into an agreement, to be completed to the satisfaction of the City Manager and the General Manager of Parks and recreation, on terms and conditions satisfactory to the Director of Legal Services, for the provision of a preliminary conceptual design for the future park on Area 9, including base elevations and preliminary layout, details, anticipated uses and general grading for the park, and the preparation of this design to include public consultation.

#### Staff Opening Comments

Phil Mondor, Rezoning Planner, provided an overview of the application. Mr. Mondor, along with Tom Timm, Deputy City Engineer, Michael Desrochers, Planner, Vancouver Parks & Recreation, Larry Beasley, Director of Current Planning, and Brent MacGregor, Deputy City Manager, responded to questions relating to building height, previous history, land use, residential character and impact of the development, urban housing, vehicular access along with traffic and parking impacts, sustainability, density, shoreworks, park allocation and planning.

Staff also responded to questions relating to Creekside Park including timing of park development, soil contamination and remediation, cost of off-site removal, division of costs, use of consultants and technology.

Staff recommend approval of the application with the addition of the recommendations noted in the memo of May 20, 2004 and the letter of May 18, 2004.

### Applicant Comments

James Cheng, Architect, representing the Applicant, reviewed the project and his letter dated May 20, 2004 (on file), requesting that Council amend the Draft By-law CD-1 (Building Height) as follows:

THAT Section 6 Building Height) be amended to replace "except that the height of the building in sub-area A may increase to 15 storeys in further design development approval by Council" by "except that the Development Permit Board may permit an increase in the number of storeys for any building within the total building height established for these buildings in the illustrative form of development approved at Public Hearing, notwithstanding the provisions of the applicable official development plan."

### Summary of Correspondence

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

- 1 letter from Vancouver Park Board;
- 4 e-mails/letters in support;
- 28 e-mails/letters opposed to delay of Creekside Park;
- 3 e-mails expressing concerns.

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Janice Lovell  
Daisen Gee-Wing, CMPC  
Kaare Foy

Speakers' comments included:

- beneficial to the neighbourhood;
- in support, but expressed concerns regarding traffic on Marinaside Crescent.

The following spoke in opposition to the application:

John McMillan  
Jack Becker  
Chris Pallet  
Donald Currie  
Jonathan Jednar

Speakers' comments included:

- land is not worth \$40-80 million;
- immediate delivery of shoreworks in front of 6C and 9 is requested;
- building heights are excessive; tower will put Marinaside buildings in shadow and restrict both public and private views;
- traffic along Marinaside Crescent evolving into dangerous situation; traffic calming should go fully along Marinaside;
- City has responsibility to alleviate noise from Cambie Bridge, road resurfacing would be helpful;
- access to waterfront needs to be increased;
- concern expressed that other sites will need soil remediation in future;
- if rezoning approved, developer will have retroactive ability to change understanding of original agreement with condominium purchasers.

The following spoke to the application expressing specific concerns relating to the delay in delivery of the Creekside Park extension:

Commissioner Anita Romaniuk, Chair, Vancouver Park Board  
Commissioner Suzanne Anton, Vancouver Park Board  
Rick Lam, Chair, Vancouver Chinatown Revitalization Committee  
Jack Dunlop  
Wendy Dunlop  
Patsy McMillan  
John Murray  
Bev Behrman  
Ted McGrath  
Allan Adams  
Christine Wallsworth  
Jacquie Rauh  
Tom Routledge  
Ed Storm  
Bill Stone  
Donna-Marie McIntyre  
Frank Kelly  
David Boyd  
Dick Bogue  
Nancy Meek  
Bohdan Zabolotniuk

Speakers' comments included:

- rezoning will cause delay in park development for approximately 5-6 years or prevent it completely;
- property values will decrease and the only beneficiary will be the developer;
- increased density of population will increase demand for green space;
- there has been no park space developed in the area since 1993;
- reasonable outside date for park to be developed should be stated;
- contaminated soil sitting on ground creates health hazard and is an eyesore;
- concerned this will be holding area for contaminated soil for years to come;
- legally binding agreements should be honoured;
- promoting a park is marketing ploy for developers;
- park would enhance Vancouver's world-class image and 2010 Olympics;
- vehicular racing/accidents are a major concern in the area;
- solution to cost of soil remediation should be financially equitable to residents as well as developer;
- staff should study the possibility of phase development of Area 9;
- do not need temporary events/facilities at this site.

**Applicant Closing Comments**

Mr. Cheng advised there are no shadows resulting from the project at any time of year and that the extension of Smithe Street as a two-way street going south will improve traffic flow.

Matt Meehan, representing Pacific Place Development Corp., advised that rezoning of 5B and 6C, as indicated in the ODP, will take place as soon as possible, that the corporation is very responsible when selecting short-term uses and events for the site and the applicant is working on subsidized housing with City staff. He also agreed with the recommendations made by the Vancouver Park Board.

**Staff Closing Comments**

Mr. Beasley reviewed the current status of non-market housing and progress being made to increase number of units. He noted that interim uses on Area 9 go through proper permitting process and that toxic soils are dealt with through Health and Safety Act, WCB, and City by-laws, if applicable.

**Council Decision**

MOVED by Councillor Sullivan

- A. THAT the application by James KM Cheng Architects, to rezone 900 Pacific Boulevard (District Lot 2850 Group 1 NWD, except Portion on Plan 20421 & 21425, District Lot 4674, Plan 6107 except Portion on Plan 20421 and LMP 13010, and District Lot 5673, Group 1 NWD except Portion on Plans 21425 and LMP 13010) from BCPED to CD-1, to set maximum residential floor area at 70 558 m<sup>2</sup> (759,500 sq. ft.) and set the maximum number of dwelling units at 714, generally as outlined in Appendix A of the Policy report dated

February 11, 2004 entitled "CD-1 Rezoning of 900 Pacific Boulevard (False Creek North Area 6A)" be approved, subject to the following conditions:

- a) THAT the proposed form of development be approved by Council in principle, generally as prepared by James KM Cheng Architects, in revised plans stamped "Received Planning Department", December 1, 2003, provided that the Director of Planning or the Development Permit Board, as the case may be, may approve 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(s), including a submission equivalent to a preliminary development application, for the entire neighbourhood, by the Director of Planning or the Development Permit Board, as the case may be, who shall have particular regard to, among other things, the following:

#### DESIGN DEVELOPMENT - GENERAL

- 1) design development to the whole neighbourhood public realm should be undertaken and submitted concurrently with the first development application;

Note to Applicant: aspects to review include, among other things: the extension of Smithe Street that facilitates a pedestrian and bicycle connection to the waters edge of False Creek, the pedestrian route that is parallel to Pacific Boulevard and winds under the Cambie Bridge off-ramp, and pedestrian circulation around the Park addition;

- 2) design development to the under-bridge and off-ramp area should be undertaken and submitted concurrently with the first development application;

Note to Applicant: aspects to review include, among other things: soft visual landscaping, pedestrian routes that connect the corner of Pacific Boulevard and Nelson Street to the new neighbourhood and to programmed activity areas in Coopers' Park including areas under the Cambie Bridge;

- 3) design development to Coopers' Park that responds to the new neighbourhood concept should be undertaken and submitted concurrently with the first development application;

Note to Applicant: aspects to review include, among other things: park structure, activity functions within the park, location and design of pedestrian routes, lighting, public seating, and interface with the surrounding built form;

- 4) design development to the interface between Coopers' Park and adjacent buildings to provide a public walkway on the development sites which also accommodates landscaping, park benches, and service vehicles for park maintenance and garbage removal;

- 5) design development to increase the setbacks for the market residential towers buildings on Marinaside Crescent to approximately 3.5 m;
- 6) design development to provide two- or three-storey townhouses around the base of all market residential buildings, where feasible, and the townhouses which are independent from towers should be double-fronting where that is feasible;
- 7) design development to the 3-storey townhouses (building F) on Marinaside Crescent to provide grade-level parking and a vehicular access system;

Note to Applicant: aspects to review include ensuring that the fee simple requirements can be met for individual ownership;

- 8) design development to the building characters to respond to the different contextual relationships and to provide individual building identity;
- 9) design development to the building amenity areas to locate and design them in such a manner as to maintain the residential quality, animation and visual interest of the neighbourhood streets and pedestrian routes;
- 10) design development to Tower C and the adjacent lower building form to provide a 9 m (30 ft.) setback from the Plaza of Nations (Area 6B) property line at the southerly end, and a landscape setback to the vehicular ramp and amenity building at the northerly end, and to refine the proposed 6- and 9-storey built form along the extension of Smithe Street;
- 11) design development to the non-market building (building E) to reduce it's width and improve building setbacks;

Note to Applicant: this may reduce the achievable density on this development parcel, and/or floor-to-ceiling heights might be reduced, and/or an additional floor may be considered, within View Protection Guidelines;

- 12) design development to the extension of Smithe Street, south of Marinaside Crescent, to minimise the hard surface area required for vehicle movement including fire access, and to maximise the landscaped setbacks to enhance the overall pedestrian quality and experience;

#### SUSTAINABILITY

- 13) Staff to work with the applicant to pursue sustainability measures for all market residential buildings, so as to design and construct "green buildings". This needs to be undertaken prior to the first development application;

#### ACOUSTICS

- 14) design development to provide appropriate acoustic measures for all buildings, in particular those adjacent to the Cambie Bridge and its "under-bridge area" and off-ramp, and the Plaza of Nations, to ensure appropriate liveability conditions and in particular to address potential noise impact; one particular area of concern is

the part of the under-bridge area which, as part of Coopers' Park, is a well used playground popular with youth and parents and thus accommodates many noise-generating park activities, including basketball and skateboarding.

Note to Applicant: aspects to consider include an acoustical investigation of the under-bridge area to inform design development, and may include provision of mechanical ventilation that allows building occupants the option of closing windows to mitigate noise in a location subject to high noise levels.

Further Note: The CD-1 By-law has a provision that 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 dwelling units listed do not exceed the noise levels set out in the By-law.

The CD-1 By-law states a condition of use that dwelling units are in an "activity zone" as defined in the Noise Control By-law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.

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

15) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for:

- i) design of underbridge area to reduce opportunities for mischief and vandalism,
- ii) ensuring that all pathways are clearly defined with defensible design, and
- iii) reducing opportunities for graffiti and skateboarding, except where the latter may be intentionally accommodated.

#### AGREEMENTS

c) THAT, prior to enactment of the CD-1 By-law, at no cost to the City, the registered owner shall make arrangements for the following:

#### NO-DEVELOPMENT COVENANT (DENSITY TRANSFER)

1) A No-Development Covenant on terms and conditions satisfactory to the Director of Legal Services shall be registered against titles to all remaining lands of North East False Creek (namely Areas 5B, 6C and 6G). The No-Development Covenant shall prohibit any development on these remaining lands until arrangements have been made satisfactory to the City with respect to the value of and/or security for the value of the density to be transferred from Area 5B to Area 6A.

#### NON-MARKET HOUSING

2) One or more agreements satisfactory to the City Manager and the Directors of the Housing Centre and Legal Services by which sufficient parcels shall be conveyed to the City for the 101 non-market housing units to be constructed within the site, at

a price acceptable to City Council. Such parcels are for such non-market housing programs or initiatives as City Council may generally define or specifically approve from time to time;

#### PUBLIC ART

- 3) An agreement, satisfactory to the Directors of Legal Services and Social Planning, shall be completed for the provision of public art in accordance with the City's Public Art Policies and Guidelines;

#### ENGINEERING

##### Charge Summary

- 4) Arrangements to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of charges shown on title (a charge summary should be provided) and, if necessary, for the modification, release, extension or replacement of such charges, on terms acceptable to the Director of Legal Services;

##### Subdivision/Road Dedication

- 5) Arrangements to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the registration of a compatible subdivision plan, including arrangements for the dedication, transfer or lease to the City of the following:
  - i) all areas under the Cambie Bridge and bridge ramps,
  - ii) Marinaside Crescent extension,
  - iii) Smithe Street extension, from Pacific Boulevard to Marinaside Crescent extension,
  - iv) Coopers' Park addition,
  - v) shoreline walkway, and
  - vi) areas abutting Pacific Boulevard (for pedestrian and bicycle connection improvements);

Confirmations of Compliance in respect of these areas must be provided by the Ministry of Water, Land and Air protection prior to the completion and transfer of these areas to the City.

- 6) Arrangements to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the registration of statutory rights-of-way (SROW) for utilities and full public access, including obligations for support and maintenance, as follows:
  - i) a 3.66 m wide strip at the outer perimeter of the existing Coopers' Park (north and east ends), except that this strip may be narrower in the portions where the park will be expanded,

- ii) the portions of lands linking the north-east corner of Coopers' Park to the intersection of Smithe Street and Marinaside Crescent,
- iii) the portions of lands linking the intersection of Smithe Street and Marinaside Crescent to the water's edge at False Creek,
- iv) the portions of lands linking the intersection of Smithe Street and Marinaside Crescent to the Plaza of Nations, and
- (v) the portions of lands south of building D, north of the seawall walkway.

Note: The final widths and design of the SROWs are to be to the satisfaction of the General Manager of Parks and Recreation and the General Manager of Engineering Services.

Note: The following requirements, (7) to (18), shown here as arrangements to be completed prior to enactment of the CD-1 By-law, will also be requirements of subdivision approval and will need to be completed prior to registration of a subdivision plan.

#### Soils Remediation

- 7) obtain and submit to the City copies of all soil studies and the consequential Remediation Plan, approved by the Ministry of Water, Land and Air Protection. Enter into or cause to be entered into by the Province. agreements satisfactory to the Director of Legal Services, which may include long-term leases of park from the Province, providing for the remediation of any contaminated soils on the site, in accordance with a Remediation Plan approved by the Province and acceptable to the City, providing security satisfactory to the Director of Legal Services, for the completion of remediation and indemnifying the City, the Subdivision Approving Officer and the Park Board against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site;

#### Soils Remediation (Road)

- 8) submit to the City a remediation plan for all newly dedicated streets and utility rights-of-way required to serve the subject site, including utility construction plans compatible with the accepted remediation plan, together with any agreements deemed necessary by the General Manager of Engineering Services providing for the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and ground water flows, and other remedial works or systems required by the General Manager of Engineering Services all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;

#### Soils Indemnity

- 9) execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for security to the satisfaction of the Director of Legal Services, protecting the City, the Subdivision Approving Officer and the Park Board from all liability or damages arising out of or related to the presence of

contaminated soils on the site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Water, Land and Air Protection issues Confirmations of Compliance, in substantially the form appended to the Certificate of Remedial Process issued by the Province (as then represented by the Ministry of Environment) on September 7, 1990, certifying that the site, including all roads, utility corridors, open spaces and parks contained therein, have been remediated to Provincial Standards as defined in the Confirmations of Compliance;

#### Soils Vancouver Charter

- 10) shall, as required by the General Manager of Engineering Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter;

#### Occupancy

- 11) execute a Section 219 Covenant, satisfactory to the Director of Legal Services, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Confirmations of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection;

#### Services Agreement

- 12) execute a service agreement, satisfactory to the General Manager of Engineering Services and the Director of Legal Services, to ensure that all on-site and off-site works and services necessary or incidental to the servicing for the subject site (collectively called the "Services") are designed, constructed, and installed at no cost to the City, and to provide for the grant of all necessary street dedications and rights-of-way for the Services, all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services. Without limiting the discretion of the said City officials, this agreement shall include provisions that:
  - i) no Development Permit in respect of any improvements to be constructed on the subject site pursuant to this rezoning shall be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services;
  - ii) the design of all the Services will be completed to the satisfaction of the General Manager of Engineering Services prior to: (i) tendering for the construction of any of the Services; or (ii) any construction of the services if the Property owner decides not to tender the construction;
  - iii) no occupancy of any buildings or improvements constructed pursuant to the rezoning, (except for those building sites to be transferred to the City), shall be permitted until all Services are completed to the satisfaction of the General Manager of Engineering Services; and

- iv) in addition to standard utilities and utility extensions, necessary services will include:
  - a) the extension of Marinaside Crescent,
  - b) the detailed design of Smithe Street from Expo Blvd. to the subject site,
  - c) the construction of Smithe Street from Pacific Blvd. to Marinaside Crescent extension, including all required alterations to road grade and reconstruction of the intersection at Pacific Blvd. and Smithe Street,
  - d) a traffic signal at the intersection of Smithe Street and Pacific Blvd.,
  - e) improvements to the intersection of Marinaside Crescent and Nelson Street,
  - f) pedestrian and cycling connection improvements, including connections between the Cambie Bridge pedestrian/cyclist circular ramp and Coopers' Park;
  - g) design and construction of improvements to the underbridge and under ramp open space areas to the satisfaction of the General Manager of Engineering Services, and
  - h) a detailed traffic/transportation study, all to the satisfaction of the General Manager of Engineering Services.

Note: All sidewalk widths on dedicated streets and SROWs are to be to the satisfaction of the General Manager of Engineering Services.

#### Shoreline Works Agreement

- 13) execute agreements, satisfactory to the General Manager of Engineering Services and the Director of Legal Services, obligating the property owners, at no cost to the City, to design and construct the shoreline works relevant to the subject site and which shall include a waterfront pedestrian/bicycle system (collectively called "Shoreline Works"), to the satisfaction of the General Manager of Engineering Services (and the General Manager of Parks and Recreation where such improvements encroach on park areas). This agreement will include provisions that:
  - i) no Development Permit in respect of any improvements to be constructed on the subject site pursuant to this rezoning shall be issued until the design of the Shoreline Works is completed to the satisfaction of the General Manager of Engineering Services;
  - ii) the design of the Shoreline Works will be completed to the satisfaction of the General Manager of Engineering Services prior to tendering for the construction of these works, or the commencement of construction of the Shoreline Works if the property owner decides not to tender the construction;
  - iii) the property owner shall grant all requisite ownership rights to the City, whether by dedication or perpetual right-of-way (as the City shall determine), over lands containing the Shoreline Works and shall grant

- access thereto, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
- iv) the property owner shall assure access to, and support of, the Shoreline Works from both the uplands and the water lots, and shall grant rights-of-way therefore as required by the General Manager of Engineering Services, including a blanket right-of-way over the water lots for access to the Shoreline Works for maintenance and repair purposes;
  - v) the property owner shall amend the temporary walkway letter of agreement dated October 16, 1987, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, to include provisions for improved maintenance of any re-routings of the temporary walkway and for bypassing of construction areas;
  - vi) the water lots shall be maintained, to the satisfaction of the General Manager of Engineering Services, in such a manner as to preserve the amenity value inherent in the Shoreline Works;
  - vii) the property owner shall obtain all necessary approvals and permits under the Navigable Waters Protection Act (Canada) and any ocean dumping permits which may be required by Federal Authorities; and
  - viii) the construction of the Shoreline Works shall be completed in accordance with the following schedules:
    - a) no occupancy of any building shall be permitted until the Shoreline Works is completed to the satisfaction of the General Manager of Engineering Services (and the General manager of Parks and Recreation where relevant); and
    - b) in any event, the Shoreline Works shall be completed to the satisfaction of the General Manager of Engineering Services prior to 10 years from the date of enactment of Area 6A rezoning.

#### Park Works

- 14) execute agreements satisfactory to the Director of Legal Services and the City Manager to provide at no cost of the City, either by conveyance, dedication or long-term lease from the Province, an additional park area of 1 226 m<sup>2</sup> (13,197 sq. ft.), this extension of Coopers' Park to be designed, constructed, and completed by the property owner to the satisfaction of the General Manager of Parks and Recreation, in consultation with the Director of Current Planning and the General Manager of Engineering Services, on terms satisfactory to the Director of Legal Services. Confirmations of Compliance in respect of the park area must be provided by the Ministry of Water, Land and Air Protection prior to the completion and transfer of the park to the City.
- 15) execute agreements satisfactory to the Director of Legal Services and the General Manager of Parks and Recreation to design, construct, and complete at no cost to the City the following changes to the existing Coopers' Park:
  - i) a pedestrian and bicycle connection from the east-west walkway and bikeway in the park to the spiral pedestrian-bicycle ramp on Cambie Bridge, and

- ii) physical modifications that are required to properly integrate the park addition into the existing Coopers' Park.

#### Floodplain Agreement

- 16) register a floodplain covenant, satisfactory to the Director of Legal Services and the Ministry of Water, Land and Air Protection;

#### Bridge Proximity Agreement

- 17) register a Bridge Proximity Agreement, completed to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and

#### Amend Covenants

- 18) re-evaluate, amend and/or release all existing covenants and rights-of-way to address the proposed development to the satisfaction of the Director of Legal Services.

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

The facilities to be provided including the Services, Shoreline Works, and Park Works, as well as site remediation, may, in the discretion of the General Manager of Engineering Services, General Manager of Parks (where the park is concerned) and Director of Legal Services, be constructed in phases, in accordance with phasing plans satisfactory to the aforesaid officials, and the respective Agreements will provide for security and occupancy restrictions appropriate to such phasing.

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 bylaw; provided however the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application by the Director of Current Planning to amend False Creek North Official Development Plan, By-law No. 6650 generally in accordance with Appendix C of the above noted report be approved.
- C. THAT the application by James JM Cheng Architects to amend the Sign By-law to establish regulations for the CD-1 site in accordance with Schedule E (assigned Schedule B(DD)) be approved.
- D. THAT, subject to approval of the rezoning at Public Hearing, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule A.
- E. THAT Recommendations A to D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner;
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion; and
  - (iv) THAT the rezoning of Areas 5B and 6C shall not be considered until a comprehensive public amenity package has been established to the City's satisfaction for the final overall land use and density in the balance of the North East False Creek area. (Areas 5B and 6C).
- F. THAT prior to enactment of the CD-1 By-law, and at no cost to the City, the registered owner shall enter into an agreement, to be completed to the satisfaction of the City Manager and the General Manager of Parks and Recreation, on terms and conditions satisfactory to the Director of Legal Services, for the provision of a preliminary conceptual design for the future park on Area 9, including base elevations and preliminary layout, details, anticipated uses and general grading for the park, and the preparation of this design to include public consultation.
- G. THAT Section 6 (Building Height) of the CD-1 By-law be amended to replace "except that the height of the building in sub-area A may increase to 15 storeys in further design development approved by Council" by "except that the Development Permit Board may permit an increase in the number of storeys for any building within the total building height established for these buildings in the illustrative form of development approved at Public Hearing, notwithstanding the provisions of the applicable official development plan.

- H. THAT, as requested by the Vancouver Board of Parks and Recreation, Council will explore mechanisms to deliver Creekside Park extension (Parcel 9 in False Creek North) as early as possible.
- I. THAT, as requested by the Vancouver Board of Parks and Recreation, Council will consider, at the time when a rezoning application is received for Parcel 6C, a year by which Creekside Park extension must be delivered.

CARRIED  
(Councillors Bass and Louis opposed)

**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 Cadman  
SECONDED by Councillor Sullivan

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

The Special Council adjourned at 10:40 p.m.

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DD

Miscellaneous text amendments

BY-LAW NO. 9311

A By-law to amend CD-1 By-law No.'s 7679, 8536, 8546, 8587, 8592, 8740, 8819, 8896, 8943, 8978, 8993, 9081, 9088, 9116, 9154, 9167, 9170, 9173, 9184, 9190, 9195, and 9204

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

1. Council repeals section 3.5 of By-law No.'s 8536 and 8546, and section 4.9 of By-law No. 8740.
2. To By-law No. 7679 as section 6.8, By-law No.'s 8587, 9154 and 9167 as section 4.6, By-law No.'s 8592, 8536, 8546, 8978 and 9116 as section 3.5, By-law No. 8740 as section 4.9, By-law No.'s 8819, 8896, 9184, 9190 and 9195 as section 5.5, By-law No.'s 8993, 9088 and 9204 as section 4.5, and By-law No. 9173 as section 5.6, Council adds:  

"The use of floor space excluded, under this By-law, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion."
3. To Section 3 of By-law No.'s 8536 and 8546, Section 4 of By-law No.'s 8587, 9088, 9170 and 9204, and Section 5 of By-law No.'s 8896, 8943, 9081, 9173, 9184, 9190 and 9195, after "Computation of floor space ratio", wherever it appears, Council adds "and floor area".
4. To section 5.4(c) of By-law No. 9173, section 5.3(c) of By-law No.'s 9190 and 9195, and section 4.3(c) of By-law No. 9204, after "bicycle storage,", wherever it appears, Council adds "heating and mechanical equipment,".
5. Council repeals section 6.2 of By-law No.'s 8943 and 9195.
6. Council re-numbers section 7 of By-law No. 8740 as section 7.1, section 6 of By-law No.'s 8896, 9081, 9173, 9184 and 9190 as section 6.1, section 4 of By-law No. 8978 as section 4.1, and section 5 of By-law No.'s 9088, 9170 and 9204 as section 5.1.
7. To By-law No. 7679 as section 7.6, By-law No. 8536 as section 4.3, By-law No.'s 8546, 8592 and 8978 as section 4.2, By-law No. 8587 as section 5.3, By-law No. 8740 as section 7.2, By-law No.'s 8896, 8943, 9081, 9173, 9184, 9190, and 9195 as section 6.2, and By-law No.'s 9088, 9170 and 9204 as section 5.2, Council adds:

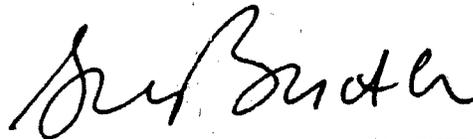
"Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."

8. To section 6.1 of By-law No. 8943, after "191.7 m", Council adds:  
", except that mechanical appurtenances and decorative roof may increase the building height to no more than 196.9 m".
9. To section 6.1 of By-law No. 9195, after "178 m", Council adds:  
", except that mechanical appurtenances and decorative roof may increase the building height to no more than 182.9 m".
10. Council repeals section 7(a)(ii) and (iii) of By-law No. 9190 and section 6(a)(ii) and (iii) of By-law No. 9204, and substitutes:  
"(ii) for dwelling units of more than 80 m<sup>2</sup> of gross floor area, a minimum of one parking space for each unit plus one additional parking space for each 125 m<sup>2</sup> of gross floor area in excess of the initial 80 m<sup>2</sup>, except that there need not be more than two spaces for each unit, and  
(iii) for all dwelling units, the maximum permitted parking must not exceed 0.2 spaces for each unit more than the required minimum number of parking spaces;"
11. 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.
12. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 13<sup>th</sup> day of June, 2006



Mayor



City Clerk

7. **CD-1 Rezoning: 311 West 2<sup>nd</sup> Avenue  
May 31, 2006 (VanRIMS.No. 11-3600-03)**

The Policy Report *CD-1 Rezoning: 311 West 2<sup>nd</sup> Avenue*, dated May 31, 2006, is postponed.

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Chow

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Ladner  
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

**BY-LAWS**

MOVED by Councillor Louie  
SECONDED by Councillor Cadman

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 4 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to amend Parking Meter By-law No. 2952 to implement a pay by phone system (By-law No. 9309)**
2. **A By-law to amend Development Permit Board and Advisory Panel By-law No. 5869 regarding designation of members (By-law No. 9310)**
3. **A By-law to amend CD-1 By-law No.'s 7679, 8536, 8546, 8587, 8592, 8740, 8819, 8896, 8943, 8978, 8993, 9081, 9088, 9116, 9154, 9167, 9170, 9173, 9184, 9190, 9195 and 9204 (By-law No. 9311)**  
(Councillors Ball, Chow and the Mayor ineligible to vote)
4. **A By-law to amend Sign By-law No. 6510 (re 798 Granville Street) (By-law No. 9312)**  
(Councillors Ball, Chow and the Mayor ineligible to vote)

**4. Text Amendment: Miscellaneous Text Amendments**

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

**Summary:** To amend various downtown CD-1 By-laws to add missing standard provisions and to correct an error in the Sign By-law

The Director of Current Planning recommended approval.

**Staff Comments**

Phil Mondor, Rezoning Planner, was present to respond to questions.

**Summary of Correspondence**

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

**Speakers**

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

**Council Decision**

MOVED by Councillor Stevenson

THAT the application by the Director of Current Planning to amend several CD-1 By-laws and the Sign By-law generally as described in Appendix A to Policy Report "Miscellaneous Text Amendments" dated April 4, 2006, be approved.

CARRIED UNANIMOUSLY

These minutes will be adopted by Council on May 30, 2006.

**CITY OF VANCOUVER**

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**SPECIAL COUNCIL MEETING MINUTES**

**MAY 16, 2006**

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 16, 2006, at 7:38 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to various CD-1 By-laws, the Sign By-law, and the Heritage By-law.

**PRESENT:**

Deputy Mayor David Cadman  
Councillor Suzanne Anton  
Councillor Kim Capri  
Councillor Heather Deal  
Councillor Peter Ladner  
Councillor B.C. Lee  
Councillor Raymond Louie  
Councillor Tim Stevenson

**ABSENT:**

Mayor Sam Sullivan (Sick Leave)  
Councillor Elizabeth Ball (Sick Leave)  
Councillor George Chow (Leave of Absence)

**CITY CLERK'S OFFICE:**

Laura Kazakoff, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Cadman in the Chair, to consider proposed amendments to various CD-1 By-laws, the Sign By-law, and the Heritage By-law.

**CARRIED UNANIMOUSLY**

**1. Heritage Revitalization Agreement/Heritage Designation: 73-91 East 27<sup>th</sup> Avenue**

An application by Robert Brown, Resource Rethinking Building Inc., was considered as follows:

Summary: Heritage Revitalization Agreement and designation to permit strata titling in exchange for rehabilitation and conservation of five houses on this lot.

The Director of Current Planning recommended approval.