



City of Vancouver *Zoning and Development By-law*

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CD-1 (464)

*2-88 West 1st Avenue, 2-26 East 1st Avenue and
27-99 West 2nd Avenue*

By-law No. 9600

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

Effective February 26, 2008

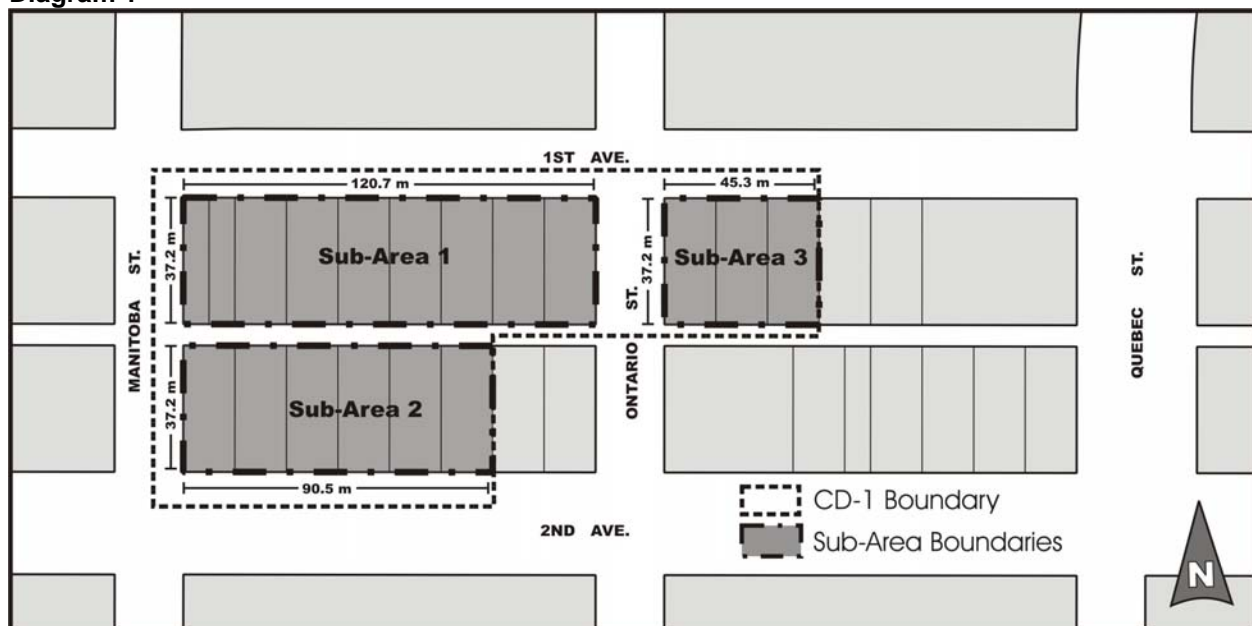
(Amended up to and including By-law No. 9674, dated June 24, 2008)

- 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, despite section 2 of the Zoning and Development By-law, “base surface” means the base surface calculated from the official established building grades.
- 3 Uses
- 3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (464).
- 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 (464) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Dwelling Uses, in conjunction with any of the uses listed in this section 3.2; [9614; 08 03 11]
 - (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, Community Care Facility and Group Residence; [9674; 08 06 24]
 - (c) Live-Work Use;
 - (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, and Wood Products Manufacturing - Class B;
 - (e) Office Uses;
 - (f) Parking Uses;
 - (g) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;
 - (h) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Catering Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant – Class 1, Restaurant – Class 2, Neighbourhood Public House, School – Arts or Self-Improvement, and School - Business;
 - (i) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
 - (j) Interim Uses not listed in this section 3.2, and accessory uses customarily ancillary to them, if:
 - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
 - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
 - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (464), and
 - (iv) any development permit for an interim use has a time limit of three years.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9600 or provides an explanatory note.*

- 4 Conditions of use
- 4.1 Dwelling units are in an “intermediate 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.
- 4.2 The design and lay-out of at least 25% of the dwelling units must:
- (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council’s “High Density Housing for Families with Children Guidelines”.
- 4.3 All uses except dwelling uses must have direct access to grade.
- 4.4 Any development permit issued for live-work uses must stipulate as permitted uses:
- (a) dwelling units;
 - (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and
 - (c) dwelling unit combined with any uses set out in subsection (b).
- 5 Sub-areas
- The site is to consist of sub-areas 1, 2, and 3 illustrated in Diagram 1:

Diagram 1

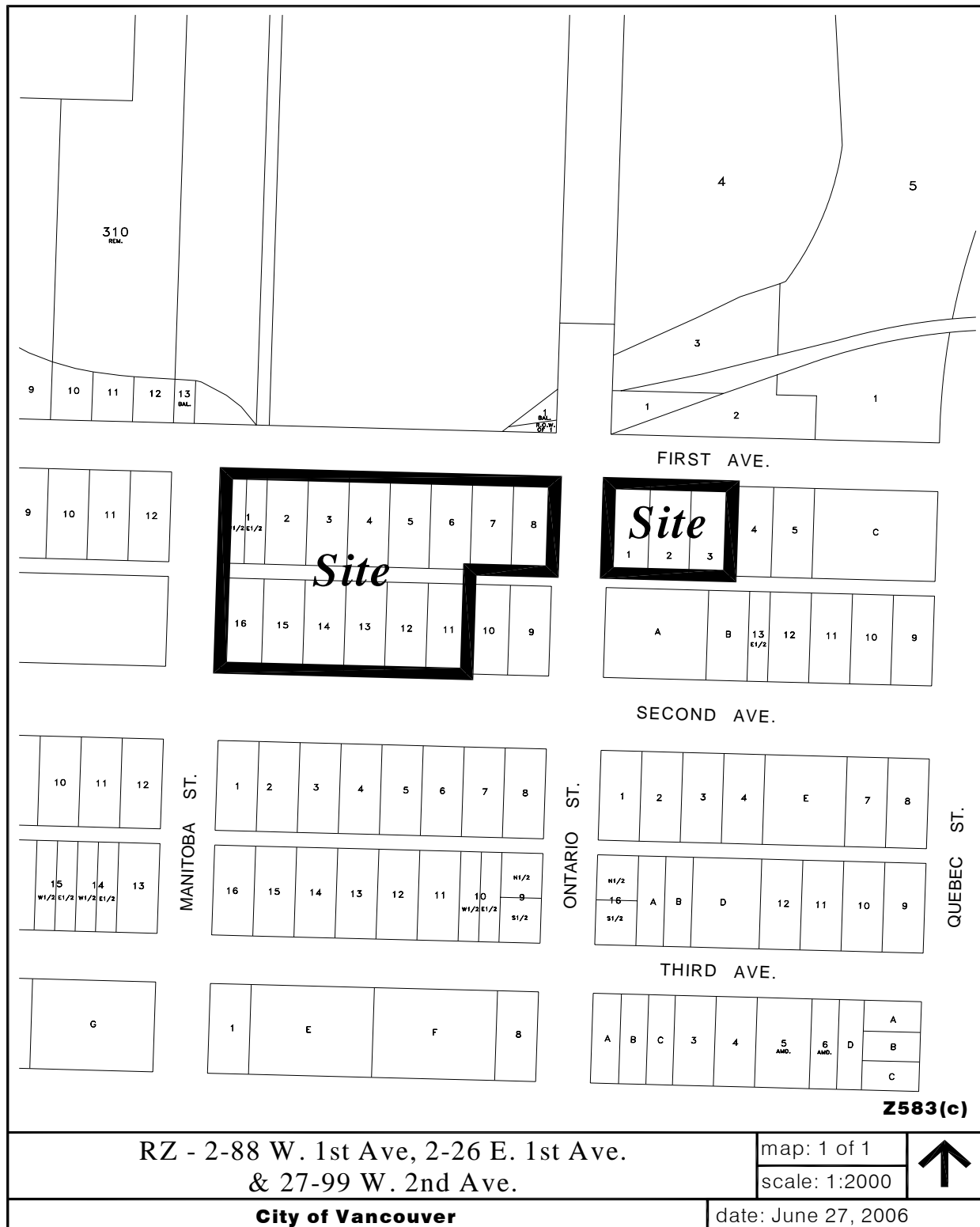


- 6 Density
- 6.1 Computation of floor area must assume that the site consists of 9 556 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 6.2 The floor area for all uses must not exceed 34 143.23 m².

- 6.3** Despite section 6.2, the Development Permit Board may permit an increase in floor area, not to exceed 3 344.67 m², resulting from a transfer of extra density from a designated heritage property, within the area of the South East False Creek Official Development Plan, in relation to which its receipt was as compensation for the reduction in market value at the time of designation.
- 6.4** Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building.
- 6.5** Computation of floor area 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, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
 - (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 base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
 - (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
 - (e) 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 is to be no exclusion for any of the residential storage space above base surface for that unit;
 - (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 1 000 m²; 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.
- 6.6** Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:
- (a) enclosed residential balconies if the Director of Planning or Development Permit Board 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 residential floor area being provided, and
 - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
 - (b) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
 - (c) unenclosed outdoor areas at grade level underneath building overhangs, if:
 - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
 - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
 - (d) open to below spaces or double height volumes on the second storey units if the location of the first floor is within 2 m of grade to a maximum of 15% of the floor area of the first floor of that unit for residential and live-work units;
 - (e) passive solar appurtenances on buildings that help mitigate solar gain which may be in the form of balconies or light shelves;

- (f) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit; and
 - (g) trellises and other garden structures which support the use of intensive green roofs and urban agriculture.
- 6.7** The use of floor space excluded under section 6.5 or 6.6 must not include any purpose other than that which justified the exclusion.
- 7** Building height
 - 7.1** In sub-area 1, the building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall must not exceed 30.48 m.
 - 7.2** In sub-area 2, the building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall must not exceed 35.63 m. [9614; 08 03 11]
 - 7.3** In sub-area 3, the building height, measured above base surface, must not exceed 47 m.
 - 7.4** Despite sections 7.1, 7.2, and 7.3, maximum building height does not include a mechanical penthouse, trellises, and other garden structures which support the use of intensive green roofs or urban agriculture, as provided by section 10.11 of the Zoning and Development By-law.
- 8** Setbacks [9614; 08 03 11]
- 9** Horizontal angle of daylight
 - 9.1** Each habitable room must have at least one window on an exterior wall of a building.
 - 9.2** The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
 - 9.3** Measurement of the plane or planes referred to in section 9.2 must be horizontally from the centre of the bottom of each window.
 - 9.4** If:
 - (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m;
 the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.
 - 9.5** An obstruction referred to in section 9.2 means:
 - (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 (464).
 - 9.6** A habitable room referred to in section 9.1 does not include:
 - (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) less than 10% of the total floor area of the dwelling unit, or
 - (ii) less than 9.3 m².

- 10 **Parking, loading, and bicycle spaces**
Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law.
- 11 **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 |
- 12 **Severability**
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.
- 13 *[Section 13 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.]*



2 - 88 West 1st Avenue
2 - 26 East 1st Avenue
27 - 99 West 2nd Avenue

BY-LAW NO. 9600

**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-583(c) 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, despite section 2 of the Zoning and Development By-law, "base surface" means the base surface calculated from the official established building grades.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (464).

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 (464) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwelling;
- (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
- (c) Live-Work Use;

- (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, and Wood Products Manufacturing - Class B;
- (e) Office Uses;
- (f) Parking Uses;
- (g) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;
- (h) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Catering Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant - Class 1, Restaurant - Class 2, Neighbourhood Public House, School - Arts or Self-Improvement, and School - Business;
- (i) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (j) Interim Uses not listed in this section 3.2, and accessory uses customarily ancillary to them, if:
 - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
 - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
 - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (464), and
 - (iv) any development permit for an interim use has a time limit of three years.

Conditions of use

4.1 Dwelling units are in an “intermediate 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.

4.2 The design and lay-out of at least 25% of the dwelling units must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms; and
- (c) comply with Council's “High Density Housing for Families with Children Guidelines”.

4.3 All uses except dwelling uses must have direct access to grade.

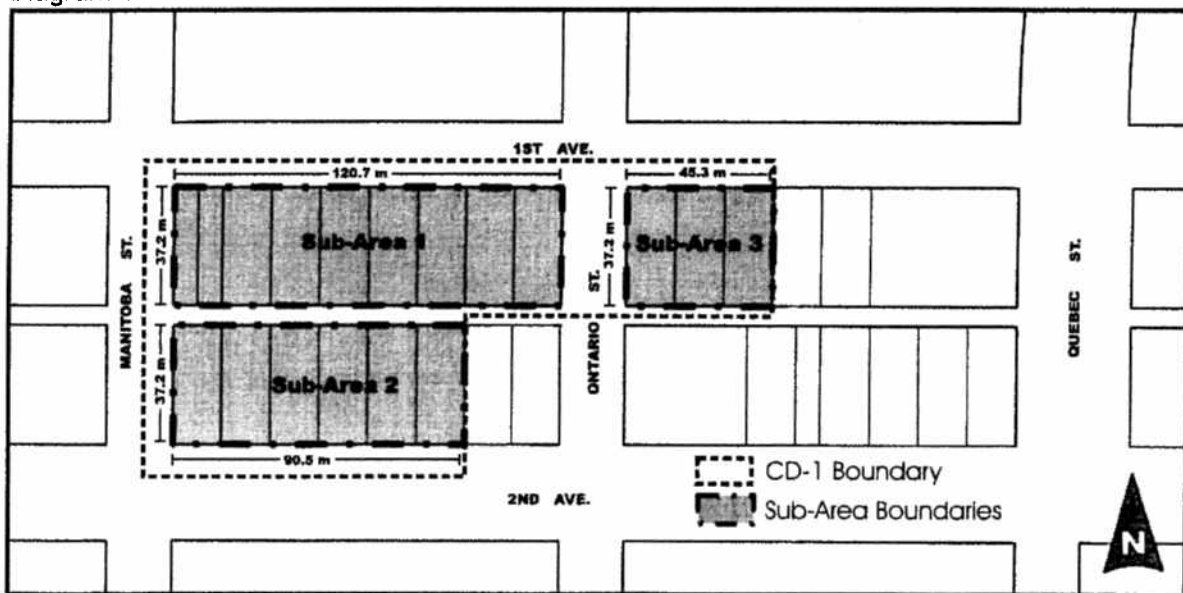
4.4 Any development permit issued for live-work uses must stipulate as permitted uses:

- (a) dwelling units;
- (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio - class A; and
- (c) dwelling unit combined with any uses set out in subsection (b).

Sub-areas

5. The site is to consist of sub-areas 1, 2, and 3 illustrated in Diagram 1:

Diagram 1



Density

6.1 Computation of floor area must assume that the site consists of 9 556 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

6.2 The floor area for all uses must not exceed 34 143.23 m².

6.3 Despite section 6.2, the Development Permit Board may permit an increase in floor area, not to exceed 3 344.67 m², resulting from a transfer of extra density from a designated heritage property, within the area of the South East False Creek Official Development Plan, in relation to which its receipt was as compensation for the reduction in market value at the time of designation.

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

6.5 Computation of floor area 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, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (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 base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) 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 is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 1 000 m²; 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.

6.6 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) enclosed residential balconies if the Director of Planning or Development Permit Board 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 residential floor area being provided, and
 - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
- (c) unenclosed outdoor areas at grade level underneath building overhangs, if:
 - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
 - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (d) open to below spaces or double height volumes on the second storey units if the location of the first floor is within 2 m of grade to a maximum of 15% of the floor area of the first floor of that unit for residential and live-work units;
- (e) passive solar appurtenances on buildings that help mitigate solar gain which may be in the form of balconies or light shelves;
- (f) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit; and
- (g) trellises and other garden structures which support the use of intensive green roofs and urban agriculture.

6.7 The use of floor space excluded under section 6.5 or 6.6 must not include any purpose other than that which justified the exclusion.

Building height

7.1 In sub-area 1, the building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall must not exceed 30.48 m.

7.2 In sub-area 2, the building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall must not exceed 32.58 m.

7.3 In sub-area 3, the building height, measured above base surface, must not exceed 47 m.

7.4 Despite sections 7.1, 7.2, and 7.3, maximum building height does not include a mechanical penthouse, trellises, and other garden structures which support the use of intensive green roofs or urban agriculture, as provided by section 10.11 of the Zoning and Development By-law.

Setbacks

8.1 The setback of a building must be at least 1.5 m from the rear property line on the lane.

8.2 The setback of a residential townhouse building must be at least 1.6 m from the property line on 1st Avenue.

8.3 The setback of a residential townhouse building in sub-area 1 must be at least 3.9 m from the east property on Ontario Street.

8.4 The setback of a residential townhouse building in sub-area 3 must be at least 2.4 m from the west property on Ontario Street.

Horizontal angle of daylight

9.1 Each habitable room must have at least one window on an exterior wall of a building.

9.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

9.3 Measurement of the plane or planes referred to in section 9.2 must be horizontally from the centre of the bottom of each window.

9.4 If:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

9.5 An obstruction referred to in section 9.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (464).

9.6 A habitable room referred to in section 9.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) less than 10% of the total floor area of the dwelling unit, or
 - (ii) less than 9.3 m².

Parking, loading, and bicycle spaces

10. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law.

Acoustics

11. 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 rooms	40
kitchen, bathrooms, hallways	45

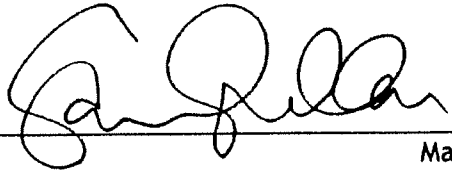
Severability

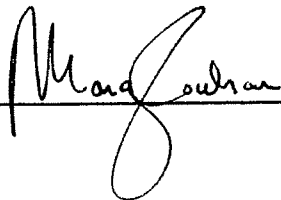
12. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

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

ENACTED by Council this 26th day of February, 2008


Mayor


City Clerk

The map shows a grid of streets with lot numbers and street names. The streets shown are 1st Ave, 2nd Ave, and 3rd Ave running east-west, and Manitoba St, Ontario St, and Quebec St running north-south. A 'Site' is marked on the east side of 1st Ave, between Ontario St and Quebec St. The map includes a scale bar for 1:2000 and a north arrow. The title 'RZ - 288 W. 1st Ave, 2-26 E. 1st Ave. & 27-99 W. 2nd Ave.' is at the bottom left, and the date 'date: June 27, 2006' is at the bottom right. A reference number 'Z583(c)' is also present.

RZ - 2-88 W. 1st Ave, 2-26 E. 1st Ave.
& 27-99 W. 2nd Ave.

map: 1 of 1

scale: 1:2000

City of Vancouver

date: June 27, 2006

BY-LAWS

MOVED by Councillor Chow
SECONDED by Councillor Anton

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, and number 6, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Lee absent for the vote)

1. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re the Pinnacle site) (By-law No. 9600)**
2. **A By-law to amend Sign By-law No. 6510 (re 2 - 88 West 1st avenue, 2 - 26 East 1st Avenue, and 27 - 99 West 2nd Avenue) (By-law No. 9601)**
3. **A By-law to amend Noise Control By-law No. 6555 (re 140 West 1st Avenue) (By-law No. 9602)**
4. **A By-law to authorize Council entering into a Heritage Revitalization Agreement amending agreement with the Owner of Heritage Property (re 53 West Hastings Street) (By-law No. 9603)**
5. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 265 Carrall Street) - WITHDRAWN**
6. **A By-law to amend Business Prohibition By-law No. 5156 regarding exotic or wild animals (By-law No. 9604)**

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

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.
- C. THAT City Council accept the property owner's offer of a community amenity contribution of \$972,078 (\$11.50 per sq. ft.) and that such offer is 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.
- D. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

CARRIED UNANIMOUSLY

3. REZONING: 2-88 West 1st Avenue, 2-26 East 1st Avenue and 27-99 West 2nd Avenue

An application by Brian Martin, Pinnacle International (West First) Plaza Inc., was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit development of 6 primarily residential mid-rise buildings ranging from 4 to 15 storeys with commercial at grade on Manitoba St. in the Southeast False Creek Official Development Plan (SEFC ODP) area.

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

Also before Council were the following:

- Memorandum dated July 7, 2006, from J. Madden, SEFC Rezoning Planner, submitting further recommendations as noted below:

THAT Section (c) (xlv) be amended to add the following as Section (c) (xlv) (I):

“(I) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.”

THAT Section (c) (xlv) (C) be amended to read as follows:

“the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.”

- Memorandum dated July 10, 2006, from J. Madden, SEFC Rezoning Planner, submitting a further recommendation as noted below:

THAT City Council accept the property owner's offer of a community amenity contribution of \$4,140,316 (\$11.50 per sq. ft.) and that such offer is 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.

- In addition, staff drew Council's attention to the following recommendation (distributed at the meeting), which was omitted from the Summary and Recommendation "white pages":

THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

Staff Comments

John Madden, Project Planner, made a brief presentation, and drew Council's attention to the recommendations contained in the above referenced material. Mr. Madden, together with Larry Beasley, Director of Current Planning, responded to questions from Council related to transfer of heritage density and the workings of the City's Heritage Revitalization Agreements.

Applicant Comments

Brian Martin, Vice President Development, Pinnacle International, and John Bingham, Architect, were available to answer 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 Capri

- A. THAT the application by Pinnacle International (West First) Plaza Inc. to rezone 2 - 88 West 1st Avenue (E1/2 of Lot1, W1/2 of Lot 1, Lots 2-8, Blk 9, DL 200A, Plan 197), 27 - 99 West 2nd Avenue (Lots 11-16, Blk 9, DL 200A, Plan 197) and 2 - 26 East 1st Avenue (Lots 1-3, Blk 8, DL 200A, Plan 197) from M-2 to CD-1 (Comprehensive Development District), generally as presented in Appendix A to Policy Report "CD-1 Rezoning: 2 - 88 West 1st Avenue, 2 - 26 East 1st Avenue and 27 - 99 West 2nd Avenue" dated June 23, 2006, 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 Howard Bingham Hill Architects, and stamped "Received Planning Department, March 24, 2006", provided that the Director of Planning or the Development Permit Board, as the case may be, 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 final 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 consider the following conditions:

DESIGN DEVELOPMENT - GENERAL

- (i) design development to achieve an architectural response to the tower on Sub-Area 3 which emphasizes the landmark focus as seen from points north;
- (ii) design development to provide improved daylight access and privacy to residential units;

Note to Applicant: The objective is to maintain approximately 24.4 m separation between main living spaces facing each other above the 2nd floor across Ontario and Manitoba Streets. Primary living spaces for units adjacent to the lane should be oriented east or west;

- (iii) provide high quality, durable architectural materials and detailing including rain protection overhangs;
- (iv) consideration to provide a shared roof amenity on the roof of the mid-rises;

CPTED (Crime Prevention through Environmental Design)

- (v) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:
 - theft in the under ground parking areas,
 - providing full secure separation for residential uses and parking,
 - residential break and enter,
 - mischief such as graffiti and alcove areas, and
 - increasing the defensibility of the ground level pathway,

LANDSCAPE DESIGN

Public, Semi-Public Realm Treatment

- (vi) provision of semi-public and semi-private spaces that are consistent with the South East False Creek Public Realm Plan. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities;
- (vii) design development to provide a more public lane interface with the ground level open space on site;

Note to Applicant: A fully public setback to be provided adjacent to the lane including walking area with specialty paving, bench seating, lighting and landscaping. The remainder of the open space should transition from public, semi-private to private open spaces striving not to use fencing or gating.

Technical

- (viii) provision at time of development permit application of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees to be retained, paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The landscape plan should be at 1:100 (1/8" = 1'-0") minimum scale;
- (ix) provision of large scale (1/4"=1' or 1:50) partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the streets and lanes; including planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios, and privacy screens;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Underground parking roofs may need to be reconfigured to increase soil depth. Underground parking to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting

depth for inner boulevard trees and planters. Continuous soil troughs for street and lane trees and climbing plants for walls should be provided wherever possible.)

- (x) provision at the time of development permit application of a Lighting Plan for each site;
- (xi) provision of hose bibs for all patios that cannot be serviced by at grade non-potable water;

Specific Landscape Conditions

- (xii) provision of a landscape plan for the two intensive green roofs for Building B in Sub-area 1 and Building B in Sub-area 2. Page 11 of the design rational describes these roofs as amenity spaces for the residents. These intensive green roofs spaces should contain common space for use by all the building occupants as well as private patios. Their design should incorporate the collection and passage of water to areas of water storage;

Note to Applicant: A detailed program and a landscape plan for these intensive green roofs will ensure clear functionality and good design. For instance, gardening plots may require special watering facilities, storage of tools, and compost areas nearby, or risk being non-viable. Rooftop gardens may have special access or have safety requirements. Many spaces will have a multi-functional component with passive and active uses combined.

- (xiii) provision of landscape elevations illustrating the buildings with the proposed landscape treatment at the lane edge;

Bicycle Parking

- (xiv) design development to provide bicycle parking spaces meeting Parking By-law requirements;

ENVIRONMENTAL SUSTAINABILITY

- (xv) applicant to achieve the SEFC Green Building Strategy and meet a minimum LEED™ Silver Canada Certified standard (with a target of 36 points), including City of Vancouver prerequisites (with full LEED™ registration and documentation) or equivalency;

Energy

- (xvi) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;

- (xvii) provide full building design to meet ASHRAE 90.1 2004 in its entirety (with the exception of outright energy efficiency, which is covered under provision "xvii", above) including:

- improved envelope options such as "continuous insulation", increased r-values, and thermal breaks for balconies and slab extensions
- energy efficient lighting
- air exchange effectiveness
- full best practice building systems commissioning
- daylighting
- provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning outlining provision for this service to be submitted at the time of application for Building Permit.

- (xviii) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the "district heating system" proposed for the area;
- (xix) provide vertical glazing to a maximum of 40 percent or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
- (xx) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxi) provide climate zone control for residential and live-work units;
- (xxii) provision of fireplaces listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights; interrupted power ignition is preferred;

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

Stormwater Management and Green Roofs

- (xxiii) provision of a green roof (including a useable, intensive roof and/or inaccessible, extensive roof) on principle building roofs;
- (xxiv) provision of effective impervious area of no more than 60 percent of total site area with 30 percent of useable intensive green roof area in soft landscape (this includes drop off areas, walkways rooftops and plazas);

- (xxv) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- (xxvi) design development to reduce the use of potable water for irrigation through the provision of a stormwater retention system (i.e., cistern, on-site pond, infiltration galleries, etc.);

Note to Applicant: Provide a stormwater retention system separated from the potable water system (dual system) for the irrigation of the ground level semi-private open spaces and public realm landscaping to be sized for the summer drought periods. In addition, water storage for the roof top shared open space to be considered. All hose bibs to be served with potable water unless clearly indicated otherwise. This system to be designed in coordination with Building - Processing.

- (xxvii) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition "c iii");
- (xxviii) provision of green roof design to meet structural load, soil depths, and access & egress conditions necessary for an intensive green roof/urban agriculture (regardless of initial roof design - intensive or extensive);

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (xxix) provide low water use plumbing fixtures at or below 1.8 gpm for faucets and showerheads and 6L/3L dual flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

Urban Agriculture

- (xxx) Design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number to be productive and viable. The total amount of gardening spaces should be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes;

Note to Applicant: Explore opportunities to expand the area designated for garden plots, e.g. by using the green roof panels on the tower roof, so that a minimum of 30 percent of the units without private garden space (not balconies) have access to a private garden plot. Note that the existing garden

plots of approximately 4 by 12 ft. can be counted as 2 plots if need to reach the 30 percent goal. Regarding the relationship between the proposed play areas and the proposed garden plots on Landscape level 1, explore opportunities to further integrate these areas in order to facilitate children's involvement in gardening and to support parent's ability to garden and monitor children's activities.

Building Durability

- (xxxix) provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

- (xxxix) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit ensuring that a minimum of 75 percent landfill diversion through the construction process;

UNIVERSAL DESIGN

- (xxxix) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" as outlined in Appendix F.

AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, each of the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

ENGINEERING

Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:

- i make arrangements to the satisfaction of the General Manager of Engineering Services, in consultation with the Director of Planning, for:
 - a. the provision, operation, and maintenance of two Co-operative Vehicles and provision and maintenance of two Co-operative Parking Spaces for the use exclusively by such cooperative vehicles, such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw; and
 - b. designation of four visitor or surplus parking spaces which are to be publicly accessible for future use by cooperative vehicles.

Sub-Area 1- W½ and E½ of Lot 1 & Lots 2-8, Blk 9, DL 200A, Plan 197

- ii Consolidation of all lots comprising sub-area 1 into a single lot.
- iii Dedication as road of a triangular portion of the site at the northwest corner for open space (plaza) purposes with the potential option of a portion for road.
- iv Dedication of the north 0.8 m of proposed site for road purposes. Delete all encroachments and structures shown beyond the proposed property line.
- v Dedication or other arrangements for the east 5 ft. of proposed sub-area 1 for road purposes. Delete all encroachments and structures shown beyond the proposed property line. (Should the parkade design require use of this proposed dedication area to achieve an approvable parkade design then Engineering may support this area as a surface right of way for public use in lieu of full dedication.)
- vi Provision of a 1.5 m right of way along the south property line of the site (adjacent the lane) for pedestrian purposes.
- vii Provision of appropriate rights of way for public use of the plaza area with access to, from and within the "plaza area with water feature".
- viii Discharge of any crossing agreement made unnecessary by the development, prior to occupancy of the building.
- ix Resolution of annexed easement No. 221860M (over portions of lot 10).
- x Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements.
- xi Improvements to the lane south of 1st Avenue from Manitoba Street to Ontario Street in keeping with the final SEFC public realm design approvals.
- xii Provision of water system upgrading to service the proposed development. Note: Water system designs must be completed for the area to determine the need and extent of required system upgrading including pre-servicing needs. Further clarification regarding community gardens servicing is also required before extent of upgrading can be determined.
- xiii Abandonment of the existing 1953 sewer in the lane south of 1st Avenue between Manitoba and Ontario streets. This will require that all storm water flows towards Manitoba Street. Lane grading and design will need development to ensure City drainage needs are met for sewer abandonment.
- xiv Provision of storm system design to meet the development's storm water management plan. (Stantec's plans dated December 6, 2005.) Drawings indicate the inclusion of storm water runoff from sub-area 1 & 2 in this development to Hinge Park wetland. To implement this plan a storm sewer will have to be built at the developers sole expense in the lane south of 1st Avenue from Columbia Street to east of Manitoba Street. Note: Alternatively, storm water from development sites on First and Second avenues at Crowe Street could be substituted.
- xv Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service, must be located on private property. The development site 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.

- xvi Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal including fully outfitted areas that can be made active upon implementation of organics collection system.
- xvii Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.

Sub-Area 2 - Lots 11-16, Blk 9, DL 200A, Plan 197

- xviii Consolidation of all lots comprising sub-area 2 into a single lot.
- xix Dedication of the south 5 ft. of proposed sub-area 2 is required for road purposes. (Should the parkade design require use of this proposed dedication area to achieve an approvable parkade design, then Engineering may support this area as a surface right of way for public use in lieu of full dedication.)
- xx Provision of a 1.5 m right of way along the north property line of the site (the lane) for pedestrian purposes.
- xxi Discharge of any crossing agreement made unnecessary by the development, prior to occupancy of the building.
- xxii Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements.
- xxiii Improvements to the lane south of 1st Avenue from Manitoba Street to the east property line of the site in keeping with the final SEFC public realm design approvals.
- xxiv Provision of water system upgrading to service the proposed development. Note: Water system designs must be completed for the area to determine the need and extent of required system upgrading including pre-servicing needs. Further clarification regarding community gardens servicing is also required.
- xxv Abandonment of the existing 1953 sewer is in the lane south of 1st Avenue between Manitoba and Ontario streets. This will require that all storm water flows towards Manitoba Street. Lane grading and design will need development to ensure City drainage needs are met.
- xxvi Provision of storm system design to meet the development's storm water management plan. (Stantec's plans dated December 6, 2005.) Drawings indicate the inclusion of storm water runoff from sub-area 1 & 2 in this development to Hinge Park wetland. To implement this plan a storm sewer will have to be built fully at the developers expense in the lane south of 1st Avenue from Columbia to east of Manitoba streets. Note: Alternatively, storm water from development sites on First and Second avenues at Crowe Street could be substituted.
- xxvii Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service, must be located on private property. The development site 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.

- xxviii Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system.
- xxix Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.

Sub-Area 3- Lots 1-3, Blk 8, DL 200A, Plan 197

- xxx Consolidation of all lots comprising sub-area 3 into a single lot.
- xxxi Dedication of the north 0.8 m of proposed site for road purposes. Delete all encroachments and structures shown beyond the proposed property line.
- xxxii Dedication or other arrangements for the west 5 ft. of proposed site for road purposes. Delete all encroachments and structures shown beyond the proposed property line. (Should the parkade design require use of this proposed dedication area to achieve an approvable parkade design then Engineering would support this area as a surface right of way for public use in lieu of full dedication.)
- xxxiii Provision of a 1.5 m right of way along the south property line of the site (adjacent the lane) for pedestrian purposes.
- xxxiv Discharge of any crossing agreement made unnecessary by the development, prior to occupancy of the building.
- xxxv Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements.
- xxxvi Improvements to the lane south of 1st Avenue from Ontario Street to the east property line of the site in keeping with the final SEFC public realm design approvals.
- xxxvii Provision of water system upgrading to service the proposed development.
Note: Water system designs must be completed for the area to determine the need and extent of required system upgrading including pre-servicing needs. Further clarification regarding community gardens servicing is also required.
- xxxviii Provision of a storm sewer extension in the lane south of 1st Avenue between Ontario and Quebec streets to provide drainage for the west end of the lane. This condition could be reduced or eliminated upon completion of detailed road designs that do not require the provision of catch basins for this lane.
- xxxix Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service, must be located on private property. The development site 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.

- xl Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system.
- xli Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.
- xl ii Provision of a shared vehicle ramp with knock-out panel for future access to underground parking and services for adjacent site.

SOILS

- xl iii The property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571 (B) of the Vancouver Charter.
- xl iv Execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection.

OLYMPIC SECURITY REQUIREMENTS

For Sub-Area 1 and Sub-Area 3 the following condition shall apply:

- xl v enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alia, provide for the following:
 - (A) the Owner may make application for a development permit and a building permit pursuant to the Rezoning at any time, provided however that if the Owner commences construction of the improvements permitted pursuant to the Rezoning (the "Improvements"), the Improvements shall be completed, at a minimum, to "lock down" (including, without limitation, completion of all doors and windows to the satisfaction of the City's Chief Building Official) on or before January 12, 2010;
 - (B) prior to issuance of any building permit for the Improvements, the Owner shall be required to lodge a letter of credit with the City, on terms acceptable to the Director of Legal Services, in an amount deemed adequate by the Chief Building Official, in his sole opinion, to secure completion of the Improvements to lock down prior to January 12, 2010;

- (C) the Owner acknowledges and agrees that the Chief Building Official shall inspect the Improvements on or before October 12, 2009 and shall determine whether or not, in his opinion, the Improvements will be completed to lock down prior to January 12, 2010. If the Chief Building Official is not satisfied that lock down will be achieved by January 12, 2010, the Chief Building Official may order that the Owner take all necessary steps to ensure that lock down can be achieved by January 12, 2010 and the Owner shall take all necessary steps to do so at the Owner's cost. Alternatively, the Chief Building Official may, in his sole discretion, permit the City, or its permittees or licensees to complete the Improvements to lock down, at the cost and risk of the Owner;
- (D) the Owner acknowledges and agrees that notwithstanding that the Owner may construct the Improvements, the Owner may not occupy, or permit occupation of the Improvements, other than for site servicing, construction, maintenance and security purposes, prior to January 12, 2010;
- (E) the Owner shall not access or use the Lands for any purpose other than maintenance of and security for the Improvements during the period between January 12, 2010 and p.m. March 12, 2010. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
- (F) the Owner shall permit the City and its permittees and licensees, including without limitation the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games ("VANOC") and any security organizations responsible for security for the 2010 Olympic Winter Games, to enter the Lands and any buildings and improvements located thereon at any time, and from to time, from December 1, 2009 to January 11, 2010 for security planning purposes and from January 12, 2010 to March 12, 2010 for any security purposes they deem necessary or desirable for the purpose of providing security protection for the Vancouver Olympic Village;
- (G) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner; and

- (H) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel;
- (I) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.

The Security Agreement shall be fully registered against title to the Lands in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

For Sub-Area 2 the following condition shall apply:

- xlvi enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alias, provide for the following:
 - (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements") at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010:
 - 1) cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 - 2) not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;

- (B) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner;
- (C) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games; and
- (D) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel;

The Security Agreement shall be fully registered in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

PUBLIC ART

- xlvi Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials;
- xlvi Submit a preliminary public art plan to the satisfaction of the Director, Office of Cultural Affairs setting out the proposed public art program aims, artist terms of reference, site and artist selection methods, project budget, implementation plan and a schedule; and

HERITAGE DENSITY

- (xlix) execute a Section 219 Covenant to the satisfaction of the Directors of Current Planning and Legal Services limiting development on the site to a maximum floor area of 33 446.70 m², such covenant to be released from title when the floor area of 696.53 m² has been transferred from a designated heritage property within the South East False Creek Official Development Plan area in relation to which the heritage floor area was received as compensation for the restoration of the heritage site.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the 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 by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT Recommendation A be adopted on the following conditions:
- i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.
- C. THAT City Council accept the property owner's offer of a community amenity contribution of \$4,140,316 (\$11.50 per sq. ft.) and that such offer is 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.

- D. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

CARRIED UNANIMOUSLY

4. REZONING: 3203-3229 West 10th Avenue

An application by Robert Turecki, Robert Turecki Architect, was considered as follows:

Summary: To rezone from RS-5 One-Family Dwelling District to CD-1 Comprehensive Development District to permit development of 20 dwelling units on an existing commercial parking lot.

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

Also before Council was the following:

- Memorandum dated July 4, 2006, from J. Baxter, Rezoning Planner, submitting further recommendation as noted below:
- C. That the Proposed Conditions of Approval, Appendix C, page 4 of 5 be amended as follows (bold italics denotes changes):
 1. Condition (c) (iii) to be amended to read “make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services ***to provide and maintain a minimum of 37 parking spaces on the rezoned lands for the benefit of the lands located at 3204 West Broadway (Lot 6, Block 59, D.L. 540, Plan 229)***;
 2. Condition (c) (v) to be amended to read “make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared ***equally*** between the City and the developer;
 3. Condition (c) (vi) to be amended to read “make arrangements, to the satisfaction of the General Manager of Engineering Services, for the undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to ***rely*** on secondary voltage from the existing overhead network. Any alterations to the existing



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

JULY 18, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 18, 2006, 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 and Sign By-laws.

PRESENT:

Mayor Sam Sullivan
 Councillor Suzanne Anton
 Councillor Elizabeth Ball
 Councillor David Cadman
 Councillor Kim Capri
 Councillor George Chow
 Councillor Heather Deal
 Councillor Peter Ladner
 Councillor B.C. Lee
 Councillor Raymond Louie
 Councillor Tim Stevenson

CITY CLERK'S OFFICE: Denise Salmon, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
 SECONDED by Councillor Ladner

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

CARRIED UNANIMOUSLY

1. REZONING: 360 West 1st Avenue

An application by Scott Baldwin, Polygon Homes, was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit development of a 13-storey residential tower and a row of 3-storey townhouses in the Southeast False Creek Official Development Plan (SEFC ODP) area.

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

2 - 88 West 1st Avenue
2 - 26 East 1st Avenue
27 - 99 West 2nd Avenue


BY-LAW NO. 9614

A By-law to amend CD-1 By-law No. 9600

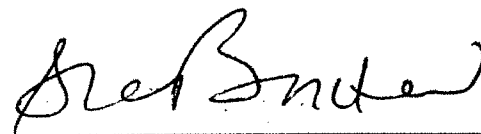
THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 9600.
2. From section 3.2(a), Council strikes out "limited to Multiple Dwelling", and substitutes "in conjunction with any of the uses listed in this section 3.2".
3. From section 7.2, Council strikes out "32.58", and substitutes "35.63".
4. Council strikes out sections 8.1, 8.2, 8.3, and 8.4.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 11th day of March, 2008



Mayor



City Clerk

described as Lot 232, PL LMP 13010, New Westminster, DL False Creek, (identified as Site 4J in the CD-1 By-law for 800-1100 Pacific Boulevard [CD-1 #324]), at a price of \$2,670,202, on terms and conditions to the satisfaction of the Director of Legal Services, with the source of funds to be the Affordable Housing Fund.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Anton

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 Chow

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

BY-LAWS

MOVED by Councillor Ball

SECONDED by Councillor Lee

THAT Council enact the by-law before them at this meeting as number 1, and authorize the Mayor and the City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

(Councillors Ladner, Louie and Stevenson ineligible to vote on By-law 1)

1. A By-law to amend CD-1 By-law No. 9600 (re 2-88 West 1st Avenue, 2-26 East 1st Avenue and 27-99 West 2nd Avenue) (By-law No. 9614)

The Special Council adjourned at 8:35 p.m.

The Director of Planning recommended approval.

Staff Comments

Michelle McGuire, Planning Analyst, Rezoning Centre, was present to respond to questions.

Summary of Correspondence

No correspondence had been received on this 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 Anton

THAT the application to amend the Zoning and Development By-law, Sign By-law and CD-1 By-laws for miscellaneous amendments generally as presented in Appendix A to Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, Sign By-law and CD-1 By-laws" dated January 28, 2008, be approved.

CARRIED UNANIMOUSLY

(Councillors Capri, Ladner, Louie and Stevenson absent for the vote)

2. TEXT AMENDMENT: 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue

An application by Pinnacle International (West First) Plaza Inc. was considered as follows:

Summary: To amend the CD-1 By-law for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue to allow a one-storey increase in the building height and a revised form of development for 27-99 West 2nd Avenue, in addition to other miscellaneous amendments.

The Director of Planning recommended approval.

Staff Comments

Trish French, Assistant Director of Current Planning, explained the application.

Applicant Comments

John Bingham and Robert Duke, Howard Bingham Hill Architects, and Mike De Cotiis and Vito De Cotiis, Pinnacle International, were present to respond to questions.

Summary of Correspondence

No correspondence had been received on this 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 Chow

- A. THAT, the application by Pinnacle International (West First) Plaza Inc. to amend the CD-1 By-law to increase the building height for 27-99 West 2nd Avenue generally as presented in Appendix A to Policy Report "CD-1 By-law Text Amendments and Revised Rezoning Conditions: 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue" dated January 29, 2008, be approved.
- B. THAT amendments to the rezoning conditions to the CD-1 By-law for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue that was approved in principle by Council on July 18, 2006, Council generally in accordance with Appendix B to Policy Report "CD-1 By-law Text Amendments and Revised Rezoning Conditions: 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue" dated January 29, 2008, be approved.

CARRIED UNANIMOUSLY

(Councillors Ladner, Louie and Stevenson absent for the vote)

3. TEXT AMENDMENT: 826-848 West Hastings Street

An application by Walter Francl Architects was considered as follows:

Summary: To amend CD-1 By-law (443) No. 9184 to increase the maximum residential floor area by 809 square metres, allowing an additional floor within the approved form of development and building height.

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

Staff Comments

Michael Naylor, Planner, Rezoning Centre, along with Rob Jenkins, Assistant Director, Current Planning Initiatives Branch, and Michael Flanigan, Director, Real Estate Services, responded to questions.



CITY OF VANCOUVER

CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

MARCH 11, 2008

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, March 11, 2008, at 8:00 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law, CD-1 By-law, Sign By-law, and False Creek North Official Development Plan.

PRESENT:

Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
*Councillor Kim Capri
Councillor George Chow
Councillor Heather Deal
*Councillor Peter Ladner
Councillor B.C. Lee
*Councillor Raymond Louie
*Councillor Tim Stevenson

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Chow

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning and Development By-law, CD-1 Bylaw, Sign By-law and False Creek North Official Development Plan.

CARRIED UNANIMOUSLY
(Councillors Capri, Ladner, Louie and Stevenson absent for the vote)

1. TEXT AMENDMENT: Miscellaneous Text Amendments

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

Summary: Miscellaneous text amendments to the Zoning and Development By-law, CD-1 (Comprehensive Development) By-laws, and the Sign By-law. The amendments achieve the intent of earlier rezonings.

Special needs residential facilities

BY-LAW NO. 9674

A By-law to amend CD-1 By-law No.'s 3869, 3897, 4271, 4580, 4634, 4671, 5343, 6041, 6070 6072, 6919, 7114, 7193, 7196, 7204, 7210, 7461, 7647, 7679, 7682, 7723, 7852, 8055, 8088, 8111, 8326, 8369, 8457, 8479, 8546, 8880, 9190, 9204, 9454, 9463, 9573, 9594, and 9600

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

1. From each of the CD-1 by-laws listed in Column 1 of Table 1, Council strikes out, from each of the sections listed in Column 2, the words set out in Column 3, and variations of those words, and substitutes the words set out in Column 4:

Table 1

Column 1	Column 2	Column 3	Column 4
3869	2 (b) 5.1 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
3897	2 (c) 6 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
4271	2 (a)	special needs residential facility (Community Care Facility)	Community Care Facility
4580	3.1	Special Needs Residential Facility: Community Care Facility	Community Care Facility
4634	2 (e)	special needs residential facility (community care facility)	community care facility
	3 Table A	Special Needs Residential Facilities (Community Care Facilities)	Community Care Facilities
	4(c)	special needs residential facility	community care facility
4671	2.2 (a)	Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living	Community Care Facility - Class B and Group Residence
5343	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B

6041	2 (c)	Special needs residential facility - community care - Class B	Community care facility - class B
6070	2 (a) (iii)	special - needs residential facility	community care facility or group residence
6072	2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
6919	2 (a)	Special Needs Residential Facility (Community Care Facility)	Community Care Facility
7114	2 (b)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7193	2 (a)	Special Needs Residential Facility - Community Care	Community Care Facility
7196	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7204	10 (b) (iv)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7210	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7461	6.4 (b)	and special needs residential uses	community care facilities and group residences
7647	2.1 (a)	Special Needs Residential Facilities	of the following: Community Care Facilities or Group Residences
7679	4.1 (d)	and Special Needs Residential Facility	, Community Care Facility and Group Residence
7682	2 (e)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
	10 (d)	Special Needs Residential Facility	Community Care Facility
7723	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7852	2.1 (b)	Special Needs Residential Facility - Class B	Community Care Facility - Class B
	5	Special Needs Residential Facility	Community Care Facility
8055	2 (a)	Special Needs Residential Facility	Community Care Facility and Group Residence
8088	2 (b)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B

8111	2 (a) 5.1	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
8326	2 (b)	Special Needs Residential Facility - Group Living	Group Residence
8369	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
8457	2 (b)	Special Needs Residential Facility - Community care - Class B	Community Care Facility - Class B
8479	2 (b)	Special Needs Residential Facility - Group Living	Group Residence
8546	2.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
8880	3	Special Needs Residential Facility	Community Care Facility, Group Residence
9190	3 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9204	3 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9454	3.2 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9463	3.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9573	2.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9594	3.2 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9600	3.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence

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

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

ENACTED by Council this 24th day of June, 2008

Mayor

City Clerk

EXPLANATION

A By-law to amend certain CD-1 By-laws re special needs residential facilities

After the public hearing on June 10, 2008, Council resolved to amend certain CD-1 By-laws to refer to community care facilities rather than special needs residential facilities. The Director of Planning has advised that there are no prior-to conditions, and enactment of the attached by-law will implement Council's resolution.

Director of Legal Services
June 24, 2008

17. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 2978 West 5th Avenue) (By-law No. 9687)**
(Councillors Ball, Cadman and Louie ineligible to vote)
18. **A By-law to designate certain real property as protected heritage property (re 2978 West 5th Avenue) (By-law No. 9688)**
(Councillors Ball, Cadman and Louie ineligible to vote)

MOVED by Councillor Lee
SECONDED by Councillor Stevenson

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 3 to 7, 9, 10 and 16, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

3. **A By-law to amend Zoning and Development By-law No. 3575 (re special needs residential facilities) (By-law No. 9673)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
4. **A By-law to amend certain CD-1 By-laws re special needs residential facilities (By-law No. 9674)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
5. **A By-law to amend Downtown-Eastside/Oppenheimer Official Development Plan By-law No. 5532 (re special needs residential facilities) (By-law No. 9675)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
6. **A By-law to amend First Shaughnessy Official Development Plan By-law No. 5546 (re special needs residential facilities) (By-law No. 9676)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
7. **A By-law to amend By-law No. 9488 Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts (re special needs residential facilities) (By-law No. 9677)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
9. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 125 Boundary Road) (By-law No. 9679)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
10. **A By-law to designate certain real property as protected heritage property (re 125 Boundary Road) (By-law No. 9680)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Anton
SECONDED by Councillor Stevenson

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, 2, 8, 11, 12, 14, 15, 17 and 18, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

1. **A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$5,722.78 for certain local improvement lane lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9671)**
2. **A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$554,777.99 for certain local improvement street work projects, including pavement, curbs, trees and bulges, and lane pavement and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9672)**
8. **A By-law to amend Parking By-law No. 6059 (re special needs residential facilities) (By-law No. 9678)**
11. **A By-law to amend Subdivision By-law No. 5208 regarding miscellaneous amendments (By-law No. 9681)**
12. **A By-law to amend Parking By-law No. 6059 (re bicycle spaces) (By-law No. 9682)**
14. **A By-law to amend Subdivision By-law No. 5208 (re 5475 Dunbar Street and 3625 and 3641 West 39th Avenue) (By-law No. 9684)**
15. **A By-law to amend CD-1 By-law No. 8131 (re Great Northern Way Campus) (By-law No. 9685)**

4. TEXT AMENDMENT: SNRF ZONING AND DEVELOPMENT BY-LAW REVISIONS

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

Summary: To amend the definitions of Special Need Residential Facilities (SNRF) in the Zoning & Development By-law and make consequential changes to the Zoning & Development By-law and relevant CD-1 By-laws; amend references in the Downtown Eastside/Oppenheimer, Rental Housing Stock and First Shaughnessy Official Development Plan By-laws; and amend the Parking By-law. These are housekeeping amendments to update the definitions.

The Directors of Social Planning, Planning, Development Services, Housing Centre, Legal Services, and General Manager of Engineering Services recommended approval.

Also before Council was a memorandum from Anne Kloppenborg, Social Planning, dated May 20, 2008, which noted an addition to Appendix B of the Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines" dated April 15, 2008, in order to conform with the draft By-laws prepared by staff.

Staff Opening Comments

Anne Kloppenborg, Social Planning, reviewed the application, including the memo distributed with the agenda package for the Public Hearing.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

Sister Elizabeth Kelliher and Johnn Olldym spoke in opposition to the application.

Council Decision

MOVED by Councillor Chow

A. THAT the application to:

- i) amend the definitions of Special Needs Residential Facilities in section 2 of the Zoning and Development By-law, and make the necessary consequential changes to the Zoning and Development By-law and to the CD-1 By-laws listed in Appendix A; and
- ii) amend references to "Special Needs Residential Facilities" in the Downtown Eastside/Oppenheimer, Rental Housing Stock and First Shaughnessy Official Development Plan By-laws,

generally in accordance with Appendix A and B to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008, be approved with the following changes to Appendix B noted in the Memorandum dated May 20, 2008, from Anne Kloppenborg, Social Planning:

In Section 1.1 of the Official Development Plan Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts, delete *special needs residential facility* and substitute *community care facility or group residence*; and in Section 2.5, delete the reference to *Special Needs Residential Facility Guidelines* and substitute *Community Care Facility and Group Residence Guidelines*.

- B. THAT Council approve amendments to the Parking By-law, generally in accordance with Appendix C to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008.
- C. THAT if approved at Public Hearing, the by-laws be accompanied at the time of enactment by the Community Care Facilities and Group Residences Guidelines and the Application Procedures for Development Permits for Community Care Facilities and Group Residences, as outlined in Appendix D to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008.

CARRIED UNANIMOUSLY