



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7000 fax 604.873.7060
planning@vancouver.ca

CD-1 (493)

745 Thurlow Street

By-law No. 10131

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

Effective September 21, 2010

(Amended up to and including By-law No. 10198, dated January 18, 2011)

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-603 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (493).

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

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses in conjunction only with Retail and Service Uses;
- (c) Institutional Uses;
- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses; and
- (g) Accessory Use customarily ancillary to any use permitted by this section 2.2.

3 Floor area and density

3.1 Computation of floor space ratio must assume that the site consists of 2 412.6 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 Despite section 2.1, the Development Permit Board may permit an increase in floor space ratio for dwelling uses only, not to exceed 10% of the total permitted floor space ratio for a building containing dwelling units, resulting from a transfer of extra density from a designated heritage property in relation to which its receipt was as compensation for the reduction in market value at the time of designation.

3.3 The floor space ratio for all uses, combined, must not exceed 16.1, except that if the development includes dwelling uses, the floor space ratio for all uses must not exceed 7.0.
[10198; 11 01 18]

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

3.5 Computation of floor space ratio must exclude:

- (a) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
- (b) the floors or portions of floors 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, which are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (c) 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;
- (d) amenity areas including day care facilities, recreation facilities, and meeting rooms, except that the total area excluded must not exceed 1 000 m²; and
- (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls

exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and

[10198; 11 01 18]

(f) with respect to exterior:

- (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
- (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in subsection (ii) meets the standards set out therein.

[10198; 11 01 18]

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

- (a) 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;
- (b) 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;
- (c) passive solar appurtenances to reduce solar heat gain;
- (d) structures such as pergolas, trellises, and tool sheds which support the use of intensive green roofs and urban agriculture; and
- (e) unenclosed outdoor areas recessed into or projecting from the building's exterior envelope, such as an open balcony, sundeck, porch, or roof garden, which the Director of Planning or Development Permit Board considers to contribute to the building's energy performance character or amenity, except that their total area must not exceed 2% of total floor area.

3.7 The use of floor space excluded under section 3.5 or 3.6 must not include any purpose other than that which justified the exclusion.

4 Height

4.1 The building height, measured above the base surface, must not exceed 91.44 m.

4.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as:
 - (i) elevator enclosures, lobbies, and stairwells that provide access for building occupants to rooftop common area,
 - (ii) guardrails that do not exceed the minimum height specified in the Building By-law, and
 - (iii) pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture,will not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
- (b) the Director of Planning or Development Permit Board first considers:
 - (i) all applicable policies and guidelines adopted by Council,
 - (ii) the submission of any advisory group, property owner, or tenant, and
 - (iii) the effects on public and private views, shadowing, privacy, and open spaces,

the Director of Planning or Development Permit Board may allow a greater height for any such structure.

5 Parking, loading, and bicycle parking

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

[10198; 11 01 18]

6 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

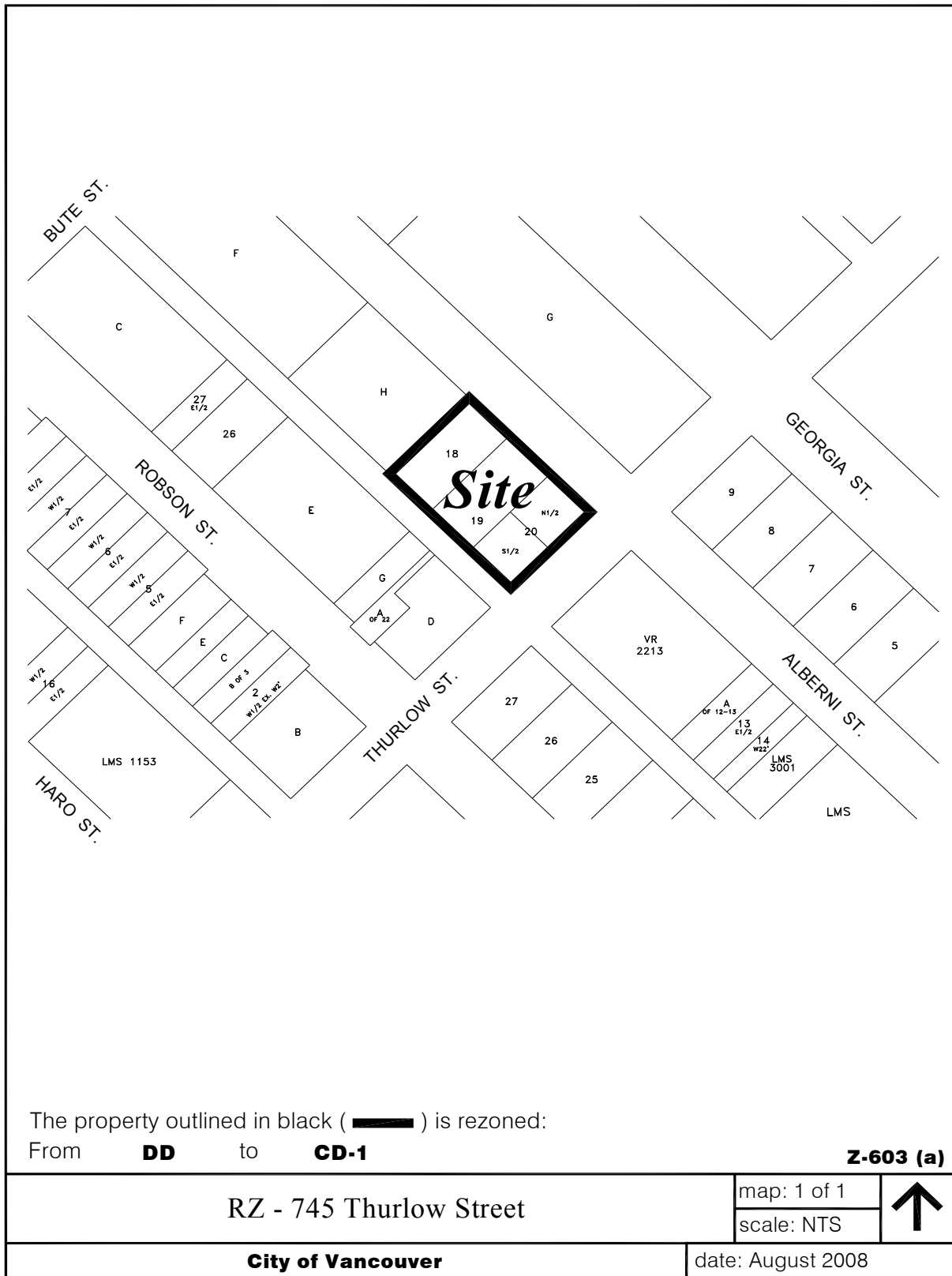
7 Severability

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.

8 Force and effect

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

ENACTED by Council this 21st day of September, 2010.



Backup Notes

Backup Notes

By-law No. 10129, dated September 21, 2010

REPORT TO COUNCIL
SPECIAL COUNCIL MEETING MINUTES

MAY 18 AND 20, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 18, 2010, at 7:30 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, official development plan, sign and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, May 20, 2010, at 7:38 pm.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman (May 18, 2010)
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs (May 20, 2010)
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Councillor Geoff Meggs (Leave of Absence - May 18, 2010 -
Items 1 through 9)
Councillor David Cadman (Sick Leave - May 20, 2010 - Item 10)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

~~4. Heritage Designation: 1476 Gravelly Street~~

~~An application by Cinnamon Bhayani and Galib Bhayani was considered as follows:~~

~~Summary: A heritage designation to preserve and protect the exterior of this heritage house as part of the Vancouver Heritage Foundation's *Restore It* grant program.~~

~~The Director of Planning recommended approval.~~

7. REZONING: 5912-5970 Oak Street

An application by Craig Rowland, Listraor Development Corporation was considered as follows:

Summary: To rezone from RS-1 (single-family) to Comprehensive Development (CD-1) District to permit a 27-unit townhouse development on four single-family lots.

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

Staff Opening Comments

Rezoning Centre staff responded 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 Woodsworth

- A. THAT the application by Listraor Development Corporation, to rezone 5912-5970 Oak Street (PID: 009-246-851, 009-246-916, 009-246-941 and 009-246-967 - Lots 1, 2, 3 and 4, Block I of Block 1008, DL 526, Plan 10897) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 27 rowhouses at a floor space ratio of 1.0, generally as presented in Appendix A, to the Policy Report, "*CD-1 Rezoning - 5912-5970 Oak Street*", dated April 6, 2010, be approved, subject to the following conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Formwerks Architectural, and stamped "Received City Planning Department, December 14, 2009", 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 site boundaries to create individual solutions to each condition;

Note to Applicant: This can be achieved by reducing the setbacks at Oak Street and West 43rd Avenue and considering alternate siting of the east building. Grade transitions, especially at the south property line and lane must be stepped and landscaped appropriately.

- (ii) Design development to the buildings forms to create variety and articulation;

Note to Applicant: This can be achieved by stepping the building façade, varying the form at key points of the development and creating individual, rather than continuous, dormers at each unit.

- (iii) Design development to visually strengthen the architectural approach at the site corners;

Note to Applicant: The site corners should have a design approach that differs from the street wall design. The approach could engage significant variations in the exterior wall planes. The entry to the southwest unit should face Oak to better engage the dominant street frontage.

- (iv) Design development to the semi-private courtyard, creating areas of special interest and focus, providing more variety and opportunities for social interaction;

- (v) Provision of high quality wall treatment, such as quarried stone or true brick, to any retaining walls visible from the streets;

- (vi) Design development to provide a weather protected cover over all open stairs to the underground parking structure;

Note to Applicant: The stairs and the exposed parking ramp should be well integrated with the overall landscaping.

- (vii) In suite bulk storage areas must be located away from exterior walls, off of common hallways, and generally conform to the Administrative Bulletin, Bulk Storage - Residential Developments;

Landscape

Note to Applicant: these comments respond to the Rezoning submission package, dated December 15, 2009 and the revised landscape plan, dated March 11, 2010.

- (viii) Design development to provide sufficient soil depth and volume to ensure long term plant health;

Note to Applicant: soil depths should meet or exceed BCLNA Landscape Standards (latest edition).

- (ix) Provide a detailed Landscape Plan illustrating soft and hard landscape treatment;

Note to Applicant: the Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

- (x) New street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit;

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan, as follows: "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion."

- (xi) Provide a Tree Plan, including dimensioned tree protection barriers;

Note to Applicant: refer to *Protection of Trees By-law* (sec. 4.0, 4.3).

- (xii) Provide large scale sections [typical] through the landscaped areas, including the townhouse interface, the slab-patio-planter relationship, the lane interface and common areas;
- (xiii) Provide illustration of spot elevations to all outdoor areas (including top/ bottom walls), including offsite context spot elevations in proximity (such as the lane, for example);
- (xiv) Provide an efficient irrigation system for all common outdoor planters and individual hose bibs to be provided for all patios of 100 sq. ft. or greater. Specification notes and irrigation symbols to this effect should be added to the drawing;

- (xv) Explore opportunities to mitigate blank walls in the lane.

Note to Applicant: in consideration of CPTED principles, exposed walls should be textured to discourage graffiti. In addition, "vine pockets" can be located near the lane edge to establish plants on walls.

Crime Prevention Through Environmental Design (CPTED)

- (xvi) Design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for graffiti on lane retaining walls;

Sustainability

- (xvii) Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a score of Energuide 80;

Note to applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how a score of Energuide 80 will be achieved. Both checklist and description should be incorporated into the drawing set.

Engineering

- (xviii) Delete portion of footing shown encroaching into the lane on Page A4.1;

Note: final footing design is to have no portions encroaching beyond the property lines;

- (xix) Delete gate-swings shown over the north property line on Page PLP-01;
- (xx) The Legal Description on page A-O.1 should correctly read "Block I", rather than "Block 1", and should also include Lot 4;
- (xxi) Modify the planters adjacent the parking ramp by lowering them to height not greater than 3' for a distance of 4' to 6' on either side of the ramp to provide improved visibility of vehicles in the lane;
- (xxii) The plans should clearly identify the bicycle parking requirements for bicycle lockers and duplex receptacles as per the Parking By-Law;
- (xxiii) Provide details of garbage pick up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown on the plans;
- (xxiv) Clarify/provide recycling storage and pick up locations;
- (xxv) Delete portions of curbing that appear to extend into the lane; (PLP-01)

- (xxvi) First risers are to be located a minimum of 1'-0" behind the property line; (2 entries along the lane on PLP-01)
- (xxvii) Show root barriers for all proposed street trees;
- (xxviii) Proposed boulevard plantings must meet the Engineering Dept. Boulevard Planting guidelines.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) Provide to the Director of Legal Services a title charge summary in accordance with her specifications;
 - (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 - (1) Consolidation of Lots 1 to 4, Block I of Block 1008, DL 526, Plan 10897 into a single site.
 - (2) Release of Easement & Indemnity Agreement 452053M (crossing agreement), prior to issuance of any occupancy permit for the site.
 - (3) Provision of a new 1.8 m wide standard concrete sidewalk on the south side of 43rd Avenue from Oak Street to the lane east of Oak Street.
 - (4) Provision of a standard concrete lane entry at the lane east of Oak Street on the south side of 43rd Avenue.
 - (5) Provision of new curb ramps and curb return at the Oak Street and 43rd Avenue corner of the site.
 - (6) Provision of street trees adjacent the site where space permits.
 - (7) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required.
 - (8) 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 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.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix C, to the Policy Report, "CD-1 Rezoning - 5912-5970 Oak Street", dated April 6, 2010;and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the CD-1 By-law.

CARRIED UNANIMOUSLY

* * * * *

Prior to dealing with Item 8 it was

MOVED by Councillor Deal

THAT due to time constraints, Item 10 regarding 3333 Main Street be referred to Thursday, May 20, 2010, 7:30 pm.

CARRIED
(Councillor Anton opposed)

* * * * *

~~8. **TEXT AMENDMENT: 2908 West 33rd Avenue**~~

~~An application by Geoffrey Glotman, Mackenzie Street Development Inc., was considered as follows:~~

~~Summary: To amend Comprehensive Development (CD-1) #190 to permit a three-storey mixed residential development with retail on the corner.~~

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

~~**Staff Opening Comments**~~

~~Rezoning Centre staff reviewed the application and responded to questions~~

~~**Summary of Correspondence**~~

~~No correspondence had been received since referral to Public Hearing.~~

BY-LAWS

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1 to 4, 6, 8 to 10, 12, 14 and 17 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)


Councillor Jang rose and declared he had received a report of the Public Hearing in relation to By-law No. 15, and would therefore be voting on the By-law enactment.

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 5, 7, 11, 13, 15, 16, and 18 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

1. A By-law to amend By-law No. 9935 regarding miscellaneous amendments
2. A By-law to amend Vancouver Development Cost Levy By-law No. 9755 regarding 2010 rate adjustments
3. A By-law to amend Area Specific Development Cost Levy By-law No. 9418 regarding 2010 rate adjustments
4. A By-law to amend Noise Control By-law No. 6555 (2330-2372 Kingsway & 2319 East 39th Avenue)
5. A By-law to amend Sign By-law 6510 (1201-1215 Bidwell Street & 1702-1726 Davie Street)
(Councillor Cadman and the Mayor ineligible for the vote)
6. A By-law to amend Noise Control By-law No. 6555 (1201-1215 Bidwell Street & 1702-1726 Davie Street)
7. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (2304 West 8th Avenue)
(Councillors Louie, Reimer, and Stevenson ineligible for the vote)
8. A By-law to enact a Housing Agreement for 2304 West 8th Avenue

- 
9. A By-law to enact a Housing Agreement for 1772 Comox Street
 10. A By-law to amend Energy Utility System By-law No. 9552 regarding miscellaneous amendments
 11. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1142 Granville Street)
(Councillors Chow and Stevenson ineligible for the vote)
 12. A By-law to enact a Housing Agreement for 1142 Granville Street
 13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5912-5970 Oak Street)
(Councillor Meggs ineligible for the vote)
 14. A By-law to amend Subdivision By-law No. 5208 (5912-5970 Oak Street)
 15. A By-law to amend the Zoning and Development By-law No. 3575 to rezone an area to CD-1 (745 Thurlow Street)
(Councillors Chow, Meggs, Reimer, Woodsworth, and the Mayor ineligible for the vote)
 16. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (538-560 West Broadway)
(Councillor Reimer ineligible for the vote)
 17. A By-law to provide for the imposition of interest on delinquent property taxes for 2011
 18. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (3333 Main Street)
(Councillor Cadman ineligible for the vote)

MOTIONS

A. Administrative Motions

1. Expropriation of 4824 Knight Street for the Construction of Left Turn Bays on Knight Street at 33rd Avenue

MOVED by Councillor Woodsworth
SECONDED by Councillor Anton

WHEREAS

- A. The City of Vancouver requires:

Parcel Identifier: 013-635-832, Lot 4, Except: Firstly: The West 7 Feet Now Road, Secondly: Part Plan BCP9378; Block 7, District Lot 705, Plan 2571;

Backup Notes

By-law No. 10198, dated January 18, 2011

745 Thurlow Street

BY-LAW NO. 10198

A By-law to amend CD-1 By-law No.10131

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

1. This By-law amends the indicated provisions of CD-1 By-law No. 10131.
2. In Section 3.3, Council deletes "15.4", and substitutes "16.1".
3. In Section 3.5, Council repeals subsection (e) and substitutes:

"(e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and

(f) with respect to exterior:

- (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
- (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in subsection (ii) meets the standards set out therein."

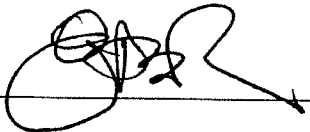
4. Council repeals section 5, and substitutes:

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

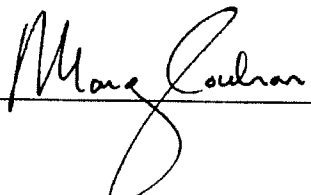
5. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

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

ENACTED by Council this 18th day of January, 2011



Mayor



City Clerk

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Meggs

SECONDED by Councillor Cadman

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1, 2 and 4, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

MOVED by Councillor Meggs

SECONDED by Councillor Cadman

THAT Council, except for those members ineligible to vote as noted below, enact the by-law listed on the agenda for this meeting as number 3, and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

1. **A By-law to establish the Board of Variance and to set out its procedure**
(By-law No. 10200)
2. **A By-law to amend the Vehicles for Hire By-law No. 6066**
(By-law No. 10197)
- 3. **A By-law to amend CD-1 By-law No. 10131 regarding 745 Thurlow Street**
(By-law No. 10198)
(Councillors Chow and Deal ineligible for the vote) ←

SPECIAL COUNCIL MEETING MINUTES

OCTOBER 19, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, October 19, 2010, at 7:30 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, sign and heritage by-laws.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs*
Councillor Andrea Reimer
Councillor Tim Stevenson*
Councillor Ellen Woodsworth

ABSENT: Councillor George Chow (Leave of Absence - Civic Business)
Councillor Heather Deal

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

~~1. **HERITAGE DESIGNATION: 795 East Pender Street**~~

~~An application by Michael Lemon, Birmingham and Wood Architects, was considered as follows:~~

~~Summary: To designate the existing building at 795 East Pender Street as protected heritage property.~~

~~The Director of Planning recommended approval, subject conditions as set out in the Public Hearing Agenda.~~

~~**Summary of Correspondence**~~

~~No correspondence had been received on this application.~~

- B. THAT the application to amend Comprehensive Development (CD-1) (494) By-law for 538-560 West Broadway to increase the amount of amenity space which may be excluded from floor space ratio computation, generally as presented in Appendix A of the Policy Report dated September 7, 2010, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law and to CD-1 By-laws for 6708-6776 Granville Street and for 538-560 West Broadway", be approved.

~~CARRIED UNANIMOUSLY~~

3. CD-1 TEXT AMENDMENT: 745 Thurlow Street

An application by Mark Thompson, Musson Cattell Mackey Partnership, was considered as follows:

Summary: To amend CD-1 By-law (493) for 745 Thurlow Street to increase the maximum allowable floor space ratio (FSR) from 15.4 FSR to 16.1 FSR.

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

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

- A. THAT the application from Musson Cattell Mackey Partnership to amend the CD-1 By-law (493) 745 Thurlow Street to increase the maximum allowable floor space ratio from 15.4 FSR to 16.1 FSR, generally as presented in Appendix A, to the Policy Report dated September 7, 2010, entitled "CD-1 Text Amendment - 745 Thurlow Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to the following:

Design Development

1. Design development to reduce the height of the building to ensure that there is no penetration into the "Heather Bay to Lions" View Cone;

(Note to applicant: Building height must not exceed 300 ft., as per the CD-1 By-law.)

Sustainability

2. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold; and

(Note to applicant: The LEED® checklist and written description of how the Gold level will be achieved should be incorporated into your development application drawing set.)

Engineering

3. One percent (1%) of the total number of required parking spaces must be designated as "Shared Vehicle Parking" spaces.

CONDITIONS OF BY-LAW ENACTMENT

- (b) That, prior to enactment of the CD-1 By-law amendments, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manger of Engineering Services and the Approving Officer as necessary, make arrangements for the following:

Public Art

1. Amend the Public Art Agreement registered in the Land Title Office under number BB1169637 to secure payment of additional public art fees in the amount of \$32,902 based on the new public art rate of \$1.81 per square foot.

- B. THAT A above be adopted on the following conditions:

- (i) THAT the passage of the above resolution 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 costs;
- (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.

CARRIED UNANIMOUSLY