



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 604.873.7060
planning@vancouver.ca

CD-1 (478)

188 East 1st Avenue

By-law No. 9850

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

Effective May 19, 2009

1 Zoning District Plan amendment

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-602(e) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

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 (478).

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

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class A;
- (b) Dwelling Uses, limited to Multiple Dwelling and Seniors Supportive or Assisted Housing;
- (c) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Community Care Facility;
- (d) Parking Uses;
- (e) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;
- (f) Service Uses, limited to Barber Shop or Beauty Salon, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant - Class 1, School - Arts or Self-Improvement, and School - Business;
- (g) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (h) 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 (478), and
 - (iv) any development permit for an interim use has a time limit of three years.

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

5 Density

5.1 Computation of floor area must assume that the site consists of 1 123 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

5.2 The floor space ratio for all uses, combined, must not exceed 5.42.

- 5.3** Despite section 5.2, the Development Permit Board may permit an increase in floor space ratio, not to exceed 10%, resulting from a transfer of extra density from a designated heritage property, within the area of the Southeast 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.
- 5.4** 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.
- 5.5** 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.
- 5.6** 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 units;
 - (e) features which may be in the form of french balconies and horizontal extensions, on the westerly façades of buildings, to reduce solar gain; and
 - (f) trellises and other garden structures which support the use of intensive green roofs and urban agriculture.

- 5.7** The use of floor space excluded under section 5.5 or 5.6 must not include any purpose other than that which justified the exclusion.
- 6** Building height
- 6.1** The building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall, must not exceed 38 m.
- 6.2** Despite section 6.1, maximum building height does not include mechanical penthouse, solar panels for energy collection, trellises, and similar structures which support the use of intensive green roofs and urban agriculture, as provided by section 10.11 of the Zoning and Development By-law.
- 7** Horizontal angle of daylight
- 7.1** Each habitable room must have at least one window on an exterior wall of a building.
- 7.2** 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.
- 7.3** 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.
- 7.4** An obstruction referred to in section 7.2 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 (478).
- 7.5** A habitable room referred to in section 7.1 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.
- 8** 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, except that there must be at least one parking space for each 10 dwelling units.

9 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 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 |

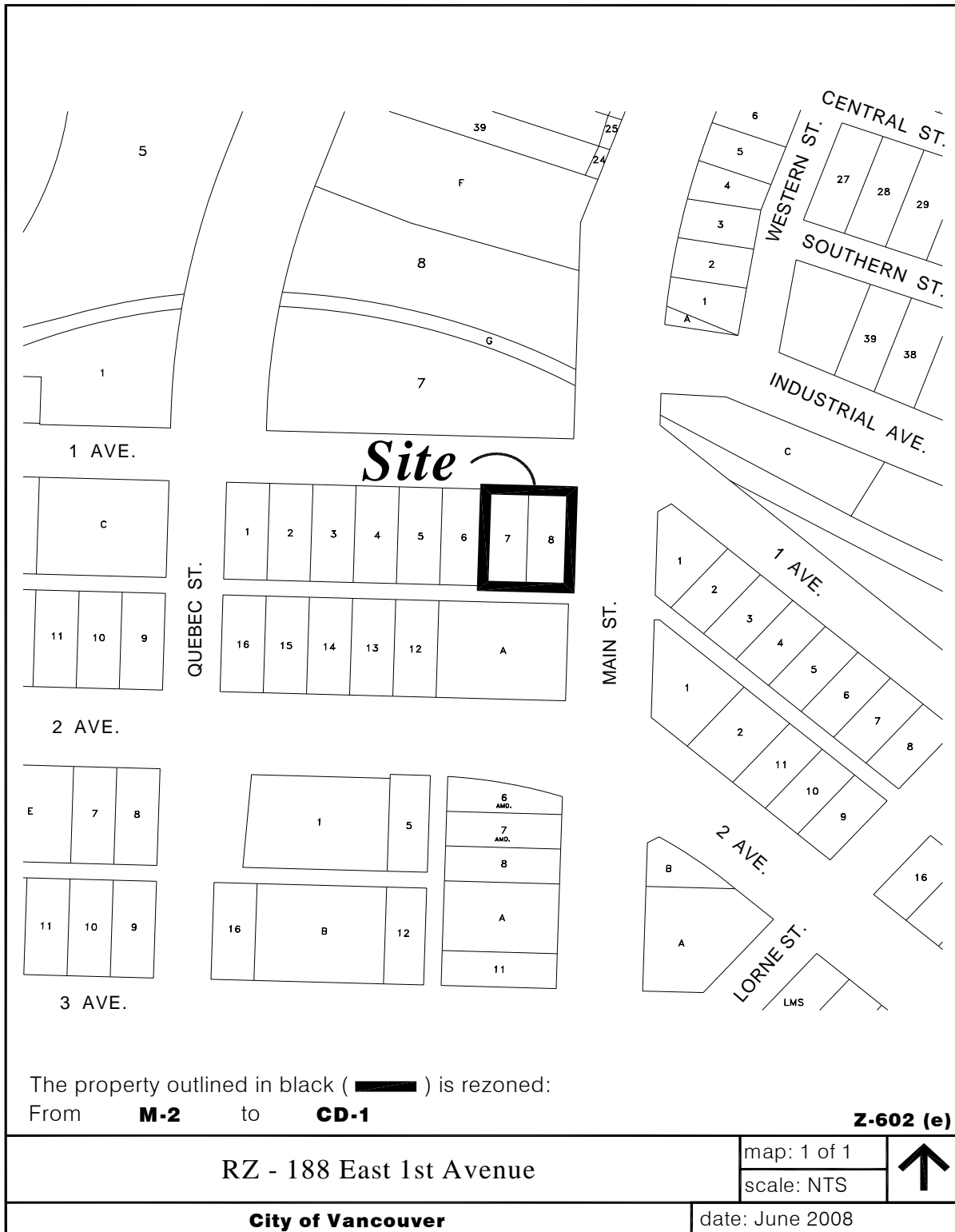
10 Severability

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.

11 Force and effect

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

ENACTED by Council this 19th day of May, 2009.



188 East 1st Avenue

BY-LAW NO. 9850

**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-602(e) 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 (478).

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

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class A;
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- (c) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Community Care Facility;
- (d) Parking Uses;
- (e) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, and Vehicle Dealer;

- (f) Service Uses, limited to Barber Shop or Beauty Salon, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Restaurant - Class 1, School - Arts or Self-Improvement, and School - Business;
- (g) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (h) 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 (478), 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 All uses except dwelling uses must have direct access to grade.

Density

5.1 Computation of floor area must assume that the site consists of 1 123 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

5.2 The floor space ratio for all uses, combined, must not exceed 5.42.

5.3 Despite section 5.2, the Development Permit Board may permit an increase in floor space ratio, not to exceed 10%, resulting from a transfer of extra density from a designated heritage property, within the area of the Southeast 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.

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

7.4 An obstruction referred to in section 7.2 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 (478).

7.5 A habitable room referred to in section 7.1 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
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Parking, loading, and bicycle spaces

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Acoustics

9. 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.

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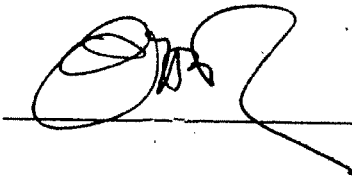
Severability

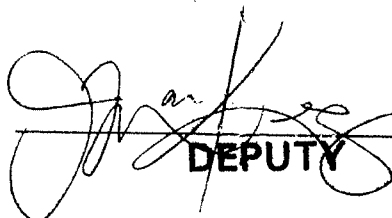
10. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

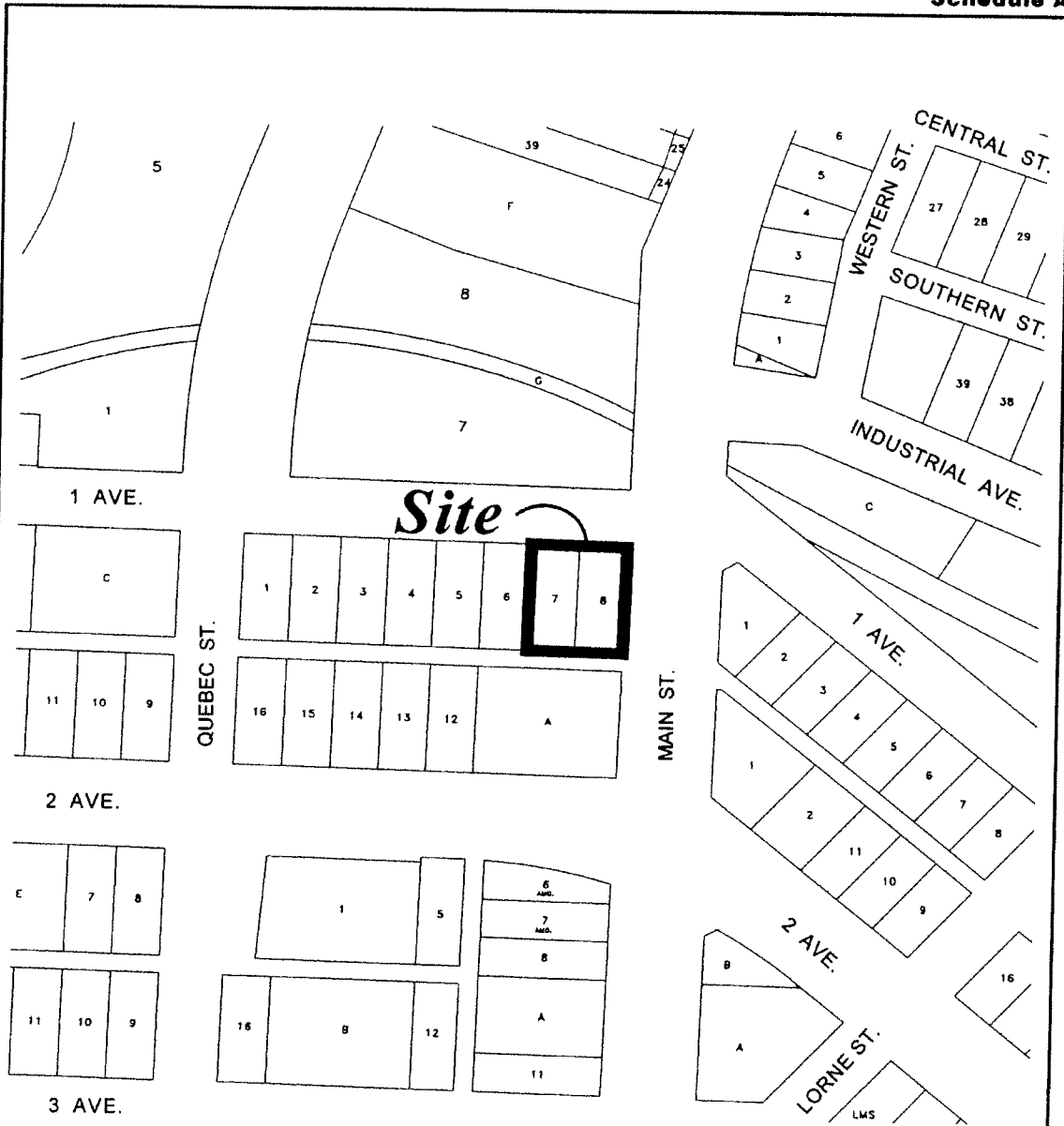
11. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 19th day of May, 2009



Mayor

DEPUTY City Clerk



The property outlined in black () is rezoned:
From **M-2** to **CD-1**

Z-602 (e)

RZ - 188 East 1st Avenue

map: 1 of 1

scale: NTS



City of Vancouver

date: June 2008



REPORT TO COUNCIL
REGULAR COUNCIL MEETING MINUTES

MAY 19, 2009

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, May 19, 2009, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton*
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business)

CITY MANAGER'S OFFICE: Penny Ballem, City Manager

CITY CLERK'S OFFICE: Janice MacKenzie, Deputy City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by Councillor Woodsworth.

~~PROCLAMATION - DUTCH MASTERS AT THE VANCOUVER ART GALLERY DAY~~

~~The Mayor proclaimed Sunday, May 10, 2009, as "Dutch Masters at the Vancouver Art Gallery Day".~~

~~ANNOUNCEMENT - ONE BOOK ONE VANCOUVER~~

~~The Mayor introduced Joan Andersen, Chair of the Vancouver Public Library Board, who announced the "One Book, One Vancouver" selections for 2009 are *The Crazy Canucks: Canada's Legendary Ski Team*, by Janet Love Morrison, and *The Farm Team* by Linda Bailey.~~

C. THAT, all such legal documents be on terms and conditions satisfactory to the General Manager of Financial Services, Manager of Supply Management and the Director of Legal Services.

D. THAT, no legal rights or obligations will be created or arise by Council's adoption of A, B or C above unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Stevenson

SECONDED by Councillor Louie

THAT Council, except for those members excused as noted below, enact the by-law(s) listed on the agenda for this meeting as numbers 3 and 4 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

Councillors Louie and Jang rose and advised they had reviewed the proceedings of the Public Hearing in relation to By-laws 1 and 2 and would therefore be voting on enactment of the two by-laws.

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT Council, except for those members excused as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1 and 2, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend the Zoning and Development By-law (re 188 East 1st Avenue) (By-law No. 9850) (Councillors Meggs, Reimer, Woodsworth and the Mayor ineligible for the vote) ←
2. A By-law to amend the Sign By-law (re 188 East 1st Avenue) (By-law No. 9851) (Councillors Meggs, Reimer, Woodsworth and the Mayor ineligible for the vote) ←
3. A By-law to enter into a Heritage Revitalization Agreement amending agreement with the Owner of Heritage Property (re 5825 Carnarvon Street) (By-law No. 9852)
4. A By-law to enact a Housing Agreement for 601 East Hastings Street (By-law No. 9853)

~~MOTIONS~~

~~A. Administrative Motions~~

~~None.~~

~~B. Motions on Notice~~

~~1. New Remand Centre in Vancouver~~

~~The following motion contains revisions to the original Motion on Notice which were accepted by Council.~~

~~MOVED by Councillor Anton
SECONDED by Councillor Meggs~~

~~WHEREAS~~

- ~~1. the Province maintained a remand centre in the City of Vancouver for many years;~~
- ~~2. the Province is looking for a site to build a new remand centre;~~
- ~~3. the remand centre will employ 175 people in well-paid positions;~~
- ~~4. it may be desirable to build the new remand centre in Vancouver;~~



CITY OF VANCOUVER

CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

JULY 8 AND 10, 2008

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 8, 2008, 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 sign by-laws and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, July 10, 2008, at 7:30 p.m. in the Council Chamber. The Minutes are consolidated for ease of reference.

PRESENT: Mayor Sam Sullivan*
Councillor Suzanne Anton
Councillor David Cadman
Councillor Kim Capri
Councillor George Chow
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee
Councillor Tim Stevenson

ABSENT: Councillor Elizabeth Ball (Sick Leave)
Councillor Raymond Louie (Leave of Absence)

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Lee

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Ladner in the Chair, to consider proposed amendments to the zoning and sign by-laws and heritage by-laws.

CARRIED UNANIMOUSLY
(Mayor Sullivan absent for the vote.)

~~1. SIGN BY LAW AMENDMENTS~~

~~An application by the Director of Licenses and Inspections was considered as follows:~~

~~Summary: To update definitions and general prohibitions, and to authorize relaxations for special events.~~

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.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services.

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

- B. THAT, the application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E [assigned Schedule "B" (DD)], generally as set out in Appendix C to policy report "CD-1 Rezoning - 1304 Howe Street" dated May 27, 2008, be approved;
- C. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law to include this Comprehensive Development District in Schedule B generally as set out in Appendix C to policy report "CD-1 Rezoning - 1304 Howe Street" dated May 27, 2008.

CARRIED UNANIMOUSLY

8. CD-1 REZONING: 188 EAST 1ST AVENUE

An application by Amela Brudar, GBL Architects Group, was considered as follows:

Summary: To rezone from M-2 (Industrial District) to CD-1 (Comprehensive Development District) to allow for an 11.5-storey residential tower with 129 units of supportive non-market housing and grade-level commercial. A floor space ratio of 5.42 is proposed and a height of 38 m (125 ft.).

The Directors of Planning and the Housing Centre recommended approval, subject to conditions as set out in the Agenda of the Public Hearing.

Summary of Correspondence

Council received one email expressing opposition to, and one letter expressing support for the application since the date the application was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Deal

- A. THAT the application by GBL Architects Group on behalf of Lookout Emergency Aid Society to rezone 188 East 1st Avenue (Lots 7 and 8, Block 7, District Lot 200A, Plan 197, NWD, PID 007-224-516 and 007-224-648) from M-2 to CD-1 to permit an 11 and one-half storey mixed-use (residential with commercial at grade) building with a total density of 5.42 Floor Space Ratio (FSR), generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 188 East 1st Avenue (formerly 1721-23 Main Street)" dated May 27, 2008, be approved subject to the following conditions:

1. PROPOSED CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects and stamped "Received City Planning Department, revised on May 16, 2008", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

- (i) design development to ensure sustainability strategies and principles are reflected in design details, materials, and architectural finishes;

Crime Prevention Through Environmental Design (CPTED)

- (ii) design development to take into consideration the principles of CPTED;

Landscape

- (iii) design development to the open space and landscape treatment to ensure appropriate and durable landscape materials and structures, such as plant specific soils, durable planters, wall trellis structures;

Note to applicant: Provision, at time of development permit application, of a detailed rationale outlining intent for the specific programming of the outdoor spaces and landscape structures, including overall use, pedestrian capacity, storage (e.g., compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat) will be required.

- (iv) design development to grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth;

Note to applicant: Planted areas adjacent to structures and on slab to contain continuous soil volumes. Plant growing depth to exceed BCLNA Landscape Standard.

- (v) provision of large scale partial plans, elevations and sections illustrating the detailed treatment of the public realm interface at the streets and lanes, including planters, retaining walls, stairs, planting, soil depth, underground structures, patios and privacy screens;
- (vi) provision at time of development permit application of a lighting plan;
- (vii) provision of hose bibs for all patios that cannot be serviced using at-grade non potable water; and
- (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, including site grading;

Note to applicant: Proposed plant materials are to be clearly illustrated on the Landscape Plan. The Landscape Plan is to be at 1:100 (1/8" = 1'-0").

Urban Agriculture

- (ix) Design development to provide an area for composting, tool storage, work bench and hosebibs, in proximity to the garden plots on levels 2 and 11;

Public Realm

- (x) design development to provide a variety of spaces consistent with the SEFC Public Realm Plan;

Note to applicant: Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.

Note to applicant: A copy of the public realm landscape plan should be submitted directly to Engineering for review and comment by Engineering Greenways staff.

Neighbourhood Energy Utility

- (xi) design development to include provision for connections which are compatible with the "district heating system" proposed for the area;

Note to applicant: Clarification of how the building design includes provision for connections to the False Creek Neighbourhood Energy Utility (NEU) is required, as are plans which label the room that will house the system infrastructure as "NEU Energy Transfer Station (ETS)". The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall.

Note to applicant: The ETS room shall provide suitable space, to the satisfaction of the General Manager of Engineering Services, for the installation of the NEU system ETS equipment, with adequate provision for connection to outside NEU distribution piping and communications conduit. The developer shall make available use of sewer and potable water piping in each ETS room. The ETS room shall be ventilated as required by the Vancouver Building By-law and be heated during the winter to a minimum of 15°C. The developer must provide a dedicated 15 amp 120V, 60 Hz, single-phase electrical service for operation of the ETS, to the satisfaction of the General Manager of Engineering Services.

Universal Design

- (xii) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria" as outlined in Appendix G;

Sustainability

- (xiii) Provision of a LEED scorecard, and consideration to achieve a LEED Gold equivalent rating in the projects sustainability performance;

Waste Management

- (xiv) 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 an organics collection system.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (a) That prior to enactment of the CD-1 By-law, arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services be made for the following:
 - (i) consolidation of Lots 7 & 8;
 - (ii) dedication of the north 1.5 m and the east 1.5 m of the site for road purposes;
 - (iii) release of Easement & Indemnity agreements 352239M (crossings) & 504525M (current building encroachment);

Note to applicant: a letter of commitment is required.

- (iv) provision of a 1.5 m right of way along the south property line of the site for lighting and landscaping purposes;

- (v) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees, landscaping and street furniture adjacent to the site in keeping with the final SEFC public realm design requirements;
- (vi) provision of improvements to the lane south of 1st Avenue, adjacent to the site, in keeping with the final SEFC public realm design requirements to include runnels, special pavement treatments and concrete lane crossings;
- (vii) agreements for shared use of the loading bay by residential and retail uses;

Note to applicant: appropriate agreements will be required.

- (viii) undergrounding of all existing utility services adjacent to the site and undergrounding of all new utility services to the site from the closest existing suitable service point;

Note to applicant: all services (and in particular electrical transformers to accommodate a primary service) must be located on private property. The development 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.

SOILS

- (ix) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion;
- (x) do all things and/or enter into such agreements deemed necessary by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment;

OLYMPIC SECURITY REQUIREMENTS

- (xi) prior to enactment of the CD-1 By-law, arrangements to secure 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 February 1, 2010, the Owner shall, during the period between February 1, 2010 and February 28, 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 February 1, 2010 through February 28, 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, at the sole discretion of the City Engineer; 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.
- B. THAT the consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (DD) as set out in Appendix C to Policy Report "CD-1 Rezoning - 188 East 1st Avenue (formerly 1721-23 Main Street)" dated May 27, 2008, be approved;
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law to include this Comprehensive District in Schedule B as set out in Appendix C to Policy Report "CD-1 Rezoning - 188 East 1st Avenue" dated May 27, 2008.

CARRIED UNANIMOUSLY