



City of Vancouver *Zoning and Development By-law*

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planning@vancouver.ca

CD-1 (427)

1001-1015 Denman Street

By-law No. 8978

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

Effective February 1, 2005

(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 Uses
- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (427).
- 2.2 The only uses permitted within CD-1 (427), 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 12 Dwelling Units;
 - (b) Retail Uses, but not including Farmer's Market, Neighbourhood Grocery Store, or Vehicle Dealer;
 - (c) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, and School – Vocational or Trade; and
 - (d) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.
- 3 Density
- 3.1 The floor space ratio for all permitted uses must not exceed 1.96, except that the floor space ratio for retail and service uses must not exceed 1.20.
- 3.2 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 buildings.
- 3.3 Computation of floor space ratio must exclude:
- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total floor area of all such exclusions must not exceed 8% of the permitted residential floor area;
 - (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof so used which are at or below the base surface, except that the maximum exclusion for a parking space must 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; and
 - (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 8978 or provides an explanatory note.*

3.4 Computation of floor space ratio may exclude:

- (a) enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the permitted residential floor area, and
 - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) interior public space, including atria and other similar spaces, except that:
 - (i) the excluded area must not exceed the lesser of 10 percent of the permitted floor area or 600 m²,
 - (ii) the excluded floor area must be secured by covenant and right-of-way in favour of the city which sets out the public access and use, and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council; and
- (c) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10% of the permitted floor area or 1 000 m², provided, that in the case of day care facilities, the Director of Planning, on advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

3.5 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. [9311; 06 06 13]

4 Building height

4.1 The maximum building height, measured above the base surface must not exceed 18.3 m or five storeys. [9311; 06 06 13]

4.2 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]

5 Setbacks

The setback of a building must be at least:

- (a) 0 m from the Nelson Street property line;
- (b) 0 m from the Denman Street property line;
- (c) 2.4 m in the rear yard; and
- (d) 0 m from the property line along the lane.

6 Parking and loading, and bicycle storage

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

- (a) C-5 District Schedule standards apply for retail and service uses; and
- (b) RM-5B District Schedule standards apply for residential uses.

7 **Acoustics**

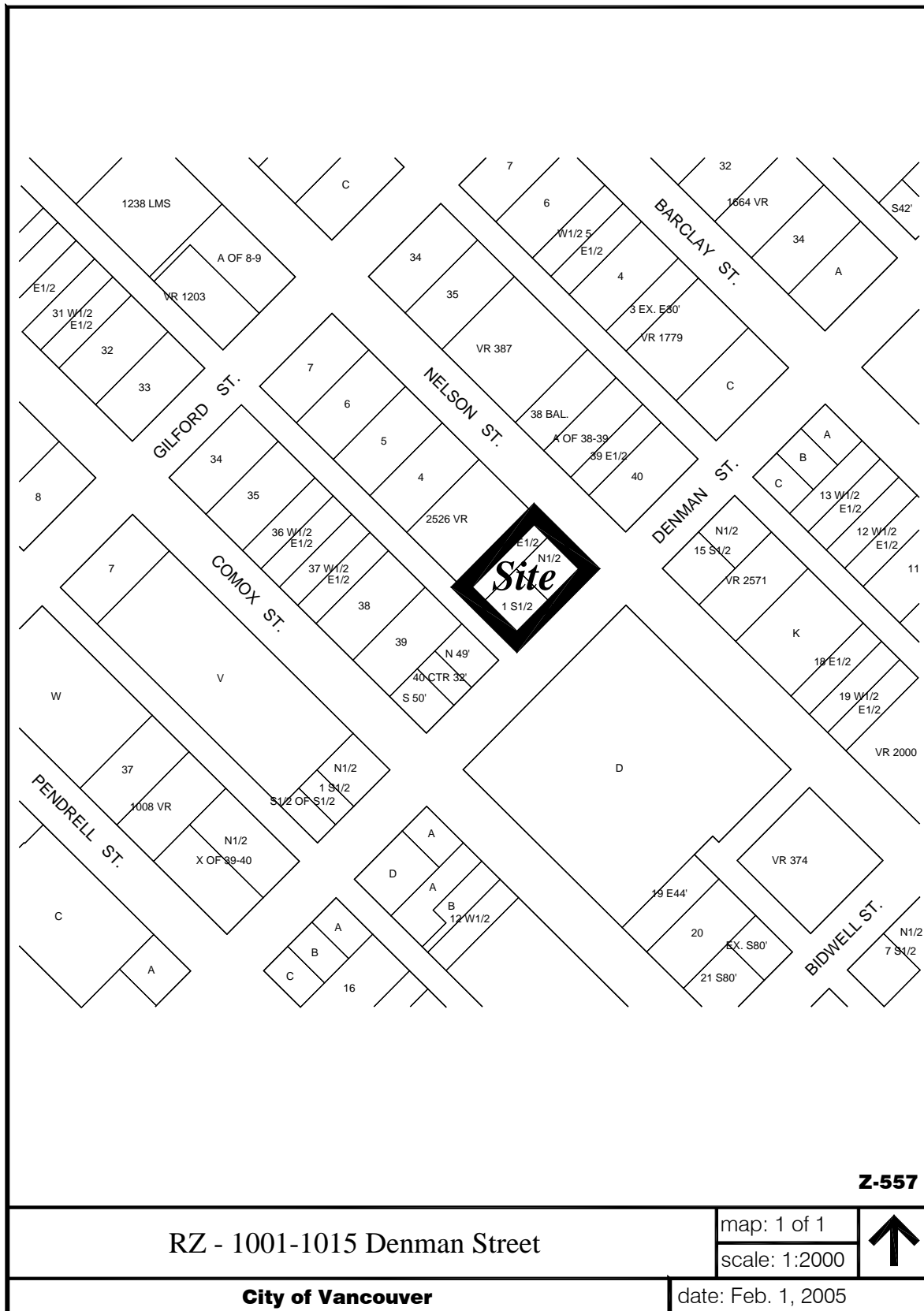
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level 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.

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 is not to affect the balance of the By-law.

9 *[Section 9 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.]*



1001 - 1015 Denman Street

BY-LAW NO. 8978

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

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (427).

2.2 The only uses permitted within CD-1 (427), 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 12 Dwelling Units;
- (b) Retail Uses, but not including Farmer's Market, Neighbourhood Grocery Store, or Vehicle Dealer;
- (c) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade; and
- (d) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

Density

3.1 The floor space ratio for all permitted uses must not exceed 1.96, except that the floor space ratio for retail and service uses must not exceed 1.20.

3.2 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 buildings.

3.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total floor area of all such exclusions must not exceed 8% of the permitted residential floor area;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof so used which are at or below the base surface, except that the maximum exclusion for a parking space must 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; and
- (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

3.4 Computation of floor space ratio may exclude:

- (a) enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:
 - (i) the total area of all open and enclosed balcony or sun deck exclusions must not exceed 8% of the permitted residential floor area, and
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 - (i) the excluded area must not exceed the lesser of 10 percent of the permitted floor area or 600 m²,
 - (ii) the excluded floor area must be secured by covenant and right-of-way in favour of the city which sets out the public access and use, and

- (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council; and
- (c) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10% of the permitted floor area or 1 000 m², provided, that in the case of day care facilities, the Director of Planning, on advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

Building height

4. The maximum building height, measured above the base surface must not exceed 18.3 m or five storeys.

Setbacks

5. The setback of a building must be at least:
- (a) 0 m from the Nelson Street property line;
 - (b) 0 m from the Denman Street property line;
 - (c) 2.4 m in the rear yard; and
 - (d) 0 m from the property line along the lane.

Parking and loading, and bicycle storage

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

- (a) C-5 District Schedule standards apply for retail and service uses; and
- (b) RM-5B District Schedule standards apply for residential uses.

Acoustics

7. 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.

Portions of dwelling units

Noise levels (Decibels)

Bedrooms
living, dining, recreation rooms
kitchen, bathrooms, hallways

35
40
45

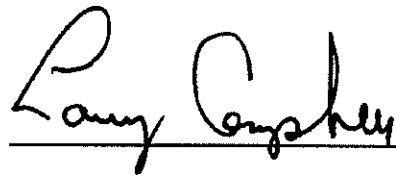
Severability

8. 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

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

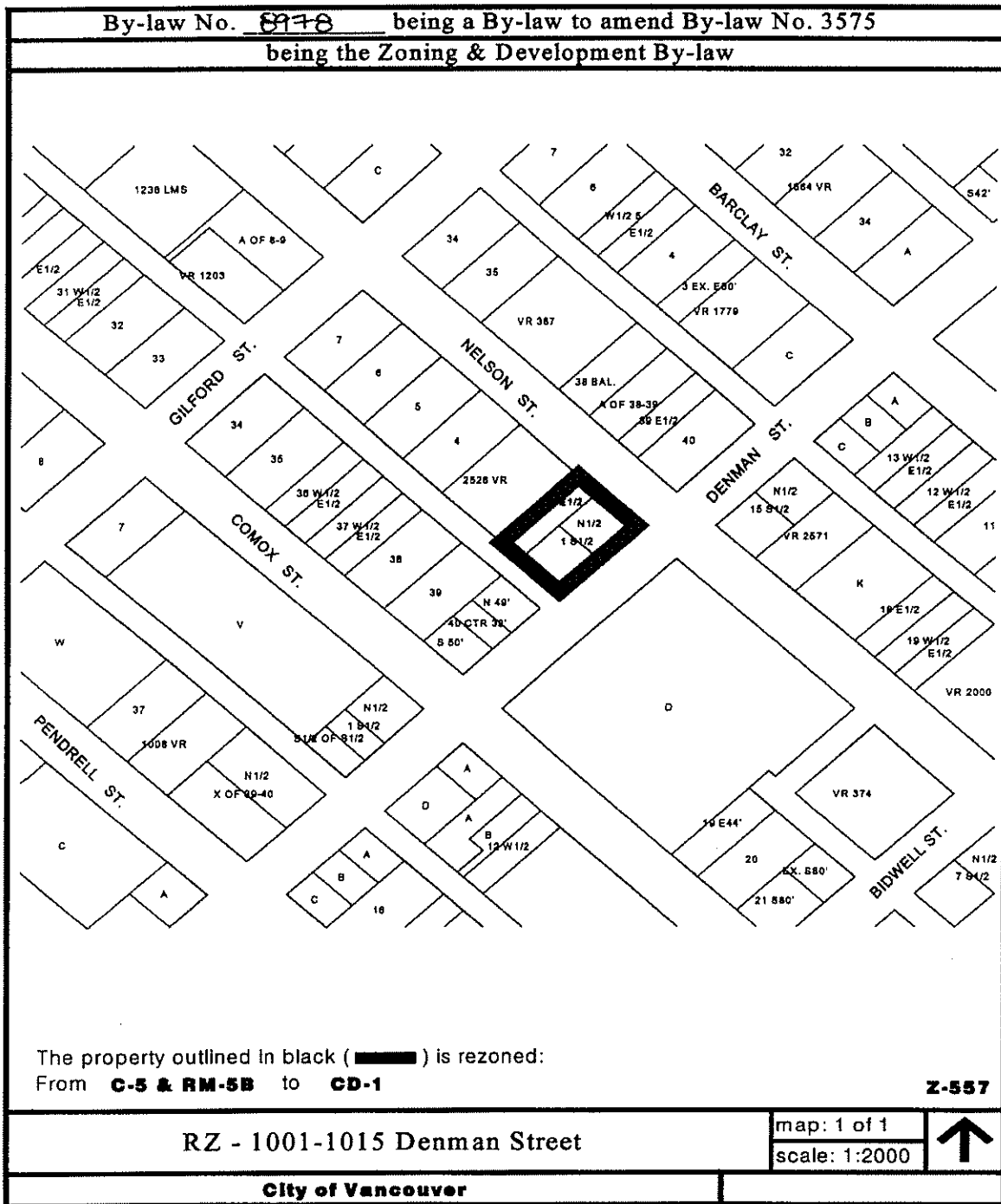
ENACTED by Council this 1st day of February, 2005



Mayor



City Clerk



**CITY OF VANCOUVER
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 1, 2005**

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, February 1, 2005, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Larry Campbell
Councillor Fred Bass
Councillor David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Tim Louis
Councillor Anne Roberts
*Councillor Tim Stevenson
Councillor Sam Sullivan
Councillor Ellen Woodsworth
CITY MANAGER'S OFFICE: Judy Rogers, City Manager
CITY CLERK'S OFFICE: Syd Baxter, City Clerk
Tarja Tuominen, Meeting Coordinator

* Denotes absence for a portion of the meeting

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 designate certain real property as protected heritage property (1295 Seymour Street) (By-law No.8976)
(Councillors Bass, Louis, Stevenson and Sullivan excused from voting on By-law 1)
2. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (1295 Seymour Street) (By-law No. 8977)
(Councillors Bass, Louis, Stevenson and Sullivan excused from voting on By-law 2)
3. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1001-1015 Denman Street) (By-law No. 8978)
(Councillors Cadman and Louie excused from voting on By-law 3)
4. A By-law to amend Sign By-law No. 6510 (1001-1015 Denman Street) (By-law No. 8979)
(Councillors Cadman and Louie excused from voting on By-law 4)



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

JULY 22, SEPTEMBER 28, AND OCTOBER 5, 2004

A Special Meeting of the Council of the City of Vancouver was held on Thursday, July 22, 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, Heritage, and Sign By-laws and to enter into Heritage Revitalization Agreements. Subsequently, the meeting was recessed, and reconvened in the Council Chamber at 7:30 p.m. on Tuesday, September 28, 2004, and at 7:30 p.m. on Tuesday, October 5, 2004. The Minutes have been consolidated for ease of reference.

JULY 22, 2004:

PRESENT: Mayor Larry Campbell
Councillor Fred Bass
Councillor Jim Green
Councillor Peter Ladner
Councillor Tim Louis
Councillor Anne Roberts
Councillor Tim Stevenson
Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business - Items 1 - 4)
Councillor Raymond Louie (Leave of Absence - Items 1 - 4)

CITY CLERK'S OFFICE: Tarja Tuominen, Meeting Coordinator

SEPTEMBER 28, 2004:

PRESENT: Mayor Larry Campbell
Councillor Fred Bass
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Anne Roberts
Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business)
Councillor Tim Louis (Sick Leave)
Councillor Tim Stevenson (Leave of Absence)

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator
Charlene Imai, Meeting Coordinator

OCTOBER 5, 2004:

PRESENT: Acting Mayor Anne Roberts
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Mayor Larry Campbell (Leave of Absence - Civic Business)
Councillor Fred Bass (Leave of Absence)
Councillor David Cadman (Leave of Absence - Civic Business)
Councillor Tim Louis
Councillor Tim Stevenson (Leave of Absence)

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator
Charlene Imai, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Louis
SECONDED by Councillor Roberts

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development, Heritage, and Sign By-laws and to enter into Heritage Revitalization Agreements.

CARRIED UNANIMOUSLY
(Councillors Cadman and Louie absent for the vote)

VARY ORDER OF AGENDA

MOVED by Councillor Green
SECONDED by Councillor Louie

THAT the Agenda be varied to consider Item 5 first.

CARRIED UNANIMOUSLY
(Councillors Cadman and Louie absent for the vote)

5. Rezoning: 2876 West 33rd Avenue

Art Cowie, Eikos Planning Inc., applicant, referred to Council's demanding week, and advised he was prepared to postpone consideration of his application to September, if Council so wished.

- F. ~~THAT Council direct staff to discuss with the community and Bayview School on the best way to manage traffic in the lane.~~

CARRIED
(Councillor Louis opposed)
(Councillors Cadman and Louie absent for the vote)

4. Rezoning: 1001 Denman Street

An application by the Spaxman Consulting Group was considered as follows:

Summary: The proposed rezoning from Multiple Dwelling District (RM-5B) and Commercial District (C-5) to Comprehensive Development District (CD-1) would permit the development of a five-storey mixed-use building.

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

Staff Comments

Alan Duncan, Planner, described the application, noting the proposal will allow the development of a single integrated development with a more compatible form of development than if developed under the two current zonings on the site. He described mitigation features to control noise and odour, and noted the applicant has proposed a public art feature. Staff support the application.

Applicant Comments

Ray Spaxman, Spaxman Consulting Group, representing the applicant, and Russ Meiklejohn, Architect, described the proposed development. With the aid of a model, they pointed out the highlights of the mixed-use building, described the components of the design, and noted the proposed ground floor of retail is a compatible fit with the shops along Denman Street.

Summary of Correspondence

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

- 7 letters opposing the application.

Speakers

Mayor Campbell called for speakers for and against the application.

The following expressed concerns and/or spoke in opposition to the application:

Carol Reardon
Jeff Salmon

Steve Harris
Steve Lebel
Aaron Jasper, representing West End Residents Association
Sandra Michaels
Veronica Delorme

Comments provided by the foregoing speakers included the following:

- Concern the proposed development will be the forerunner of additional developments and change the character of Denman Street;
- Area residents do not want Denman Street to become another Robson Street; currently Denman is a neighbourhood street with neighbourhood character;
- The current Denman Street area has a low profile with a street frontage of one or two storeys; the proposal for a five-storey building will set an undesirable precedent for the street;
- The height of the proposed building will block out the view for a number of people;
- The lack of a setback will result in a narrow sidewalk, making it difficult for the many seniors who live in the area, as well as parents with young children in strollers;
- The proposed second floor restaurant will multiply the noise factor in the area;
- Concern with a potential loss of parking on the street and noise with delivery and garbage pick-up;
- A visioning process for Denman Street, and the entire West End, is needed before new developments are approved in the area; need to have a broader discussion;
- Concern whether the current type of retail will stay after new development is built.

Applicant Closing Comments

Ray Spaxman explained the owner of the building wanted to do something to improve Denman Street. The acoustic expert hired by the applicant has advised the proposed canopy will address noise concerns, but that there is already much ambient noise on Denman Street. The applicant can improve the interface of the rear yard to the residential area. The development will provide single narrow retail areas, which hopefully will allow existing retail to relocate back into the building.

Staff Closing Comments

Larry Beasley, Director of Current Planning, advised staff will be bringing the choice of a number of neighbourhood visioning initiatives, including the West End, to Council later in the year for a decision on which ones to proceed on first. Mr. Beasley noted, however, that a visioning process in a neighbourhood does not stop development from taking place in the area. The proposed development on the two sites allowed an opportunity to sculpt a building in a more neighbourly way. If the application is not approved, the applicant may develop the site under existing zoning at the same height. Issues with outdoor noise, and handling of garbage and delivery can be addressed through the development permit stage. Staff support the application and believe the concept is consistent with the nature of the street.

Council Decision

MOVED by Councillor Green

- A. THAT the application by Spaxman Consulting Group, to rezone 1001-1015 Denman Street (North Half and South Half of Lot 1, East Half of Lot 2, Block 69, DL 185, Group 1, Plan 92, NWD; PID 009169601; 009205632; 009205632) from C-5 and RM-5B to CD-1, to permit a five-storey mixed-use building with two levels of commercial and three levels of residential above at an overall FSR of 1.96, generally as outlined in Appendix A of the Policy Report dated June 8, 2004 entitled "CD-1 Rezoning - 1001-1015 Denman Street" be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Spaxman Consulting Group, and stamped "Received City Planning Department February 11, 2004, 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 or Development Permit Board, who shall have particular regard to the following:

Design Development

- (1) Design development to ensure livability between the residential and commercial components;

Note to applicant: Particular regard should be given to privacy, restaurant acoustical and odour impacts between the second floor restaurant use, both indoor and outdoor spaces, with residential uses within the proposal and nearby to the west. Additional measures will be required to mitigate against odour nuisance from the restaurant use for residents above and near the proposed restaurant.

- (2) Design development to enhance the retail character by extending the retail frontage through the Denman/Nelson corner;

Note to applicant: The restaurant entry and stair should be relocated from the corner to another location along the Denman frontage.

- (3) Design development to the Denman/Nelson corner to reflect its importance and enhance its presence as part of the proposed Parkway greenway along Nelson Street;

Note to applicant: Design development should consider elements that would contribute to the proposed Parkway greenway such as encouraging sidewalk café seating and retailing as well as public amenities such as benches,

information kiosk or drinking fountain. Applicant should develop details of the public art opportunities in consultation with Office of Cultural Affairs and indicate them on the development permit drawings.

- (4) Design development to the retail podium, materials and proportions of elements, to enhance its character as part of the Denman shopping street;

Note to applicant: The lane treatment appears severe and should be softened to the extent possible.

- (5) Design development to enhance the tower's overall expression;

Note to applicant: This could be achieved through a more cohesive and simpler roof expression, especially at the rear, combined with a palette of high quality materials.

CPTED:

- (6) Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for:

- theft in the underground parking through the location of exit stairs from parking;
- mischief activity by relocating the hidden ground level exit at the residential lobby and by gating the loading area during non-business hours;
- residential break and enter through separation of exit stairs from the lobby in the underground; and
- graffiti through treatment of the blank wall on the lane.

Engineering Services:

- (7) Parking, loading and bicycle spaces are to be provided as per C-5 standard for commercial uses and RM-5B standards for residential uses of the Vancouver Parking By-law. The relaxation and exemption provisions of the Vancouver Parking By-law shall apply.

Fire Department:

- (8) Design development to ensure a maximum distance to the principal entrance doors of 15 m (49.2 ft.);
- (9) Design development to provide standpipes for the building;

Note to applicant: Access is required from residential lobby to the rear internal access corridor of the commercial units on the ground floor or an alternate exit/access scheme to the satisfaction of the Fire Department;

- (10) Design development to ensure a minimum of two separate remote exits are provided from the second floor restaurant and adequate exiting for the upper residential floors;

Note to applicant: A separate additional stair should be provided at the north-east corner of building and exiting should be reviewed with the Processing Centre for the third and fourth floor residential suites.

Acoustic:

- (11) The Noise Control By-law requires amendment at the time of enactment of the By-law to include this CD-1;
- (12) Design development to control noise primarily from the proposed restaurant use;

Note to applicant: An Acoustical Consultant's report shall be required which assesses noise impacts on the site and recommends noise mitigating measures that will demonstrate how restaurant noise and activity will be contained. In addition, the hours of use of outdoor areas of the restaurant use will be negotiated through the development permit.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the following are addressed to the satisfaction of the General Manager of Engineering Services for the following:
 - (1) consolidation of all the lots involved;
 - (2) clarification of the charge shown on title; and

Note to applicant: A charge summary should be provided.

- (3) undergrounding of all new Hydro and Telus services to the site from the closest existing suitable service point, including a review of any cabling that may be necessary to serve the development to determine impacts on the neighbourhood.
- (d) That, if contamination is found on site as determined by the Ministry of Environment, the applicant enter into a soils remediation agreement with the City, to the satisfaction of the Manager, Environmental Protection Branch, prior to enactment.

Note to applicant: If no contamination is found on site, a "Determination" (issued by the Ministry of Environment) that this is not a contaminated site must be submitted to the City prior to receiving an Occupancy Permit.

- B. 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.

CARRIED
(Councillors Louis and Stevenson opposed)
(Councillors Cadman and Louie absent for the vote)

MOVED by Councillor Stevenson

THAT the Special Council reconvene in September to consider Item 5.

CARRIED
(Councillors Green and Sullivan opposed)
(Councillors Cadman and Louie absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Bass

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillors Cadman and Louie absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Bass

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
(Councillors Cadman and Louie absent for the vote)

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:

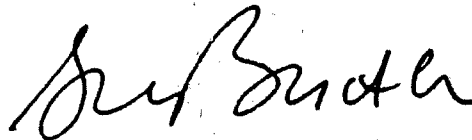
"Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."

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 m² of gross floor area, a minimum of one parking space for each unit plus one additional parking space for each 125 m² of gross floor area in excess of the initial 80 m², 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 13th day of June, 2006



Mayor



City Clerk

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

The Policy Report *CD-1 Rezoning: 311 West 2nd 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 27th 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.