

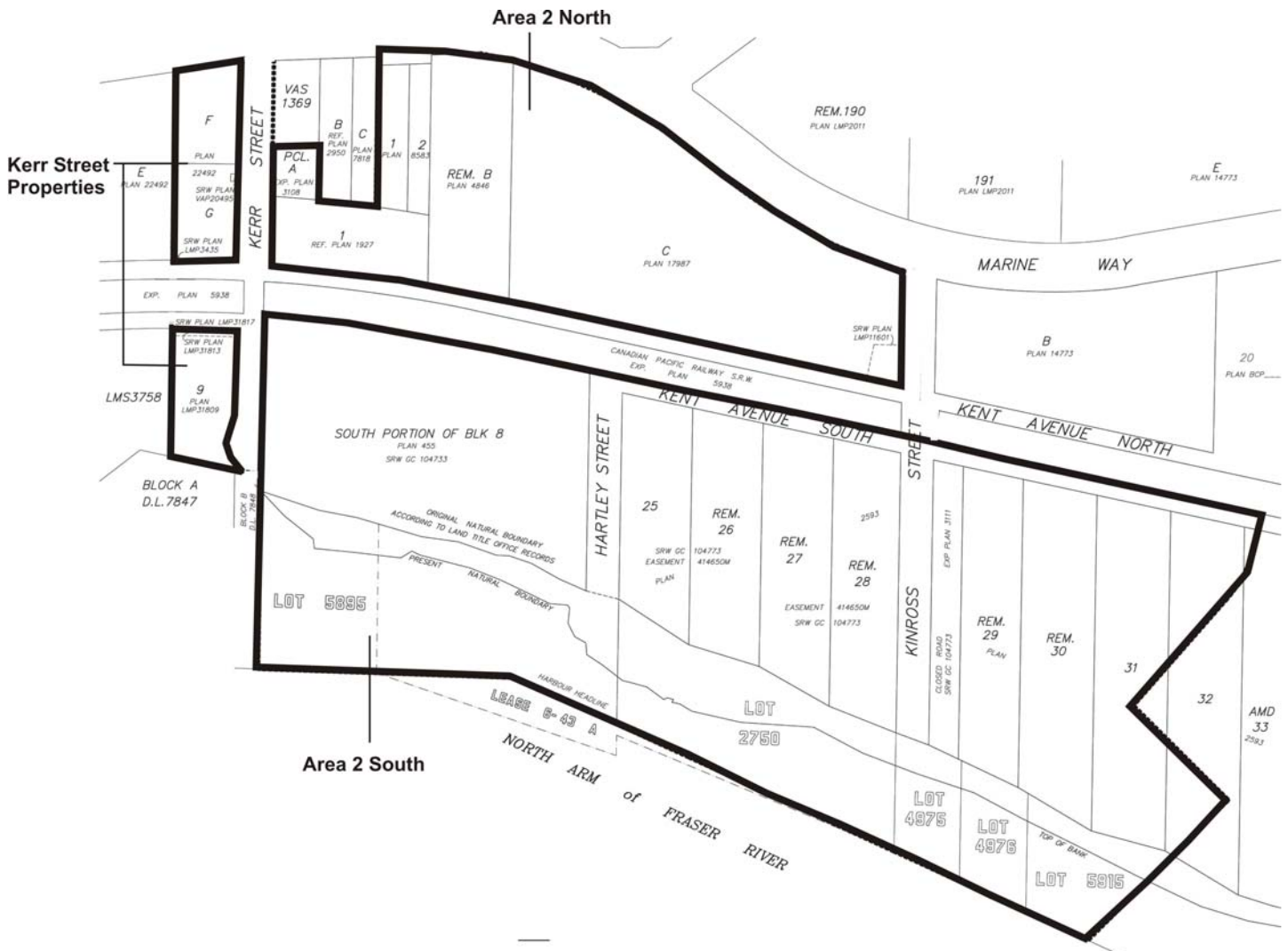
## Legal Lot Descriptions

Part 1: Kerr Street Properties							
Item	Address	PID	Lot	Plan	D.L.	Block	Zone
1	3098 S.E. Marine Drive	015-002-578	F	22492	330		
2	3099 East Kent Avenue North	015-002-586	G	22492	330		
3	3098 East Kent Avenue South	023-668-318	9	LMP31809 Group 1 New Westminster District	330, 2100 & 6320		

Part 2: Area 2 North							
Item	Address	PID	Lot	Plan	D.L.	Block	Zone
1	8450 Kerr St.	010-465-731	Lot A (Explanatory Plan 3108) of Lot 2	7062	330	Block A of Block 8	
2	8492 Kerr St.	010-014-730	Lot 1 of Lot D of Lot 3	8583	330	Block A of Block 8	
3	8492 Kerr St.	010-014-802	Lot 2 of Lot D of Lot 3	8583	330	Block A of Block 8	
4	8492 Kerr St.	011-300-477	Lot 1 (Ref. Plan 1927) of Lot A	4846	330 & 331	8	
5	3151 East Kent Ave. North	011-301-155	Lot B except part in Ref. Plan 10523, now Road	4846	330 & 331	8	
6	3250 Marine Way	007-236-417	C	17987	330		

Part 3: Area 2 South							
1	3198 Kent Ave. South	014-870-380	That part of Block 8 lying South of Right of Way shown on Explanatory Plan 5983	455	330		
2	3298 Kent Ave. South	013-594-168	25	2593	330 & 331	9, 10 and 16 to 19	
3	3298 Kent Ave. South	013-594-184	26	2593	330 & 331	9, 10 and 16 to 19	
4	3298 Kent Ave. South	013-594-192	27	2593	330 & 331	9, 10 and 16 to 19	
5	3298 Kent Ave. South	013-594-214	28	2593	330 & 331	9, 10 and 16 to 19	
6	3450 Kent Ave. South East	013-594-770	The closed portion of Kinross St. shown on Explanatory Plan 3111	2593	330 & 331	9, 10 and 16 to 19	
7	3310 East Kent Ave. South	013-594-265	Lot 29 except the W 66 ft. now road	2593	330 & 331	9, 10 and 16 to 19	
8	3310 East Kent Ave. South	013-594-303	30	2593	330 & 331	9, 10 and 16 to 19	
9	3310 East Kent Ave. South	013-594-338	31	2593	330 & 331	9, 10 and 16 to 19	
10	3310 East Kent Ave. South	013-594-346	32	2593	330 & 331	9, 10 and 16 to 19	
11	3310 East Kent Ave. South	013-594-419	Amended Lot 33 (see 53754K)	2593	330 & 331	9, 10 and 16 to 19	
12	Water Lot 2750	015-898-466	Water Lot 2750, Group 1				
13	Water Lot 5895	015-821-935	Water Lot 5895, Group 1				

## Survey Plan



*The draft by-law is subject to change and refinement prior to posting.*

Miscellaneous text amendments

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend East Fraser Lands  
Official Development Plan By-law No. 9393**

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

1. This By-law amends the indicated provisions and figures of the East Fraser Lands Official Development Plan By-law.
2. From the definition of "areas" in section 1.1, Council strikes out "1, 2, 3, 4, 5, and 6", and substitutes "1, 2, 3, 4, and 5".
3. In section 3.5.4, Council strikes out "area 4" and substitutes "area 3"
4. In section 3.5.5 (b), Council strikes out "area 4" and substitutes "area 1"
5. In section 3.5.6 (a)(iv), Council:
  - (a) strikes out "two"
  - (b) strikes out "each consisting of 125 spaces" and substitutes "to include a total of 140 spaces"
6. In section 4.3.1 (d), Council:
  - (a) strikes out "mid-rise"
  - (b) strikes out "seven" and substitutes "eleven"
7. In section 4.3.4, Council strikes out "seven" and substitutes "eleven"
8. In section 5.1.2 (c), Council strikes out "the area 1"
9. In section 5.2.4, Council:
  - (a) strikes "or in" and substitutes ", "

(b) adds "or market housing"

10. Council repeals Section 6, and substitutes:

**Section 6  
Development Phasing**

**Areas**

- 6.1 Each area is to include the following uses and restrictions on use:

***Area 1***

- 6.1.1 Area 1 is to include:

- (a) residential floor area consisting of approximately 306 802 m<sup>2</sup>,
- (b) retail floor area consisting of no more than 23 350 m<sup>2</sup>,
- (c) flex use floor area consisting of no more than 24 900 m<sup>2</sup>,
- (d) park and public open space consisting of at least 3.5 hectares,
- (e) a community centre consisting of at least 2 790 m<sup>2</sup>,
- (f) a 69 space child care facility located in the community centre,
- (g) a 49 space child care facility located on Parcel 19,
- (h) 60 out-of-school spaces located in the community centre,
- (i) at least 12% of the residential floor area is to be available for affordable housing, and
- (j) at least 54.5% of the affordable housing floor area is to be suitable for families with children.

***Area 2***

- 6.1.2 Area 2 is to include:

- (a) residential floor area consisting of approximately 145 157 m<sup>2</sup>,
- (b) park and public open space, consisting of at least 4.2 hectares,

- (c) an elementary school site consisting of at least 0.44 hectares,
- (d) a 69 space child care facility located in the elementary school,
- (e) a 69 space child care facility located on Parcel 5B,
- (f) 80 out-of-school spaces, 60 of which are to be within the school and 20 of which are to be within the child care facility on the school site,
- (g) at least 13.8% of the residential floor area is to be available for affordable housing, and
- (h) at least 100% of the affordable housing floor area is to be suitable for families with children.

### *Area 3*

6.1.3 Area 3 is to include:

- (a) residential and light industrial live-work floor area consisting of approximately 194 471 m<sup>2</sup>,
- (b) small convenience retail stores,
- (c) park and public open space consisting of at least 2.5 hectares,
- (d) a secondary school site consisting of at least 0.57 hectares,
- (e) at least 27.3% of the residential floor area is to be available for affordable housing, and
- (f) 53.7% of the affordable housing floor area is to be suitable for families with children.

### *Area 4*

6.1.4 Area 4 is to include:

- (a) residential floor area consisting of no more than 7 120 m<sup>2</sup>,
- (b) at least 20% of the residential units are to be available for affordable housing, and
- (c) at least 50% of the affordable housing units are to be suitable for families with children.

### *Area 5*

6.1.5 Area 5 is to include:

- (a) residential floor area consisting of no more than 17 850 m<sup>2</sup>,
- (b) at least 20% of the residential units are to be available for affordable housing, and
- (c) at least 50% of the affordable housing units are to be suitable for families with children.

### **Objectives of phasing strategy**

6.2 The principal objectives underpinning the phasing strategy are to:

- (a) establish a sense of place and identity for the new community at the earliest opportunity;
- (b) ensure a balance between occupancy of dwelling units and provision of local amenities such as shops, services, community facilities, and parks;
- (c) ensure efficient construction or installation of infrastructure and utilities to support the development;
- (d) minimize disruption from construction to existing and new residents; and
- (e) ensure the economic viability of the project.

### **Development phasing**

6.3 The anticipated sequence of phasing is to follow Phases A, B, C, D, E, and F as shown on Figure 18, except that:

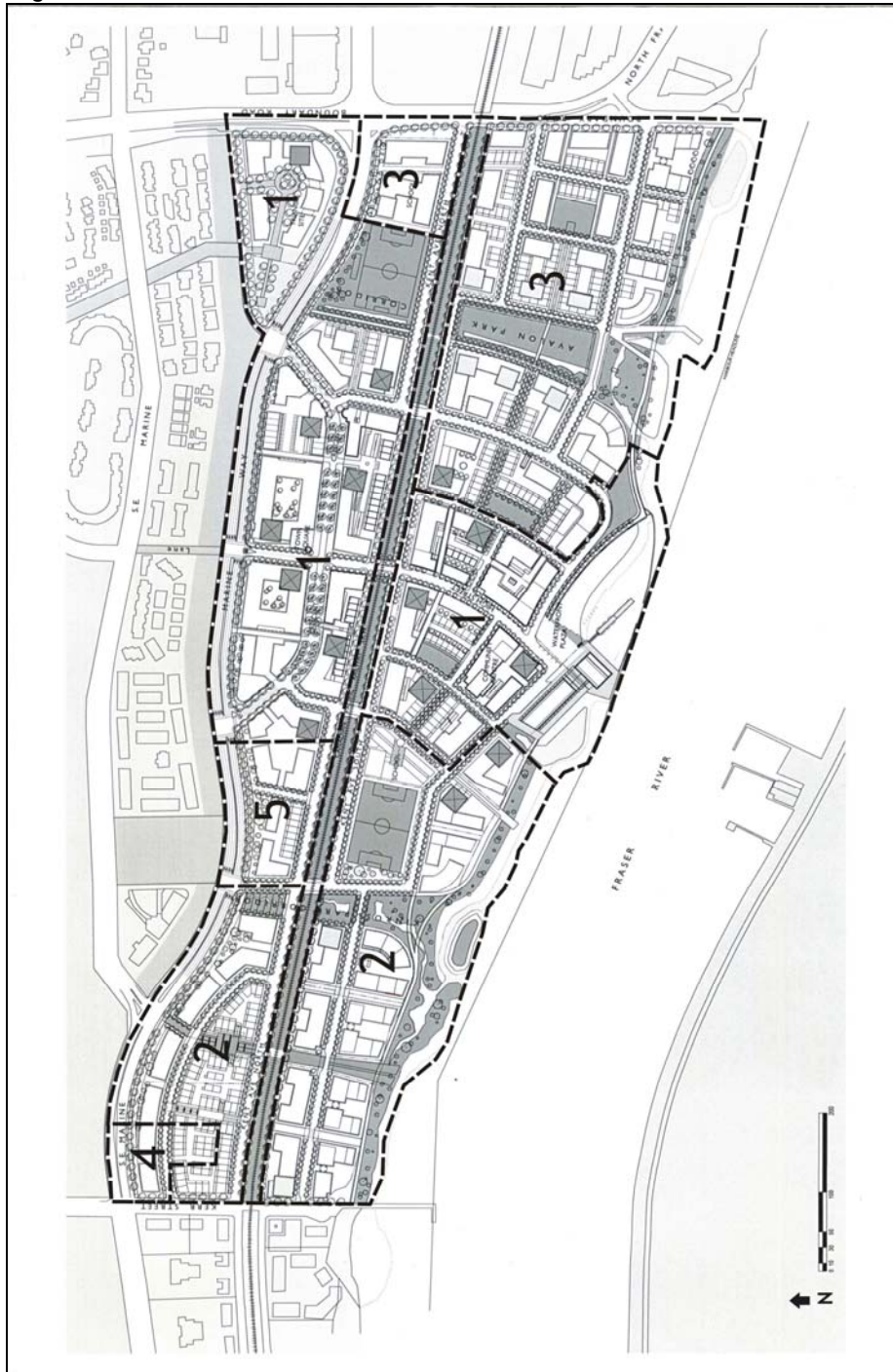
- (a) the development of Phases B and C may occur in advance of the anticipated sequence; and
- (b) the anticipated sequence is to be subject to review from time to time, always in light of the objectives set out in section 6.2, but taking into account factors such as the considerable length of the development process and market conditions prevailing at the time of the review, and,



as a result of any such review, Council may refer a proposed change in sequence to public hearing.”

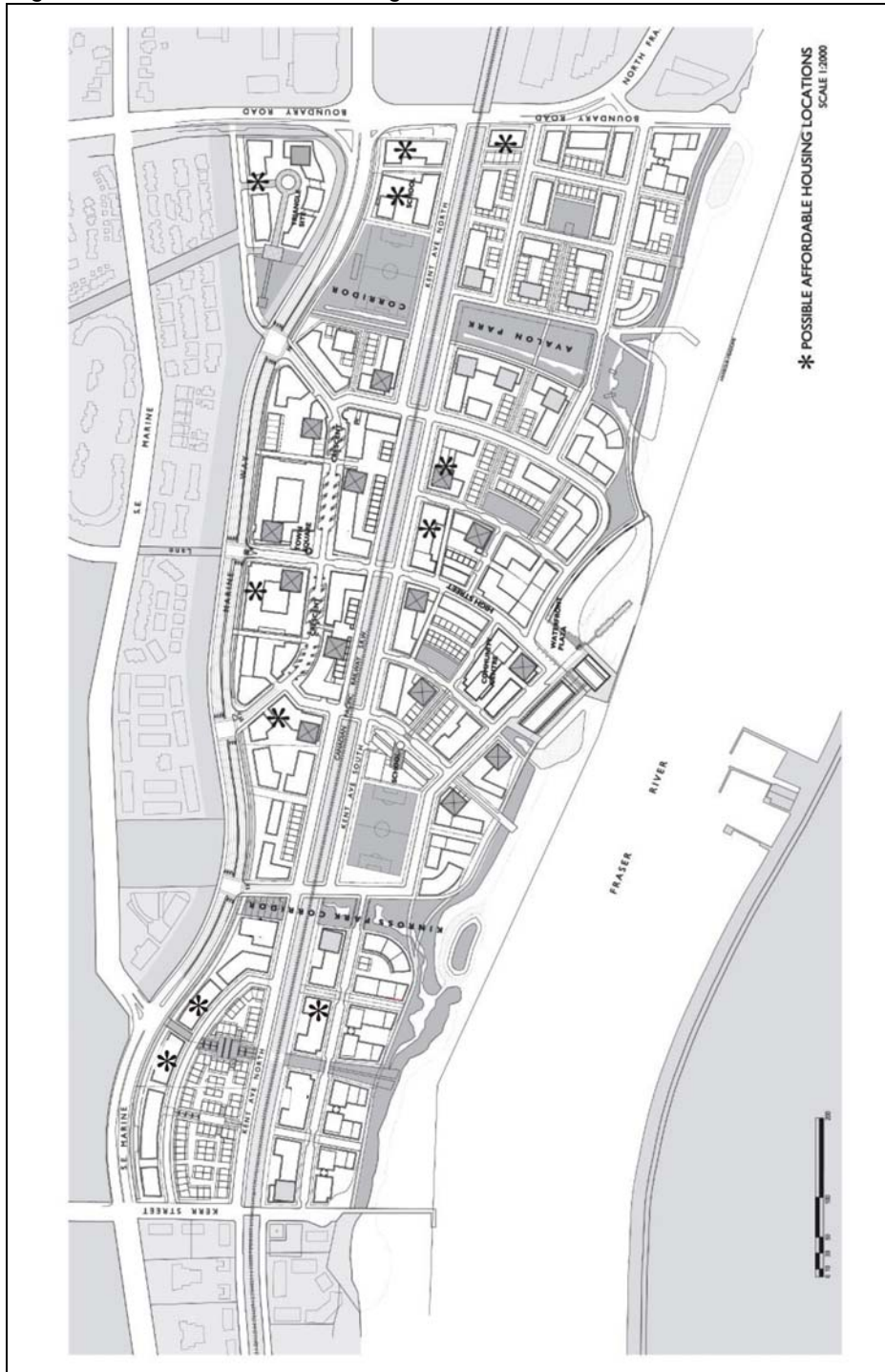
11. Council repeals Figure 3, and substitutes the following:

Figure 3: Areas



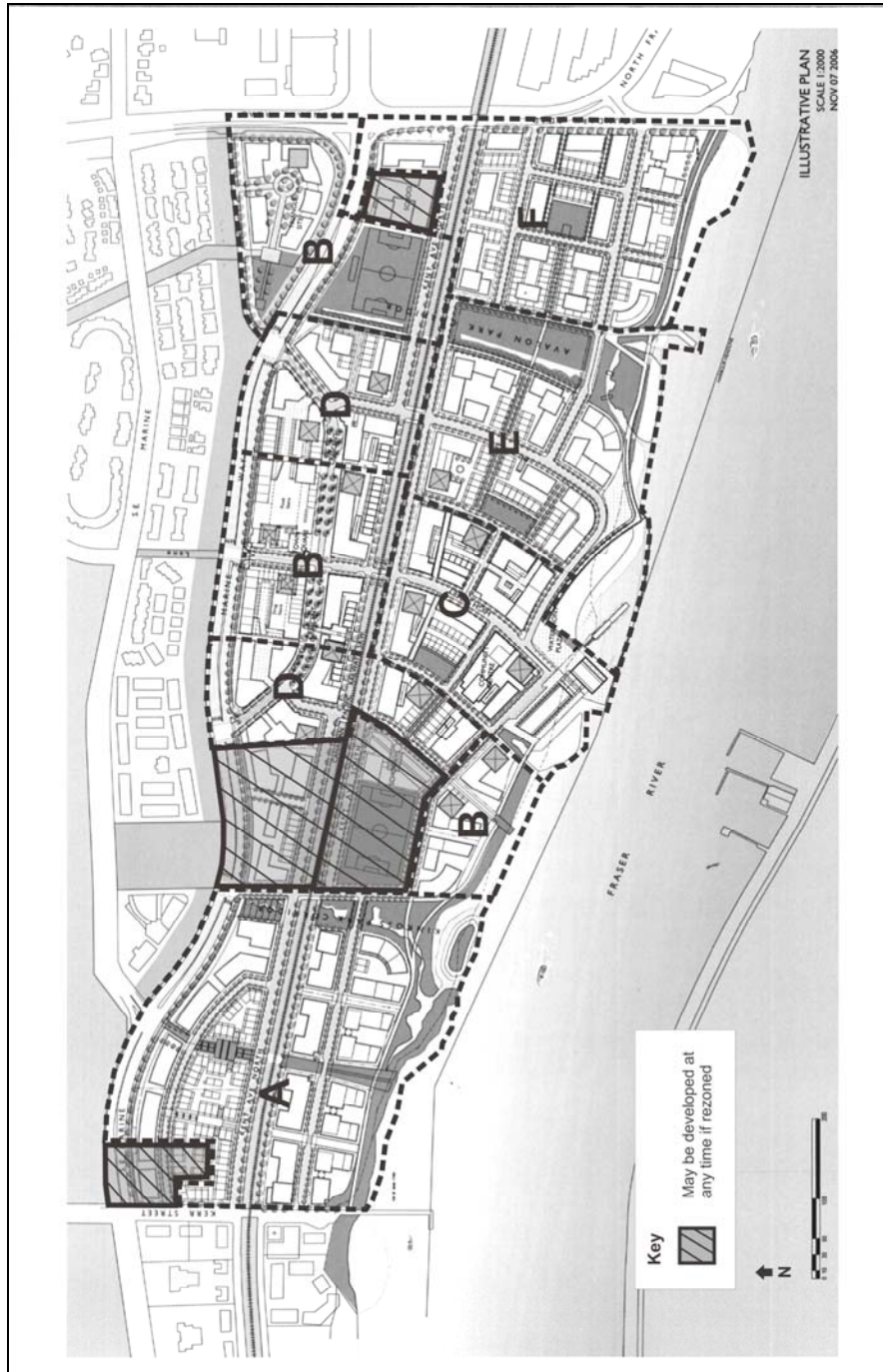
12. Council repeals Figure 17, and substitutes the following:

Figure 17: Affordable housing



13. After Figure 17, Council adds the following as Figure 18:

Figure 18: Development Phases



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

ENACTED by Council this                      day of                      , 2010

Mayor

City Clerk

*The draft by-law is subject to change and refinement prior to posting.*

Kent Avenue South  
building lines

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend  
Zoning and Development By-law No. 3575**

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

1. To Part II of Schedule E to the Zoning and Development By-law, to the end of the paragraph headed "**Kent Avenue South from Ash Street to Boundary Road**", before the period, Council adds:

" , and also save and except that portion of Kent Avenue South lying between Kerr Street and Kinross Street".

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

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

*The draft by-law is subject to change and refinement prior to posting.*

Town Square Precinct  
East Fraser Lands

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend *CD-1 By-law No. 9732 and CD-1 By-law No. 9733 and  
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 and CD-1 Plans Amendment**

*1.1 Council removes from the lands that are subject to CD-1 By-law No. 9732 and CD-1 By-law No. 9733 those portions of the lands shown on the plan marginally numbered Z-603(e)(i) attached as Schedule A to this By-law, and deems such lands to form part of Schedule D to By-law No. 3575, as it did before enactment of CD-1 By-law No. 9732 and CD-1 By-law No. 9733, pending its inclusion in this CD-1 By-law under section 1.2.*

1.2 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(e) (i) 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:

“CD-1 (\_\_\_\_\_)” means that area of land shown within the heavy black outline on Schedule A;

“principal dwelling unit combined with a secondary dwelling unit” means a dwelling unit, other than a seniors supportive or assisted housing unit or a live-work unit, within a multiple dwelling, whether or not the multiple dwelling use is part of a mixed use building, which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit may have either shared or separate external access but must have shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;

“secondary dwelling unit” means a secondary dwelling unit referred to in the definition of “principal dwelling unit combined with a secondary dwelling unit”;

“sub-area 1” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-603(e) (ii) attached as Schedule A to this By-law;

“sub-area 2” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-603(e) (ii) attached as Schedule A to this By-law; and

“sub-area 3” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-603(e) (ii) attached as Schedule A to this By-law.

## Uses

3.1 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 (\_\_\_\_) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are those uses which this Section 3 lists.

3.2 Uses permissible in CD-1 (\_\_\_\_) are:

- (a) Dwelling Uses, limited to:
  - (i) Multiple Dwelling,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
  - (iii) Seniors Supportive or Assisted Housing, and
  - (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;
- (b) *Cultural and Recreational Uses, limited to Park or Playground;*
- (c) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (d) Interim Uses not listed in sections 3.2, 3.3, 3.4, or 3.5, 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 (\_\_\_\_),
- (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
- (v) any development permit for an interim use has a time limit of three years.

3.3 In addition to the uses set out in section 3.2, uses permissible in sub-area 1 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class A, Fitness Centre, Library, Museum or Archives, Personal Training Centre, and Theatre;
- (b) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
- (c) Office Uses;
- (d) Retail Uses, not including Adult Retail Store, Gasoline Station - Full Service, Gasoline Station - Split Island, Pawn Shop, and Vehicle Dealer; and
- (e) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade; and
- (f) Accessory Uses customarily ancillary to the uses listed in this section 3.3.

3.4 In addition to the uses set out in section 3.2, uses permissible in sub-area 2 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class A, Club, Fitness Centre, Hall, Library, Museum or Archives, Personal Training Centre, and Theatre;
- (b) Institutional Uses, limited to Child Day Care Facility, Church, Community Care Facility, Group Residence, and Social Service Centre;

- (c) Live-Work Use;
- (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Brewery and Distilling, Clothing Manufacturing, Dairy Products Manufacturing, Jewellery Manufacturing, Leather Manufacturing, Printing or Publishing, Textiles or Knit Goods Manufacturing, and Wood Products Manufacturing;
- (e) Office Uses;
- (f) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Bed and Breakfast Accommodation, Cabaret, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade; and
- (g) Accessory Uses customarily ancillary to the uses listed in this section 3.4.

3.5 Uses permissible in sub-area 3 include only the uses set out in section 3.2.

#### Conditions of use

4.1 The design and lay-out of at least 35% 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".

4.2 At least 317 dwelling units, other than live-work units, must consist of affordable housing dwelling units designed to be affordable to persons who make up a core need household where such persons pay more than 30% of their combined gross annual income to rent an adequate and suitable rental unit, including utilities, to meet the basic housing needs of the household at an average market rate.

4.3 Of the 317 dwelling units referred to in section 4.2, at least 40 dwelling units must be for family housing as defined in the "High Density Housing for Families with Children Guidelines".

4.4 In sub-area 1, except for dwelling units fronting directly on Marine Way, the rail corridor as defined in the East Fraser Lands Official Development Plan, or on courtyards, a dwelling use must be on the second or a higher floor of a building.

4.5 In sub-area 1, a personal training centre, school - arts or self-improvement, or office must be on the second or a higher floor of a building except that advertising, financial institution, health care, insurance, real estate, travel, and ticket agency offices may be at grade.

4.6 In sub-area 2, the first storey of a building containing a manufacturing use, to a depth of 4.5 m from the front wall of the building and extending across its full width, must benefit pedestrian character to the satisfaction of the Director of Planning or Development Permit Board.

4.7 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).

4.8 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.

### Density

5.1 The floor area for all uses, combined, must not exceed 179 483 m<sup>2</sup>.

5.2 The floor area for all dwelling uses, combined, must not exceed 140 594 m<sup>2</sup>.

5.3 The floor area for all cultural and recreational uses, institutional uses, office uses, retail uses, and service uses in sub-area 1, combined, must not exceed 15 183 m<sup>2</sup>.

5.4 The floor area for all cultural and recreational uses, institutional uses, live-work uses, manufacturing uses, office uses, and service uses in sub-area 2, combined, must not exceed 23 726 m<sup>2</sup>.

5.5 The floor area for office uses, combined, must not exceed 14 442 m<sup>2</sup>.

5.6 The floor area for a manufacturing use in sub-area 2 must not exceed 200 m<sup>2</sup>.

5.7 In each of sub-areas 1 and 2, an accessory use must not exceed a gross floor area equal to 25% of the gross floor area of the principal use to which it is ancillary.

5.8 The number of principal dwelling units combined with secondary dwelling units in a building must not exceed 25% of the total number of dwelling units in that building.

5.9 A secondary dwelling unit must consist of at least 19 m<sup>2</sup>.

5.10 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) in the case of a dwelling use or live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.

5.11 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 m<sup>2</sup> 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 7 000 m<sup>2</sup>; 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 406 mm thickness based on an overall wall performance of R15 or greater.

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

- (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, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:
  - (i) the total area of all open balcony or sun deck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (b) enclosed residential balconies 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 balcony enclosure,
  - (ii) the enclosed balconies are part of dwelling units in the first nine storeys that front Marine Way, and
  - (iii) the total area of enclosed balcony does not exceed 4% of residential floor area fronting on Marine Way;
- (c) 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, energy efficiency, or occupant comfort;

- (d) 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;
- (e) despite section 5.10(c), open to below spaces or double height volumes in two storey live-work units, to a maximum of 30% of the floor area of the first floor of that unit, if:
  - (i) the design of the unit provides for open-to-below or double-height volume located at the street frontage with a depth of at least 3 m along 65% of the frontage,
  - (ii) a 30% volume remains open to below, and
  - (iii) there is a demonstration of an approvable second level design at the time of application for a development permit, regardless of whether the second level is constructed at time of occupancy;
- (f) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
- (g) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
- (h) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 5.10(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and
- (i) floor space devoted to passive design elements such as larger ventilation shafts, or other elements providing ventilation and light within buildings if:
  - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and

- (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

5.13 The use of floor space excluded under section 5.11 or 5.12 must not include any purpose other than that which justified the exclusion.

### 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, for each development parcel illustrated on the plan marginally numbered Z-603(e) (iii) attached as Schedule A to this By-law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:

Development Parcel	Number of storeys	Maximum building heights in metres
13	20	65.0
14	7	30.67
15	17	56.62
16	25	80.62
17	19	62.62
18	25	80.62
19	18	59.62

6.2 If the uppermost level of a building:

- (a) consists of the upper floors of two storey dwelling units;
- (b) does not exceed 40% of the floor area below it;
- (c) provides rooftop access to private outdoor space and usable roof area; and
- (d) meets the intent of the CD-1 design guidelines adopted by Council for it;

then, for the purposes of section 6.1, the uppermost level is not a storey.

6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

#### **Parking, loading, and bicycle spaces**

7. 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:

- (a) with respect to multiple dwelling uses:
  - (i) each dwelling unit that consists of less than 112.5 m<sup>2</sup> of gross floor area must have at least 1 parking space for each 75 m<sup>2</sup> of gross floor area,
  - (ii) each dwelling unit that consists of 112.5 m<sup>2</sup> or more of gross floor area must have at least 1.5 parking spaces for each dwelling unit,
  - (iii) each dwelling unit must have at least 0.1 visitor parking spaces,
  - (iv) each dwelling unit that consists of less than 130 m<sup>2</sup> of gross floor area must have no more than 1 parking space for each 65 m<sup>2</sup> of gross floor area,
  - (v) each dwelling unit that consists of 130 m<sup>2</sup> or more of gross floor area must have no more than 2 parking spaces for each dwelling unit,
  - (vi) each dwelling unit must have no more than 0.2 visitor parking spaces, and
  - (vii) despite clauses (iv) and (v), if the maximum number of parking spaces calculated at a rate of 1 space for each 65 m<sup>2</sup> of gross floor area results in less than the total number of dwelling units in the building, excluding



secondary dwelling units then each dwelling unit must have no more than 1 parking space;

- (b) with respect to live-work use, each dwelling unit:
  - (i) that consists of 75 m<sup>2</sup> or less of gross floor area must have at least 1 parking space for each dwelling unit,
  - (ii) that consists of more than 75 m<sup>2</sup> must have at least 1 parking space for each dwelling unit plus at least 1 parking space for each additional 75 m<sup>2</sup> of gross floor area above 75 m<sup>2</sup> of gross floor area,
  - (iii) must have at least 0.2 visitor parking space for each dwelling unit,
  - (iv) that consists of 75 m<sup>2</sup> or less of gross floor area must have no more than 1.3 parking space for each dwelling unit,
  - (v) that consists of more than 75 m<sup>2</sup> must have no more than 1.3 parking space for each dwelling unit plus 1 parking space for each additional 75 m<sup>2</sup> of gross floor area above 75 m<sup>2</sup> of gross floor area, and
  - (vi) must have no more than 0.5 visitor parking spaces for each dwelling unit;
- (c) with respect to affordable housing, each dwelling unit must have:
  - (i) at least 0.4 parking space,
  - (ii) at least 0.1 visitor parking space,
  - (iii) not more than 1 parking space, and
  - (iv) not more than 0.2 visitor parking space.

## Acoustics

8. All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35

Living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

### Severability

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

### Force and effect

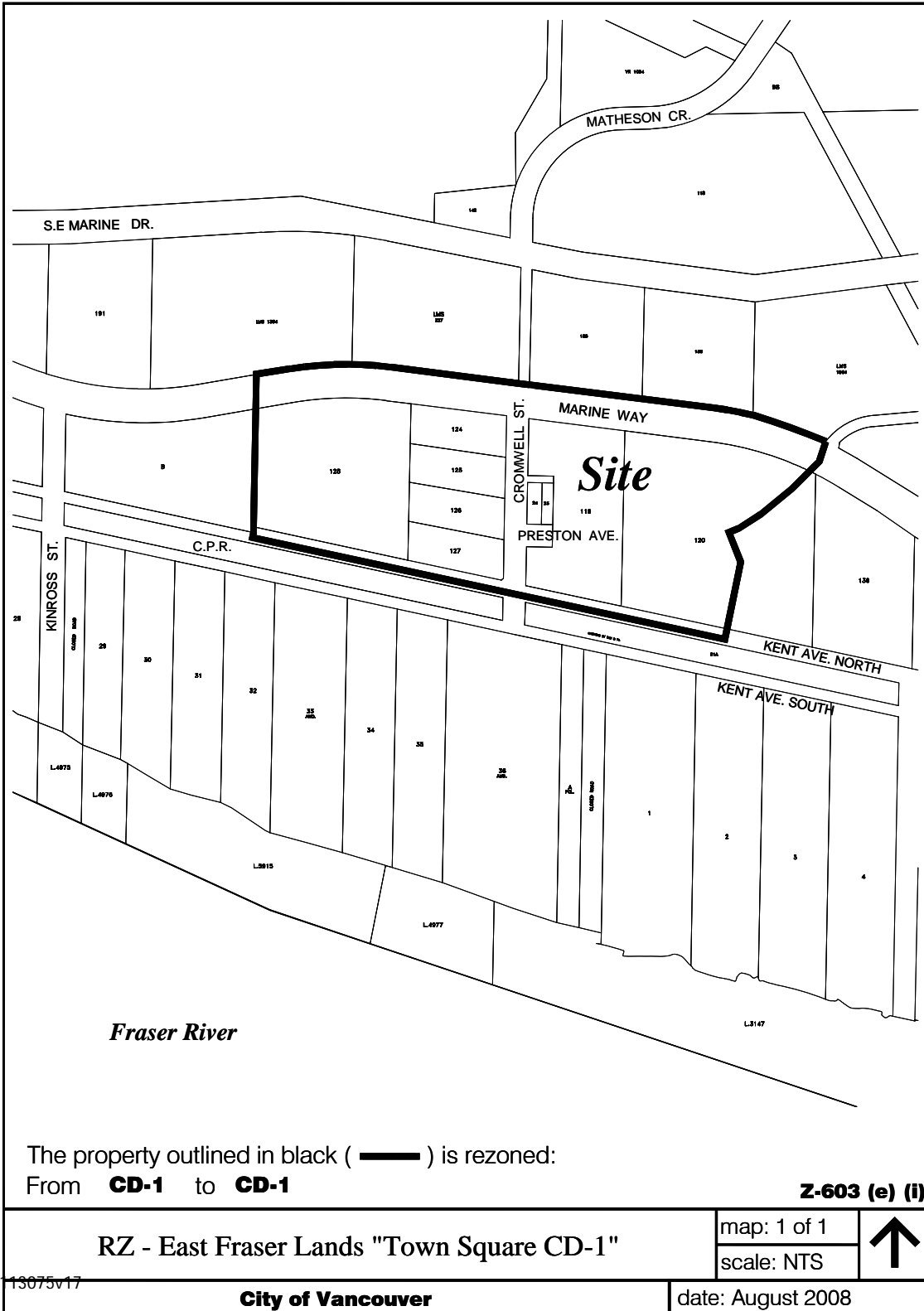
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this       day of       , 2010

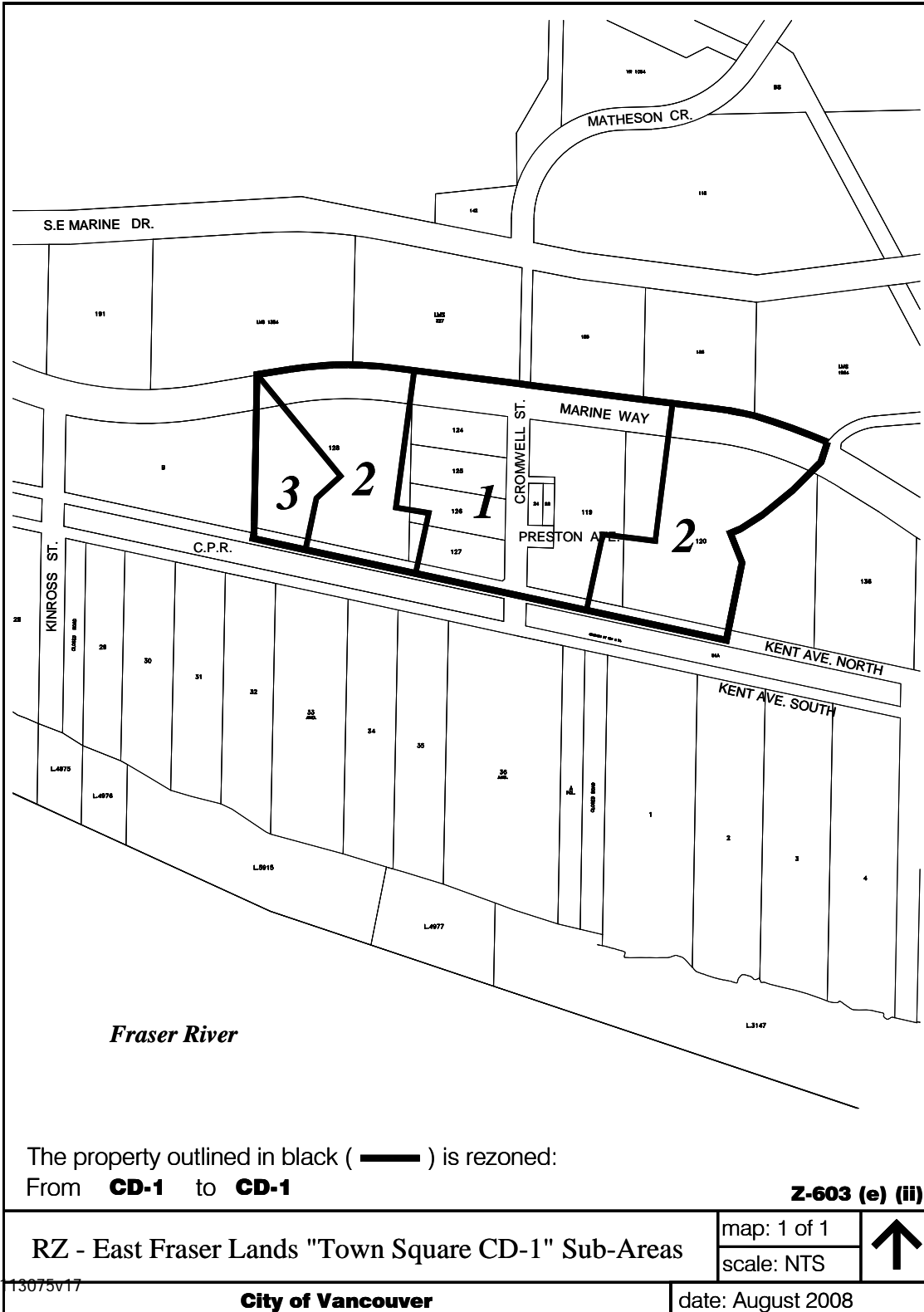
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

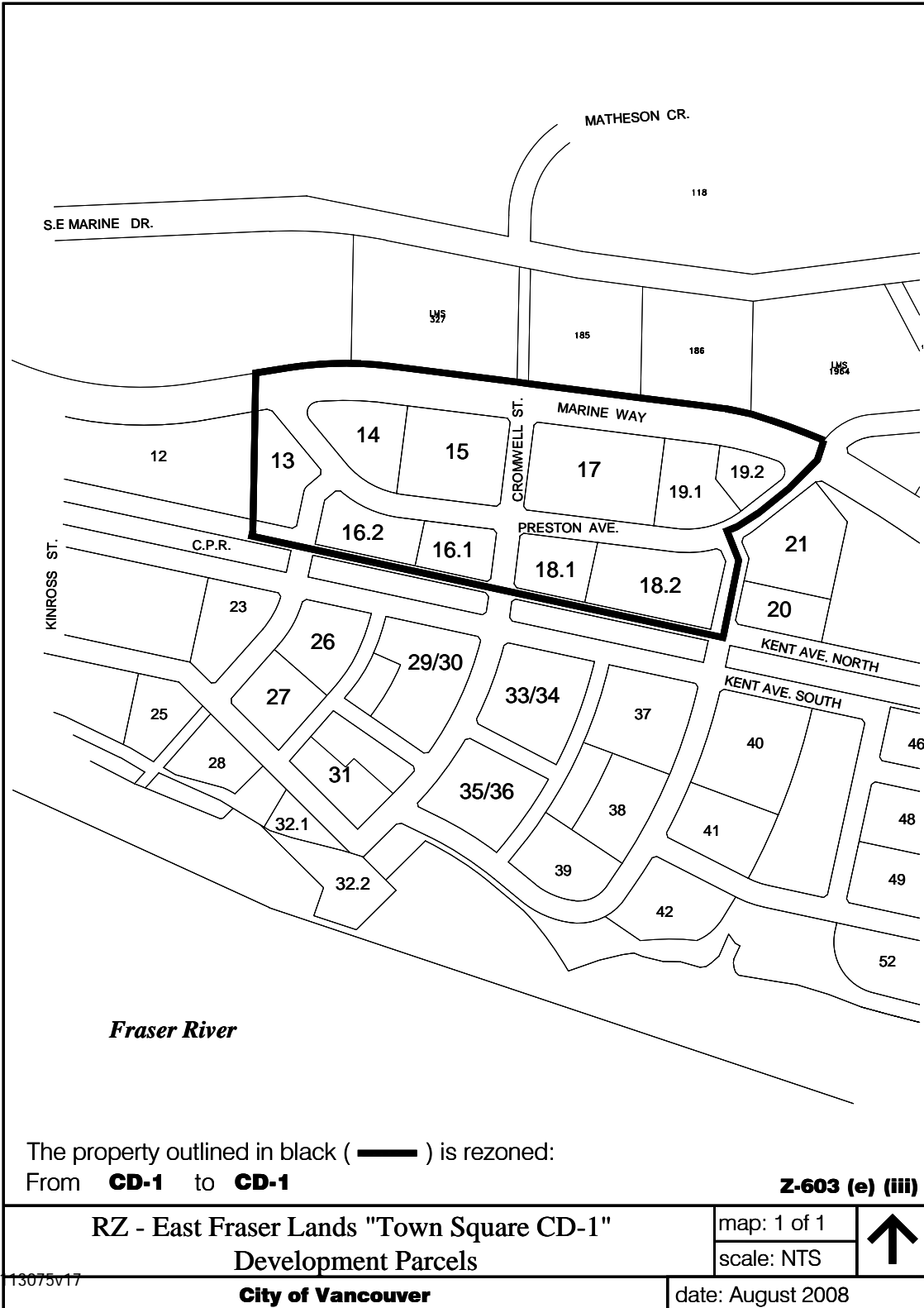
**Schedule A**



**Schedule A**



**Schedule A**



*The draft by-law is subject to change and refinement prior to posting.*

Park Precinct  
East Fraser Lands

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend *CD-1 By-law No. 9733 and  
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 and CD-1 Plan Amendment**

*1.1 Council removes from the lands that are subject to CD-1 By-law No. 9733 those portions of the lands shown on the plan marginally numbered Z-603(g)(i) attached as Schedule A to this By-law, and deems such lands to form part of Schedule D to By-law No. 3575, as it did before enactment of CD-1 By-law No. 9733, pending its inclusion in this CD-1 By-law under section 1.2.*

1.2 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(g) (i) 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:

“CD-1 (\_\_\_\_\_)” means that area of land shown within the heavy black outline on Schedule A;

“principal dwelling unit combined with a secondary dwelling unit” means a dwelling unit, other than a seniors supportive or assisted housing unit, within a multiple dwelling, whether or not the multiple dwelling use is part of a mixed use building, which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit may have either shared or separate external access but must have shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence; and

“secondary dwelling unit” means a secondary dwelling unit referred to in the definition of “principal dwelling unit combined with a secondary dwelling unit”.

## Uses

3.1 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 (\_\_\_\_) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are those uses which this Section 3 lists.

3.2 Uses permissible in CD-1 (\_\_\_\_) are:

- (a) Dwelling Uses, limited to:
  - (i) Multiple Dwelling,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
  - (iii) Seniors Supportive or Assisted Housing, and
  - (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;
- (b) Parking Uses, limited to Parking Area;
- (c) *Cultural and Recreational Uses, limited to Park or Playground;*
- (d) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (e) Interim Uses not listed in 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 (\_\_\_\_),

- (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
- (v) any development permit for an interim use has a time limit of three years.

### Conditions of use

4.1 The design and lay-out of at least 35% 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".

4.2 At least 88 dwelling units must consist of affordable housing dwelling units designed to be affordable to persons who make up a core need household where such persons pay more than 30% of their combined gross annual income to rent an adequate and suitable rental unit, including utilities, to meet the basic housing needs of the household at an average market rate.

4.3 All 88 dwelling units referred to in section 4.2 must be for family housing as defined in the "High Density Housing for Families with Children Guidelines".

4.4 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.

### Density

5.1 The floor area for all uses, combined, must not exceed 62 608 m<sup>2</sup>.

5.2 The number of principal dwelling units combined with secondary dwelling units in a building must not exceed 25% of the total number of dwelling units in that building.

5.3 A secondary dwelling unit must consist of at least 19 m<sup>2</sup>.

5.4 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;



- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) in the case of a dwelling use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.

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 m<sup>2</sup> 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 3 000 m<sup>2</sup>; 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 406 mm thickness based on an overall wall performance of R15 or greater.

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

- (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, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:
  - (i) the total area of all open balcony or sun deck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (b) enclosed residential balconies 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 balcony enclosure,
  - (ii) the enclosed balconies are part of dwelling units in the first nine storeys that front Marine Way or Boundary Road, and
  - (iii) the total area of enclosed residential balcony exclusion does not exceed 4% of the residential floor area of dwelling units fronting on Marine Way or Boundary Road;
- (c) 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, energy efficiency, or occupant comfort;
- (d) 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;
- (e) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
- (f) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
- (g) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 5.4(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and
- (h) floor space devoted to passive design elements such as larger ventilation shafts, or other elements providing ventilation and light within buildings if:
  - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and
  - (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

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.

### 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, for each development parcel illustrated on the plan marginally numbered Z-603(g) (ii) attached as Schedule A to this By-law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:

Development Parcel	Number of storeys	Maximum building heights in metres
20	16	53.0
21	10	35.0
43	18	61.5

6.2 If the uppermost level of a building:

- (a) consists of the upper floors of two storey dwelling units;

- (b) does not exceed 40% of the floor area below it;
- (c) provides rooftop access to private outdoor space and usable roof area; and
- (d) meets the intent of the CD-1 design guidelines adopted by Council for it;

then, for the purposes of section 6.1, the uppermost level is not a storey.

6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

### **Parking, loading, and bicycle spaces**

7. 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:

- (a) with respect to multiple dwelling uses:
  - (i) each dwelling unit that consists of less than 112.5 m<sup>2</sup> of floor area must have at least 1 parking space for each 75 m<sup>2</sup> of floor area,
  - (ii) each dwelling unit that consists of 112.5 m<sup>2</sup> or more of floor area must have at least 1.5 parking spaces for each dwelling unit,
  - (iii) each dwelling unit must have at least 0.1 visitor parking spaces,
  - (iv) each dwelling unit that consists of less than 130 m<sup>2</sup> of floor area must have no more than 1 parking space for each 65 m<sup>2</sup> of floor area,
  - (v) each dwelling unit that consists of 130 m<sup>2</sup> or more of floor area must have no more than 2 parking spaces for each dwelling unit,
  - (vi) each dwelling unit must have no more than 0.2 visitor parking spaces, and
  - (vii) despite clauses (iv) and (v), if the maximum number of parking spaces calculated at a rate of 1 space for each 65 m<sup>2</sup> of gross floor area results in less than the total number of dwelling units in the building, excluding secondary dwelling units then each dwelling unit must have no more than 1 parking space;
- (b) with respect to affordable housing, each dwelling unit must have:

- (i) at least 0.4 parking space,
- (ii) at least 0.1 visitor parking space,
- (iii) not more than 1 parking space, and
- (iv) not more than 0.2 visitor parking space.

### Acoustics

8. All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

### Severability

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

### Force and effect

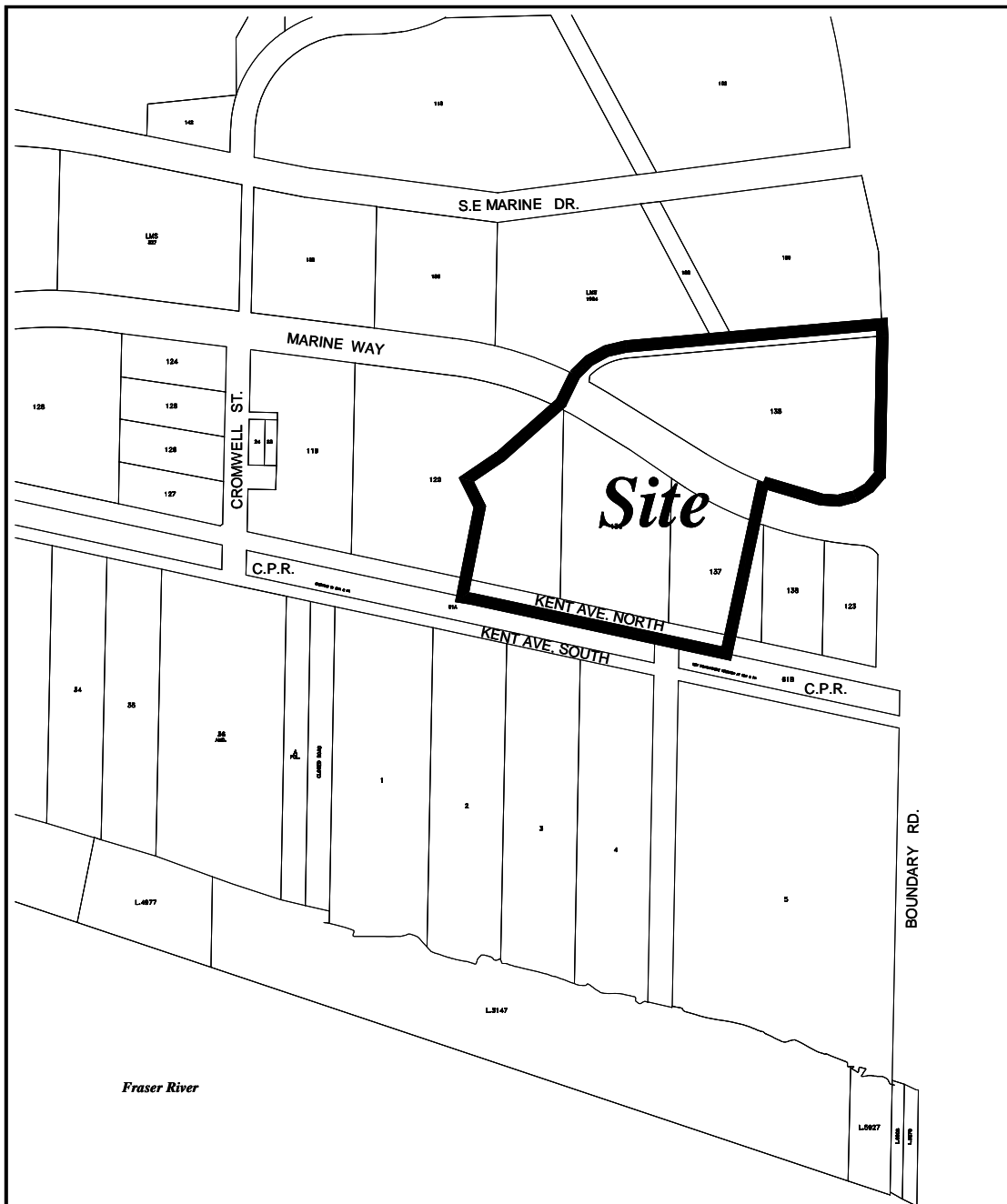
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this       day of       , 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Schedule A**



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

**Z-603 (g) (i)**

**RZ - East Fraser Lands "Park CD-1"**

map: 1 of 1

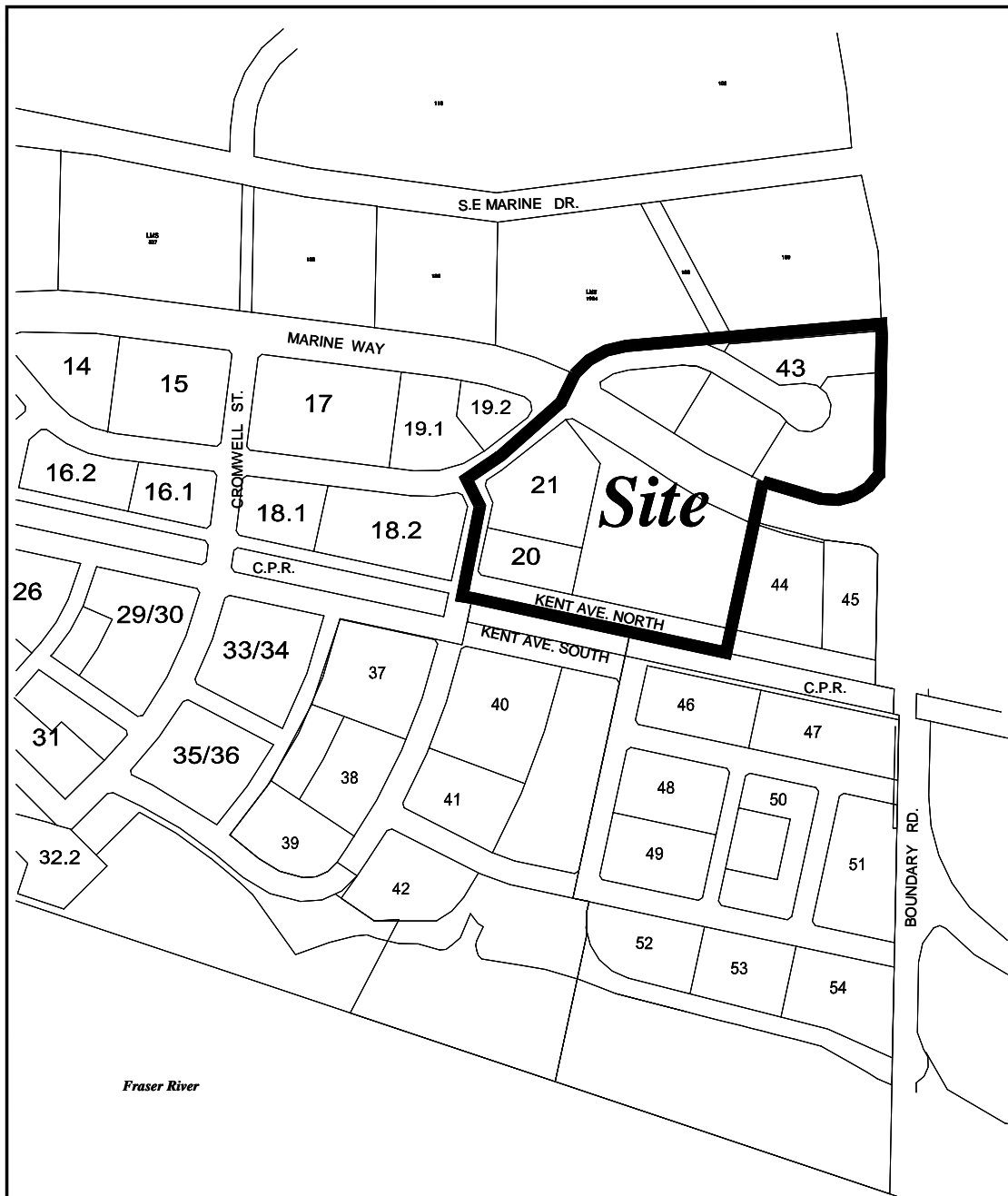
scale: NTS



**City of Vancouver**

date: August 2008

**Schedule A**



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

**Z-603 (g) (ii)**

**RZ - East Fraser Lands "Park CD-1"  
Development Parcels**

map: 1 of 1

scale: NTS



**City of Vancouver**

date: August 2008

*The draft by-law is subject to change and refinement prior to posting.*

Waterfront Precinct  
East Fraser Lands

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend *CD-1 By-law No. 9732 and CD-1 By-law No. 9733*  
*and 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 *and CD-1 Plans* Amendment**

*1.1 Council removes from the lands that are subject to CD-1 By-law No. 9732 and CD-1 By-law No. 9733 those portions of the lands shown on the plan marginally numbered Z-603(f)(i) attached as Schedule A to this By-law, and deems such lands to form part of Schedule D to By-law No. 3575, as it did before enactment of CD-1 By-law No. 9732 and CD-1 By-law No. 9733, pending its inclusion in this CD-1 By-law under section 1.2 except for that portion of the lands shown on the plan marginally numbered \_\_\_\_\_ attached as Schedule A1 to this By-law which portion of the lands is to remain under the Zoning and Development By-law pending its inclusion in another pending CD-1 By-law.*

1.2 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 \_\_\_\_\_ attached as Schedule A2 to this By-law*, and incorporates Schedule A into Schedule D to By-law No. 3575.

**Zoning District Plan**

1.2 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(e) (i) 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:

“CD-1 (\_\_\_\_\_)” means that area of land shown within the heavy black outline on Schedule A;



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“principal dwelling unit combined with a secondary dwelling unit” means a dwelling unit, other than a seniors supportive or assisted housing unit or a live-work unit, within a multiple dwelling, whether or not the multiple dwelling use is part of a mixed use building, which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit may have either shared or separate external access but must have shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;

“secondary dwelling unit” means a secondary dwelling unit referred to in the definition of “principal dwelling unit combined with a secondary dwelling unit”;

“sub-area 1” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-603(f) (ii) attached as Schedule A to this By-law;

“sub-area 2” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-603(f) (ii) attached as Schedule A to this By-law; and

“sub-area 3” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-603(f) (ii) attached as Schedule A to this By-law.

## Uses

3.1 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 (\_\_\_\_) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are those uses which this Section 3 lists.

3.2 Uses permissible in CD-1 (\_\_\_\_) are:

(a) Dwelling Uses, limited to:

- (i) Multiple Dwelling,
- (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
- (iii) Seniors Supportive or Assisted Housing, and
- (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;

(b) *Cultural and Recreational Uses, limited to Park or Playground;*

(c) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and

- 
- (d) Interim Uses not listed in sections 3.2, 3.3, 3.4, or 3.5, 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 (\_\_\_\_),
    - (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
    - (v) any development permit for an interim use has a time limit of three years.

3.3 In addition to the uses set out in section 3.2, uses permissible in sub-area 1 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class A, Community Centre or Neighbourhood House, Fitness Centre, Library, Museum or Archives, Personal Training Centre, and Theatre;
- (b) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
- (c) Live-Work Uses;
- (d) Office Uses;
- (e) Retail Uses, not including Adult Retail Store, Gasoline Station - Full Service, Gasoline Station - Split Island, Pawn Shop, and Vehicle Dealer; and
- (f) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade; and
- (g) Accessory Uses customarily ancillary to the uses listed in this section 3.3.

3.4 In addition to the uses set out in section 3.2, uses permissible in sub-area 2 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio, Hall, Library, Museum or Archives, and Theatre;
- (b) Live-Work Use;
- (c) Manufacturing Uses, limited to Bakery Products Manufacturing, Brewery and Distilling, Clothing Manufacturing, Dairy Products Manufacturing, Jewellery Manufacturing, Leather Manufacturing, Textiles or Knit Goods Manufacturing, and Wood Products Manufacturing;
- (d) Office Uses;
- (e) Retail Uses, not including Adult Retail Store, Furniture or Appliance Store, Gasoline Station - Full Service, Gasoline Station - Split Island, Grocery or Drug Store, Pawnshop, Secondhand Store, and Vehicle Dealer;
- (f) Service Uses, limited to Neighbourhood Public House, Photofinishing or Photography Studio, Production or Rehearsal Studio, Restaurant, School - Arts or Self-Improvement; and
- (g) Accessory Uses customarily ancillary to the uses listed in this section 3.4.

3.5 Uses permissible in sub-area 3 include only the uses set out in section 3.2.

#### Conditions of use

4.1 The design and lay-out of at least 35% 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".

4.2 At least 76 dwelling units, other than live-work units, must consist of affordable housing dwelling units designed to be affordable to persons who make up a core need household where such persons pay more than 30% of their combined gross annual income to rent an adequate and suitable rental unit, including utilities, to meet the basic housing needs of the household at an average market rate.

4.3 All 76 dwelling units referred to in section 4.2 must be for family housing as defined in the "High Density Housing for Families with Children Guidelines".

4.4 In sub-area 1, dwelling units and live-work units fronting on high street must be on the second or a higher floor of a building.

4.5 In sub-area 1, a personal training centre, school - arts or self-improvement, or office must be on the second or a higher floor of a building except that advertising, financial institution, health care, insurance, real estate, travel, and ticket agency offices may be at grade.

4.6 In sub-area 2:

- (a) dwelling units in the most westerly building must be on the second or a higher floor of the building; and
- (b) dwelling units in the most easterly building are not permissible.

4.7 In sub-area 2, the first storey of a building containing a manufacturing use, to a depth of 4.5 m from the front wall of the building and extending across its full width, must benefit pedestrian character to the satisfaction of the Director of Planning or Development Permit Board.

4.8 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).

4.9 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.

### Density

5.1 The floor area for all uses, combined, must not exceed 112 961 m<sup>2</sup>.

5.2 The floor area for all dwelling uses, combined, must not exceed 103 600 m<sup>2</sup>, and in:

- (a) sub-area 1 and sub-area 3, combined, must not exceed 99 983 m<sup>2</sup>; and
- (b) sub-area 2 must not exceed 3 617 m<sup>2</sup>.

5.3 The floor area for all cultural and recreational uses, institutional uses, office uses, retail uses, and service uses in sub-area 1, combined, must not exceed 6 177 m<sup>2</sup>.

5.4 The floor area for all cultural and recreational uses, institutional uses, live-work uses, manufacturing uses, office uses, retail uses, and service uses in sub-area 2, combined, must not exceed 3 184 m<sup>2</sup>.

5.5 The floor area for a manufacturing use in sub-area 2 must not exceed 200 m<sup>2</sup>.

5.6 In each of sub-areas 1 and 2, an accessory use must not exceed a gross floor area equal to 25% of the gross floor area of the principal use to which it is ancillary.

5.7 The number of principal dwelling units combined with secondary dwelling units in a building must not exceed 25% of the total number of dwelling units in that building.

5.8 A secondary dwelling unit must consist of at least 19 m<sup>2</sup>.

5.9 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) in the case of a dwelling use or live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.

5.10 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 m<sup>2</sup> 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 5 000 m<sup>2</sup>; 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 406 mm thickness based on an overall wall performance of R15 or greater.

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

- (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, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:
  - (i) the total area of all open balcony or sun deck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (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, energy efficiency, or occupant comfort;
- (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) despite section 5.9(c), open to below spaces or double height volumes in two storey live-work units, to a maximum of 30% of the floor area of the first floor of that unit, if:
    - (i) the design of the unit provides for open-to-below or double-height volume located at the street frontage with a depth of at least 3 m along 65% of the frontage,
    - (ii) a 30% volume remains open to below, and
    - (iii) there is a demonstration of an approvable second level design at the time of application for a development permit, regardless of whether the second level is constructed at time of occupancy;
  - (e) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
  - (f) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
  - (g) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 5.9(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and
  - (h) floor space devoted to passive design elements such as larger ventilation shafts, or other elements providing ventilation and light within buildings if:
    - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and
    - (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

5.12 The use of floor space excluded under section 5.10 or 5.11 must not include any purpose other than that which justified the exclusion.

### **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, for each development parcel illustrated on the plan marginally numbered Z-603(f) (iii) attached as Schedule A to this By-

law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:

Development Parcel	Number of storeys	Maximum building heights in metres
26	14	46.0
27	6	22.0
29 and 30	19	61.0
31	13	43.0
32	4	15.0
33 and 34	14	46.0
35 and 36	9	31.0

6.2 If the uppermost level of a building:

- (a) consists of the upper floors of two storey dwelling units;
- (b) does not exceed 40% of the floor area below it;
- (c) provides rooftop access to private outdoor space and usable roof area; and
- (d) meets the intent of the CD-1 design guidelines adopted by Council for it;

then, for the purposes of section 6.1, the uppermost level is not a storey.

6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

#### **Parking, loading, and bicycle spaces**

7. 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:

- (a) with respect to multiple dwelling uses:
  - (i) each dwelling unit that consists of less than 112.5 m<sup>2</sup> of gross floor area must have at least 1 parking space for each 75 m<sup>2</sup> of gross floor area,
  - (ii) each dwelling unit that consists of 112.5 m<sup>2</sup> or more of gross floor area must have at least 1.5 parking spaces for each dwelling unit,
  - (iii) each dwelling unit must have at least 0.1 visitor parking spaces,



- 
- (iv) each dwelling unit that consists of less than 130 m<sup>2</sup> of gross floor area must have no more than 1 parking space for each 65 m<sup>2</sup> of gross floor area,
  - (v) each dwelling unit that consists of 130 m<sup>2</sup> or more of gross floor area must have no more than 2 parking spaces for each dwelling unit,
  - (vi) each dwelling unit must have no more than 0.2 visitor parking spaces, and
  - (vii) despite clauses (iv) and (v), if the maximum number of parking spaces calculated at a rate of 1 space for each 65 m<sup>2</sup> of gross floor area results in less than the total number of dwelling units in the building, excluding secondary dwelling units then each dwelling unit must have no more than 1 parking space;
- (b) with respect to live-work use, each dwelling unit:
- (i) that consists of 75 m<sup>2</sup> or less of gross floor area must have at least 1 parking space for each dwelling unit,
  - (ii) that consists of more than 75 m<sup>2</sup> must have at least 1 parking space for each dwelling unit plus at least 1 parking space for each additional 75 m<sup>2</sup> of gross floor area above 75 m<sup>2</sup> of gross floor area,
  - (iii) must have at least 0.2 visitor parking space for each dwelling unit,
  - (iv) that consists of 75 m<sup>2</sup> or less of gross floor area must have no more than 1.3 parking space for each dwelling unit,
  - (v) that consists of more than 75 m<sup>2</sup> must have no more than 1.3 parking space for each dwelling unit plus 1 parking space for each additional 75 m<sup>2</sup> of gross floor area above 75 m<sup>2</sup> of gross floor area, and
  - (vi) must have no more than 0.5 visitor parking spaces for each dwelling unit;
- (c) with respect to affordable housing, each dwelling unit must have:
- (i) at least 0.4 parking space,
  - (ii) at least 0.1 visitor parking space,
  - (iii) not more than 1 parking space, and
  - (iv) not more than 0.2 visitor parking space.

8. All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

#### Severability

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

#### Force and effect

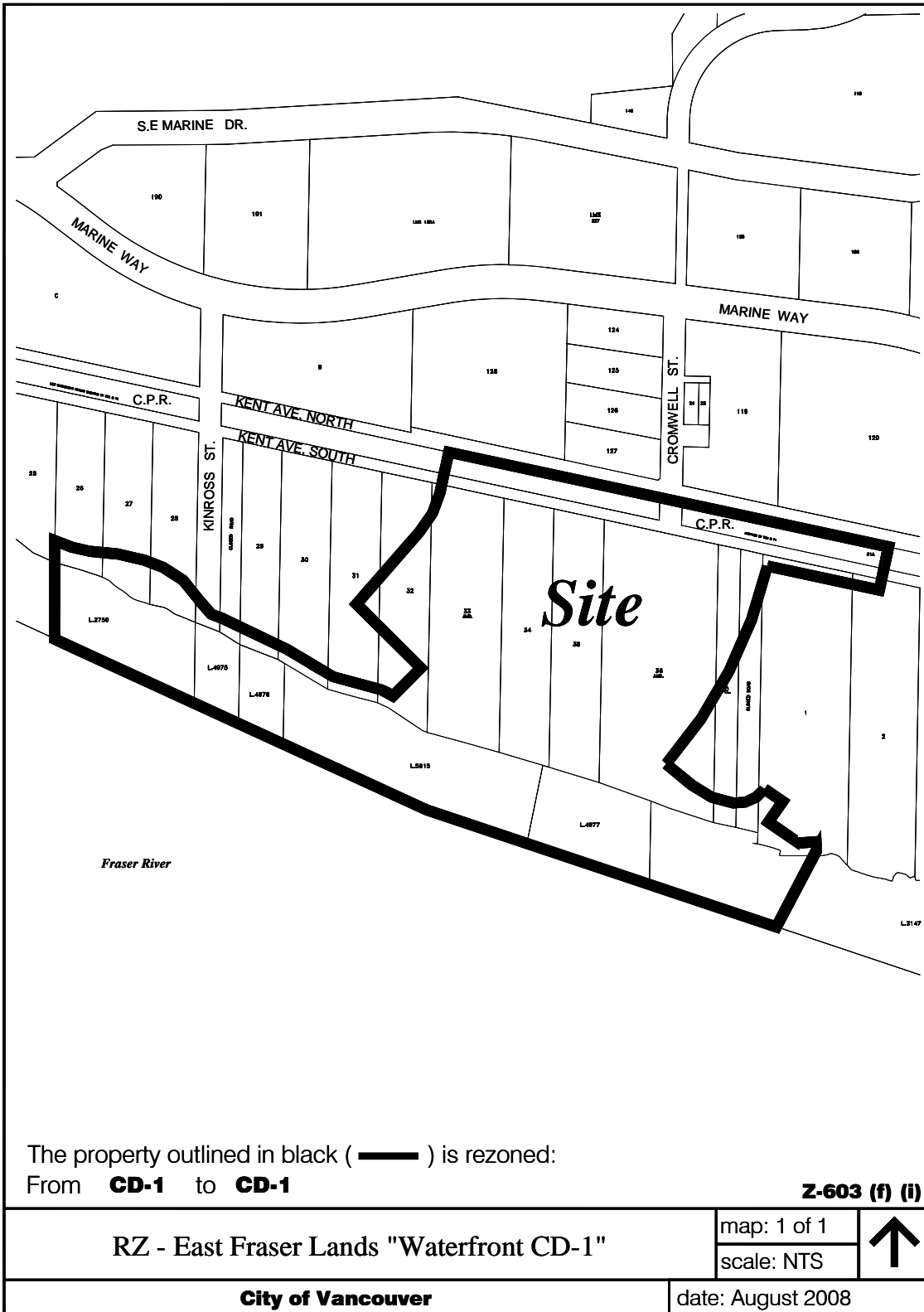
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this       day of       , 2010

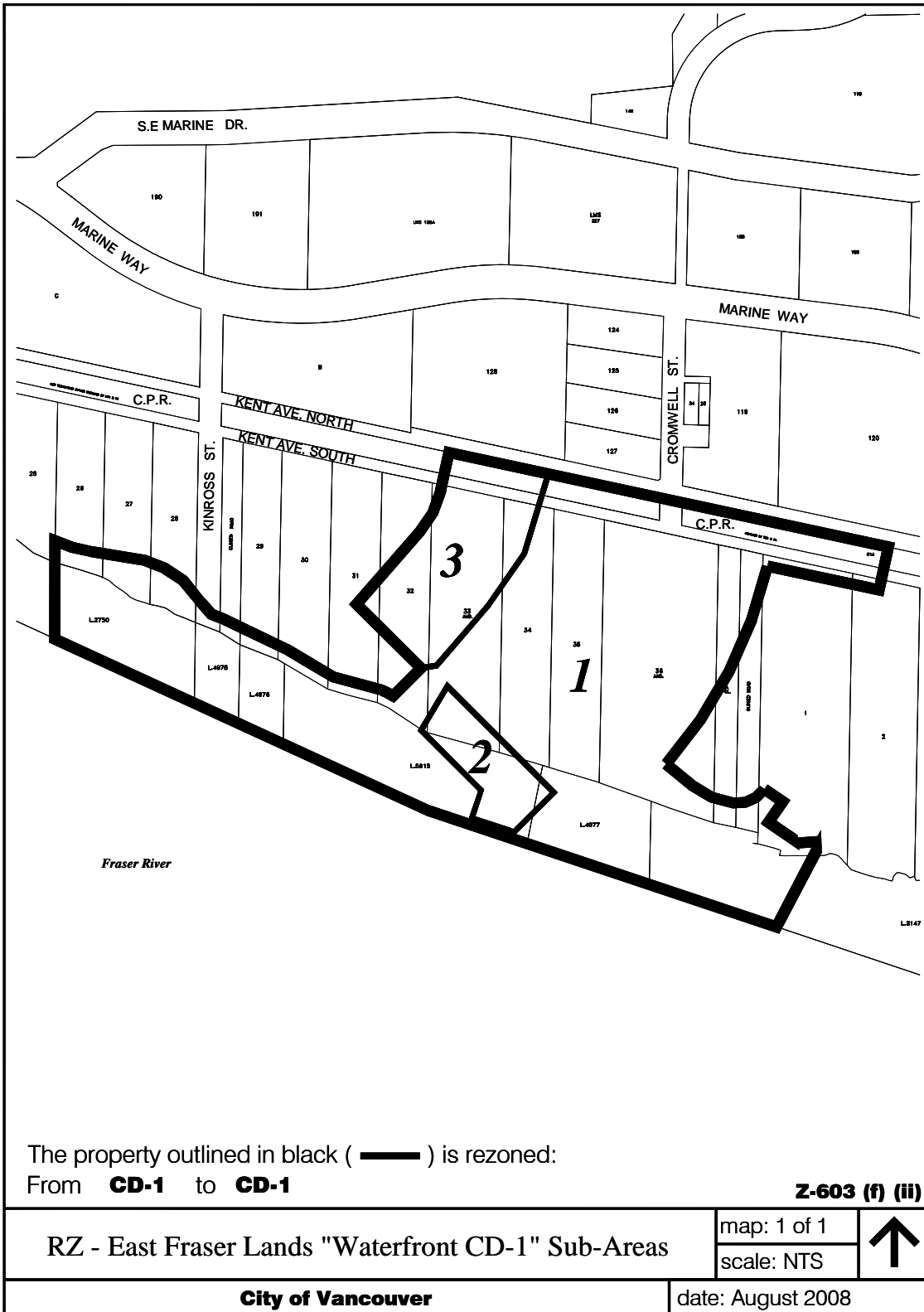
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

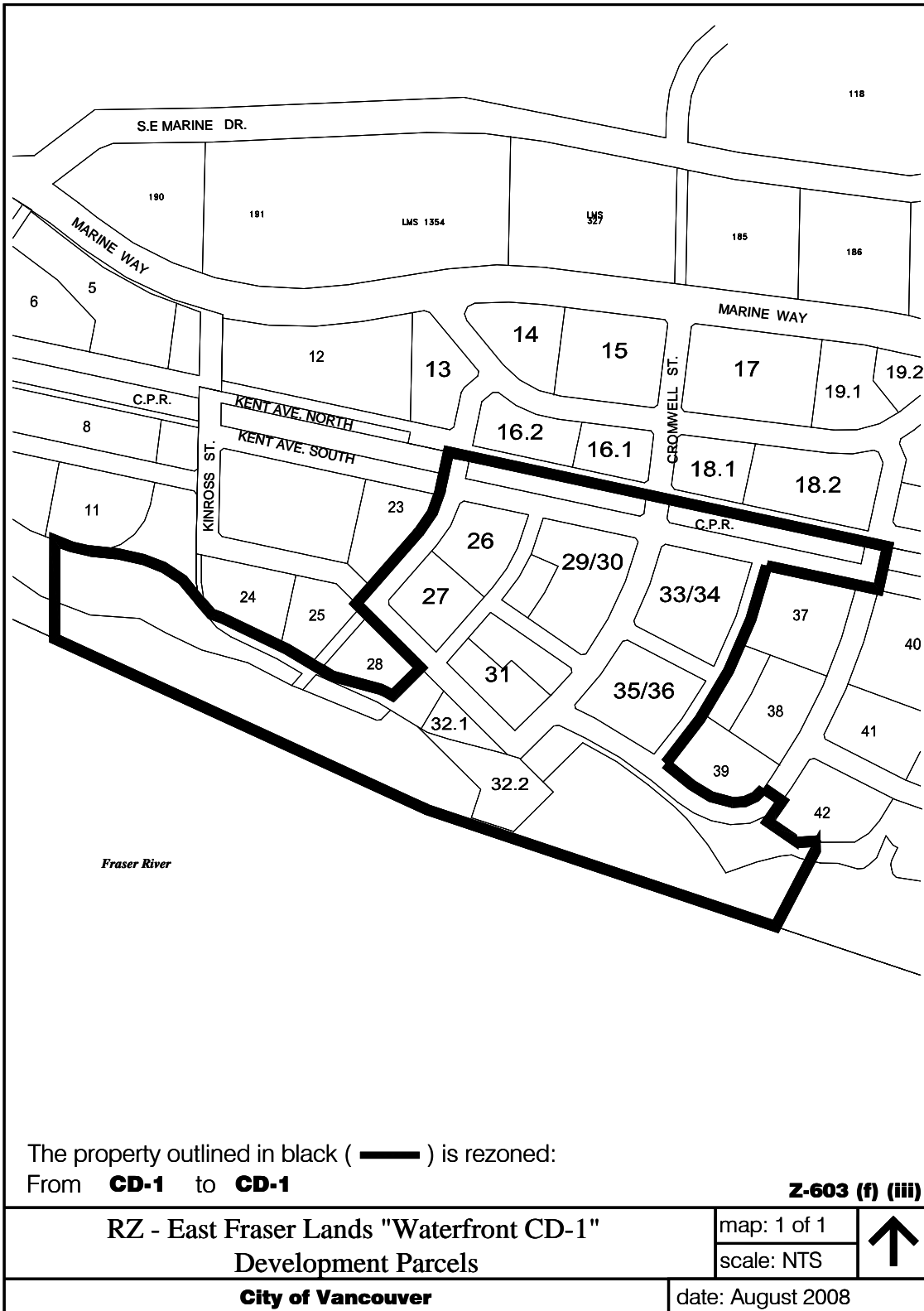
**Schedule A**

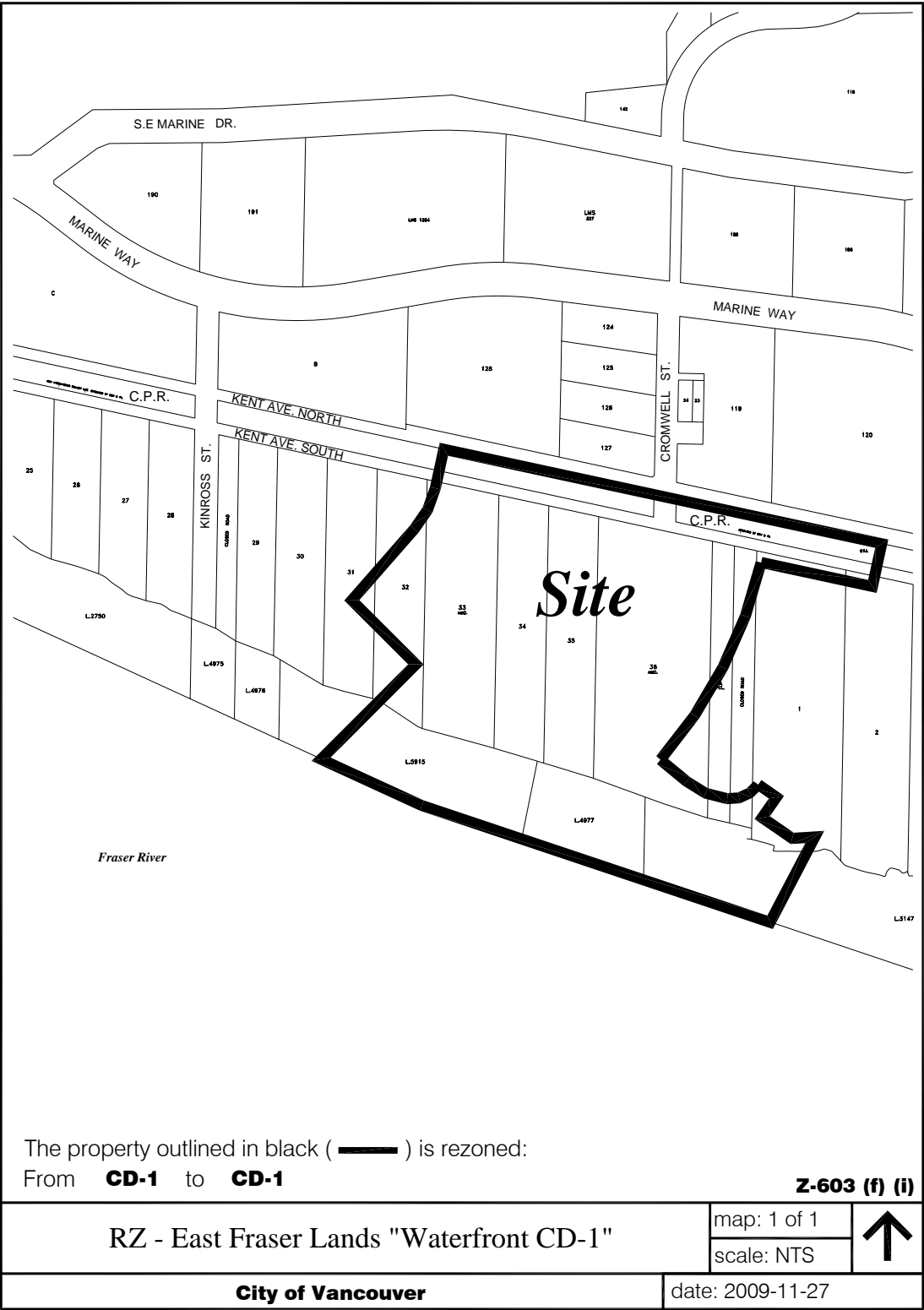


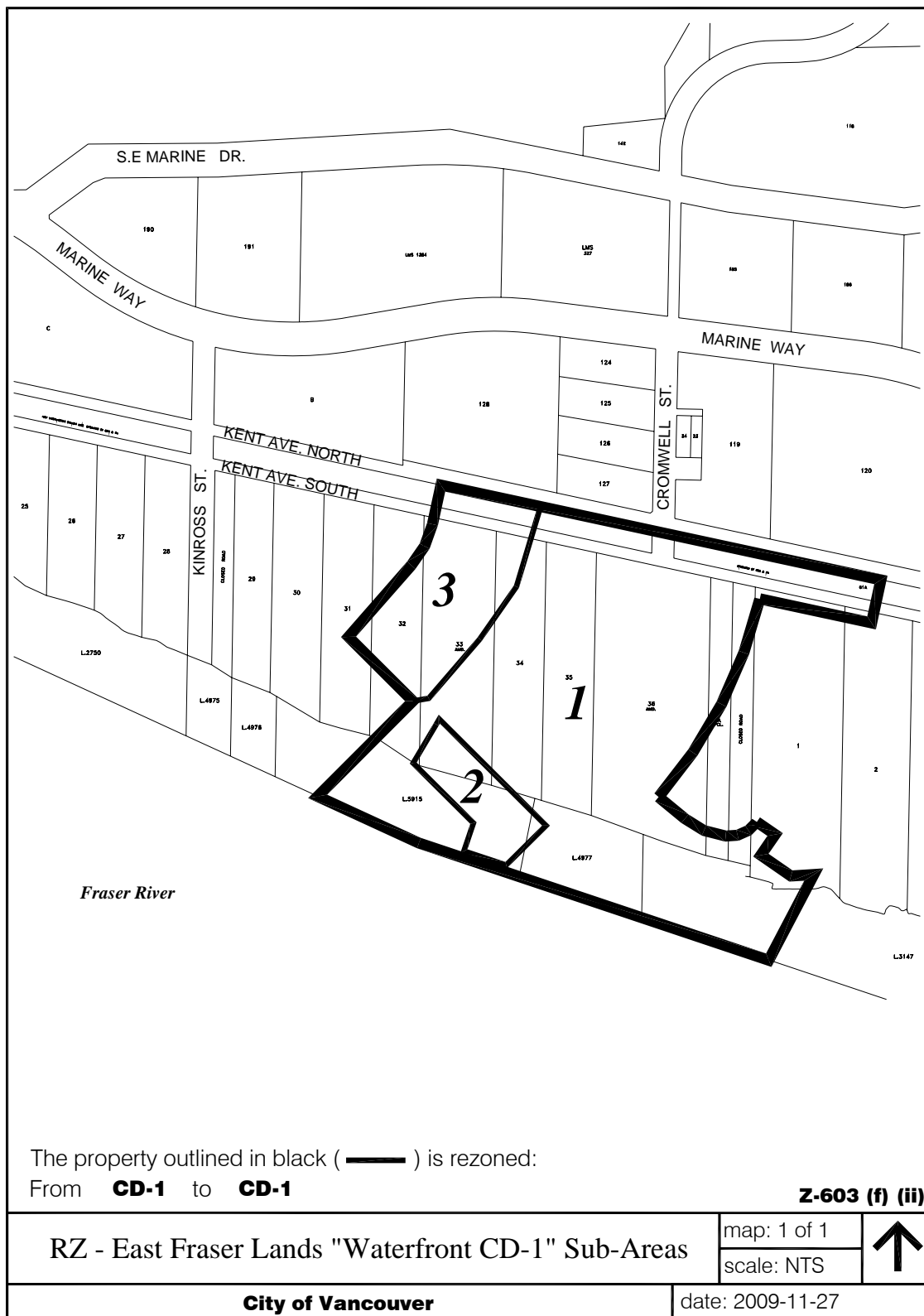
**Schedule A**



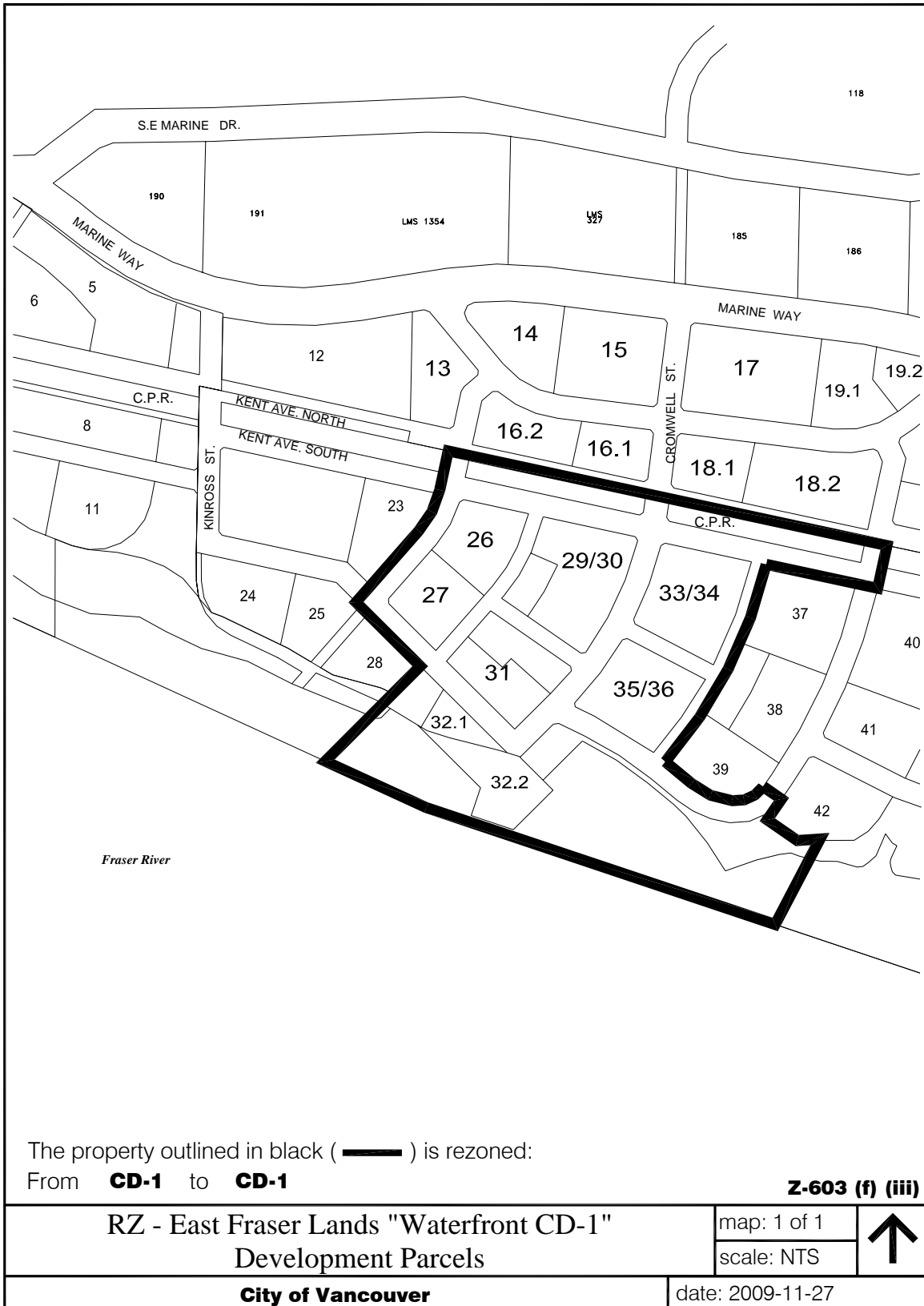
**Schedule A**







**Schedule A**





**Modifications to Town Square Precinct  
PROPOSED CONDITIONS OF APPROVAL**

**B. PROPOSED CONDITIONS OF BY-LAW ENACTMENT**

**CONTAMINATION**

*16) the Applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and*

*17) the Applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.*

**Modifications to Park Precinct  
PROPOSED CONDITIONS OF APPROVAL**

**B. PROPOSED CONDITIONS OF BY-LAW ENACTMENT**

*10) Execute an agreement on terms satisfactory to the General Manager of Parks and Recreation to convey to the City 0.6056 ha of land as park. The conveyance of fully constructed parks must be prior to the issuance of an occupancy permit for any improvements on those Parcels as set out below:*

- a. Promontory Park (with a maximum area of 0.295 ha) - Parcel 43; and*
- b. Avalon Park North (with an area of approximately 0.306 ha) - Parcel 20 or 21.*

**CONTAMINATION**

*13) the Applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and*

*14) the Applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.*

**Modifications to Waterfront Precinct  
PROPOSED CONDITIONS OF APPROVAL**

**A. PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT**

22) Design development at the Preliminary Development Permit to integrate heritage artifacts including the traveling crane, fluted v-roller, and large engine, into the public realm and or building design.

Note to applicant: Heritage artifacts should be sited in the general vicinity of their original locations where possible, *except the traveling crane which should be located in the waterfront plaza.*

**B. PROPOSED CONDITIONS OF BY-LAW ENACTMENT**

*16) Execute an agreement on terms satisfactory to the General Manager of Parks and Recreation to convey to the City 1.630 ha of land as park. The conveyance of fully constructed parks must be prior to the issuance of an occupancy permit for any improvements on those Parcels as set out below (see East Fraser Lands Design Guidelines - Appendix J - for park definitions):*

- a. Neighbourhood Park (with an area of approximately 0.1397 ha) - Parcel 29/30;*
- b. Kinross Foreshore Park (inlet to western edge of Area 1) with an area of approximately 0.0768 ha) - Parcel 33/34*
- c. Waterfront Plaza and Promenade and the Lookout Park (inlet to the eastern edge of Area 1) (with an area of approximately 1.137 ha) - Parcel 35/36; and*
- d. Land for a Community Centre (with an area of approximately 0.276 ha) - Parcel 31.*

17) Make arrangements for the development of a Community Centre with a floor area of at least 2790 m<sup>2</sup>, and additional floor area for a 69-space child care facility *and 60 out-of-school spaces on Parcel 31.*

**CONTAMINATION**

*23) the Applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and*

*24) the Applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.*

*The draft by-law is subject to change and refinement prior to posting.*

Removal of Kerr Street properties

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend CD-1 By-law No. 6533**

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

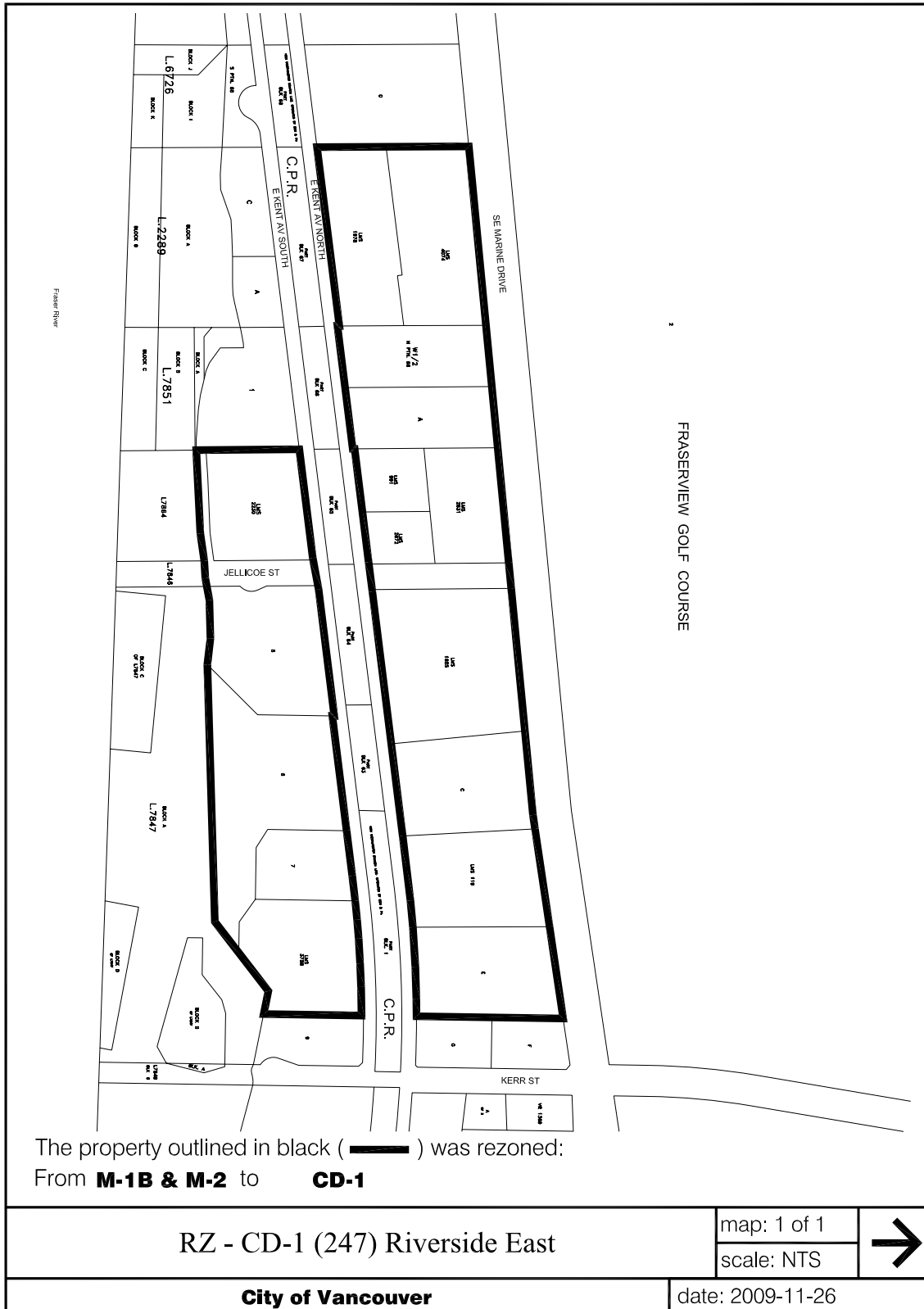
1. Council repeals Schedule A attached to By-law No. 6533, and substitutes Schedule A attached to this By-law which is to become Schedule A to By-law No. 6533.
2. Council deems the land included in the area of land zoned CD-1 by By-law No. 6533, but excluded from Schedule A to this By-law, to form part of Schedule D to By-law No. 3575, as it did before enactment of By-law No. 6533, pending its inclusion in a CD-1 by-law pertaining to such land which Council may enact.
3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Schedule A**



*The draft by-law is subject to change and refinement prior to posting.*

Kerr Street Properties  
East Fraser Lands

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**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-\_\_\_\_(i) 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:

“CD-1 (\_\_\_\_)” means that area of land shown within the heavy black outline on Schedule A;

“principal dwelling unit combined with a secondary dwelling unit” means a dwelling unit, other than a seniors supportive or assisted housing unit or a live-work unit, within a multiple dwelling, whether or not the multiple dwelling use is part of a mixed use building, which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit may have either shared or separate external access but must have shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;

“secondary dwelling unit” means a secondary dwelling unit referred to in the definition of “principal dwelling unit combined with a secondary dwelling unit”;

“sub-area 1” means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-\_\_\_\_(i) attached as Schedule A to this By-law;

"sub-area 2" means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-\_\_\_\_(i) attached as Schedule A to this By-law; and

"sub-area 3" means that area of CD-1 (\_\_\_\_) illustrated on the plan marginally numbered Z-\_\_\_\_(i) attached as Schedule A to this By-law.

## Uses

3.1 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 (\_\_\_\_) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are those uses which this Section 3 lists.

3.2 Uses permissible in sub-area 1 include only:

- (a) Cultural and Recreational Uses, limited to Park or Playground;
- (b) Dwelling Uses, limited to:
  - (i) Multiple Dwelling,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
  - (iii) Seniors Supportive or Assisted Housing, and
  - (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;
- (c) Accessory Uses customarily ancillary to the uses listed in sections 3.2 and 3.3; and
- (d) Interim Uses not listed in section 3.2 or 3.3, 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 (\_\_\_\_),
- (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
- (v) any development permit for an interim use has a time limit of three years.

3.3 Uses permissible in sub-area 2 include only:

- (a) Dwelling Uses, limited to:
  - (i) Multiple Dwelling,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
  - (iii) Seniors Supportive or Assisted Housing, and
  - (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;
- (b) Live-Work Uses;
- (c) Retail Uses, not including Adult Retail Store, Furniture or Appliance Store, Gasoline Station – Full Service, Gasoline Station – Split Island, Grocery or Drug Store, Pawnshop, Secondhand Store, and Vehicle Dealer; and
- (d) Accessory Uses customarily ancillary to the uses listed in this section 3.3.

3.4 Uses permissible in sub-area 3 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio – Class A, Community Centre or Neighbourhood House, Fitness Centre, Library, Museum or Archives, Park or Playground, Personal Training Centre, and Theatre;
- (b) Office Uses;
- (c) Retail Uses, not including Adult Retail Store, Gasoline Station – Full Service, Gasoline Station – Split Island, Pawnshop, and Vehicle Dealer;
- (d) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Neighbourhood Public House, Photofinishing or Photography Studio, Restaurant, and School – Arts or Self-Improvement; and

- (e) Accessory Uses customarily ancillary to the uses listed in this section 3.4.

#### Conditions of use

- 4.1 In sub-area 2, retail uses fronting on Kerr Street must be on the ground floor of a building.
- 4.2 In sub-area 3, office uses must be on the second or higher floor of a building.
- 4.3 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).
- 4.4 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.

#### Density

- 5.1 The floor area for all uses, combined, must not exceed 12 755 m<sup>2</sup>.
- 5.2 The floor area for:
- (a) sub-area 1 must not exceed 8 260 m<sup>2</sup>;
  - (b) sub-area 2 must not exceed 3 565 m<sup>2</sup>; and
  - (c) sub-area 3 must not exceed 930 m<sup>2</sup>.
- 5.3 Computation of floor area must include:
- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
  - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
  - (c) in the case of a dwelling use or live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof



rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.

5.4 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 m<sup>2</sup> 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 600 m<sup>2</sup>; 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 406 mm thickness based on an overall wall performance of R15 or greater.
- (h) 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 this section meets the standards set out therein.

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

- (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, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:
  - (i) the total area of all open balcony or sun deck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (b) enclosed residential balconies 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 balcony enclosure,
  - (ii) the enclosed balconies are part of dwelling units in the first nine storeys that front Southeast Marine Drive, and
  - (iii) the total area of enclosed residential balcony exclusion does not exceed 4% of the residential floor area of dwelling units fronting on Southeast Marine Drive;
- (c) 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, energy efficiency, or occupant comfort;

- (d) 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;
- (e) despite section 5.6(c), open to below spaces or double height volumes in two storey live-work units, to a maximum of 30% of the floor area of the first floor of that unit, if:
  - (i) the design of the unit provides for open-to-below or double-height volume located at the street frontage with a depth of at least 3 m along 65% of the frontage,
  - (ii) a 30% volume remains open to below, and
  - (iii) there is a demonstration of an approvable second level design at the time of application for a development permit, regardless of whether the second level is constructed at time of occupancy;
- (f) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
- (g) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
- (h) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 5.4(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and
- (i) floor space devoted to passive design elements such as larger ventilation shafts, or other elements providing ventilation and light within buildings if:
  - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and

- (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

5.6 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.

### 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, for each development parcel illustrated on the plan marginally numbered Z-\_\_\_\_\_ (iii) attached as Schedule A to this By-law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:

Development Parcel	Number of storeys	Maximum building heights in metres
W1	5	21.0
W2	5	21.0
W3 (residential)	4	16.0
W3 (commercial)	2	12.5

6.2 If the uppermost level of a building:

- (a) consists of the upper floors of two storey dwelling units;
- (b) does not exceed 40% of the floor area below it;
- (c) provides rooftop access to private outdoor space and usable roof area; and
- (d) meets the intent of the CD-1 design guidelines adopted by Council for it;

then, for the purposes of section 6.1, the uppermost level is not a storey.

6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

### Parking, loading, and bicycle spaces

7. 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:

- (a) with respect to multiple dwelling uses and live-work use:

- (i) at least the lesser of one parking space for each 100 m<sup>2</sup> of gross floor area and 1.5 parking spaces for each dwelling unit, and
  - (ii) no more than one parking space for each studio dwelling unit, 1.5 parking space for each one bedroom dwelling unit, and two parking spaces for each two bedroom or more dwelling unit;
- (b) a principal dwelling unit combined with a secondary dwelling unit, including the floor area of the secondary dwelling unit, is subject to the parking requirement otherwise specified in section 4.2.1.13 of the Parking By-law and there is no additional requirement for a secondary dwelling unit but, for the purpose of calculating visitor parking and shared vehicle parking space requirements, Council deems a secondary dwelling unit to be a separate dwelling unit;
- (c) with respect to visitor parking:
  - (i) at least that number of visitor parking spaces that would be equal to 10% of the total number of dwelling units, and
  - (ii) no more than that number of visitor parking spaces that would be equal to 10% of the total number of dwelling units;
- (d) with respect to loading spaces, Class A, for all residential uses, at least 0.01 loading space, Class A for each dwelling unit, and any number equal to or greater than 0.5 is to count as one loading space, Class A;
- (e) with respect to loading spaces, Class B, for all residential uses, at least 0.005 loading spaces, Class B for each dwelling unit, and any number equal to or greater than 0.5 is to count as one loading space, Class B; and
- (f) there must be, with respect to a principal dwelling unit combined with a secondary dwelling unit, at least 1.25 bicycle parking spaces, Class A for each principal dwelling unit and at least 0.75 bicycle parking spaces, Class A for each secondary dwelling unit, but for bicycle spaces, Class B, there are no requirements for a secondary dwelling unit.

## Acoustics

8. All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined

simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

#### Severability

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

#### Force and effect

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

ENACTED by Council this       day of       , 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Schedule A



**KERR STREET PROPERTIES**  
3250 Marine Way, 3098 Southeast Marine Drive, 8450 Kerr Street

**PROPOSED CONDITIONS OF APPROVAL**

Note: These are draft conditions which are subject to change and refinement by staff prior to the finalization of the agenda for the Public Hearing to the satisfaction of the Director of Legal Services.

Names of parks and streets are as identified in Figure 2 in Appendix O.

Any reference to development "Parcels" refers to the parcels identified in Figure 3 in Appendix O.

Documents referred to that are not included within this rezoning package can be viewed at the City Clerk's Office, 3<sup>rd</sup> Floor, City Hall.

**A. PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT**

**PRELIMINARY FORM OF DEVELOPMENT**

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared by Parklane Homes and stamped "Received Planning Department, December 1, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to this preliminary form of development when approving the detailed scheme of development as outlined below.

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 the Development Permit Board, who shall consider the following conditions:

**DESIGN DEVELOPMENT**

**General Conditions**

**URBAN DESIGN**

**Frontages on SE Marine Drive (Parcels W1)**

- 1) Design development to ensure that enclosed balconies fronting SE Marine Drive, in the opinion of the Director of Planning, meet the intent of the City's approved Balcony Enclosure Guidelines and are:
  - clearly expressed on the exterior of the building;
  - project somewhat from the main façade;
  - highly glazed, with transparency and openness at corners; and
  - expressed as open balconies that have been enclosed.



- 2) Design development to SE Marine Drive frontage to enhance livability including:
  - Minimizing grade difference for units adjacent SE Marine Drive frontage,
  - Substantive landscaping and screening on terracing to improve outlook, privacy and noise exposure, and
  - Consideration of two storey units, and garden and unit entry expressions where feasible and desirable (for example at corner locations).

#### Parking Structure Projections

- 3) Design development to minimize the extent of the parking structure that projects above grade. Where this occurs, it should be mitigated by terraced massing and/or employing landscape design elements.

#### Parcel W1 and W2

- 4) Design development to ensure an appropriate and neighbourly relationship between landscaped terraces and existing development on neighbouring properties in WFL.

#### Parcel W3

- 5) Design development of the retail building to have a minimum two storey scale achieved through a combination of two levels and/or double height spaces. The retail building should be designed to maximize its presence and visibility at the end of Kerr Street, as well as animate the adjacent public realm and waterfront. Vertical circulation for the retail building may be extended and expressed as a lookout tower that further enhances legibility and visibility of the retail building.
- 6) Design Development to increase the sideyard setback along the shared property line with the neighbouring property to 3.5m, with a further increase to 8m at a point adjoining the riverfront setback. The setback line should connect from 3.5m to 8m starting at a point located 25m north of the riverfront property line.

#### PHASING

- 7) Kerr Street Properties - Development is to be phased generally to follow the sequencing below:
  - a. Parcel W3
  - b. Parcels W1 and W2

#### ENGINEERING

##### Public Realm Plan

- 8) Design development such that the street and path lighting design is finalized to the satisfaction of the General Manager of Engineering Services.

- 9) Design development such that any trees planted to the south of the sidewalk along the south-side of SE Marine Drive are on private property.

Note to applicant: Consideration may be given to a different form of landscape screening as an alternative to the row of trees planted on private property if it can be demonstrated that it better enhances both the experience of SE Marine Drive and the liveability of units that front along it.

- 10) Design development such that the rainwater management and storm sewer systems can accommodate peak stormwater runoff and such that elements such as raingardens and bioswales accommodate tree growth.

Note to applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- 11) Design development such that encroachment of planting strips into adjacent pathways is minimized.
- 12) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.
- 13) Design development such that all streets accommodate all legal users including vulnerable users.
- 14) Design development to provide for safe, comfortable and convenient pedestrian and bicycle movement through the Kerr Street landing and pier forecourt spaces.

Note to applicant: Kerr Street landing must be accessible to everyone and vehicular access will be required for routine maintenance. Aligning the pedestrian pathway from the east with the boardwalk to the west of the boardwalk of the landing at the foot of Kerr Street should be considered, to the extent possible, including the construction of all the necessary infrastructure, to maintain a suitable separation between bicycle and pedestrian movements and be constructed with compatible materials and design to be viewed as an integral part of the existing structure. Relocation and/or replacement in other locations should be explored for the trees at the foot of Kerr Street to facilitate a normalized intersection of the Kerr Street bicycle and pedestrian paths with the waterfront paths.

- 15) Design development such that the pedestrian and cyclist routes along the waterfront are hard surfaced, continuous and separated throughout. They may converge with minimum separation where separation cannot be achieved.

Note to applicant: Cyclist routes shall have clearly defined pedestrian crossing points in appropriate locations. The design of the pedestrian and cyclist routes shall be generally as shown in the Design Guidelines (see Appendix P).

#### Parking

- 16) Confirm on the drawings submitted for development permit application that the parking layout adheres to the City of Vancouver Parking Bylaw, Zoning and Development Bylaw and Parking and Loading Design Supplement.
- 17) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- 18) The minimum residential parking can be reduced up to five spaces in lieu of one car-share vehicle and parking space. A maximum of two car-sharing vehicles per 100 units is to be available for this reduction in parking.
- 19) Design development such that resident parking is separated from visitor parking by a security gate.
- 20) Provision at development permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.
- 21) Design development to provide loading and parking spaces, as required by the City of Vancouver Parking Bylaw, Zoning and Development Bylaw and Parking and Loading Design Supplement, for the commercial component of Parcel W3 within Parcel W3.
- 22) Design development such that the on-site parking for parcel W3 is either accessed directly from Kerr Street or sufficient wayfinding is provided to direct patrons of the commercial component of W3 to the on-site parking from the intersection of Kerr Street and road H.

#### NEIGHBOURHOOD ENERGY UTILITY

- 23) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.
- 24) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services except where the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services on a case by case basis for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.

- 25) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

## LANDSCAPE DESIGN

### Public Realm

- 26) Provision of a variety of spaces consistent with the Design Guidelines (see Appendix P). Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

### Open Space and Landscape Treatment

- 27) Provision with each development permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- 28) Provision with each development permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

### Technical

- 29) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.
- 30) Provision with each development permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale
- 31) Provision with each development permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets and lanes. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- 32) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to the pedestrian mews;
  - providing clear definition between public and private spaces;
  - providing secure access to services such as residential mail and garbage without using public property;
  - providing convenient and secure access if residential parking is proposed off-site;
  - reducing the scale of large areas of underground parking to serve specific buildings where possible;
  - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility;
  - reducing opportunities for break and enter;
  - reducing opportunities for mail theft; and
  - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

## SUSTAINABILITY

- 33) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist (Refer to Appendix P). 22 of 39 equivalent credits that are achieved must be those identified as City priorities in Appendix P.

Note to applicant: The LEED NC project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- 34) All buildings that are not evaluated under the LEED NC program will achieve a Gold rating under the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- 35) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC Gold and/or Built Green Gold equivalent, include reference to appropriate documentation at development permit, building permit and occupancy permit stages.

- 36) Use of electrical resistance heating for residential heating is not permitted.

37) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.

38) Provide for individual in-suite metering for energy use. Applicants are also encouraged to provide in-suite water use metering.

Note to applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness. Energy metering includes district energy, electrical and gas use if applicable.

39) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing.

Note to applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

40) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.

41) Living walls are encouraged to be considered in the design of concrete buildings, and sited in such a way as to improve their viability with good access to light.

42) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.

43) Provide dual flush (3/6 litre) or HET (high efficiency toilet) equivalency (3.65 litre) toilets in all buildings.

## PARKS

44) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of WFL and from the Victoria Fraserview Killarney community.

Note to applicant: The programming and design for the Kerr Street landing area should be considered in a public consultation process for the Foreshore Park to ensure design continuity between the new Foreshore Park, Riverfront Park and the new elements in the Kerr Street landing. The Kerr Street landing should be designed to ensure that it is vital, creates a comfortable scale and accommodates possible special events and opportunities for informal play.

- 45) All street trees should be at least 6 cm calliper dbh.

Note to applicant: Park Board arborists suggest consideration of timing when ordering street trees as certain varieties indicated in the Design Guidelines Section A Public Realm Plan may be difficult to source in adequate sizes at this time.

- 46) Design development to ensure naturalized areas preserve habitat values and reinforce the Songbird Strategy.

Foreshore Park

- 47) Design development to ensure seating areas along the waterfront are located set back from the pathways and to enjoy sunny exposures or views to the water.

SOCIAL DEVELOPMENT

- 48) Provision with each development permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines.

- 49) Provision with each development permit application of the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Urban Agriculture Design Guidelines for the Private Realm, Food Policy objectives and other relevant guidelines.

B. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, 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:

CHARGE SUMMARY

- 1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

## ENGINEERING

### Services Agreement

- 2) Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Kerr Street Properties (collectively called “the Services”) such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-way for the Services are provided. The agreement shall include, but be not limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
  - a. no development permit will be issued for a Parcel until the design of the Services required for that Parcel is completed;
  - b. no occupancy of any buildings or improvements on a Parcel until the Services required for that Parcel are completed;and shall include the following works to the satisfaction of the General Manager of Engineering Services:
  - a) the construction and upgrading of all storm, sanitary and water including any cathodically protected infrastructure;
  - b) the upgrading of Kerr Street from SE Marine Drive to the waterfront walkway including vehicle lanes, parking lane(s), bike lanes, treed boulevards, and public plaza generally as illustrated in the Design Guidelines (see Appendix P);
  - c) the upgrading of Kent Avenue South between Kerr Street and the western property line of W3 generally as illustrated in the Design Guidelines (see Appendix P);
  - d) the upgrading of Kent Avenue North between Kerr Street and the western property line of W2 generally as illustrated in the Design Guidelines (see Appendix P);
  - e) design and construction of the Kerr Street landing generally as shown in the Design Guidelines (see Appendix P);
  - f) design and construction of all other roads, pathways, sidewalks, lanes, mews, boulevards, greenways, bikeways and all other public access areas generally shown in the Design Guidelines (see Appendix P);and shall require to the satisfaction of the General Manager of Engineering Services:
  - g) provision of life-cycle assessments for all non-standard materials proposed for City streets; and
  - h) provision of soil resistivity testing in all roads to determine the need for cathodic protection of utilities.

### Subdivision Plan

- 3) Obtain approval of and deposit for registration of a subdivision plan or plans that creates the Parcels generally as defined in the Design Guidelines (see



Appendix P) and provide for dedication or conveyance to the City of the land for roads, parks, and open space.

#### Statutory Right of Ways

- 4) Grant statutory rights-of-ways for all utilities and access over those portions of Parcel W3 until such time as utilities are relocated, at no cost to the City, and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

#### Rail Crossings

- 5) Negotiate agreements and approvals on behalf of the City with CP Rail and any applicable government authorities for rail crossings and maintenance of such crossings, generally in those locations shown in the Design Guidelines (see Appendix P) in a form containing terms satisfactory to the General Manager of Engineering Services.

Note to applicant: The dimensions, conditions, exact locations, and timing of delivery are to be part of the agreements. The City shall maintain its current seniority at the existing Kerr Street crossing.

#### Neighbourhood Energy Utility

- 6) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility including access to the Neighbourhood Energy Utility related infrastructure within each building in Area 2.

#### Shared Vehicle Agreement

- 7) Make arrangements for:
  - a. the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
  - b. a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
  - c. the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
  - d. the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

at the rate of 0.01 shared vehicles and shared vehicle parking spaces per dwelling unit in each development application and any number equal to or

greater than 0.5 is to count as one shared vehicle and one shared vehicle parking space. The shared vehicles and shared vehicle parking spaces will be required for multiple residential units, and Affordable Housing units. "Secondary dwelling units" (i.e. secondary suites in a housing unit) will be considered as a separate dwelling unit for the purpose of calculating shared vehicles.

#### CONTAMINATION

- 8) The following conditions apply:
  - a. In respect of the road dedications:
    - i. the Applicant is to provide confirmation that all road dedications within Kerr Street Properties are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads meet residential land use numerical standards for the top 3 meters and commercial land use numerical standards below 3 meters and that the groundwater in the roads meets the most restrictive standards for marine aquatic life, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and
    - ii. if the Applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications have been remediated to the standards described in paragraph (a)(i) above.
  - b. In respect of the Development Parcels:
    - i. the Applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and
    - ii. the Applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Projection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.

PUBLIC ART

- 9) Execute an agreement on terms satisfactory to the Director of Legal Services and the Director, Director of Cultural Services, for the provision of public art in accordance with the City's *Public Art Policies and Guidelines*, such agreement to provide for security in a form and amount satisfactory to the Director of Legal Services.

General 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.

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.

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