



City of Vancouver *Zoning and Development By-law*

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planning@vancouver.ca

CD-1 (428)

33 West Pender Street

By-law No. 8993

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

Effective February 15, 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 (428).

2.2 The only uses permitted within CD-1 (428), 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 Dwelling Units, in conjunction with any of the uses listed in this section 2.2;
- (b) Office Uses, limited to General Office, Health Care Office, and Health Enhancement Centre;
- (c) Retail Uses, limited to Grocery or Drug Store, Retail Store, and Vehicle Dealer;
- (d) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Catering Establishment, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair shop – Class B, Restaurant – Class 1, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Sign Painting Shop; and
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

3 Conditions of use

3.1 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.

3.2 No portion of the first storey of any building to a depth of 10.7 m from the front wall of the building and extending across its full width, except for entrances to the residential portion of the building, may contain dwelling units

3.3 Dwelling units are the only use permitted above the first storey.

4 Density

4.1 The floor space ratio for all permitted uses must not exceed 5.9, and for dwelling units must not exceed 5.65.

4.2 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.

4.3 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, and contribute to the amenity or environment of the Downtown District, except that the total floor area of all such exclusions must not exceed 8% of the residential floor area;

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 8993 or provides an explanatory note.*

- (b) patios or roof gardens if the Director of Planning first approves any 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;
- (e) amenity areas including recreational areas and meeting rooms, accessory to residential use, except that the area of such excluded amenities must not exceed 10% of the allowable floor space; and
- (f) 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.

4.4 Computation of floor space ratio, at the discretion of the Director of Planning or Development Permit Board, may exclude 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:

- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the total permitted residential floor area; and
- (b) the total enclosed area of excluded balcony floor area must not exceed 50%.

4.5 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]

5 Building height

5.1 The building height, measured above base surface and to the top of the roof slab above the uppermost habitable floor must not exceed 30.5 m.

5.2 Section 10.11 of the Zoning and Development By-law does not apply.

5.3 Despite section 5.1, the Director of Planning may permit a greater height for the mechanical penthouse, roof garden, architectural appurtenances, and similar items.

6 Parking and loading, and bicycle storage

6.1 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 for the following uses the following parking requirements apply:

- (a) a minimum of 0.3 parking space for each dwelling unit comprising less than 44 m² of gross floor area, and a maximum of 0.5 parking space for each such dwelling unit;
- (b) a minimum of 0.3 parking space for each dwelling unit comprising 44 m² of gross floor area up to and including 70 m² of gross floor area, and a maximum of 0.5 parking space for each such dwelling unit, both the minimum and maximum increasing at a rate of 0.025 parking space for each square metre over 44 m² of gross floor area;

- (c) a minimum of 0.95 parking space for each dwelling unit comprising more than 70 m² of gross floor area and a maximum of 1.15 parking spaces for each such dwelling unit, both the minimum and maximum increasing at a rate of 0.008 parking space for each square metre over 70 m² of gross floor area;
- (d) despite subsections (a) to (c), the number of parking spaces for each dwelling unit need not exceed 2.0 and must not exceed 2.2; and
- (e) despite subsections (a) to (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.

7 Acoustics

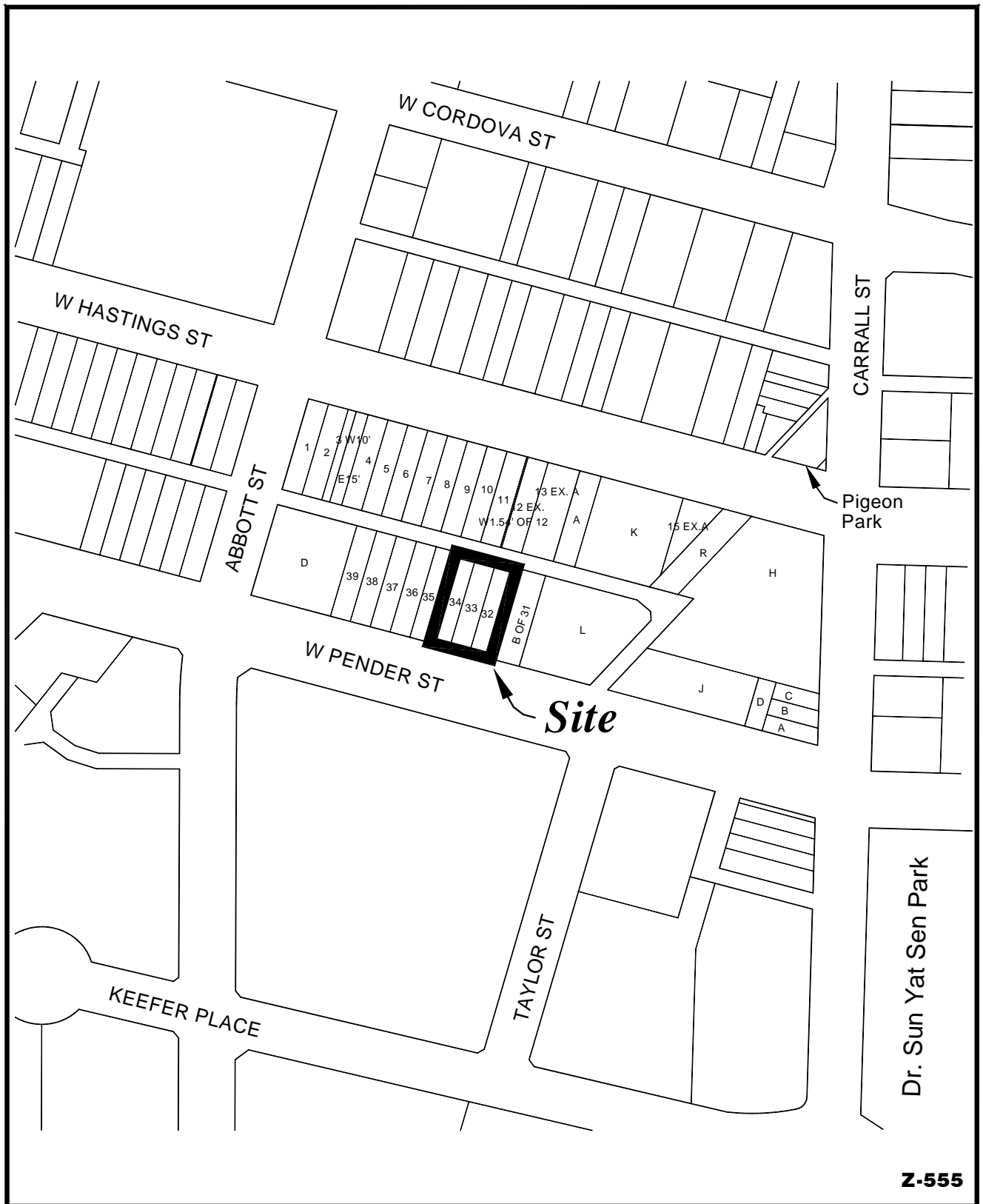
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level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



Z-555

RZ - 33 West Pender Street

map: 1 of 1

scale: 1:2000



City of Vancouver

date: Feb. 17, 2005

33 West Pender Street

BY-LAW NO. 8993

**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-555 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 (428).

2.2 The only uses permitted within CD-1 (428), 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 Dwelling Units, in conjunction with any of the uses listed in this section 2.2;
- (b) Office Uses, limited to General Office, Health Care Office, and Health Enhancement Centre;
- (c) Retail Uses, limited to Grocery or Drug Store, Retail Store, and Vehicle Dealer;
- (d) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Catering Establishment, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair shop - Class B, Restaurant - Class 1, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, and Sign Painting Shop; and
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

Conditions of use

3.1 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.

3.2 No portion of the first storey of any building to a depth of 10.7 m from the front wall of the building and extending across its full width, except for entrances to the residential portion of the building, may contain dwelling units

3.3 Dwelling units are the only use permitted above the first storey.

Density

4.1 The floor space ratio for all permitted uses must not exceed 5.9, and for dwelling units must not exceed 5.65.

4.2 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.

4.3 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, and contribute to the amenity or environment of the Downtown District, except that the total floor area of all such exclusions must not exceed 8% of the residential floor area;
- (b) patios or roof gardens if the Director of Planning first approves any 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;
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- (f) 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.

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- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the total permitted residential floor area; and
- (b) the total enclosed area of excluded balcony floor area must not exceed 50%.

Building height

5.1 The building height, measured above base surface and to the top of the roof slab above the uppermost habitable floor must not exceed 30.5 m.

5.2 Section 10.11 of the Zoning and Development By-law does not apply.

5.3 Despite section 5.1, the Director of Planning may permit a greater height for the mechanical penthouse, roof garden, architectural appurtenances, and similar items.

Parking and loading, and bicycle storage

6. 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 for the following uses the following parking requirements apply:

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- (e) despite subsections (a) to (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.

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.

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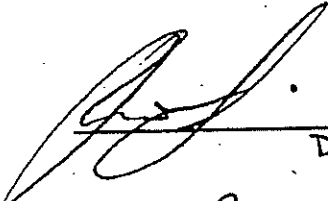

Severability

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.

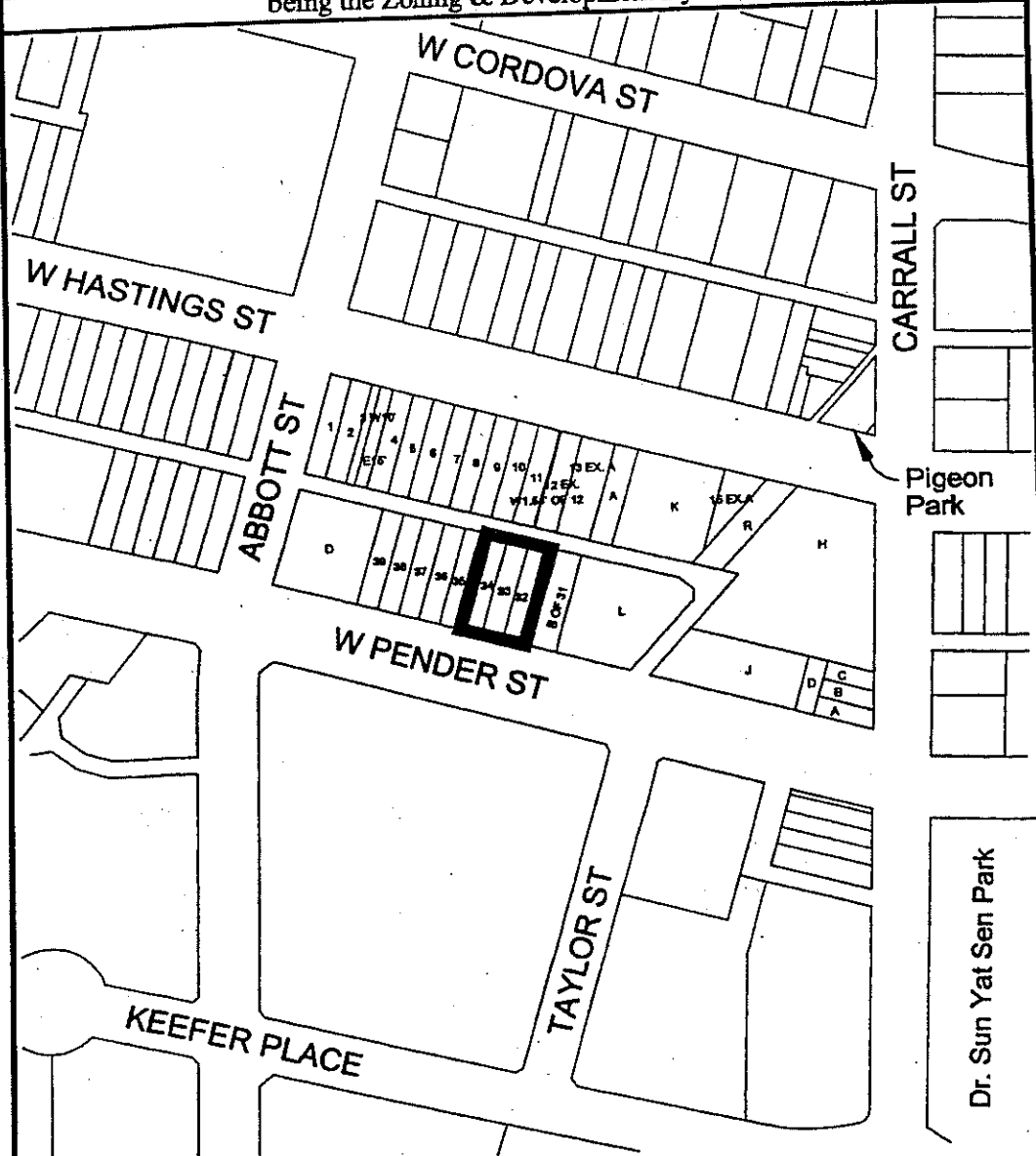
Force and effect


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

ENACTED by Council this 15th day of February, 2005


 Deputy Mayor

 City Clerk

By-law No. 6943 being a By-law to amend By-law No. 3575
being the Zoning & Development By-law



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

Z-555

RZ - 33 West Pender Street

map: 1 of 1
scale: 1:2000



MOVED by Councillor Cadman
SECONDED by Councillor Bass

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Louis
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 16 inclusive, and authorize the Deputy Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Building By-law No. 8057 to increase fees (By-law No. 8980)
2. A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 8981)
3. A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 8982)
4. A By-law to amend Miscellaneous Fees By-law No. 5664 to increase fees (By-law No. 8983)
5. A By-law to amend Private Property Tree By-law No. 7347 to increase fees (By-law No. 8984)
6. A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 8985)
7. A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 8986)
8. A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 8987)
9. A By-law to amend Zoning and Development Fee By-law No. 5585 to increase fees (By-law No. 8988)
10. A By-law to amend By-laws No.'s 3893, 7087 and 7174 which amended Zoning and Development By-law No. 3575 by rezoning certain areas to CD-1 (By-law No. 8989) (Councillors Louie, Stevenson, Woodsworth and the Mayor excused from voting on By-law 10)
11. A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re miscellaneous text) (By-law No. 8990)

- (Councillors Louie, Stevenson, Woodsworth and the Mayor excused from voting on By-law 11)
12. **A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text) (By-law No. 8991)**
(Councillors Louie, Stevenson, Woodsworth and the Mayor excused from voting on By-law 12)
 13. **A By-law to amend Noise Control By-law No. 6555 (re 1001-1015 Denman Street) (By-law No. 8992)**
 14. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 33 West Pender Street) (By-law No. 8993)**
(Councillor Ladner excused from voting on By-law 14)
 15. **A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 33 West Pender Street) (By-law No. 8994)**
(Councillor Ladner excused from voting on By-law 15)
 16. **A By-law to amend Sign By-law No. 6510 (re 33 West Pender Street) (By-law No. 8995)**
(Councillor Ladner excused from voting on By-law 16)

MOTIONS

A. Administrative Motions

1. **Closing portions of lane east of Fir Street and south from West 8th Avenue (File 5753)**

MOVED by Councillor Woodsworth
SECONDED by Councillor Louie

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. There is a proposal to redevelop privately-owned Lot 4, Block 330, District Lot 526, Plan 8781;
3. The building currently under construction on said Lot 4 encroaches onto a portion of the lane east of Fir Street, south from West 8th Avenue adjacent to said Lot 4;
4. The said portion of lane encroached upon is a portion of PID: 015-205-720 That Part of Lot 4 in Explanatory Plan 14380, Block 330, District Lot 526, Plan 590;

CITY OF VANCOUVER



SPECIAL COUNCIL MEETING MINUTES

JUNE 22, 2004

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, June 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, Sign and Heritage By-laws and Official Development Plans.

PRESENT: Mayor Larry Campbell
 *Councillor Fred Bass
 Councillor David Cadman
 Councillor Jim Green
 Councillor Raymond Louie
 Councillor Tim Louis
 Councillor Anne Roberts
 Councillor Tim Stevenson
 *Councillor Sam Sullivan
 Councillor Ellen Woodsworth

ABSENT: Councillor Peter Ladner (Leave of Absence on Civic Business)

CITY CLERK'S OFFICE: Denise Salmon, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louis
SECONDED by Councillor Louie

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

CARRIED UNANIMOUSLY
 (Councillors Bass and Sullivan absent for the vote)

1. HRA/HERITAGE DESIGNATION: 2036 West 15th Avenue

An application by Al Diamond, Architect was considered as follows:

Summary: Heritage Revitalization Agreement and designation to restore house and permit infill in rear yard.

The Director of Current Planning recommended approval.

2. TEXT AMENDMENTS: Zoning & Development By-law, CD-1s & Official Development Plans

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

Summary: Miscellaneous text amendments to the Zoning & Development By-law, CD-1 By-laws, and Official Development Plans to provide clarity regarding existing regulations.

The Director of Current Planning recommended approval.

Staff Comments

Rob Jenkins, Assistant Director, Current Planning, Initiatives Branch, was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louis

THAT the application by the Director of Current Planning to amend the Zoning & Development By-law, CD-1 By-laws and Official Development Plans generally as set out in Appendix A of the Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws, Official Development Plans and Policies and Guidelines" dated April 21, 2004 be approved.

CARRIED UNANIMOUSLY
(Councillors Bass and Sullivan absent for the vote)

3. REZONING: 33 West Pender Street

An application by Acton Ostry Architects Inc. was considered as follows:

Summary: To permit nine-storey residential building with retail uses at grade.

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

Staff Opening Comments

Abigail Riley, Rezoning Centre, provided Council with an overview of the application, and referenced a yellow memorandum dated June 9, 2004, from the Director of Current Planning, wherein a revised condition for Heritage Density Transfer was recommended as follows:

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:
 - (2) Make arrangements to the satisfaction of the Director of Current Planning and Director of Legal Services for the purchase and transfer of heritage density to 33 West Pender Street in the value of \$607,332. Letters in the City's standard format (i.e., Letters A and B) are to be completed by both the owner of the "donor" site and the owner of the "receiver" site and submitted to the City, and receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density, are to be submitted to the City.

Also before Council for consideration were alternatives to those previously discussed regarding heritage density transfer. The first condition would enable a contribution, equalling the value of the transferable heritage density (i.e., \$607,332), to the City's Affordable Housing Fund, and the second condition would split this contribution amount equally (i.e., \$303,666) between the Affordable Housing Fund and the purchase and transfer of heritage density.

- Option 1
 - (c) That, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:
 - (2) Make arrangements to the satisfaction of the Director of the Housing Centre and Director of Legal Services for a Community Amenity Contribution (CAC) to be provided to the City in the amount of \$607,332 to be invested in SRO housing replacement and/or upgrade in the Downtown Eastside (including Gastown and Chinatown).

OR

- Option 2
 - (c) That, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:
 - (2) Make arrangements to the satisfaction of the Director of Housing Centre, Director of Current Planning, and Director of Legal Services for:
 - (i) a Community Amenity Contribution (CAC) to be provided to the City in the amount of \$303,666 to be invested in SRO housing replacement and/or upgrade in the Downtown Eastside (including Gastown and Chinatown); and

- (ii) the purchase and transfer of heritage density to 33 West Pender Street in the value of \$303,666. Letters in the City's standard format (i.e., Letters A and B) are to be completed by both the owner of the "donor" site and the owner of the "receiver" site and submitted to the City, and receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density, are to be submitted to the City.

Ms. Riley also responded to questions from Council regarding additional recommendations put forward by the Chinatown Historic Area Planning Committee ("CHAPC") in their letter dated June 8, 2004. Larry Beasley, Director of Current Planning, and Cameron Gray, Director of the Housing Centre, provided additional information pertaining to CHAPC's correspondence and, at Council's request, provided direction on which option would provide the maximum dollars for social housing.

Applicant Comments

Robert Wilson, owner, and Mark Ostry, Acton Ostry Architects Inc., were present to respond to questions.

Summary of Correspondence

Council received four items of correspondence in general support of the application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Green

THAT Option 1 as contained in the yellow memorandum dated June 9, 2004, from the Director of Current Planning, be substituted for(c) (2) in staff's recommended revised Condition for Heritage Density Transfer, to read as follows:

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:
 - (2) Make arrangements to the satisfaction of the Director of the Housing Centre and Director of Legal Services for a Community Amenity Contribution (CAC) to be provided to the City in the amount of \$607,332 to be invested in SRO housing replacement and/or upgrade in the Downtown Eastside (including Gastown and Chinatown).

CARRIED UNANIMOUSLY

MOVED by Councillor Sullivan

- A. THAT the application by Acton Ostry Architects Inc. to rezone 33 West Pender Street (Lots 32, 33 and 34, Block 29, DL 541, Plan 210) from Downtown District (DD) to CD-1 Comprehensive Development, to permit the development of a 9-storey building, with 57 market dwelling units and four commercial units, generally as outlined in Appendix A of the Policy report dated May 4, 2004 entitled "CD-1 Rezoning - 33 West Pender 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 Acton Ostry Architects Inc. and stamped "Received City Planning Department", February 24, 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, who shall have particular regard to the following:

Design Development:

- (1) design development to reduce the massing, and achieve a building scale more consistent with prevailing neighbourhood characteristics by increasing the building setback between gridlines 1 and 3, for floors 8 and 9, to a depth in the order of 4 metres;
- (2) design development to better reflect prevailing building widths, and varying fenestration patterns, by more clearly differentiating the facade characteristics of gridlines 1 to 3 from the facade characteristics of gridlines 3 to 6 for both the South (Pender Street) and North (Lane) elevations;

Note to applicant: A more distinctive difference between the two facade components including varying glazing patterning, balcony expression, cornice/parapet detailing and colour should be considered. These distinctive components should also be reflected in the overall massing.

- (3) design development to the side elevations to refine articulation, and the related use of materials, as a strategy for reducing perceived massing and improving building scale while ensuring visual interest;
- (4) design development to confirm weather protection, storefront/display, entry, lighting and signage systems in conjunction with requirements outlined under condition (2) above. A contemporary interpretation of historical qualities for these systems should be considered;

- (5) design development to clarify private open space provisions, including privacy screening between units, while increasing the size of common open space located on the rooftop;

Note to applicant: Relocation of common open space closer to the rooftop edge should be considered. Careful attention should be given to the location, height, and detailing for architectural appurtenances, and related landscape features, to minimize the visual impact as seen from Pender Street.

- (6) design development to landscape systems to ensure longevity, and intended architectural quality, given the challenging lane environment and lack of solar exposure;
- (7) confirmation of individual suite ventilation measures to ensure adequate fresh air supply and movement when occupants close their windows to limit noise from the street;

Landscape:

- (8) design development to improve the quality of the public realm by providing a public bench, new trash receptacle, or other new street furniture;
- (9) provision at the development permit stage of a full Landscape Plan (for the front, sides, and rear yards), illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, light fixtures, and other landscape elements. [The Landscape Plan should be at 1:10 (1/8" = 1'-0") minimum scale];
- (10) provision at the development permit stage of detailed large scale (1:50 or 1/4") sections showing the planting depths for the proposed roof decks, including the proposed second floor green roof;

Note to applicant: In order to ensure the long term survival of the proposed roof deck trees, the planting depths should be increased from 600 mm to 900 mm;

Crime Prevention Through Environmental Design (CPTED):

- (11) design development to take into consideration the principles of CPTED having particular regard to reduce opportunities for:
 - (i) theft in the underground;
 - (ii) mischief in the alcoves through setting back the ground floor 2 feet off the lane, and the alcoves on the street should be reduced; and
 - (iii) mail theft through reconfiguring mail room to be fully visible to the residential elevators;

Acoustics:

- (12) design development to mitigate noise impacts on this site;

Note to Applicant: The CD-1 By-law has a provision that requires 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 do not exceed the noise levels set out in the By-law.

Further Note: The CD-1 By-law states 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.

Engineering Services:

- (13) design development to delete the high level canopies;

Note to Applicant: Engineering Services does not support the canopies at the building's 9th storey, as they deem them to be of no public benefit.

- (14) parking and loading for the new development to be provided as per the Vancouver Parking By-law, including relaxation exemption, and shared use provisions contained in the Parking By-law, except that parking shall be as per the "Downtown Core Residential" standard of:
- (i) for dwelling units less than 44 m² of gross floor area, a minimum of 0.3 space per dwelling unit, and a maximum of 0.5 space per dwelling unit shall be provided;
 - (ii) for dwelling units of 44 m² of gross floor area up to or equal to 70 m² gross floor area, a minimum of 0.3 space per dwelling unit and a maximum of 0.5 space per dwelling unit shall be provided, with an increase at a rate of 0.025 space per square metre above 44 m² gross floor area; and
 - (iii) for dwelling units exceeding 70 m² gross floor area, a minimum of 0.95 space per dwelling unit and a maximum of 1.15 space per dwelling unit shall be provided, with an increase at a rate of 0.008 space per square metre above 70 m² gross floor area;

except that in no case will more than 2.0 parking spaces per dwelling unit be required or more than 2.2 spaces per dwelling unit be permitted;

- (15) the minimum parking requirement may be reduced by 3 spaces for each co-operative vehicle and parking space provided to the satisfaction of the General Manager of Engineering Services in consultation with the Director of Planning, to a limit of one co-op vehicle per 60 dwelling units.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:

Engineering Services:

- (1) Make arrangements to the satisfaction of the General Manager of Engineering Services and on terms and conditions satisfactory to the Director of Legal Services for:
 - (i) clarification of the charge(s) shown on title (a charge summary should be provided);
 - (ii) provision of Victory Square precinct/greenway sidewalk and public realm treatments adjacent to the site; and
 - (iii) undergrounding of all new BC Hydro and Telus services to the site from the closest existing suitable service point.

Heritage Density Transfer:

- (2) Make arrangements to the satisfaction of the Director of the Housing Centre and Director of Legal Services for a Community Amenity Contribution (CAC) to be provided to the City in the amount of \$607,332 to be invested in SRO housing replacement and/or upgrade in the Downtown Eastside (including Gastown and Chinatown).
- B. THAT the application by Acton Ostry 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.
- C. 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 UNANIMOUSLY

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 Louie

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 7:42 p.m.

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:

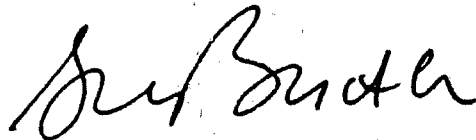
"Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."

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.