

EXPLANATION**A By-law to amend the Zoning and Development By-law
Re: 2610 Victoria Drive**

After the public hearing on November 13, 2012, Council resolved to amend the Zoning and Development By-law to create a CD-1 By-law for 2610 Victoria Drive. The Director of Planning has advised that all prior to conditions have been met, and enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
May 13, 2014

2610 Victoria Drive

ABF

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-650 (c) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2. The definitions in the Zoning & Development By-law apply to this By-law except that:

“Living Room” in section 7.4 of this By-law means a habitable room which is used for communal purposes.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (568).

3.2 Subject to approval by Council 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 (568) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Social Service Centre;
- (b) Dwelling Uses in conjunction with Social Service Centre; and
- (c) Accessory Uses customarily ancillary to the uses listed in this section 3.2.

Floor Area and Density

4.1 Computation of floor space ratio must assume that the site consists of 2 253.6 m², being the site size at the time of the application for the rezoning evidenced by this By-law.

4.2 Floor space ratio for all uses must not exceed 2.5.

4.3 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 level, 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, to be measured by their gross cross-sectional areas, and included in the measurements for each floor at which they are located; and
- (c) where the distance from a floor to the floor above, or where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.

4.4 Computation of floor area must exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusion does not exceed 8% of permitted floor area;
- (b) patios and roof gardens, provided that 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 of floors so used, which are in a building located within 8.4 m of the rear property line, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) areas of undeveloped floors which are located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (e) floors located at or below finished grade with a ceiling height less than 1.2 m; and

- (f) all residential storage space at, above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.5 The use of floor area excluded under section 4.4 must not include any purpose other than that which justified the exclusion.

Height

- 5. The building height, measured above base surface, must not exceed 20.4 m.

Setbacks

- 6. There must be a minimum setback of 1.2 m from the south property line at the lane.

Horizontal Angle of Daylight

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

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

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 If:

- (a) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m for Living Rooms, or 1.7 m for all other habitable rooms,

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

7.5 An obstruction referred to in section 7.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (568).

7.6 A habitable room referred to in sections 7.1 and 7.4 does not include:

- (a) a bathroom; or

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

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

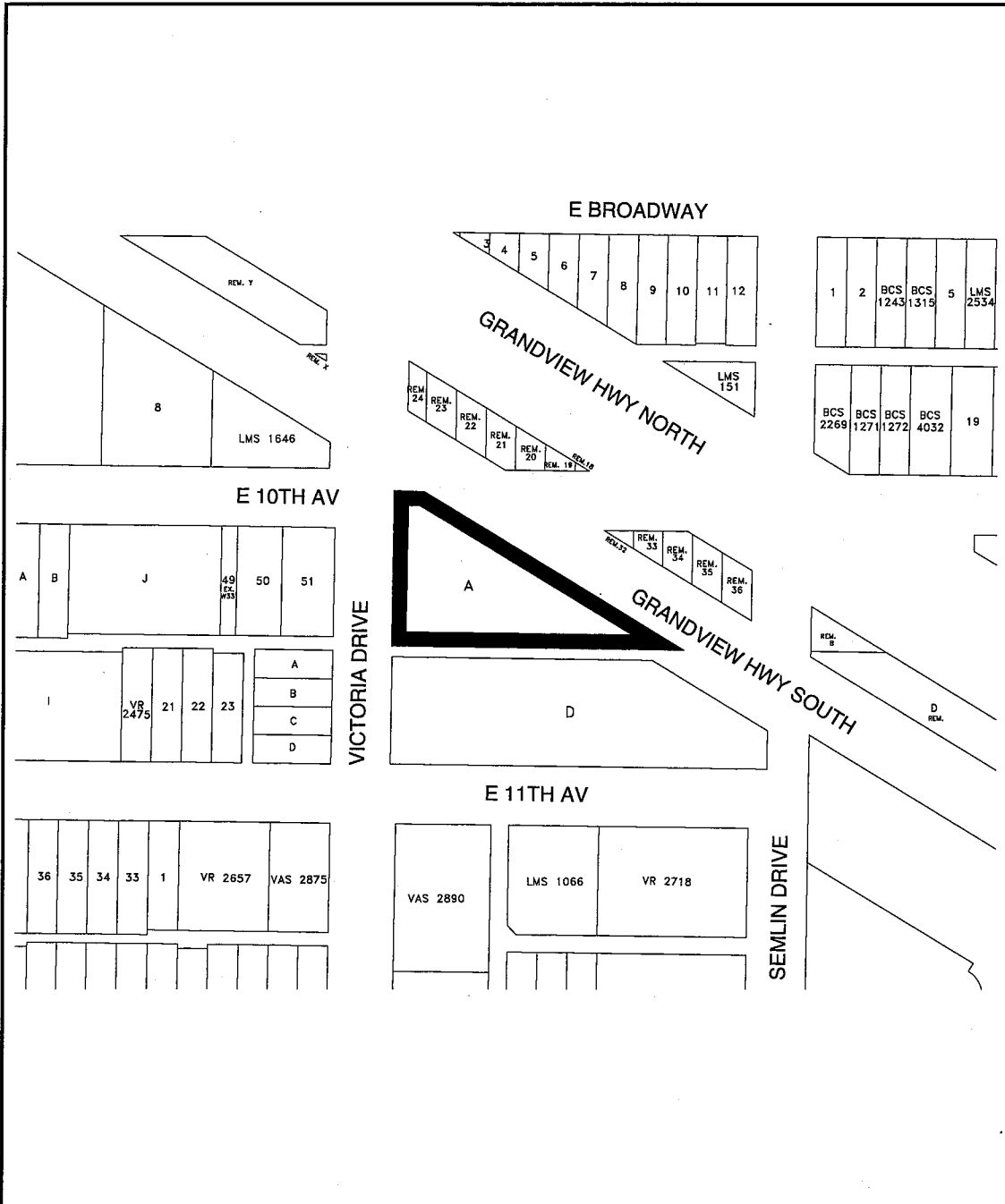
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk

Schedule A



The property outlined in black () is rezoned:
 From **RM-4** to **CD-1**

Z-650 (c)

RZ - 2610 Victoria Drive

map: 1 of 1
 scale: NTS



City of Vancouver

date: 2012-10-18

EXPLANATION**A By-law to amend the Zoning and Development By-law
Re: 516 West 50th Avenue
and 6629-6709 Cambie Street**

After the public hearing on December 17, 2013, Council resolved to amend the Zoning and Development By-law to create a CD-1 By-law for 516 West 50th Avenue and 6629-6709 Cambie Street. The Director of Planning has advised that all prior to conditions have been met, and enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
May 13, 2014

516 West 50th Avenue
and 6629-6709 Cambie Street



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-668 (b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (569).

2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted within CD-1 (569), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Multiple Dwelling; and
- (b) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

Conditions of use

3. The design and layout of at least 25% of the dwelling units must:
- (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High Density Housing for Families with Children Guidelines".

Floor area and density

4.1 Computation of floor space ratio must assume that the site consists of 4 330.0 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

4.2 The floor space ratio for all uses must not exceed 2.49.

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

4.4 Computation of floor area may exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs, walls, or similar features;
- (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; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.5 Computation of floor area may exclude amenity areas, except that the total exclusion must not exceed the lesser of 20% of permitted floor area or 929 m².

4.6 The use of floor area excluded under sections 4.3 and 4.4 must not include any purpose other than that which justified the exclusion.

Building height

5. Building height, measured from base surface, must not exceed 21.0 m.

Setbacks

- 6.1 Setbacks must be, at minimum:

- (a) 3.7 m from the east property line;
- (b) 0.6 m from the west property line;
- (c) 3.7 m from the north property line; and
- (d) 3.1 m from the south property line.

- 6.2 Despite the provisions of section 6.1, the Director of Planning may allow projections into the required setbacks, if:

- (a) no additional floor area is created;
- (b) the Director of Planning first considers all applicable Council policies and guidelines; and
- (c) portions of buildings which may project into required setbacks are:
 - (i) architectural appurtenances such as decorative exterior fins or fixed external shading devices,
 - (ii) steps,
 - (iii) balconies, eaves, bays or similar features,
 - (iv) entry porches located at the basement or first storey,
 - (v) cantilevered eaves forming part of a porch,
 - (vi) chimneys or piers,
 - (vii) underground parking and storage structures located entirely below grade,
 - (viii) access structures to underground parking,
 - (ix) hydro and gas utility meters, vaults or similar equipment, and
 - (x) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

Horizontal angle of daylight

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

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

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 If:

(a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and

(b) the minimum distance of the unobstructed view is not less than 3.7 m,

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

7.5 An obstruction referred to in section 7.2 means:

(a) any part of the same building including permitted projections; or

(b) the largest building permitted under the zoning on any site adjoining CD-1 (569).

7.6 A habitable room referred to in section 7.1 does not include:

(a) a bathroom; or

(b) a kitchen whose floor area is the lesser of:

(i) 10% or less of the total floor area of the dwelling unit, or

(ii) 9.3 m².

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.

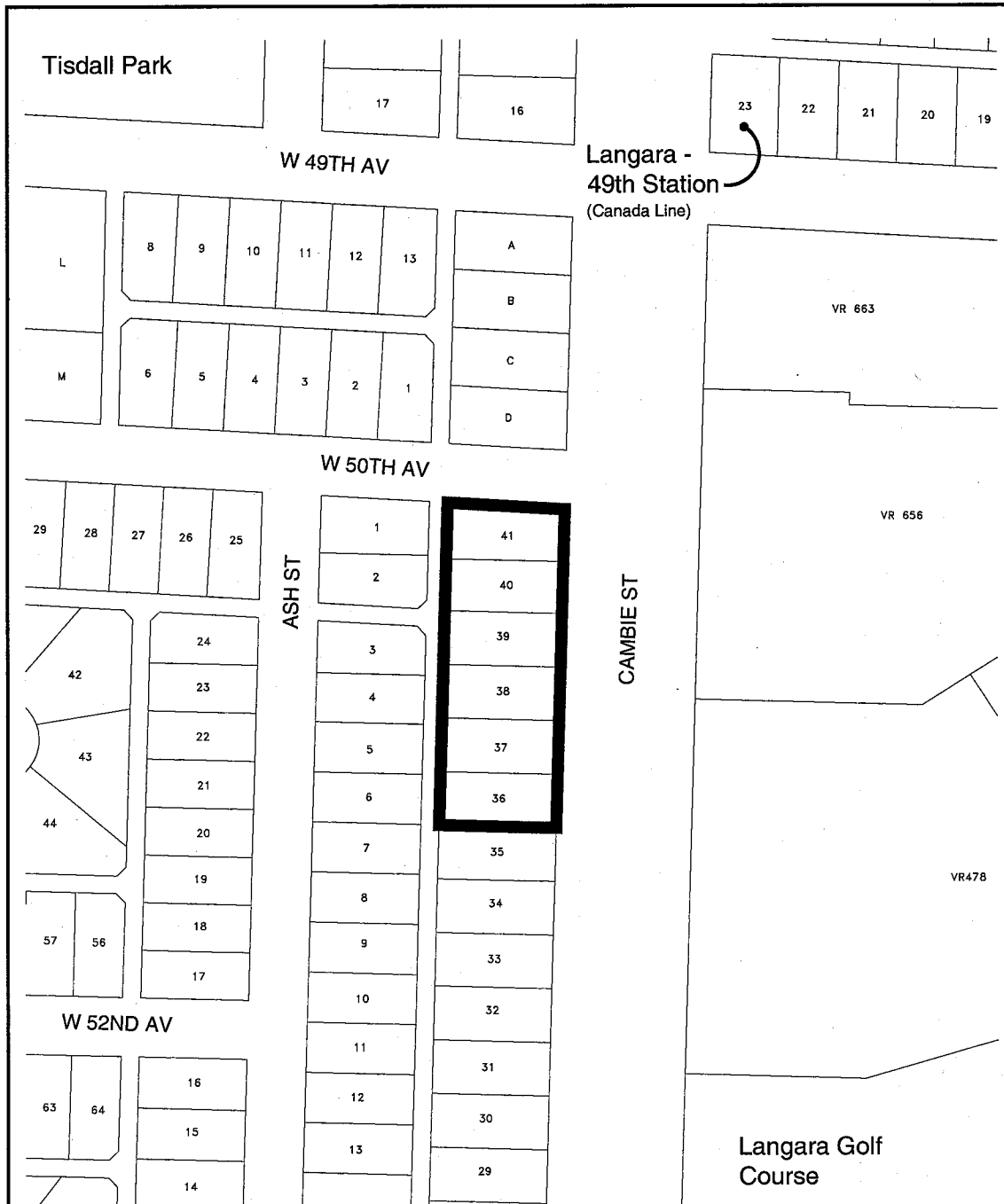
Force and effect

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

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk



The properties outlined in black (**█**) are rezoned:
 From **RS-1** to **CD-1**

Z-668 (b)

RZ - 516 W 50th Avenue & 6629-6709 Cambie Street

map: 1 of 1
 scale: NTS



City of Vancouver

date: 2013-11-19

EXPLANATION**Authorization to enter into a Housing Agreement
Re: 1412-1480 Howe Street, 1429 Granville Street
and 710 Pacific Street**

After the public hearing on October 24 and October 29, 2013, Council approved in principle a Housing Agreement to be entered into by the City and the land owner, on terms satisfactory to the Director of Legal Services and the Managing Director of Social Development, prior to enactment of the CD-1 By-law. Such a Housing Agreement has been accepted and signed by the applicant, and the City now seeks enactment of a By-law as contemplated by section 565.2 of the Vancouver Charter to authorize such Housing Agreement, and to authorize the City to enter into that Housing Agreement with the land owner.

Director of Legal Services
May 13, 2014

1412-1480 Howe Street,
1429 Granville Street and
710 Pacific Street

ABF

BY-LAW NO. _____

**A By-law to enact a Housing Agreement
for 1412-1480 Howe Street, 1429 Granville Street
and 710 Pacific Street**

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

1. Council authorizes the City to enter into a Housing Agreement with the owner of certain lands described as:

No PID Lot A
 Block 122
 District Lot 541
 Group 1
 New Westminster District Plan EPP _____

No PID Lot B
 Block 122
 District Lot 541
 Group 1
 New Westminster District Plan EPP _____

in substantially the form and substance of the Housing Agreement attached to this By-law, and also authorizes the Director of Legal Services to execute the agreement on behalf of the City, and to deliver it to the owner on such terms and conditions as the Director of Legal Services deems fit.

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

ENACTED by Council this day of , 2014

Mayor

City Clerk

Schedule A

LAND TITLE ACT
FORM C

(Section 233)
Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office Use)

Page 1 of 17 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[To be put in e-filing form by the applicant]

Signature of Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

Lot A Block 122 District Lot 541 Group 1 New Westminster
District Plan EPP_____

Lot B Block 122 District Lot 541 Group 1 New Westminster
District Plan EPP_____

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO
INTEREST

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms D.F. No.
(b) Express Charge Terms Annexed as Part 2
(c) Release There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharge as a charge on the land described in Item 2.

5. TRANSFEROR(S)/CHARGEHOLDER(S):*

HOWE STREET VENTURES LTD. (Incorporation No. 683469)
HSBC BANK CANADA (as to Priority)
FULCRUM CAPITAL PARTNERS INC. (Incorporation No. A0083659) (as to Priority)

6. TRANSFEREE(S):* (including postal address(es) and postal code(s))*

CITY OF VANCOUVER, 453 West 12th Avenue, Vancouver, British Columbia, V5Y 1V4

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
<hr/>	14			<p>HOWE STREET VENTURES LTD., by its authorized signatories:</p> <hr/> <p>Name:</p> <hr/> <p>Name:</p>

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Y	M	D
14		

Party(ies) Signature(s)

CITY OF VANCOUVER by its
authorized signatory:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
_____	14			HSBC BANK CANADA by its authorized signatory: _____

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Y	M	D
14		

Party(ies) Signature(s)

FULCRUM CAPITAL PARTNERS INC.
by its authorized signatory:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument

TERMS OF INSTRUMENT - PART 2

HOUSING AGREEMENT

(1412-1460 Howe Street, 1429 Granville Street and 710 Pacific Street)

Introduction

- A. It is understood and agreed that this instrument and Agreement, will be read as follows:
- (i) the transferor, Howe Street Ventures Ltd., is called the "Owner" as more particularly defined in Section 1.1; and
 - (ii) the Transferee, City of Vancouver, is called the "City" when referring to corporate entity and "City of Vancouver" when referring to geographic location;
- B. The Owner is the registered owner of the Lands; and
- C. The Owner made an application to rezone the Lands from existing FCCDD (False Creek Comprehensive Development) to CD-1 (Comprehensive Development) District and after a public hearing to consider the rezoning application, was approved by City Council in principle, subject to, inter alia, fulfilment of the condition that, prior to enactment of the rezoning by-law, the Owner, at no cost to the City:

"Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing 98 residential units in sub-area A with a minimum total area of 5,910m² (63,616 sq. ft.), and related parking and other amenity space, for 60 years or the life of the building, whichever is greater, as rental housing, and subject to the following additional conditions in respect of those units:

- (a) *that all such units will be contained within a separate air space parcel;*
- (b) *that such air space parcel may not be subdivided by deposit of a strata plan;*
- (c) *that none of such units may be separately sold;*
- (d) *that none of such units will be rented for less than one month at a time;*
- (e) *that the number of units may be varied at the discretion of the Managing Director of Social Development to provide for more family units; and*
- (f) *on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.*

Note to applicant: This condition to be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter."

LAND TITLE ACT
FORM E
SCHEDULE

Enter the Required Information in the Same Order as the Information Must Appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

3. NATURE OF INTEREST:*

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Section 219 Covenant	Entire Instrument	Transferee
Priority Agreement granting above Section 219 Covenant priority over Mortgage BB421665 as extended by CA2494443 and modified by CA2494445 and Assignment of Rents BB421666 as extended by CA2494444	Page 16	Transferee
Priority Agreement granting above Section 219 Covenant priority over Mortgage BB602307 and Assignment of Rents BB602308 and Mortgage CA2640545 and Assignment of Rents CA2640546	Page 17	Transferee

Consideration

THEREFORE in consideration of the sum of ten dollars (\$10.00) now paid by the City and the Owner to each other and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged) pursuant to Section 565.2 of the *Vancouver Charter* it is agreed as follows:

Terms of Agreement

1. **DEFINITIONS.** The terms defined in this Section 1 for all purposes of this Agreement, unless specifically provided in this Agreement, will have the following meanings hereinafter specified. The defined terms are:

- (a) **"Agreement"** means this housing agreement and building use covenant, including the foregoing recitals;
- (b) **"Building"** means:
 - (i) any building or structure used, occupied or constructed on the Lands at any time following the date this Agreement is fully executed and includes any portion of such building or structure; and
 - (ii) any existing building or structure on the Lands;

that the Director of Legal Services determines is not installed on an interim or temporary basis;
- (c) **"City Personnel"** means the City's elected officials, officers, employees, contractors, subcontractors, agents, licensees, invitees, and permittees;
- (d) **"Development permit"** means any development permit issued by the City to enable development of the lands as contemplated by the Rezoning, as the same may be amended from time to time;
- (e) **"Director of Legal Services"** means the chief administrator from time to time of the Legal Services Department of the City and her successors in function and their respective nominees;
- (f) **"Land Title Act"** means the *Land Title Act*, R.S.B.C. 1996, c. 250, and amendments thereto and re-enactments thereof;
- (g) **"Lands"** means the parcel of land situated in the City of Vancouver, Province of British Columbia described in Item 2 of the General Instrument Part I and includes any parcel into which such land is consolidated or further subdivided;
- (h) **"LTO"** means the land title office for the jurisdiction in which the Lands are situate;

- (i) **"Managing Director of Social Development"** means the chief administrator from time to time of the City's Social Development Department and his/her successors in function and their respective nominees;
- (j) **"Occupancy Permit"** means a permit issued by the City authorizing the use and occupation of any Building, development or partial development on the Lands;
- (k) **"Owner"** means the Transferor, **Howe Street Ventures Ltd.**, Incorporation Number 683469 and includes any and all of its respective assigns and successors as registered or beneficial owner of the Lands or any part thereof;
- (l) **"Rental Purposes"** means the use of a Rental Unit (which will not be occupied by the registered or beneficial owner of same but which is made available by such owner to the general public, at arm's length) for residential accommodation only and for a period of not less than one (1) month, all in accordance with this Agreement, reasonable prudent landlord-tenant practices for rental residential accommodation and any and all law applicable thereto, including without limitation, residential tenancy and applicable human rights legislation in British Columbia;
- (m) **"Rental Unit Parcel"** means one legal titled air space parcel which contains all of, and only, the Rental Units other than any related common service and amenity area and systems and including without limitation parking for the Rental Units;
- (n) **"Rental Units"** means a minimum of ninety-eight (98) new residential dwelling units with a total area of at least 5,910 square metres (63,616 square feet) to be constructed in the Rental Unit Parcel in the Building, as contemplated by the Rezoning, except that the number of units may be varied, upon the request of the Owner, by the General Manager of Planning and Development in consultation with the Managing Director of Social Development to provide a greater number of new residential dwelling units designed to be suitable for families with children pursuant to the Development Permit, and **"Rental Unit"** means any one of them, and those terms include each and all such dwelling units constructed in a replacement building on the Lands;
- (o) **"Rezoning"** means the rezoning described in Recital C of this Agreement;
- (p) **"Rezoning By-law"** means the rezoning by-law relating to the Lands as described in Recital C;
- (q) **"Term"** means the period from the date this Agreement is registered in the LTO until the date which is 60 years from the date of said registration or the life of the Building whichever is greater; and
- (r) **"Vancouver Charter"** means the *Vancouver Charter* S.B.C. 1953, c. 55, as amended or replaced from time to time.

2. **RESTRICTIONS ON USE AND SUBDIVISION.** The Owner agrees that:

- (a) the Lands and the Building will not be used in any way that is inconsistent with the terms of this Agreement;
- (b) all of the Rental Units will be located within the Rental Unit Parcel;
- (c) the Rental Units will be used throughout the Term for Rental Purposes only;
- (d) it will not suffer, cause or permit, beneficial or registered title to any Rental Unit in the Rental Parcel to be sold or otherwise transferred individually or jointly with one or more other Rental Units unless beneficial or registered title to all of the Rental Units in the Rental Parcel are sold or otherwise transferred together and as a block to the same beneficial and legal owner, and unless such transferee concurrently enters into an assumption agreement satisfactory to the City whereby it agrees to be and thereafter remain bound by each and every term and condition of this Agreement applicable to the Owner;
- (e) subject to Section 3, it will not suffer, cause or permit the Building to be subdivided by strata plan or air space plan without the prior written consent of the City, which consent the City may arbitrarily withhold;
- (f) that any sale of a Rental Unit in contravention of the covenant in Section 2(d), and any subdivision of the Rental Unit Parcel or the Building or any part thereof, in contravention of the covenant in Section 2(e), will in each case be of no force or effect, and the City will be entitled to the cancellation of the registration of any offending transfer of title or plan, as the case may be, at the Owner's expense;
- (g) it will not rent, licence, use or sublet nor will it allow to be rented, licensed to use or sublet any Rental Unit for a term of less than thirty (30) days;
- (h) it will construct the Rental Units in accordance with any Development Permit and building permit(s) issued for the Lands, or part thereof, and will keep and maintain the Building containing the Rental Units and all parts thereof in good repair and in a safe, clean, neat and tidy condition, and will insure it to the full replacement cost against perils normally insured against in the City of Vancouver by reasonable and prudent owners of similar buildings and lands. If any Rental Unit or any part thereof is damaged, or if any portion of a Building is damaged such that the use and enjoyment of any Rental Unit would be materially impaired, the Owner will promptly restore and repair such damage whenever and as often as damage occurs, to at least as good a state and condition as existed before such damage occurred; and
- (i) any changes to the foregoing restrictions and requirements will be made only with the prior written agreement of the Managing Director of Social Development, who may first seek input from the City's elected Council;

and the Owner covenants and agrees that:

- (j) enactment of the Rezoning By-law is full and fair compensation for the restrictions set out in this Agreement and the Owner waives and renounces all claims for further or other compensation by reason of this Agreement.

3. SUBDIVISION OF THE LANDS. Despite Subsection 2(e),

- (a) subject to compliance by the Owner with all applicable requirements of the City's Approving Officer and the City's elected Council in relation to subdivision of land, this Agreement and all applicable laws and by-laws, the City will not unreasonably withhold its consent to a subdivision of the Lands by air space plan that creates the Rental Unit Parcel, or any further or other subdivision (including by deposit of a strata plan or air space plan) of that part of the Lands which does not and will not contain the Rental Unit Parcel; and
- (b) following a subdivision to create the Rental Unit Parcel and the issuance of a final occupancy permit for the Rental Unit Parcel, the Owner may apply to the City for a partial discharge of this Agreement with respect to any parcel or parcels other than the Rental Unit Parcel and the City will, on request of the Owner, execute and deliver a registrable discharge of this Agreement in respect of all parcels other than the Rental Unit Parcel; provided that:
 - (i) the Director of Legal Services is satisfied that such discharge will not unreasonably alter, restrict or limit the City's rights and the Owner's agreements and obligations in respect of the Rental Units pursuant to this Agreement;
 - (ii) any such discharge will be in form and substance acceptable to the Director of Legal Services and will be prepared by the Owner at its cost;
 - (iii) the City will have a reasonable amount of time to execute and return any such discharge; and
 - (iv) the preparation and registration of any such discharge will be without cost to the City.

4. OCCUPANCY RESTRICTION ON THE LANDS. The Owner covenants and agrees with the City in respect of the use of the Lands and each Building, that:

- (a) no Building will be used or occupied except as follows:
 - (i) the Owner will not suffer or permit the occupation of any Building or any part thereof and will take no action, directly or indirectly, to compel the issuance of an Occupancy Permit for any Building or any part thereof; and

- (ii) the City will be under no obligation to issue any Occupancy Permit permitting the use and occupation of any Building, notwithstanding completion of construction of any such Building;

until such time as an Occupancy Permit has been issued for each of the Rental Units; and

- (b) without limiting the general scope of this Section 4, the Owner does hereby waive, remise and release absolutely any and all claims against the City and City Personnel for any Losses that may derive from the withholding of an Occupancy Permit until the owner has satisfied the provisions of this Section 4.

5. **RECORD KEEPING.** The Owner will keep accurate records pertaining to the use and rental of the Rental Units for Rental Purposes, such records to be to the satisfaction of the City. At the request of the City, from time to time, the Owner will make these records available for inspection and copying by the City.

6. **ENFORCEMENT.** This Agreement may be enforced by mandatory and prohibitory orders of the court. In any action to enforce this Agreement if the City is entitled to court costs, it will be entitled to court costs on a solicitor and own client basis.

7. **INDEMNITY AND RELEASE.** The Owner hereby:

- (a) releases and discharges the City and City Personnel from and against all liabilities, actions, statutory or other proceedings, judgments, investigations, claims, losses, loss of profits, damages, including indirect and consequential damages, fines, penalties, costs and legal costs which may arise or accrue to the Owner by reason of the City or City Personnel exercising any of its rights under this Agreement; and
- (b) agrees to indemnify and save harmless the City and City Personnel from and against all liabilities, actions, statutory or other proceedings, judgments, investigations, claims, losses, loss of profits, damages, including indirect and consequential damages, fines, penalties, costs, and legal costs on a solicitor and own client basis which the City or City Personnel may suffer or incur arising whether directly or indirectly out of any default by the Owner, or the Owner's officials, officers, employees, or agents, or any other person for whom it is legally responsible, in observing or performing the Owner's obligations under this Agreement or that would not have been incurred "but for" this Agreement.

The indemnity provided in this Section 7 will be an integral part of this Section 219 Covenant continued in this Agreement. The release and indemnification provisions contained in this Agreement will survive the discharge or termination of this Agreement.

8. **NOTICES.** Any notice, approval or request required or permitted to be given under this Agreement will be in writing and may be given by delivering such notice, approval or request to a representative of the party for whom it is intended, either by personal delivery or by facsimile transmission, or by mailing such notice, approval or request by prepaid registered mail from any

post office in British Columbia and in the case of the Owner, addressed to it at:

in the case of the Owner addressed to it at:

Howe Street Ventures Ltd.
501-1067 West Cordova Street
Vancouver, B.C, V6E 1C7
 Attention: Development Manager

in the case of the City addressed to it at:

City of Vancouver
 453 West 12th Avenue
 Vancouver, British Columbia
 V5Y 1V4

Attention: City Clerk

with a concurrent copy to the Director of Legal Services, Fax No. 604.873.7445;

or at such other address as the parties may from time to time advise by notice in writing. Any such notice, approval or request will be deemed to have been received on the date of delivery of such notice, approval or request or on the third business day next following the date of such mailing if mailed as aforesaid, provided that if mailed should there be, between mailing and the actual receipt of such notice, approval or request, a mail strike, slowdown or other labour dispute which might affect the delivery of such notice, approval or request, such notice, approval or request will only be effective if actually delivered.

9. MISCELLANEOUS

- (a) **Breach by Owner.** The Owner agrees that damages may be an inadequate remedy for the City for any breach by the Owner of its obligations under this Agreement and the Owner agrees that the City is entitled to seek and obtain an order for specific performance, or a prohibitory or mandatory injunction, in order to compel performance by the Owner of its obligations under this Agreement.
- (b) **No Derogation.** Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Vancouver Charter* as amended from time to time and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands and Building as if this Agreement had not been executed and delivered by the Owner and the City.
- (c) **Owner's Representations and Warranties.** The Owner represents and warrants to and covenants and agrees with the City that:

- (i) it has the full and complete power, authority and capacity to enter into, execute and deliver this Agreement and to bind all legal and beneficial interests in the title to the Lands with the interest in land created hereby; and
 - (ii) this Agreement will be fully and completely binding upon the Owner in accordance with the terms hereof and the Owner will perform all of its obligations under this Agreement in accordance with the terms hereof.
- (d) **City's Costs.** In any action to enforce this Agreement in which any Court determines that the position of the City will prevail, the City will be entitled to court costs on a solicitor/client basis.
- (e) **Interpretation.** The following provisions will apply to this instrument:
- (i) the laws of British Columbia are to govern its interpretation and enforcement;
 - (ii) each of the City and Owner accepts the jurisdiction of the courts of British Columbia;
 - (iii) if a court finds any provision invalid, illegal, or unenforceable, and severs it from the remainder of this instrument, the remaining provisions are to remain in force and effect;
 - (iv) time will be of the essence, and if the City or Owner expressly or impliedly waives that requirement, the City or Owner may re-instate it by delivering notice to the other;
 - (v) waiver of a default by the City or Owner or failure or delay by the City or Owner in exercising a right or remedy does not mean that the City or Owner waives any other default or that the City or Owner has waived its right to exercise such right or remedy;
 - (vi) no amendment is to have any force or effect unless the City and Owner have signed it;
 - (vii) this instrument represents the entire agreement between the City and Owner regarding the matters set out in this instrument, and supersedes all prior agreements, letters of intent, or understandings about those matters;
 - (viii) any reference to a statute is to the statute and its regulations in force on the date the Owner signs Form C, and to subsequent amendments to or replacements of the statute or regulations;
 - (ix) the exercise of any particular remedy by the City or Owner under this instrument or at law or at equity will not prejudice or preclude that party from invoking or exercising any other remedy, and no remedy will be exclusive, and each of the City

or Owner may exercise all its remedies independently or in combination and, in particular, the Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise), or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement;

- (x) the Owner will execute and deliver to the City, on request by the City from time to time, such further assurances and instruments as the City may require to give full force and effect to the Owner's grants and agreements under this instrument; and
 - (xi) if the Owner consists of more than one person, firm, or corporation, the Owner's obligations under this instrument will be joint and several.
- (f) **Agreement Runs With the Lands.** The covenants and agreements set forth herein on the part of the Owner will be covenants the burden of which will run with and will bind the Lands and will attach thereto and run with each and every part into which the same may be subdivided or consolidated, subject always to Sections 2(d), 2(e) and 3.
- (g) **Perfection of Intention.** The Owner will, after execution hereof, do or cause to be done at its own cost and expense all things and acts necessary to ensure that this Agreement is noted on title to the Lands as a Housing Agreement pursuant to Section 565.2 of the *Vancouver Charter* and also registered as a first registered charge against the Lands, save only for those reservations, liens, charges or encumbrances:
- (i) contained in any grant from Her Majesty the Queen in Right of the Province of British Columbia respecting the Lands;
 - (ii) in favour of the City either alone or together with any other party;
 - (iii) registered against title to the Lands at the instance of the City as a condition of rezoning the Lands or in satisfaction of a condition of the City's Approving Officer approving the subdivision of the parent parcel to create the Lands; and
 - (iv) which Director of Legal Services has determined, in her sole discretion, may rank in priority to the registrable interests in land granted pursuant to this Instrument.
- (h) **Continuing Effect.** This Agreement will enure to the benefit of and bind each of the City and its successors and assigns and the Owner and its successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the General Instrument - Part 1 which is attached hereto and forms part hereof.

CONSENT AND PRIORITY INSTRUMENT

In this consent and priority instrument:

- (a) "Existing Charges" means the Mortgage registered under number BB421665 as extended by CA2494443 and modified by CA2494445 and the Assignment of Rents registered under number BB421666 as extended by CA2494444;
- (b) "Existing Chargeholder" means HSBC BANK CANADA;
- (c) "New Charge" means the Section 219 Covenant contained in the attached Terms of Instrument - Part 2; and
- (d) words capitalized in this instrument, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument - Part 2.

For \$10.00 and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder hereby:

- (i) consents to the Owner granting the New Charge to the City; and
- (ii) agrees with the City that the New Charge charges the Lands in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charge, and it had been registered against title to the Lands, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

To witness this consent and priority instrument, the Existing Chargeholder has caused its duly authorized signatories to sign the attached General Instrument - Part 1.

CONSENT AND PRIORITY INSTRUMENT

In this consent and priority instrument:

- (a) "Existing Charges" means the Mortgage registered under number BB602307 and the Assignment of Rents registered under number BB602308 and Mortgage registered under number CA2640545 and the Assignment of Rents registered under number CA2640546;
- (b) "Existing Chargeholder" means FULCRUM CAPITAL PARTNERS INC.;
- (c) "New Charge" means the Section 219 Covenant contained in the attached Terms of Instrument - Part 2; and
- (d) words capitalized in this instrument, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument - Part 2.

For \$10.00 and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder hereby:

- (i) consents to the Owner granting the New Charge to the City; and
- (ii) agrees with the City that the New Charge charges the Lands in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charge, and it had been registered against title to the Lands, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

To witness this consent and priority instrument, the Existing Chargeholder has caused its duly authorized signatories to sign the attached General Instrument - Part 1.

END OF DOCUMENT

EXPLANATION**A By-law to amend Parking By-law No. 6059
Regarding the West End Community Plan and
amendments to the C-5 and C-6 and the RM-5, RM-5A
and RM-5B Districts Schedules**

After the public hearing on January 23, 2014, Council resolved to amend the Parking By-law No. 6059 to support the West End Community Plan. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
May 13, 2014

Parking By-law amending By-law
Regarding the West End Community Plan
and amendments to the C-5 and C-6 and
the RM-5, RM-5A and RM-5B Districts
Schedules

ABF

BY-LAW NO. _____

**A By-law to amend Parking By-law No. 6059
with regard to amendments to the C-5 and C-6
and the RM-5, RM-5A and RM-5B Districts Schedules**

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

1. This By-law amends the indicated provisions of the Parking By-law.
2. In sections 4.2 and 4.2.1.3, after "C-5", Council adds ", C-5A".
3. In section 4.6.6, after "RM-5C", Council adds ", RM-5D".
4. In section 4.7.3, after "C-5", wherever it appears, Council adds ", C-5A".
5. In sections 4.8, 4.8.8, 4.8.10 and 4.8.11, after "RM-5C", Council adds ", RM-5D," or "RM-5D," as the case may be.
6. In sections 4.9, 4.9.1, 4.9.2, 4.9.3, 4.9.4, 4.9.5, 4.9.6 and 4.11.1, after "RM-5C", Council adds "RM-5D,".
7. In sections 4.9, 4.9.1, 4.9.2, 4.9.3, 4.9.4, 4.9.5, 4.9.6 and 4.11.1, after "C-5", Council adds "C-5A,".
8. In section 5.2, after "C-5", Council adds ", C-5A".
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.
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk

EXPLANATION

**A By-law to amend Subdivision By-law No. 5208
Re: West End Community Plan
amendments to the C-5 and C-6 Districts Schedule
and the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule**

After the public hearing on January 23, 2014, Council resolved to amend the Subdivision By-law No. 5208 to support the West End Community Plan. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
May 13, 2014

ABF

Re: West End Community Plan
amendments to the C-5 and C-6 Districts Schedule
and the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule

BY-LAW NO. _____

A By-law to amend Subdivision By-law No. 5208

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

1. Council amends the indicated provisions of By-law No.5208.
2. Council amends Table 1 of Schedule A by:
 - (a) inserting, in the appropriate alphabetical and numerical order, the following standard for the RM-5D district:

RM-5D	Multiple Dwelling	50' [15.240 m]	6000 sq. ft. [557.418 m ²]
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; and

- (b) inserting, in the appropriate alphabetical and numerical order, the following standard for the C-5A district:

C-5A	Commercial	40' [12.192 m]	4800 sq. ft. [445.935 m ²]
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3. Council amends Table 2 of Schedule A by:
 - (a) inserting, in the appropriate alphabetical and numerical order, the following standard for the RM-5D district:

RM-5D	Multiple Dwelling	30' [9.144 m]	3000 sq. ft. [278.709 m ²]
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; and

- (b) inserting, in the appropriate alphabetical and numerical order, the following standard for the C-5A district:

C-5A	Commercial	25' [7.620 m]	3000 sq. ft. [278.709 m ²]
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4. 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.

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

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk

EXPLANATION

**Health By-law amending By-law
Re: Housekeeping**

The attached by-law will correct a numbering error in the Health By-law.

Director of Legal Services
May 13, 2014

BY-LAW NO. _____

ABF

**A By-law to amend Health By-law No. 9535
regarding housekeeping**

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

1. This By-law amends the indicated provisions of By-law No. 9535.
2. In Section 2.10, Council strikes out "2.7" and substitutes "2.9".
3. This By-law is to come into force and take effect from the date of enactment.

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk

EXPLANATION**2014 Rating By-law
Greater Vancouver Regional District**

Enactment of the attached By-law will levy the rates necessary to raise funds requisitioned by the Greater Vancouver Regional District for 2014.

Director of Legal Services
May 13, 2014

ABF

BY-LAW NO. _____

**A By-law to levy a rate on property to raise monies
required to be paid to the Greater Vancouver Regional District**

PREAMBLE

Pursuant to the *Local Government Act*, the City of Vancouver is required to make due provision for the amount of money requisitioned from it by the Greater Vancouver Regional District.

The Greater Vancouver Regional District has requisitioned from the City the sum of \$15,650,901 for the year 2014.

The amount of money requisitioned by the Greater Vancouver Regional District may be raised by the City of Vancouver by levying a rate on property upon the basis provided in the *Local Government Act*.

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

1. For the purpose of providing for the payment of the amount requisitioned from the City by the Greater Vancouver Regional District in the year 2014, there is hereby imposed per one thousand dollars of taxable value of land and improvements, but excluding property that is taxable for school purposes only by a special act, the rates hereinafter set forth, namely:

<u>CLASS OF PROPERTY</u>		<u>DOLLARS OF TAX FOR EACH ONE THOUSAND DOLLARS OF TAXABLE VALUE</u>
Class 1 - residential	(1)	0.05725
Class 2 - utilities	(2)	0.20036
Class 3 - supportive housing	(3)	0.05725
Class 4 - major industry	(4)	0.19464
Class 5 - light industry	(5)	0.19464
Class 6 - business and other	(6)	0.14025
Class 8 - recreational property/ non-profit organization	(8)	0.05725
Class 9 - farm	(9)	0.05725

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

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk

EXPLANATION**2014 Rating By-law
General Purpose Taxes**

Enactment of the attached By-law will levy the 2014 general purpose taxes, and implement Council's resolution of May 13, 2014, subject to a property tax cap rate on certain designated port facilities.

Director of Legal Services
May 13, 2014

ABF BY-LAW NO. _____

A By-law to levy rates on all taxable real property in the City of Vancouver, to raise a sum which added to the estimated revenue of the City of Vancouver from other sources, will be sufficient to pay all debts and obligations of the City of Vancouver falling due within the year 2014 and not otherwise provided for

PREAMBLE

For the year 2014, the following sums will have to be provided for the purposes hereafter named, by levying a rate or rates on all the taxable real property on the assessment roll prepared pursuant to the *Assessment Act* for general municipal purposes for the City of Vancouver:

<u>PURPOSES</u>	<u>AMOUNT</u>
Payment of interest on Debentures outstanding, payment of principal on Serial Debentures falling due in 2014, and payments to Sinking Fund in respect of debenture debts incurred.....	\$ 79,548,900
All other necessary expenses of the City not otherwise provided for.....	<u>\$550,610,000</u>
Total General Purposes	<u>\$630,158,900</u>

The taxable value of land and improvements, as shown on the real property assessment roll prepared by the British Columbia Assessment Authority, for general municipal purposes for the City of Vancouver for all classes other than class 1 - residential, class 5 - light industry, and class 6 - business and other is \$670,660,056.

The taxable value of land and improvements for general municipal purposes, based on the averaged assessment pursuant to By-law No. 10888, is \$184,672,813,616 for class 1 - residential, \$855,281,230 for class 5 - light industry, and \$34,227,317,134 for class 6 - business and other.

The *Ports Property Tax Act* and its regulations impose a maximum municipal tax rate of \$27.50 per \$1,000 of assessed value in respect of certain Class 4 - major industry properties ("ports properties"), bearing assessment roll numbers 561-192-30-2003, 561-226-34-4010, 561-226-34-4015, 561-226-34-4020, 561-230-30-4050, 561-250-76-4014, and 561-275-40-4050.

The *Ports Property Tax Act* and its regulations impose a maximum municipal tax rate of \$22.50 per \$1,000 of assessed value, in respect of designated new investment in Class 4 - major industry properties ("ports properties, new investments"), bearing assessment roll number 561-192-30-2003.

The rates of taxation for the Provincial classes necessary to raise the sum of \$630,158,900 are as follows:

<u>CLASS OF PROPERTY</u>		<u>DOLLARS OF TAX FOR EACH ONE THOUSAND DOLLARS OF TAXABLE VALUE</u>
Residential	(1)	1.84728
Utilities	(2)	35.21383
Supportive Housing	(3)	0.00000
Major Industry (other than ports properties)	(4)	33.77460
Major Industry (ports properties)	(4)	27.50000
Major Industry (ports properties, new investment)	(4)	22.50000
Light Industry	(5)	7.88427
Business and Other	(6)	7.88427
Recreational Property/ Non-profit Organization	(8)	1.84548
Farm	(9)	1.84548

such rates being dollars of general purposes tax for each thousand dollars of taxable value.

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

1. On each of the respective classes of property hereinafter set forth, which are more particularly defined in the *Assessment Act* and its regulations, there is hereby imposed per one thousand dollars of taxable value the several rates hereinafter set forth, namely:

- (a) For the purpose of providing for the payment of \$79,548,900, being the amount required for interest on Debentures, principal of Serial Debentures, and Sinking Fund obligations falling due in 2014, the rates of:

<u>CLASS OF PROPERTY</u>		<u>DOLLARS OF TAX FOR EACH ONE THOUSAND DOLLARS OF TAXABLE VALUE</u>
Residential	(1)	0.23275
Utilities	(2)	4.43672
Supportive Housing	(3)	0.00000
Major Industry (other than ports properties)	(4)	4.25539
Major Industry (ports properties)	(4)	3.46483
Major Industry (ports properties, new investment)	(4)	2.83486
Light Industry	(5)	0.99337
Business and Other	(6)	0.99337
Recreational Property/ Non-profit Organization	(8)	0.23252
Farm	(9)	0.23252

- (b) For the purpose of providing the sum of \$550,610,000, being monies required for other necessary expenses of the City during the year 2014 not otherwise provided for, the rates of:

<u>CLASS OF PROPERTY</u>		<u>DOLLARS OF TAX FOR EACH ONE THOUSAND DOLLARS OF TAXABLE VALUE</u>
Residential	(1)	1.61453
Utilities	(2)	30.77711
Supportive Housing	(3)	0.00000
Major Industry (other than ports properties)	(4)	29.51921
Major Industry (ports properties)	(4)	24.03517
Major Industry (ports properties, new investment)	(4)	19.66514
Light Industry	(5)	6.89090
Business and Other	(6)	6.89090
Recreational Property/ Non-profit Organization	(8)	1.61296
Farm	(9)	1.61296

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

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk

EXPLANATION

A By-law to amend the boundaries of CD-1 By-laws No. 9732 and No. 9733 to remove certain lands known as East Fraser Lands Town Square Precinct from the boundaries of CD-1 By-laws No. 9732 and No. 9733, and to amend Zoning and Development By-law No. 3575 to rezone those lands known as East Fraser Lands Town Square Precinct as a new CD-1 district

Following a public hearing on January 19, 2010, on January 21, 2010 Council approved amendments to CD-1 By-laws No. 9732 and No. 9733 to remove those lands known as East Fraser Lands Town Square Precinct from the area regulated by CD-1 By-laws No. 9732 and No. 9733 and to amend Zoning and Development By-law No. 3575 to rezone those lands known as East Fraser Lands Town Square Precinct as a new CD-1 district. Enactment of the attached By-law will implement this resolution.

Director of Legal Services
May 13, 2014

Town Square Precinct
East Fraser Lands

ABF

BY-LAW NO. _____

**A By-law to amend CD-1 By-law No. 9732
and CD-1 By-law No. 9733 to remove land, 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:

CD-1 Plans and Zoning District Plan Amendments

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-619(b)(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-619(b)(ii) 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 (566)” 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 (566) illustrated on the plan marginally numbered Z-619(b)(ii) attached as Schedule A to this By-law;

“sub-area 2” means that area of CD-1 (566) illustrated on the plan marginally numbered Z-619(b)(ii) attached as Schedule A to this By-law; and

“sub-area 3” means that area of CD-1 (566) illustrated on the plan marginally numbered Z-619(b)(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 (566) 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 (566) 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 (566),
 - (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 m².

5.2 The floor area for all dwelling uses, combined, must not exceed 140 594 m².

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 m².

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 m².

5.5 The floor area for office uses, combined, must not exceed 14 442 m².

5.6 The floor area for a manufacturing use in sub-area 2 must not exceed 200 m².

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 m².

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 sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 7 000 m²; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 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 sundecks, 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 sundeck 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-619(b)(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 m² of gross floor area must have at least 1 parking space for each 75 m² of gross floor area,
 - (ii) each dwelling unit that consists of 112.5 m² 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 m² of gross floor area must have no more than 1 parking space for each 65 m² of gross floor area,
 - (v) each dwelling unit that consists of 130 m² 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 m² 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 m² or less of gross floor area must have at least 1 parking space for each dwelling unit,

- (ii) that consists of more than 75 m² must have at least 1 parking space for each dwelling unit plus at least 1 parking space for each additional 75 m² of gross floor area above 75 m² of gross floor area,
 - (iii) must have at least 0.2 visitor parking space for each dwelling unit,
 - (iv) that consists of 75 m² 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 m² must have no more than 1.3 parking space for each dwelling unit plus 1 parking space for each additional 75 m² of gross floor area above 75 m² 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

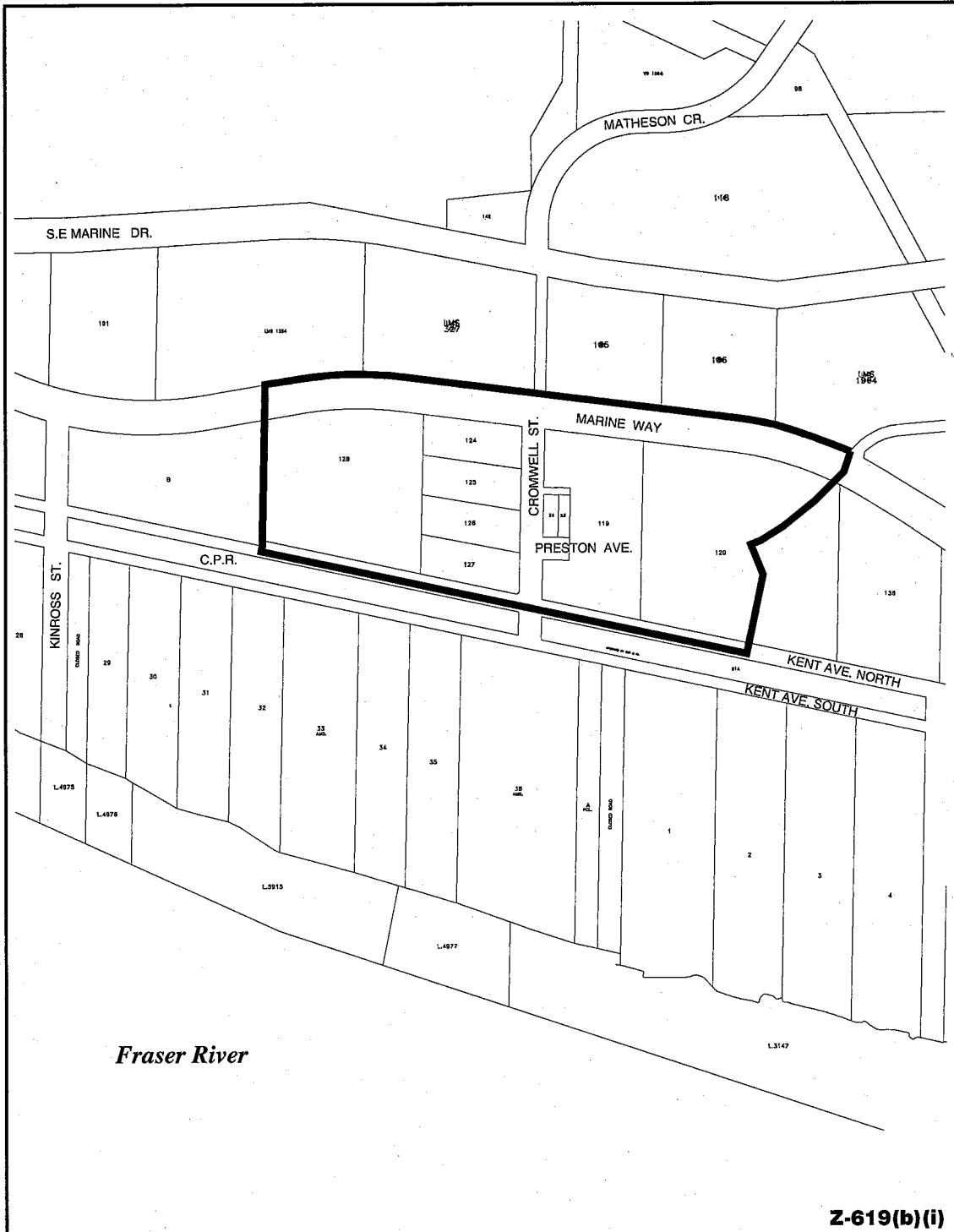
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2014

Mayor

City Clerk

Schedule A



Fraser River

Z-619(b)(i)

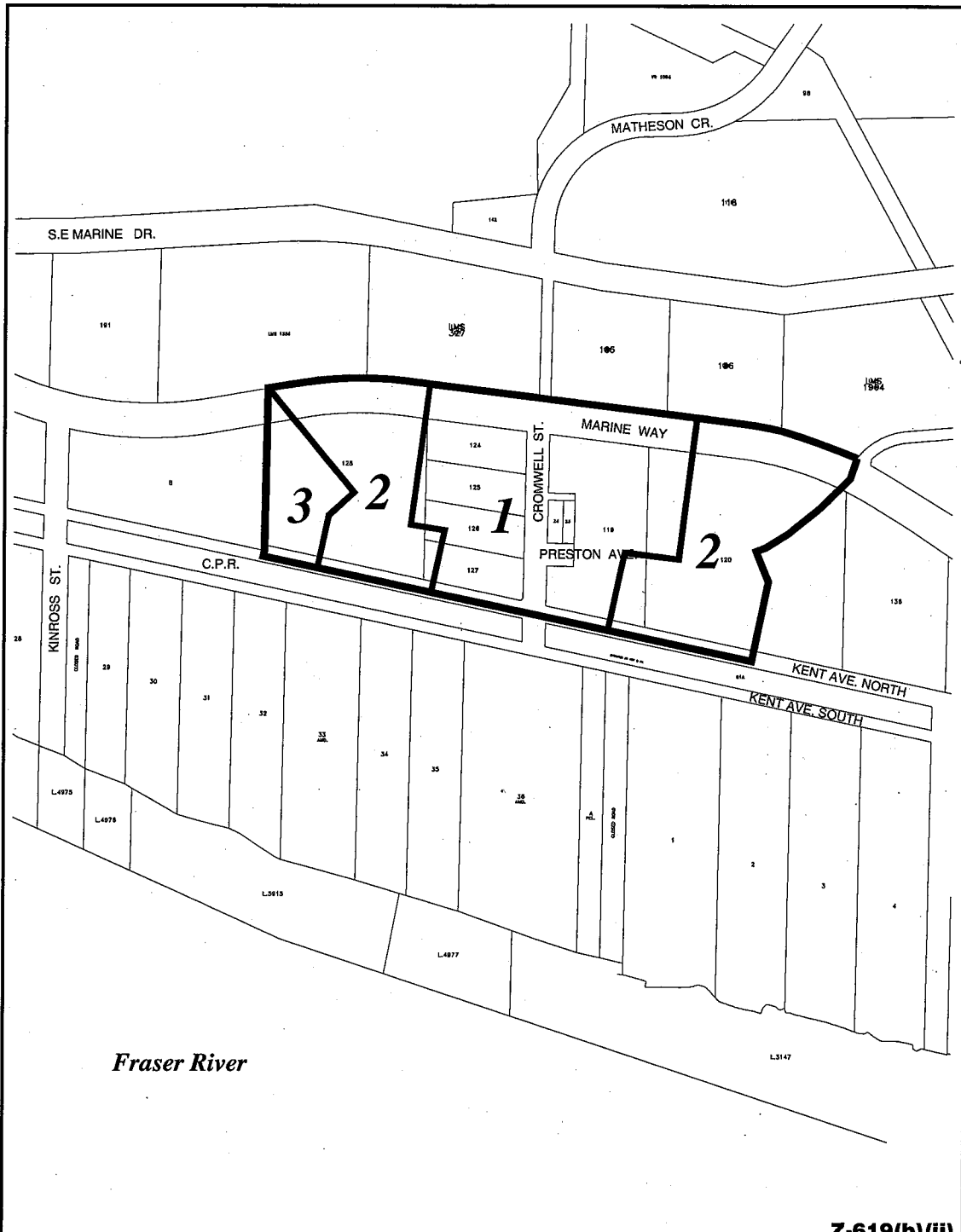
RZ - East Fraser Lands - Removal of lands from East Fraser Lands High Street and East Fraser Lands Non-High Street By-laws and Inclusion into Schedule D to the Zoning and Development By-law

map: 1 of 1
scale: NTS



City of Vancouver

date: 2009-12-15



Fraser River

Z-619(b)(ii)

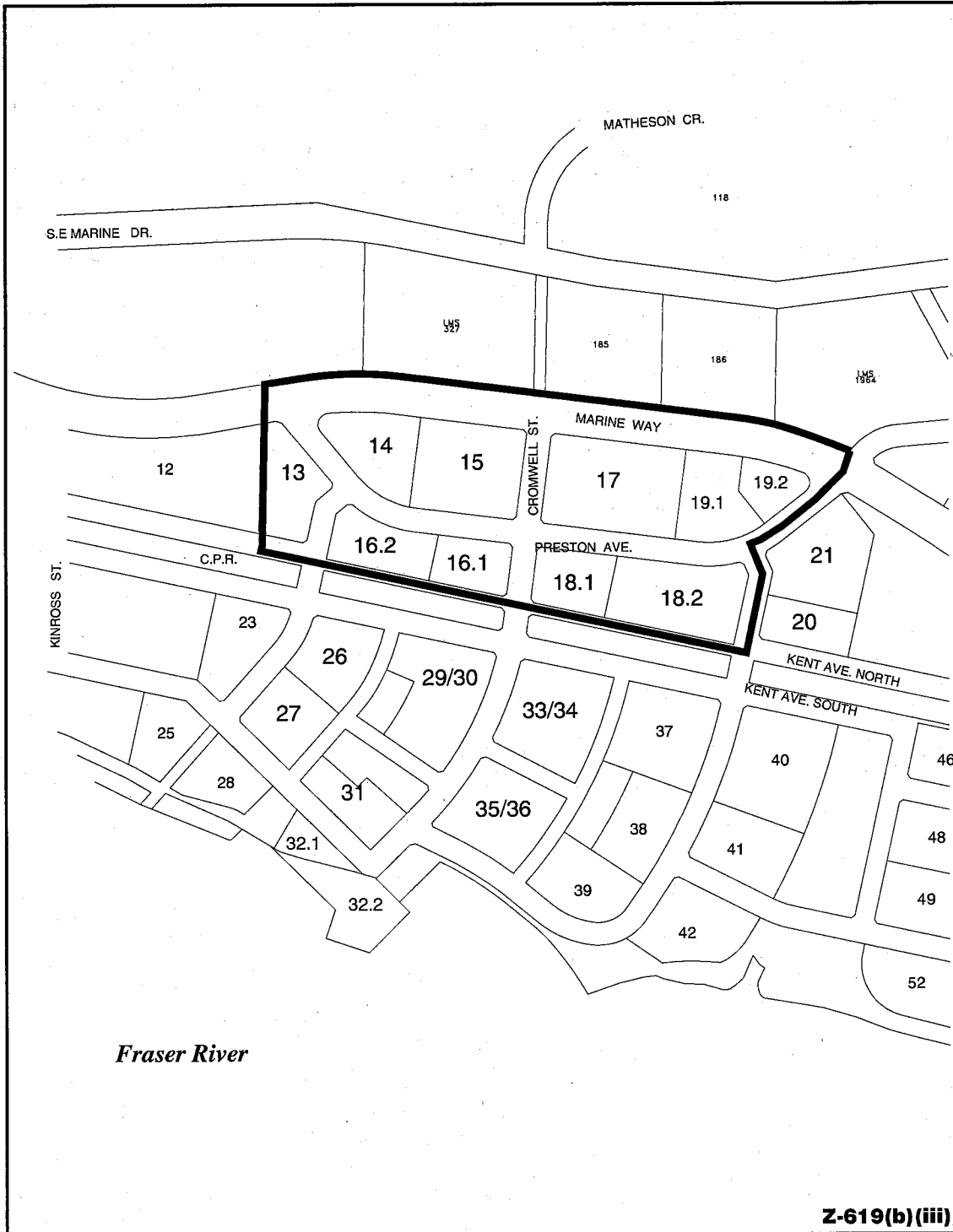
**RZ - East Fraser Lands - "Town Square Precinct CD-1"
and Sub-Areas**

map: 1 of 1
scale: NTS



City of Vancouver

date: 2009-12-15



Z-619(b)(iii)

RZ - East Fraser Lands - "Town Square Precinct CD-1"
Development Parcels

map: 1 of 1

scale: NTS



City of Vancouver

date: 2009-12-15

EXPLANATION

**A By-law to amend the boundaries of CD-1 By-law No. 9733
to remove certain lands known as East Fraser Lands Park Precinct
from CD-1 By-law No. 9733,
and to amend Zoning and Development By-law No. 3575
to rezone those lands known as East Fraser Lands Park Precinct
as a new CD-1 district**

Following a public hearing on January 19, 2010, on January 21, 2010 Council approved amendments to CD-1 By-law No. 9733 to remove those lands known as East Fraser Lands Park Precinct from the area regulated by CD-1 By-law 9733 and to amend Zoning and Development By-law No. 3575 to rezone those lands known as East Fraser Lands Park Precinct as a new CD-1 district. Enactment of the attached By-law will implement this resolution.

Director of Legal Services
May 13, 2014

Park Precinct
East Fraser Lands

ABF

BY-LAW NO. _____

**A By-law to amend CD-1 By-law No. 9733 to remove land,
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:

CD-1 Plan and Zoning District Plan Amendments

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-619(c)(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-619(c)(ii) 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 (565)” 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 (565) 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 (565) 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 (565),
 - (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 m².

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 m².

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 sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 3 000 m²; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 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 sundecks, 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 sundeck 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-619(c)(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
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 m² of floor area must have at least 1 parking space for each 75 m² of floor area,
 - (ii) each dwelling unit that consists of 112.5 m² 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 m² of floor area must have no more than 1 parking space for each 65 m² of floor area,
 - (v) each dwelling unit that consists of 130 m² 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 m² 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.

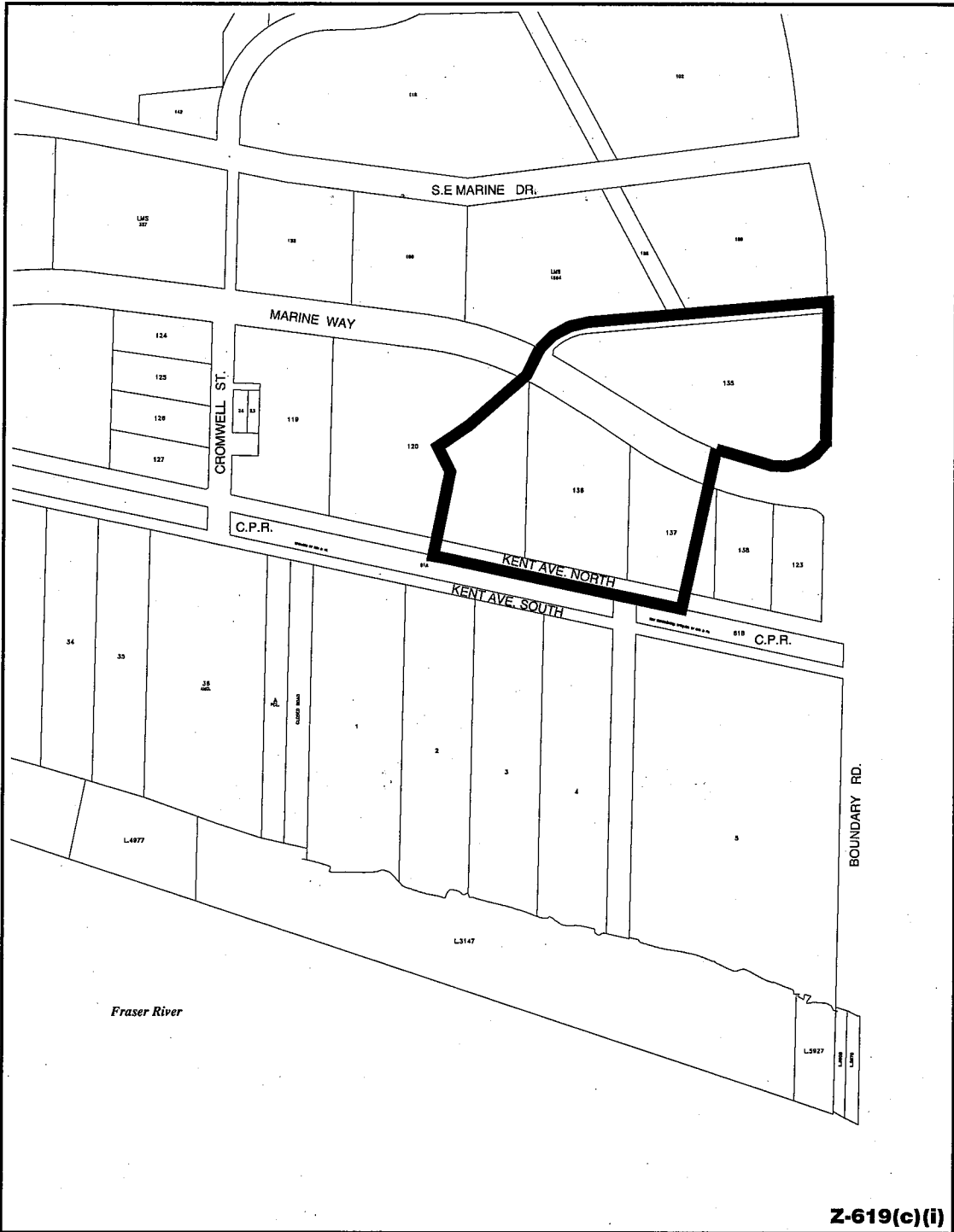
Force and effect

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

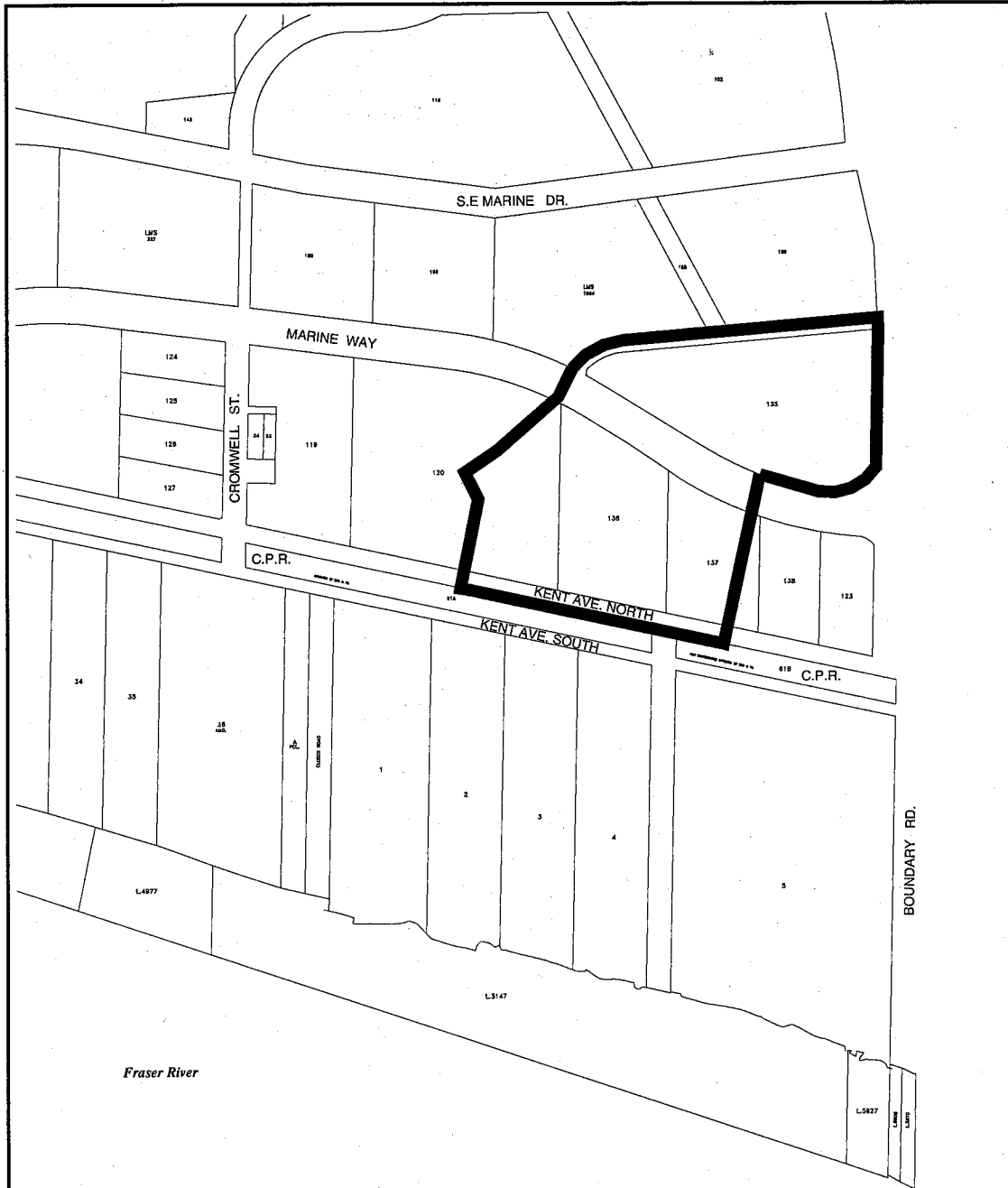
ENACTED by Council this day of , 2014

Mayor

City Clerk



RZ - East Fraser Lands - Removal of lands from East Fraser Lands Non-High Street By-law and Inclusion into Schedule D to the Zoning and Development By-law		map: 1 of 1	↑
		scale: NTS	
City of Vancouver		date: 2009-12-15	



Z-619(c)(ii)

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

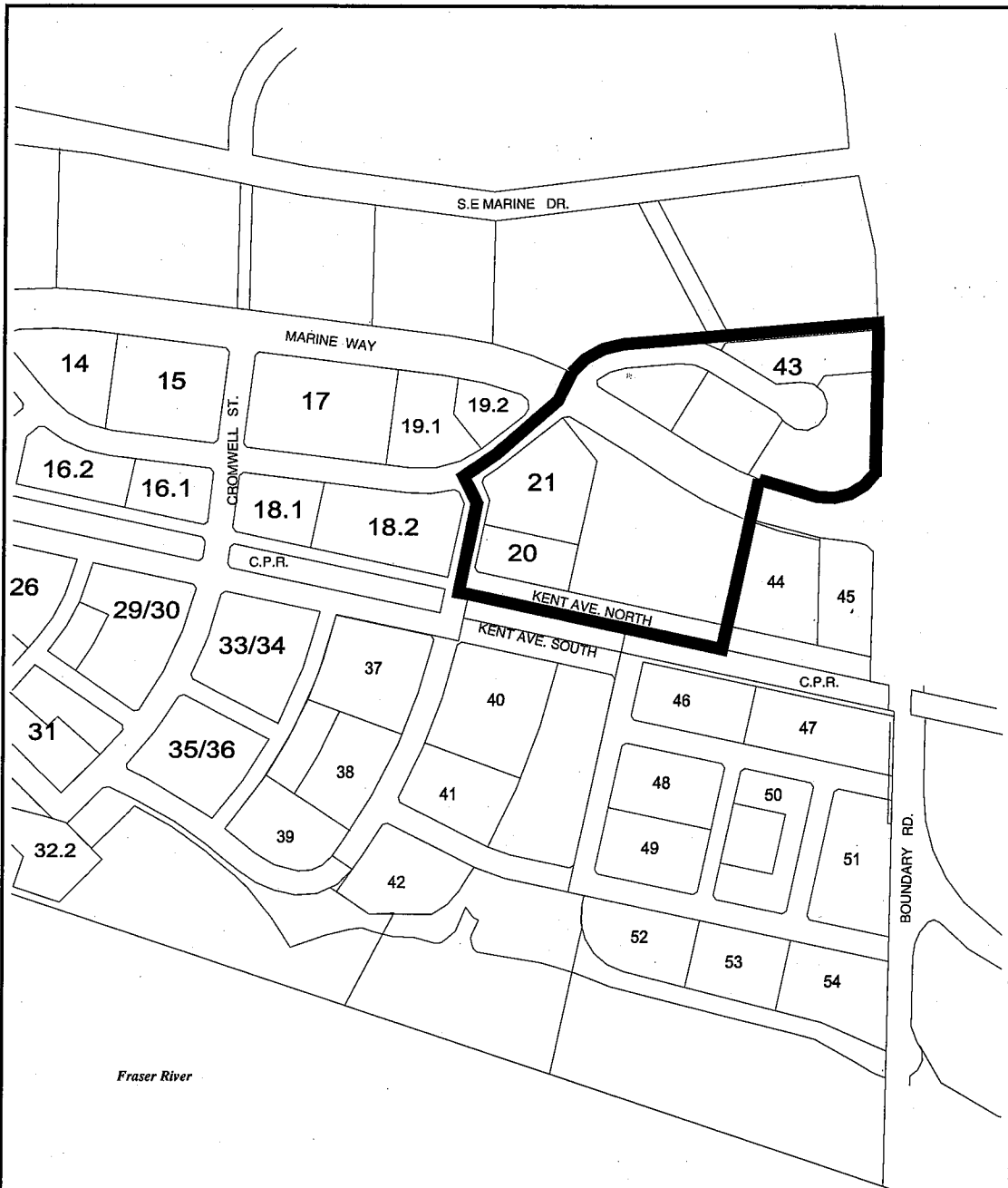
map: 1 of 1

scale: NTS



City of Vancouver

date: 2009-12-15



Z-619(c)(iii)

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

map: 1 of 1
scale: NTS



City of Vancouver

date: 2009-12-15

EXPLANATION

A By-law to amend the boundaries of CD-1 By-laws No. 9732 and 9733 to remove certain lands known as East Fraser Lands Waterfront Precinct from the boundaries of CD-1 By-laws No. 9732 and No. 9733, and to amend the Zoning and Development By-law No. 3575 to rezone those lands known as East Fraser Lands Waterfront Precinct as a new CD-1 district

Following a public hearing on January 19, 2010, on January 21, 2010 Council approved amendments to CD-1 By-laws No. 9732 and No. 9733 to remove those lands known as East Fraser Lands Waterfront Precinct from the area regulated by CD-1 By-laws 9732 and 9733, and to amend Zoning and Development By-law No. 3575 to rezone those lands known as East Fraser Lands Waterfront Precinct as a new CD-1 district. Enactment of the attached By-law will implement this resolution.

Director of Legal Services
May 13, 2014

Waterfront Precinct
East Fraser Lands

ABF

BY-LAW NO. _____

**A By-law to amend CD-1 By-law No. 9732 and CD-1 By-law No. 9733
to remove land, 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 Amendments

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-619(d)(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 Z-619(d)(ii) attached as Schedule A 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 Z-619(d)(iii) 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 (567)” 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 (567) illustrated on the plan marginally numbered Z-619(d)(iii) attached as Schedule A to this By-law;

“sub-area 2” means that area of CD-1 (567) illustrated on the plan marginally numbered Z-619(d)(iii) attached as Schedule A to this By-law; and

“sub-area 3” means that area of CD-1 (567) illustrated on the plan marginally numbered Z-619(d)(iii) 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 (567) 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 (567) 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 (567),

- (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 m².

5.2 The floor area for all dwelling uses, combined, must not exceed 103 600 m², and in:

- (a) sub-area 1 and sub-area 3, combined, must not exceed 99 983 m²; and
- (b) sub-area 2 must not exceed 3 617 m².

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 m².

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 m².

5.5 The floor area for a manufacturing use in sub-area 2 must not exceed 200 m².

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 m².

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 sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 5 000 m²; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 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 sundecks, 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 sundeck 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-619(d)(iv) 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 m² of gross floor area must have at least 1 parking space for each 75 m² of gross floor area,
 - (ii) each dwelling unit that consists of 112.5 m² 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 m² of gross floor area must have no more than 1 parking space for each 65 m² of gross floor area,
 - (v) each dwelling unit that consists of 130 m² 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 m² 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 m² or less of gross floor area must have at least 1 parking space for each dwelling unit,

- (ii) that consists of more than 75 m² must have at least 1 parking space for each dwelling unit plus at least 1 parking space for each additional 75 m² of gross floor area above 75 m² of gross floor area,
 - (iii) must have at least 0.2 visitor parking space for each dwelling unit,
 - (iv) that consists of 75 m² 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 m² must have no more than 1.3 parking space for each dwelling unit plus 1 parking space for each additional 75 m² of gross floor area above 75 m² 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

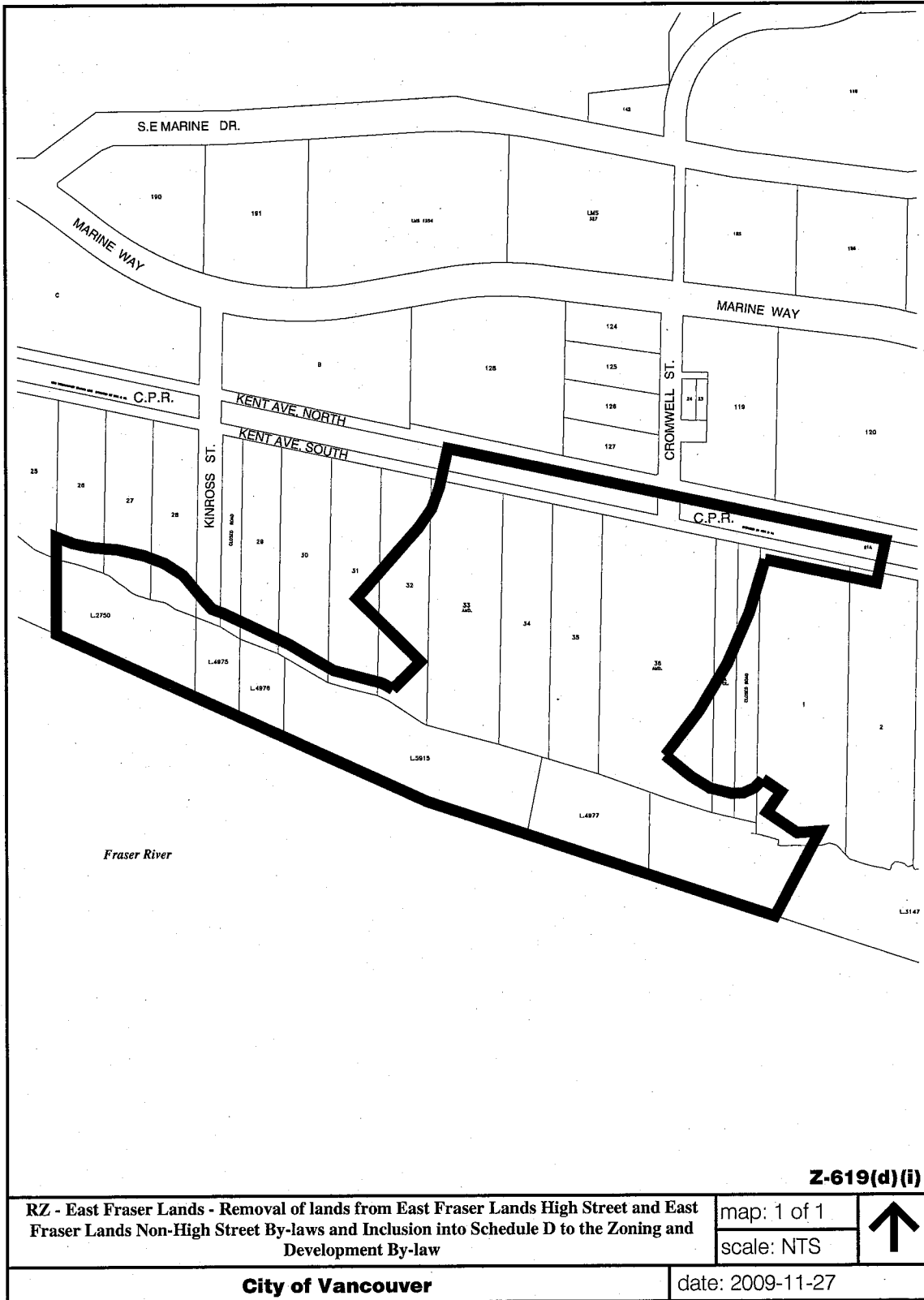
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Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

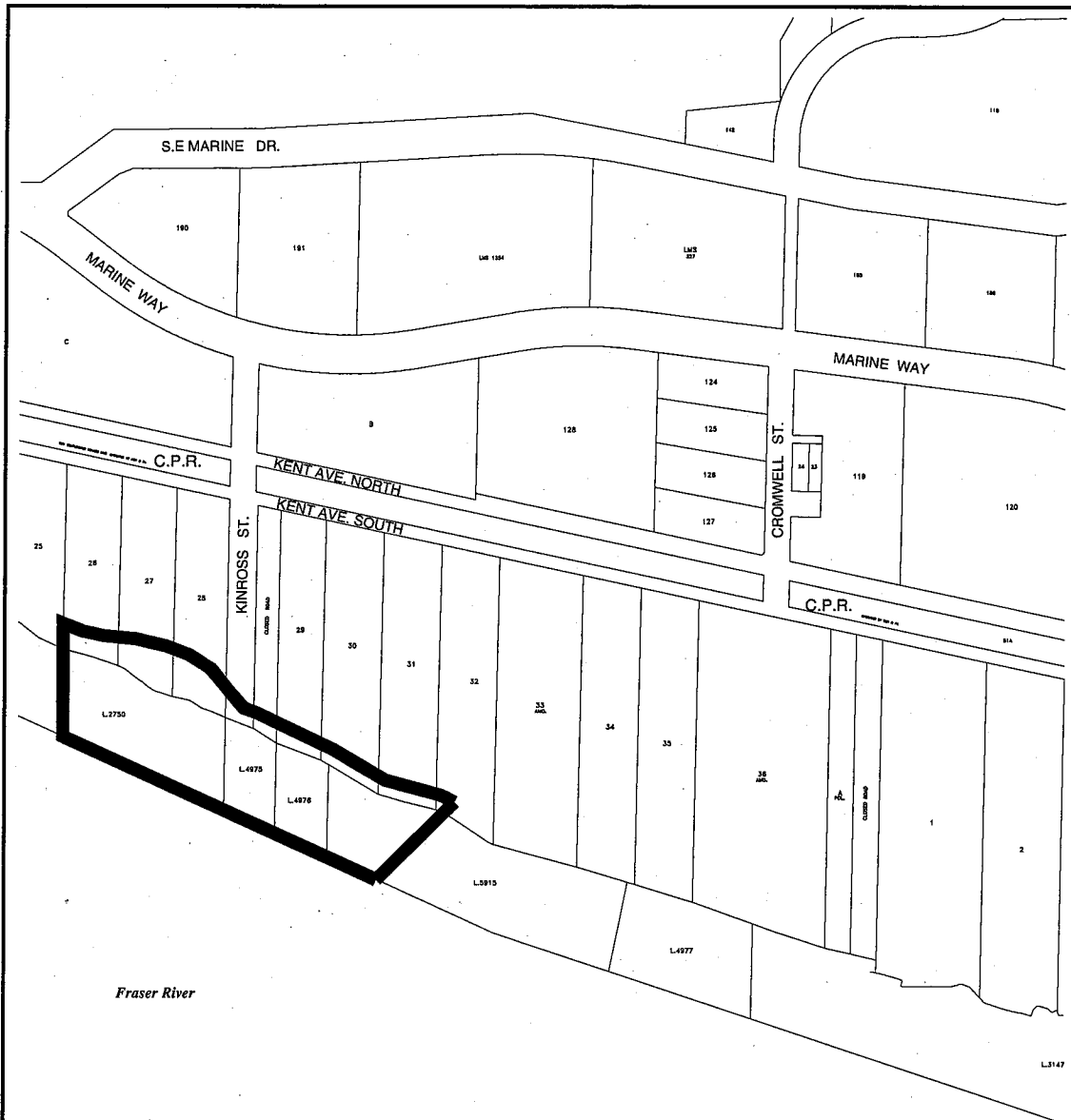
Severability

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.

Schedule A



Schedule A



Fraser River

Z-619(d)(ii)

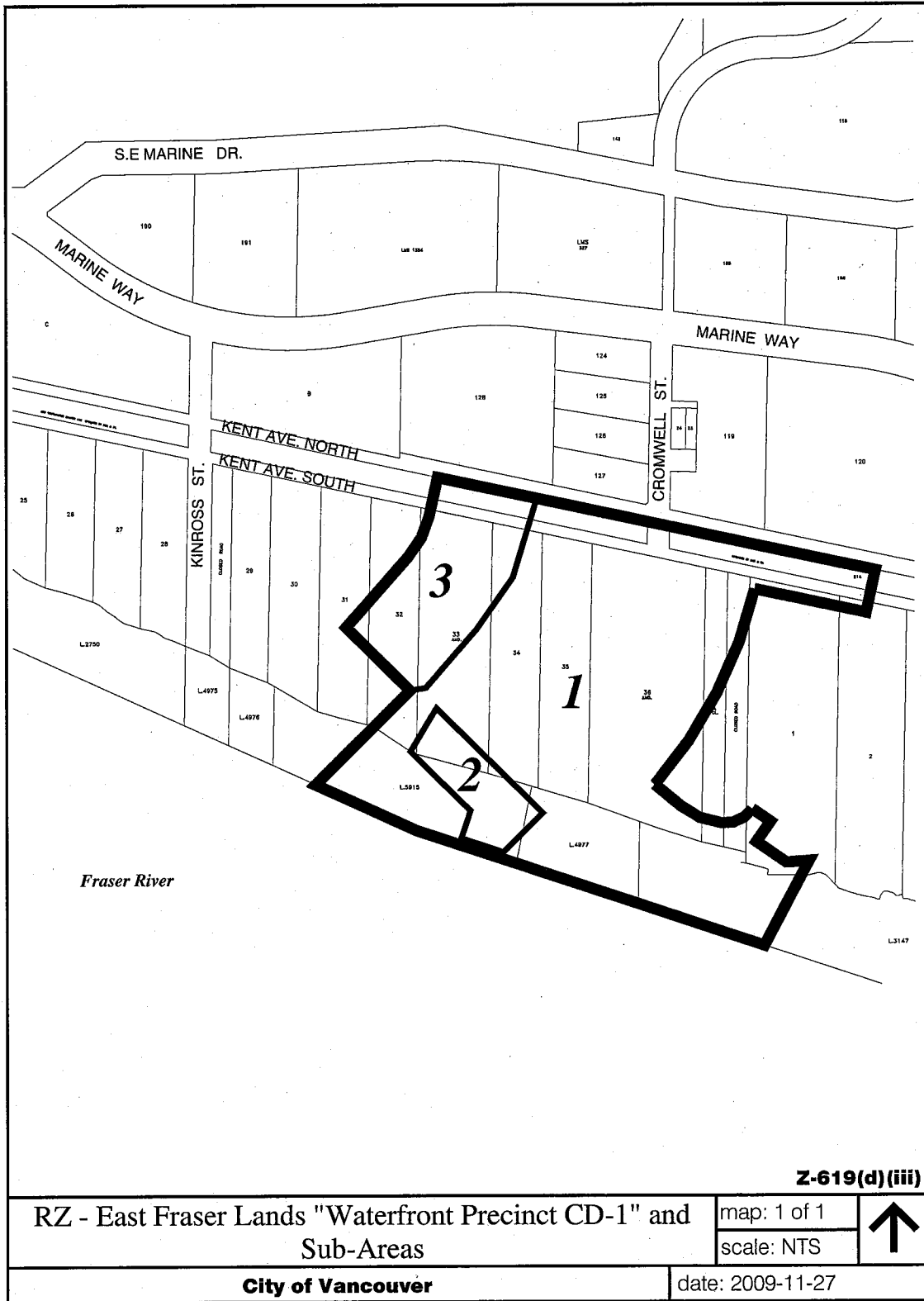
RZ - East Fraser Lands - Removal of specific area for inclusion in
East Fraser Lands Area 2 South By-law

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scale: NTS



City of Vancouver

date: 2009-12-17



Z-619(d)(iii)

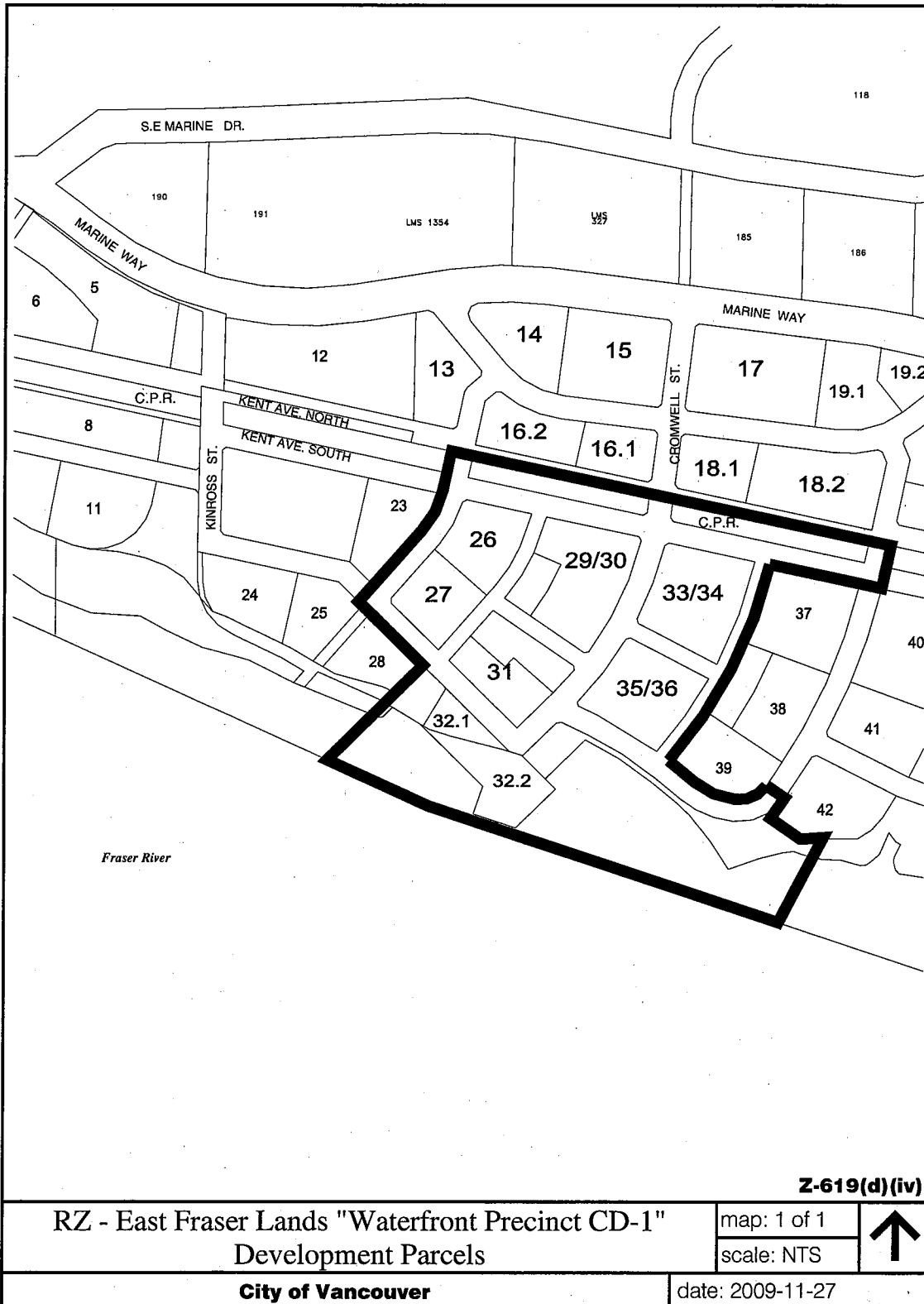
RZ - East Fraser Lands "Waterfront Precinct CD-1" and Sub-Areas

map: 1 of 1
scale: NTS



City of Vancouver

date: 2009-11-27



Z-619(d)(iv)

RZ - East Fraser Lands "Waterfront Precinct CD-1"
Development Parcels

map: 1 of 1

scale: NTS



City of Vancouver

date: 2009-11-27