

SPECIAL COUNCIL MEETING MINUTES

MARCH 26, 2012

A Special Meeting of the Council of the City of Vancouver was held on Monday, March 26, 2012, at 6:14 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, heritage and sign by-laws.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck
Councillor Adriane Carr
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tony Tang

ABSENT: Councillor Elizabeth Ball (Sick Leave)
Councillor Tim Stevenson

CITY CLERK'S OFFICE: Terri Burke, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION: 500 Alexander Street (The Old Sailors Home)

An application by Janice Abbott, Atira Women's Resource Society, was considered as follows:

Summary: To designate the existing building as a protected heritage property.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence was received on this application.

Speakers

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

Council Decision

MOVED by Councillor Jang

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to designate the existing building, known as "The Old Sailors Home", at 500 Alexander Street, which has recently been restored and now serves as supportive non-market housing in single-room accommodations for young women who are homeless or at risk of homelessness, legally described as PID: 028-357-957, Block 42, Plan VAP196, District Lot VAP196 NWD, Parcel A, Group 1 (being a consolidation of lots 1 & 2, See BB1713741) (the "Lands"), and that the heritage building be designated thereby as a protected heritage property pursuant to Section 593 of the *Vancouver Charter*.
- B. THAT A above be adopted on the following conditions:
 - (a) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and,
 - (b) THAT the City's Mayor and Council and officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: 1549 West 70th Avenue (formerly 8495 Granville Street)

An application by Mr. Shawn Lapointe, Henriquez Partners Architects, was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District By-law #517 (By-law No. 10391) for 1549 West 70th Avenue (PID: 008-916-250, Lot D, (Explanatory Plan 9208) Block 7, DL 325, Plan 12319) to allow an increase in the floor area exclusion for balconies from 8 to 12 percent, allowing larger open balconies as a passive design feature. No changes to the by-law height limit are proposed.

The Director of Planning recommended approval.

Summary of Correspondence

One letter of correspondence opposed to this application was received.

Speakers

The Mayor called for speakers for and against the application.

Vaughan Evans spoke neither for nor against the application.

Staff Closing Comments

Dwayne Drobot, Rezoning Planner, Current Planning, responded to questions.

Council Decision

MOVED by Councillor Deal

THAT the application by Henriquez Partners, on behalf of Westbank Projects, to amend CD-1 (Comprehensive Development) District #517 (By-law No. 10391) for 1549 West 70th Avenue (PID: 008-916-250, Lot D, (Explanatory Plan 9208) Block 7, DL 325, Plan 12319) to allow an increase in the floor area exclusion for balconies from 8 to 12 percent, allowing larger open balconies as a passive design feature, generally as presented in Appendix A of the Policy Report dated February 7, 2012, entitled "CD-1 Text Amendment - 1549 West 70th Avenue (Formerly 8495 Granville Street)", be approved.

CARRIED UNANIMOUSLY

3. REZONING: 8018-8150 Cambie Street

An application by Mr. Terry Mott, James Cheng Architects, was considered as follows:

Summary: To rezone 8018-8090 Cambie Street (currently zoned RT-1 [Residential] District) and 8150 Cambie Street (currently zoned C-1 [Commercial] District) to CD-1 (Comprehensive Development) District, to permit a mixed-use residential/retail development with two towers of 31 and 25 storeys with 441 strata units and 110 market rental units under the Short Term Incentives for Rental (STIR) Program. The total floor area proposed is 37 775 m², and the proposed floor space ratio (FSR) is 5.80.

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

Council also had before it a Memorandum dated March 26, 2012, from the Assistant Director of Current Planning, which provided further information on the matter of the Community Amenity Contributions which had not been concluded when staff completed the Policy Report

dated February 17, 2012, entitled "CD-1 Rezoning - 8018-8150 Cambie Street", and also provided an updated Public Benefits Summary to replace Appendix G in the above-noted Report.

Staff Opening Comments

Dwayne Drobot, Rezoning Planner, Current Planning, reviewed the application and responded to questions.

Summary of Correspondence

No correspondence was received on this application.

Speakers

The Mayor called for speakers for and against the application.

The following noted concerns with the application regarding amenities, affordability, and impacts on the neighbourhood:

Janet Fraser, Marpole Matters Group
Don Barthel, Marpole Matters Group
Don Larson
Isabell Minty
Janice Ruby

Vaughan Evans spoke neither for nor against the application.

Terry Slack spoke in opposition to the application.

Applicant Closing Comments

James Cheng, James K.M. Cheng Architects, provided closing comments.

Staff Closing Comments

Planning staff provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Deal

- A. THAT the application, by James K.M. Cheng Architects, on behalf of Intracorp S.W. Marine Limited Partnership, to rezone 8018, 8046, 8070, and 8090 Cambie Street (currently zoned RT-1 [Residential] District) (Lot A Centre Portion, Lot B Centre Portion, Lot C Centre Portion, and Lot D Centre Portion, all of District Lot 323, Plan 11098; PIDs: 009-160-094; 009-160-132; 009-160-183; 009-160-256) and 8150 Cambie Street (currently zoned C-1 [Commercial] District) (PID: 009-412-336, Lot C, Blocks 1 and 2, District Lot 311, Plan 10325); to CD-1 (Comprehensive Development) District, to permit a mixed-use development with 37 775 m² of floor area, generally as presented in Appendix A of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning - 8018-8150 Cambie Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by James K.M. Cheng Architects and stamped "Received Planning Department, February 08, 2012", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Design Development

1. Design development to open space/plaza/courtyards and building interfaces and surrounding public realm (pedestrian/cycling mews) to further engage and enhance the public experience utilizing high quality materials;

Note to Applicant: Aspects to review include, making the open spaces/plazas/courtyards open and inviting from the Cambie Street pedestrian/cycling mews, a stronger destination and activation of uses contributing to its unique character and functionality, integration with the Cambie Street pedestrian/cycling mews, increased seating and landscaping opportunities, and optimizing solar access.

2. Design development to the Cambie Street public realm to enhance the pedestrian/cycling mews with high quality hard and

soft landscaping materials and improved definition between pedestrian and cycling paths;

Note to Applicant: Requirements for this public realm include a 0.6 m landscape strip adjacent to the Canada Line portal, a 3.0 m bike lane, a 1.5 m treed median and a 2.4 m sidewalk. Refer to Engineering Condition of Enactment #4.

3. Design development to locate and orientate the retail, live-work units, and artist studios associated with a residential unit frontages to ensure an active, vibrant integration with both open space/courtyards and the Cambie Street pedestrian/cycling mews;

Note to Applicant: The artist studio associated with a residential units should be located and oriented directly onto the Cambie Street pedestrian frontage of the mews. Increasing the amount of retail space provided, at the northwesterly corner in sub-area B is strongly encouraged. If residential units are provided in lieu of live/work units, they should be designed to contribute to animating the open space/courtyards.

4. Design development to the ground oriented live-work units to strengthen their role, functionality and viability as a work space, through the provision of a distinctive work space from the typical residential attributes of a dwelling unit;

Note to Applicant: Provision of a 100 sq. ft. minimum unobstructed work space is required. To optimize flexibility of the work space component, the ceiling height should be a minimum of 12 ft. Maximizing the amount of glazing for the active frontages should also be provided.

5. Design development to the ground-oriented artist studio associated with a residential units to strengthen their role, functionality and viability, through the provision of a distinctive studio space from the typical residential attributes of a dwelling unit;

Note to Applicant: Provision of a 145 sq. ft. minimum unobstructed work space is required. To optimize flexibility of the work space component, the ceiling height should be a minimum of 12 ft. Maximizing the amount of glazing for the active frontages should also be provided. See also Cultural Services.

6. Design development of the Cambie Street public realm to enhance the pedestrian/cycling mews frontage, while also mitigating the conflict bicycles and pedestrians through the

provision of a treed landscaped median to separate the two circulation functions;

Note to Applicant: Requirements for this public realm include a 0.6 m landscape strip adjacent to the Canada Line portal, a 3.0 m bike lane, a 1.5 m treed median and a 2.4 m sidewalk. To improve and enhance the public experience high quality hard and soft landscaping materials are required. Refer to Engineering Condition of Enactment #4.

7. Design development to the pedestrian links between buildings to enhance the public experience and connectivity between the lane and the Cambie Street frontage;
8. Design development to the overall massing and character of the podium building components to minimize their apparent scale while ensuring greater variety and distinction contributing to the character and visual quality of the area;
9. Design development to the residential towers architectural expression to enhance their individual identity while strongly relating to each other;

Note to Applicant: A high quality development that establishes a robust compatible character with the existing neighbourhood fabric is required. Above the podium levels, the tower floor plates are to be consistent with the Cambie Corridor Plan floor plate size identified for this site of 585 m² (6,300 sq. ft.)

10. Design development to strengthen the scale and massing of the tower podium oriented to Marine Drive;

Note to Applicant: This podium should be more compatible in scale with the podium anticipated with the development across SW Marine Drive (PCI development at 8440 Cambie Street).

11. Design development to provide variety and interest to the architectural expression of the building(s) with high quality durable materials that will contribute to the character and quality of the area;
12. Provision of weather protection for commercial frontages and primary residential neighbourhoods;
13. Design development to incorporate acoustical measures to address transit noise associated with the Canada Line portal;
14. Design development to minimize the impact of mechanical vents;

Note to Applicant: Vents servicing the below grade parking structure should be located to minimize their impact of the pedestrian environment.

15. Design development to provide a conceptual lighting plan that incorporates mid-level pedestrian and low level lighting in localized areas such as the open spaces and courtyards, and pedestrian links,
16. Design development to provide a conceptual signage strategy to ensure a well conceived, and disciplined approach to announcing tenancy;

Note to Applicant: The strategy should confirm general signage hierarchy, location and type. Back lit signs are not supported.

Landscape Review

17. Design development of the landscaping to provide a replication of natural systems to utilize sustainable land practices on the development site;

Note to Applicant: This may include the use of native plants, the protection of natural habitat from construction, the retention of soil resources, maximizing tree and shrub planting soil depths on structures, locating new trees in the ground wherever possible, elimination of lawn chemical use and the recycling of green waste.

18. Design development of the landscaping to provide urban agriculture in the form of edible landscaping and gardening plots suitable for use by the urban gardener. Provide the necessary supporting infrastructure, such as tool storage, hose bibs for water and a potting bench at all common gardening locations. The design should reference the Urban Agriculture Guidelines for the Private Realm , maximize access to sunlight, be integrated into the overall landscape design, and provide universal access for residents and their visitors;
19. Design development of the landscaping to provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater;

Note to Applicant: Design features to enable sustainable land practices in an urban setting include the use of high efficiency irrigation systems, rain gardens, permeable pavement, drought - tolerant plantings, and mulching of planting beds. Reference the City of Vancouver Waterwise Planting Guidelines.

20. Design development of the Cambie Street public realm to mitigate the conflict between moving vehicles (bicycles) and pedestrians using adjoining pathways by providing a treed landscaped median to separate the two areas;

Note to Applicant: Refer to Engineering Condition of Enactment #4.

21. Design development of the landscaping at the lane mews to provide a substantial layering of greenery on private property as a visual amenity and to create a buffered edge for the adjacent residential properties.

This may be achieved with a layering of trees, shrubs and fencing for screening purposes between semi-private residential patios and the public lane;

22. Provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development Permit submission stage;
23. Provision of an ISA Certified Arborist written assessment of all the trees proposed to be removed and retained, as noted on the survey to the satisfaction of the Director of Planning;

24. Provision of large scale section (1/4"=1' -0" or 1:50) illustrating the townhouses to public realm interface from the building façade to the curbed street edge and common courtyard areas. The section should include details of changes in grade, retaining walls, guardrails, stairs and planters. Where an inner row of trees (located on private property) is provided, the underground slab of the parking garage may (will) need to be notched or angled downward, in order to provide an adequate planting depth. For medium to large sized trees a planting depth of three to four feet is required at the outer edge.

25. Provision of adequate planting medium depth within tree and shrub planters on slab condition at all building locations, to exceed the BCSLA latest standard,;

26. Illustration to confirm the location and root ball circumference of retained and proposed trees located above or immediately beside underground parking structures on the Architectural and the Landscape Plans;

Note to Applicant: Provide dashed lines on the P1 plan with note saying "proposed tree (or retained tree) above: refer to Ground Floor Plan and Landscape Plan and related Section..... ". This is to ensure that trees planted (or retained) above or immediately beside underground parkades will survive and thrive. The section

should detail how the parkade roof slab is depressed/angled back to accommodate 3-4 ft. of tree soil depth.

27. Provision of a separate landscape lighting plan to illuminate the common areas for security and safety purposes;

Note to Applicant: Lighting details should be included on the Landscape Plan.

28. A high efficiency irrigation system specified in all residential common landscape areas (with the exception of urban agriculture plots);

Note to Applicant: Hose bibs should be provided in private patios areas measuring 100 sq. ft. or larger, common amenity gardening areas and extensive green roof areas. The irrigation system design and installation shall be in accordance with the Irrigation Association of BC Standards and Guidelines latest standard. Consider timers and programmable irrigation systems to avoid over-watering; install moisture sensors as part of the irrigation system. Notation to this affect should be added to the drawings.

Engineering

29. Modification of the layby locations adjacent the lane to ensure adequate sightlines from the parkade exits are maintained and to ensure parking cannot take place within the sightlines.
30. Clarify garbage provision and pick up operations. Please refer to the City of Vancouver Solid Waste guidelines for storage space allocation and provide written confirmation that a waste hauler can access and pick up from the location shown. Note: pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying;

31. Provision of improved access to bicycle parking on P1 from Cambie Street. Improved signage, widened access routes, relocated doors or entry points all to better facilitate cyclists access from Cambie Street is required;

Note to Applicant: The southerly site should also provide bicycle access to Commercial employees.

32. Modify the "CO" parking stall layout on P1 of the south tower to provide improved access to the bicycle parking;
33. Consolidation of bicycle parking and provision of wider access aisles between cars and double doors where possible;

34. Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints and within the parking and loading areas to be able to calculate slopes and cross falls. Provide elevations on sections drawings of the loading bay and main ramp to calculate the slope;
35. Delete the following parking spaces to eliminate backing up more than 10 m:
- i) Stalls 15/16 on P3 in the north tower
 - ii) Stalls 70/71 on P2 in the south tower
 - iii) Co-op stalls and 2 RENTAL stalls on P1 in the south tower;

36. Provide 24 ft. (7.3 m) separation between the two ramps in Phase 2;

Note to Applicant: This is required for the vehicles to make the 180 degree turn and be clear of oncoming traffic on the ramp.

37. Clarify column locations in the parking areas and clarify what is being represented by hatching;

Note to Applicant: If hatching represents walls, additional stall widths are required.

38. Provide Disability Parking spaces with the required 2.3 m (7 ft. 6 1/2 in.) of vertical clearance;

Note to Applicant: None are shown.

39. Provision of a 9 ft. x 9 ft. corner cut to improve the 2-way flow and visibility on both of the main ramps on P1 for the south tower;

Note to Applicant: Corner cuts are required at the top and bottom of ramps to provide adequate radii for continuous two-way traffic flow where 200 or more vehicles are being served.

40. Clarification of proposed changes to the sidewalk and bicycle path at Cambie and Marine Drive. Please consult with Engineering staff to determine extent of proposed changes that can be accommodated;

Neighbourhood Energy Utility

41. The building heating and domestic hot water system shall be designed to be easily connectable and compatible with a future District Energy System to supply all heating and domestic hot water requirements. Design provisions related to district energy

compatibility must be to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: The applicant shall refer to the District Energy Connectivity Standards for specific design requirements, which include provisions related to the location of the mechanical room, centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for District Energy compatibility are provided for in the mechanical design. A declaration signed by the registered professional of record certifying that the district energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

42. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services;

Cultural Services

43. Revise the drawings to show provision of a cultural amenity space, in the form of 2 (two) artist studios associated with a residential units, with a total area of not less than 1,600 square feet;
44. Design and finish of the proposed Artist Studios for Class B purposes (inclusive of Class A and B use);

Note to Applicant: See guidelines for Class B Artist Studios which require a higher degree of ventilation for artists working with more toxic substances, higher degree of sound proofing for possible use of amplified music, and industrial fittings.

45. Design development to the Artist Studio uses to maximize interaction and pedestrian amenity through the use of display windows;
46. Provision of interior signage clearly specifying City-approved uses in common areas of the property to ensure that owners and occupants are aware of the approved uses;

Social Infrastructure

47. Revise the drawings to ensure all units comply with the minimum unit sizes contained in the CD-1 By-law;

48. Revise the drawings to show a minimum of 25% of the Market Rental units as suitable for families with small children, as per the Cambie Corridor Plan Section 9.1.7.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Provision of a site Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the services are provided. No development permit for the site will be issued until the security for the services are provided. The Services Agreement shall indicate whether a phased approach will be contemplated by this development;
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (ii) Provision of sanitary sewer upgrade to serve the site. Phase 1 of the development will require upgrading of the existing sewer main located in Marine Dr. between Columbia Street and Manitoba Street at 100% the developer's expense. Should Metro Vancouver be agreeable to the relocation of their sewer main then a further review and assessment of the impacts on the City Sewer main will be required, any additional upgrades to City sewer mains are to be fully at the developer's expense.

- (iii) Provision of a signal upgrade to the existing pedestrian signal on Cambie Street at 64th Avenue to a full signal at 100% developer expense.
- (iv) Provision of up to \$150,000.00 for traffic calming measures in the neighbourhood to address potential impacts from the required signal upgrade and traffic generation from the site. Calming measures to be delivered within 5 years of the final occupancy permit for the site.
- (v) Provision of pavement markings such as green paint or cross hatching on the east side of 64th Avenue to enhance the visibility of the bikeway/walkway crossing at 100% developer's expense.
- (vi) Provision of improved pedestrian amenities along Cambie Street adjacent the site including but not limited to benches, drinking fountain, bike racks, pedestrian lighting and features in keeping with the city-wide greenways and bikeways standards.
- (vii) Provision of improved and widened sidewalks along the Marine Drive frontage of the site. Sidewalks should be at least 1.8 m in width and widening to 2.5 m in width where space permits.
- (viii) Provision of street trees adjacent the site where space permits.
- (ix) Provision of standard concrete lane entries at the north and south lane entries adjacent the site.
- (x) Provision of speed humps in the lane adjacent the site subject to neighbourhood consultation.
- (xi) Provision of all utility services to be underground from the closest existing suitable service point.

All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

The applicant may be required to show details of how the site will be provided with all services being underground.

2. Provision of a wider GVS&DD Statutory Right-of-Way (SRW) (up to 9.0 metres wide, centered on the existing location of the pipe as shown on GVS&DD Sketch 10 SF-987) and modification or replacement of the existing SRW agreement (registered in the Land Title Office under BW228268) or relocation of the GVS & DD sewer main, provision of a 9.0 metres wide SRW and for the modification or replacement of the existing SRW agreement (registered in the Land Title Office under BW228268). Note: although the plans indicate an intention to relocate this significant sewage pipe there is no indication that Metro Vancouver is in favour of the relocation, in either instance Metro Vancouver seeks up to a 9.0 metre wide SRW for this sewer line.
3. Consolidation of the 5 lots into a single site is required.
4. Provision of a Statutory Right-of-Way over the west 1.5 metres of the site for public/pedestrian purposes. No construction is to be permitted above grade within the SRW area.
5. Release of Easement & Indemnity Agreement 302012M (commercial crossings) prior to issuance of the buildings' occupancy permit. A letter of commitment will be required with full release of the agreement prior to building occupancy.

Neighbourhood Energy Utility

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a low carbon District Energy System, if and when the opportunity is available and in accordance with the City's policy for low carbon district energy, which may include but are not limited to agreements which:
 - (i) require buildings on site to connect to a District Energy System;
 - (ii) grant the operator of the District Energy System access to the building mechanical equipment associated with the connection to and operation of a District Energy System; and
 - (iii) provide for adequate and appropriate space to be utilized for an energy transfer station (to be secured either through a long-term lease or through an assignable option to purchase agreement).

Public Art Program

7. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Public art application and fulfillment options can be discussed with the Public Art Program Manager.

Cultural Services (Artist's Studios)

8. Transfer to the City at a nominal cost an air space parcel containing 2 (two) artist studios associated with a residential units, with a total area of not less than 1,600 square feet, together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations.

Note to Applicant: Design, construction, equipping and finishing of the proposed cultural amenity space to the satisfaction of the Managing Director of Cultural Services and the Directors of Real Estate Services and Facilities Design & Management.

9. Grant a perpetual right in favour of the City and the users of this cultural amenity space, in the form of a statutory right-of-way, for access to and use of 2 parking spaces in the underground parkade, and to the loading spaces of the residential complex on this site, at no cost.

Affordable Rental Housing

10. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to air-space parcel the portion of the development containing at least 110 affordable rental housing units occupying at least 70,100 sq. ft. of the development floor space for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant, and subject to such rentals being made available as affordable rental housing units pursuant to the Short Term Incentives for Rental Housing (STIR) Program.

Note to Applicant: this condition will 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.

Community Amenity Contribution

11. Prior to enactment of the rezoning by-law, pay to the city of the Community Amenity Contribution of \$5,600,000 which the developer has offered to the City.

Note to Applicant: the value of the Artist Studios with associated residential unit shall be included in the overall \$5,600,000 Community Amenity Contribution.

Soils

12. Submit a site profile to the Environmental Protection Branch (EPB).
13. As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.
14. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the rezoning site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and

in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application to amend Schedule E of the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" C-1], generally as set out in Appendix C of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning - 8018-8150 Cambie Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning - 8018-8150 Cambie Street".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law, generally as set out in Appendix C of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning - 8018-8150 Cambie Street".
- E. THAT Council approve in principle a Housing Agreement securing the 110 rental units as rental for the life of the building or 60 years, whichever is longer, including a no separate sales and a no-stratification covenant in respect of such units, to the satisfaction of the Director of Legal Services and Managing Director of Social Development; and

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law to authorize such Housing Agreement, and after by-law enactment, to execute and register the Housing Agreement.

- F. THAT the conditions of zoning by-law enactment, as presented in Appendix B of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning - 8108-8150 Cambie Street", be amended to replace conditions (c) 8, 9, and 11 with the following:

Community Amenity Contribution (CAC)

- 8. Execute an agreement to secure the cultural amenity space, inclusive of 2 residential units with associated studio, with a total area of not less than 205.4 m² (2,211 sq. ft.), as part of the development at 8018-8150 Cambie Street, that provides for the following:
 - (i) design, construction, equipping and finishing of the proposed cultural amenity space to the satisfaction of the Managing Director of Cultural Services and the Director of Facilities Design & Management;

- (ii) transfer to the City at a nominal cost an air space parcel containing this cultural amenity together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations;
 - (iii) grant a perpetual right in favour of the City and the users of this cultural amenity space, in the form of a statutory right of way, for access to and exclusive use of two parking spaces in the underground parkade on this site, at no cost to the City and its users;
 - (iv) grant a perpetual right in favour of the City and the users of this cultural amenity space, in the form of a statutory right of way, for access to and use of the loading area directly adjacent to the artist studios, at no cost to the City and its users;
 - (v) in the Disclosure Statement for the project, include information that puts purchasers on notice that the development includes artist studio uses, and is therefore subject to the possible impacts associated with those uses; and
9. Pay the amount of \$180,000 to the City, on or before enactment of the CD-1 by law, to be held by the City as a Facility Reserve Fund, with such funds to be held in an interest-bearing account and used to offset the operating costs of the amenity space for a period of approximately 21 years.
11. Prior to enactment of the rezoning by-law, pay to the city of the Community Amenity Contribution of \$4,582,000 which the developer has offered to the City.
- G. THAT the Public Benefits Summary contained in Appendix G of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning - 8108-8150 Cambie Street", be replaced with the Public Benefits Summary attached to the Memorandum dated March 26, 2012, entitled "CD-1 Rezoning - 8018-8150 Cambie Street".

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 7:51 pm.

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