



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

CD-1 (447)

6650 Arbutus Street

By-law No. 9200

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

Effective November 23, 2005

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**
In this By-law:

“tandem parking stall” means a parking stall containing two parking spaces where one is behind the other such that only one of the parking spaces has unobstructed access to the manoeuvring aisle.

3 **Uses**

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (447).

3.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (447) 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 Dwellings containing no more than 28 dwelling units in aggregate on the site; and
- (b) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2.

4 **Density**

4.1 The floor space ratio must not exceed 0.83.

4.2 Computation of floor area must include:

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

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;
- (b) patios and roof gardens only 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 or 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:
 - (i) at or below the base surface, except that the exclusion for a single parking space must not exceed 7.3 m in length, and for a tandem parking stall must not exceed 14.6 m in length, and
 - (ii) above the base surface and where developed as off-street parking, the exclusion for a single parking space must not exceed 7.3 m in length, and for a tandem parking stall must not exceed 14.6 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, not to exceed 10% of the total permitted floor area;

- (e) areas of undeveloped floors located:
 - (i) above the highest storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

5 Building height

5.1 The building height must not exceed 10.7 m measured above the base surface.

5.2 Calculation of building height must be from existing grades, except that in the southwest corner of the site calculation of building height must be from a surveyed point located 6.3 m from the south property line and 5.9 m from the west property line.

6 Setback

The setback of each building must be at least:

- (a) 2.8 m from the east property line;
- (b) 4.6 m from the south property line; and
- (c) 4.1 m from Arbutus Street.

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

- (a) there must be at least 1.1 parking space for each dwelling unit, and one additional parking space for each 200 metres of gross floor area; and
- (b) if a maximum of 25% of the vehicles parked on the site do not have unobstructed access, the Director of Planning, in consultation with the General Manager of Engineering Services, may allow tandem parking stalls, each of which is to count as two parking spaces.

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.

Portions of dwelling units	Noise levels (Decibels)
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.]*



6650 Arbutus Street

BY-LAW NO. 9200

**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-571C attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2. In this By-law:

“tandem parking stall” means a parking stall containing two parking spaces where one is behind the other such that only one of the parking spaces has unobstructed access to the manoeuvring aisle.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (447).

3.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (447) 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 Dwellings containing no more than 28 dwelling units in aggregate on the site; and
- (b) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2.

Density

- 4.1 The floor space ratio must not exceed 0.83.
- 4.2 Computation of floor area must include:
- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building; and
 - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross-sectional areas and included in the measurements for each floor at which they are located.
- 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;
 - (b) patios and roof gardens only 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 or 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:
 - (i) at or below the base surface, except that the exclusion for a single parking space must not exceed 7.3 m in length, and for a tandem parking stall must not exceed 14.6 m in length, and
 - (ii) above the base surface and where developed as off-street parking, the exclusion for a single parking space must not exceed 7.3 m in length, and for a tandem parking stall must not exceed 14.6 m in length;
 - (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, not to exceed 10% of the total permitted floor area;
 - (e) areas of undeveloped floors located:
 - (i) above the highest storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;

- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

Building height

5.1 The building height must not exceed 10.7 m measured above the base surface.

5.2 Calculation of building height must be from existing grades, except that in the southwest corner of the site calculation of building height must be from a surveyed point located 6.3 m from the south property line and 5.9 m from the west property line.

Setback

6. The setback of each building must be at least:
- (a) 2.8 m from the east property line;
 - (b) 4.6 m from the south property line; and
 - (c) 4.1 m from Arbutus Street.

Parking, 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, loading, and bicycle storage, except that:

- (a) there must be at least 1.1 parking space for each dwelling unit, and one additional parking space for each 200 metres of gross floor area; and
- (b) if a maximum of 25% of the vehicles parked on the site do not have unobstructed access, the Director of Planning, in consultation with the General Manager of Engineering Services, may allow tandem parking stalls, each of which is to count as two parking spaces.

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 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 room	40
Kitchen, bathrooms, hallways	45

Severability

9. 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.

Force and effect

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

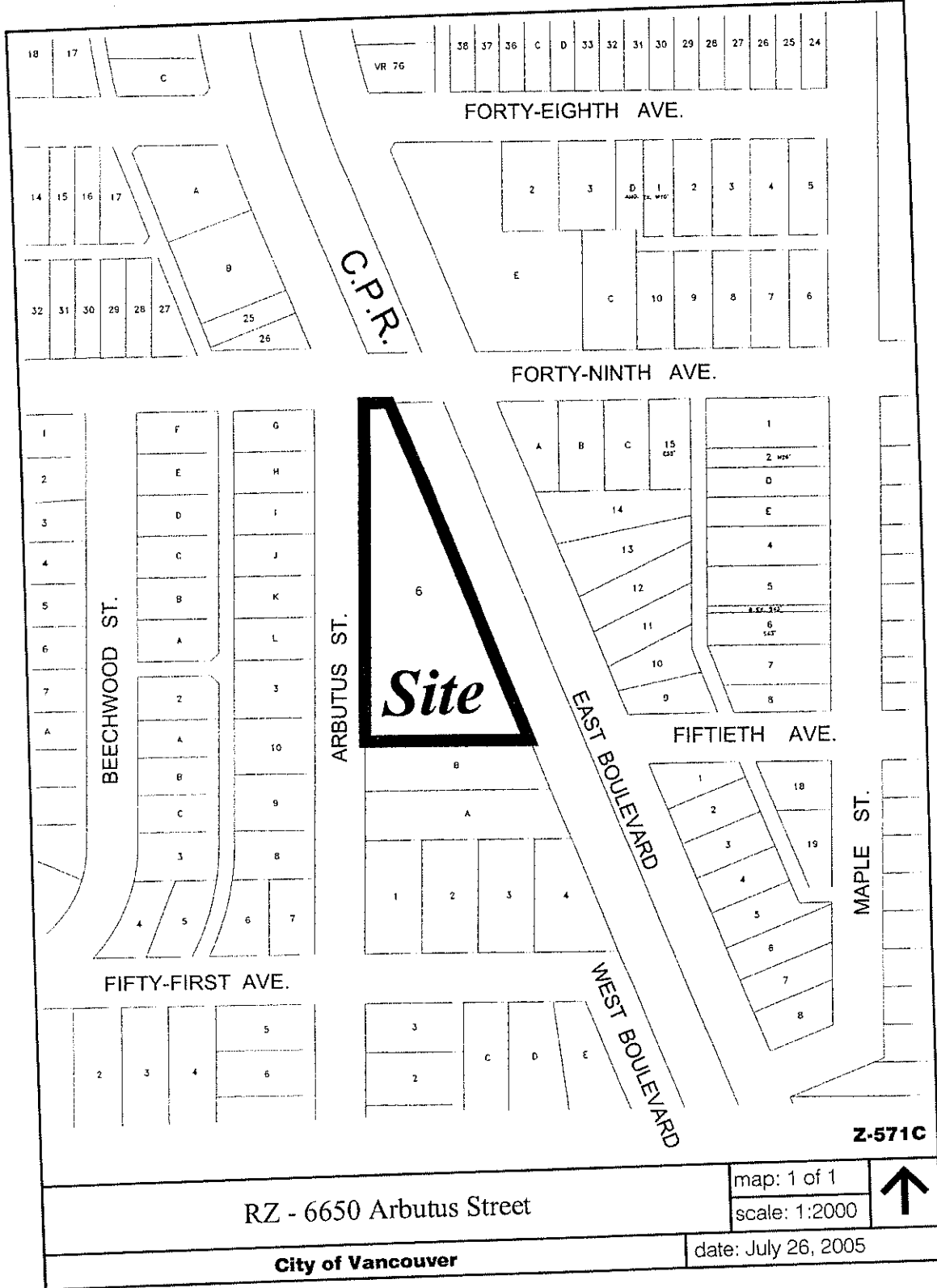
ENACTED by Council this 23rd day of November, 2005



Deputy Mayor



City Clerk



RZ - 6650 Arbutus Street

City of Vancouver

map: 1 of 1

scale: 1:2000

date: July 26, 2005



BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

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 21 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 Subdivision By-law No. 5208 (regarding the addition of standards for RT-10 and RT-10N and RM-1 and RM-1N Districts Schedules)**
(By-law No. 9186)
(Councillors Cadman, Ladner, and Louie ineligible to vote)
2. **A By-law to amend Zoning and Development By-law No. 3575 to create new districts schedules in the Kingsway and Knight Street housing area**
(By-law No. 9187)
(Councillors Cadman, Ladner, and Louie ineligible to vote)
3. **A By-law to amend Parking By-law No. 6059 (regarding RT-10 and RT-10N, RM-1 and RM-1N Districts Schedules)** (By-law No. 9188)
(Councillors Cadman, Ladner, and Louie ineligible to vote)
4. **A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 955 Burrard Street and 969 Burrard Street and 1017 - 1045 Nelson Street)**
(By-law No. 9189)
(Councillor Cadman ineligible to vote)
5. **A By-law to amend Zoning and Development By-law No. 3575 by rezoning a certain area to CD-1 (re 955 Burrard Street)** (By-law No. 9190)
(Councillor Cadman ineligible to vote)
6. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 955 Burrard Street)** (By-law No. 9191)
(Councillor Cadman ineligible to vote)
7. **A By-law to amend Sign By-law No. 6510 (re 955 - 969 Burrard Street and 1017 - 1045 Nelson Street)** (By-law No. 9192)
(Councillor Cadman ineligible to vote)
8. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 2950 Celtic Avenue)** (By-law No. 9193)
(Councillors Woodsworth, Cadman and Mayor Campbell ineligible to vote)
9. **A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 1133 West Georgia Street)** (By-law No. 9194)
(Councillors Louis and Roberts ineligible to vote)

10. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 1133 West Georgia Street) (By-law No. 9195)
(Councillors Louis and Roberts ineligible to vote)
11. A By-law to amend Sign By-law No. 6510 (re 1133 West Georgia Street)
(By-law No. 9196)
(Councillors Louis and Roberts ineligible to vote)
12. A By-law to amend CD-1 By-law No. 5407 (re 1155 East Broadway) (By-law No. 9197)
(Councillors Green, Louie and Louis ineligible to vote)
13. A By-law to amend Sign By-law No. 6510 (re 1155 East Broadway) (By-law No. 9198)
(Councillors Green, Louie and Louis ineligible to vote)
14. A By-law to amend Subdivision By-law No. 5208 (re 6650 Arbutus Street)
(By-law No. 9199)
(Councillors Louis and Roberts ineligible to vote)
15. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 6650 Arbutus Street) (By-law No. 9200)
(Councillors Louis and Roberts ineligible to vote)
16. A By-law to amend False Creek North Official Development Plan By-law No. 6650
(re 505 - 600 Abbott Street) (By-law No. 9201)
(Councillor Cadman and Mayor Campbell ineligible to vote)
17. A By-law to amend CD-1 By-law No. 6747 (re 505 - 600 Abbott Street)
(By-law No. 9202)
(Councillor Cadman and Mayor Campbell ineligible to vote)
18. A By-law to amend CD-1 By-law No. 4671 (re 749 West 33rd Avenue)
(By-law No. 9203)
(Councillors Louis and Roberts and Mayor Campbell ineligible to vote)
19. A By-law to amend Zoning and Development By-law No. 3575 by rezoning a certain area to CD-1 (re 969 Burrard Street and 1017 - 1045 Nelson Street)
(By-law No. 9204)
(Councillor Cadman ineligible to vote)
20. A By-law to amend CD-1 By-law No. 6063 (re 1835 West 75th Avenue)
(By-law No. 9205)
(Councillors Louis and Roberts ineligible to vote)
21. A By-law to amend Miscellaneous Fees By-law No. 5664 and Vehicles for Hire By-law No. 6066 regarding housekeeping matters (By-law No. 9206)

The Council adjourned at 3:40 p.m.

* * * * *

(iii) Section 5.4 (d) to be deleted.

F. THAT City Council accept the property owner's offer of a community amenity contribution of \$12.5 million, such offer to be secured prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and subject to the following allocation:

- (i) transfer of heritage bonus density, with a value of \$5 million, from a suitable donor site,
- (ii) cash payment of \$1.2 million for the undertaking of public realm improvements in the Bute Street High Street character area and pedestrian corridor, similar to Triangle West standards, subject to a staff report back to City Council on the details of the proposed expenditures, and
- (iii) cash payment of \$6.3 million to be subject to a future allocation by City Council to amenities in the area surrounding the site and in the downtown, such as childcare, affordable housing and cultural infrastructure, after a staff report back to City Council.

carried unanimously

AMENDMENT MOVED by Councillor Bass

THAT the following be added to the motion:

THAT staff and applicant explore low-cost opportunities at the development application stage to provide resident and limited public access to a rooftop viewing area.

LOST

(Councillors Cadman, Green, Ladner, Louie, Stevenson, Sullivan and the Mayor opposed)

The amendment having lost, the motion was put and CARRIED UNANIMOUSLY.

4. Rezoning: 6650 Arbutus Street

An application by Andrew Rozen of Polygon Development 108 Ltd. was considered as follows:

Summary: The proposed rezoning from One-Family Dwelling District (RS-5) to Comprehensive Development District (CD-1) would permit 28 townhouses.

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

Also before Council was a memorandum from Joanne Baxter, Rezoning Planner, Rezoning Centre, which noted the posted by-law for this application contained an error.

Section 7, (a) should read as follows (*italics denotes added words*):

- (a) there should be at least 1.1 parking spaces for each dwelling unit and *one additional space for each 200 square metres of gross floor area.*

Summary of Correspondence

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

Speakers

Frances Kolotyluk spoke in opposition to this application and noted she had been involved in the Visioning process for this neighbourhood, the next phase of which was to be called Choosing Directions and Finalizing Position. She expressed concern that the process has been usurped by the proponents of this development. Ms. Kolotyluk asked Council to consider the impacts to the neighbourhood of the increased density this development will bring and requested Council delay any rezoning in this area until results of the Visioning neighbourhood survey information have been read and discussed and presented in a fair and just way.

Staff Comments

Joanne Baxter, Rezoning Planner, Rezoning Centre, responded to questions concerning the application in relation to the City's Visioning process for this neighbourhood.

Ms. Baxter also drew attention to her memorandum dated September 12, 2005, and noted the amendment to the draft by-law put forward is in accordance with Appendix A of the Policy Report dated July 5, 2005, entitled "CD-1 Rezoning - 6650 Arbutus Street" which referred this application to Public Hearing.

Council Decision

MOVED by Councillor Sullivan

- A. THAT the application by Andrew Rozen of Polygon Development 108 Ltd. to rezone 6650 Arbutus Street (Lot 6 of 9, Block 2 South, DL 526, Plan 5310) from RS-5 (One-Family Dwelling District) to CD-1 (Comprehensive Development District) to permit 28, two and one-half storey townhouses at a floor space ratio of 0.83, generally as outlined in Appendix A of the Policy report dated July 5, 2005 entitled "CD-1 Rezoning - 6650 Arbutus 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 Nigel Baldwin Architects, and stamped "Received City Planning Department, March 24, 2005", 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

- (i) design development to the proposed stone retaining wall providing detailed sections and elevations;

Note to Applicant: It is expected that much of the existing perimeter stone wall with its unique character and rock work will be retained, repaired and improved upon where required, using the original stone, or quarried stone to match. New access points where necessary should emulate existing entry points in form, material and detail.

- (ii) design development to the property edge condition at the south end of the site;

Note to Applicant: It is essential to this project that the existing mature landscape buffer along the southern boundary be retained and enhanced. The existing conditions of privacy and minimal overlook with the adjacent neighbouring site should be maintained and improved upon.

The minimum setback for the building structure and hard landscaping will be subject to the recommendations of the arborist's report entitled "Supplemental Arboricultural Assessment/South Property Line Set back", Michael J. Mills Consulting, dated June 22, 2005.

- (iii) design development to the courtyard spaces;

Note to Applicant: Attention to be given to the detailing of the courtyard spaces with special consideration to enhancing their liveability.

- (iv) design development to the roof form;

Note to Applicant: Consider a lower pitch and/or different roof form for the dormers that is more similar to the principal roof.

- (v) design development to the building finish materials and detailing;

Note to Applicant: Materials should be of high quality, with a thickness to their edge profile and well detailed. Substitute products such as plastic siding or faux brick for example, are not acceptable.

- (vi) design development to the on grade parking;

Note to Applicant: Visitor parking should remain where indicated on the site plan but be made as unobtrusive as possible, with a wooden trellis covering and appropriate landscaping etc.

Landscape

- (vii) design development to integrate principles of sustainable landscape design into the overall Plant List and Irrigation Scheme;

Note to Applicant: This can be achieved by using hardy plant species, efficient irrigation systems, water retention technology, grass grid paving, climbing plants and planted structures.

- (viii) design development to minimize impermeable surface paving in the vehicular corridors and private open space areas;

Note to Applicant: consideration should be given to maximizing the use of hardy, layered plants/trees within the townhouse open space plan. Break up and minimize large expanses of paving with permeable surface parking materials and expanded planting beds, where possible.

- (ix) design development to the overall drainage system to include surface water runoff "interceptors" for the filtering of non-point source water contamination;

- (x) provision of a Landscape Plan illustrating common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The Landscape Plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, and public utilities such as lamp posts, hydro poles, fire hydrants;

Note to Applicant: Ensure clarification of existing shrub layers, soil and grades to be altered, retained or replaced beneath trees.

- (xi) provision of a "Tree Removal/Protection/Replacement Plan" in coordination with arboricultural services, including an assessment of existing trees, retention value rating, retention feasibility, remediation recommendations, site supervision and letters of undertaking;

- (xii) provision of a "Construction Management Plan" outlining methods for the retention of existing trees and perimeter walls during construction;

Note to Applicant: The Plan should include, but not limited to, the location of construction materials, temporary structures, utilities, site access, development phasing, neighbour impact reduction methods.

- (xiii) at the discretion of City Engineering Streets Division and Park Board, provision of street trees adjacent to the development site where space permits. New street trees should be noted "Final species, quantity and spacing to the approval of the City Engineer and Park Board";

Note to Applicant: Contact Eileen Curran [604-871-6131] of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen [604-257-8587] of Park Board regarding species.

Crime Prevention through Environmental Design (CPTED)

- (xiv) design development to overall open space design to utilize principles of CPTED to minimize opportunities for crime; and
- (xv) provision of detailed lighting plan to increase safety, ensure night way finding and minimize glare to adjacent sites.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) dedicate the north 2.1 m (7 ft.) building line on West 49th Avenue, adjacent to the site;
 - (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the release of the existing easement and indemnity agreement #341329M prior to occupancy of the building;
 - (iii) make arrangements for the undergrounding of all new utility services for the development from the closest existing suitable service point;

Note to Applicant: All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

- (iv) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the relocation of the existing encroaching stone wall on to the site, or appropriate encroachment agreement to allow the wall to remain on public property;

- (v) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of new concrete sidewalk on Arbutus Street with a standard 1.5 m (5 ft.) wide sidewalk for the length of the site;
- (vi) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of concrete curb and gutter with pavement to centre line of Arbutus Street adjacent to the site;
- (vii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the replacement of the existing 1.2 m (4 ft.) wide sidewalk on Arbutus Street with a standard 1.5 m (5 ft.) wide sidewalk for the length of the site;
- (viii) obtain and submit to the City copies of all soil studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils on the site in accordance with a Remediation Plan, approved by the Ministry of Environment and acceptable to the City, providing security satisfactory to the Director of Legal Services for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site; and
- (ix) 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 and the Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval.

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.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting 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 by-law 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 and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other city officials and City Council.

- B. THAT the Draft By-law for the rezoning of 6650 Arbutus Street from RS-5 to CD-1 be amended as follows:

Section 7, (a) should read as follows (*italics denotes added words*):

- (a) there should be at least 1.1 parking spaces for each dwelling unit and *one additional space for each 200 square metres of gross floor area.*

CARRIED
(Councillor Bass opposed)

5. Text Amendment: 749 West 33rd Avenue

An application by Tony Gill, IBI Group/Henriquez, was considered as follows:

Summary: The proposed amendment to the existing CD-1 By-law would permit 60 units of Seniors Supportive or Assisted Housing and eight units of housing for young disabled adults to be built on the southeast portion of the site.

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

Summary of Correspondence

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

Speakers

Frances Lin expressed concern regarding the vibrations which will result from this new construction and the large heavy trucks which will be passing by and the effects they will have on her nearby house. She noted she already experienced cracks in her house during the two-month demolition of St. Vincent's Hospital.

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

SEPTEMBER 15, 2005



A Special Meeting of the Council of the City of Vancouver was held on Thursday, September 15, 2005, 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 Noise Control By-laws.

PRESENT: Mayor Larry Campbell
 Councillor Fred Bass
 Councillor David Cadman
 Councillor Jim Green
 Councillor Peter Ladner
 Councillor Raymond Louie
 Councillor Tim Stevenson
 Councillor Sam Sullivan
 Councillor Ellen Woodsworth

ABSENT: Councillor Tim Louis (Leave of Absence)
 Councillor Anne Roberts (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
 SECONDED by Councillor Woodsworth

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 Noise Control By-laws.

CARRIED UNANIMOUSLY

1. **Rezoning: 1750 Davie Street**

An application by Henriquez Partners Architects was considered as follows:

Summary: The proposed rezoning would permit a one-storey addition to the front of this existing building. Consequential amendments to the Sign and Noise Control By-laws are also required.

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