



PUBLIC HEARING MEETING MINUTES

FEBRUARY 21, 2013

A Public Hearing of the City of Vancouver was held on Tuesday, February 21, 2013, at 6:09 pm, in the Council Chamber, Third Floor, City Hall, to consider amendments to the zoning and development 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 Tim Stevenson
Councillor Tony Tang

ABSENT: Councillor Elizabeth Ball (Sick Leave)

CITY CLERK'S OFFICE: Rosemary Hagiwara, Deputy City Clerk
Pat Boomhower, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

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VARY AGENDA

MOVED by Councillor Louie

That Item 2 be dealt with first, prior to Item 1 which has 22 registered speakers.

CARRIED UNANIMOUSLY

For clarity, the minutes record the items in chronological order.

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2. REZONING - 4320 Slocan Street

An application by Vincent Yen, Yenik Realty Ltd., was considered as follows:

Summary: To rezone 4320 Slocan Street from C-1 (Commercial) District to CD-1 (Comprehensive Development) District. The proposal is for a four-storey, mixed-use residential-commercial building containing 41 units of for-profit affordable rental housing and two at-grade commercial rental units. A floor space ratio (FSR) of 2.14 and a floor area of 2 970.3 square metres (31,972 square feet) are proposed.

The General Manager of Planning and Development Services recommended approval, subject to the conditions as set out in the Summary and Recommendation of the public hearing agenda.

Staff Opening Comments

Paul Storer, Neighbourhood Parking and Transportation Engineer, and Abi Bond, Assistant Director of Housing Policy, responded to questions.

Applicant Opening Comments

Allen Diamond, Architect, gave an overview of the application and noted its benefits to the community.

Summary of Correspondence

Council received one letter opposed to this application, since referral to public hearing and prior to close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the current proposal, expressing concerns regarding shadowing, pathway accessibility, community amenities, parking, and limited units for families.

Pascal Poudenx
Bo Inthapanya

The speakers list closed at 6:37 pm.

Applicant Closing Comments

Mr. Diamond responded to concerns raised by the speakers and noted the building will be built to LEED gold requirements, provide rental units, and is located on an arterial street. Mr. Diamond also responded to questions.

Staff Closing Comments

Farhad Mawani, Planner, Rezoning Centre, responded to questions.

Council Decision

MOVED by Councillor Jang

- A. THAT the application by Yenik Realty, on behalf of Yen Hoy Enterprises Ltd., to rezone 4320 Slocan Street [*Lots 2 and 3 and Amended Lot 4 (Explanatory Plan 4663), Block 2 South West 1/4 Section 47 Town of Hastings Suburban Lands Plan 4272; PIDs: 011-650-320, 011-650-346 and 011-985-577 respectively*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.20 to 2.14 to permit the development of a four-storey mixed-use commercial and residential building with 41 residential units secured as for-profit affordable rental housing, generally as presented in Appendix A of the Policy Report dated January 2, 2013, entitled "CD-1 Rezoning: 4320 Slocan 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 Allan Diamond Architect, and stamped "Received City Planning Department, August 10, 2012", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Crime Prevention Through Environmental Design (CPTED)

1. Design development to respond to CPTED principles, having particular regard for:
 - (i) theft and security in the parking area;
 - (ii) break and enter; and
 - (iii) mischief and vandalism, such as graffiti.

Sustainability - Green Building

2. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have

been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for Certification of the project are also required under the policy.

Landscape Design

3. Illustration on the Landscape Plan of the location of the landscape section.

Note to Applicant: A notation should be added to this section indicating the location of the lane.

4. Clarification of the grades in the rear and side yards.

Note to Applicant: Additional grades should be provided for top and bottom of the exterior stair, for the urban agriculture area and for the south side yard. An exterior stair may be necessary to go from the common amenity area to the urban agriculture area. The urban agriculture area and the south side yard should be at existing grade.

5. Illustration on the Site Plan and Landscape Plan of all parking garage vents, emergency generators, transformers, or gas meters.

Note to Applicant: All utilities that are visible from the lane or from the street should be located in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.

6. Provision of dimensioned tree barriers (illustrated on the Landscape Plan) around all existing neighbouring trees 0.2 m or greater located within 2 m of the property line and around all existing street trees located adjacent to the development site as per City of Vancouver Guidelines.

7. Provision of a high efficiency irrigation system for all common areas, including the entry and upper terrace areas.

Note to Applicant: A hose bib shall be provided for the area with urban agriculture garden plots. A notation to that effect should be added to the drawings. The irrigation system design and installation system shall be in accordance with the Irrigation Industry of B.C. Standards and Guidelines.

8. Provision of the following notation on the Landscape Plan for new street trees:

"Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering services New trees must be of good

standard, minimum 0.6 m caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 2.44 m long and 0.46 m deep. Planting depth of root ball must be below sidewalk grade. New street trees to be provided adjacent to the development site and to be confirmed prior to the issuance of the building permit. Call Park Board for inspection after tree planting completion."

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements.

Engineering

9. Correct the east property line dimension of 115.16' on pages A-100, A-200 & A-201 to be 159.16', as indicated on the site survey plan.
10. Provision of a canopy application is required.

Note to Applicant: Canopies must be fully demountable and drained to the buildings internal drainage system.

11. Provision of minimum vertical clearance of 2.3 m (7.55 ft.) from the street to all required maneuvering aisles and access to disability parking spaces.

Note to Applicant: The overhead gate on drawing A-400 measures 2.18 m (7.15 ft.) of vertical clearance.

12. Provision of 6.4 m (21.0 ft.) parallel stalls in the lane.
13. Confirmation that the power pole in the lane is to be relocated to ensure access to the parking stalls or reconfiguration of the parking stalls to avoid interference with the wood pole in the lane.
14. Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints to be able to calculate slopes and cross falls.

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, the General Manager of Planning and Development Services, the General Manager of Engineering Services, and the Approving Officer as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Release of Easement & Indemnity Agreements 421135M (commercial crossing) and 271389M (support agreement), and Indemnity Agreement 32702M (support agreement) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to enactment of the zoning with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

2. Provision of a 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.
 - (i) Provision of adjusted sidewalk and boulevard widths on Slocan Street. A 1.5 m (4.92 ft.) front boulevard and 2.0 m (6.28 ft.) concrete, saw cut sidewalk is required for the frontage of the site and extending to the Slocan Street/SkyTrain overpass.
 - (ii) Provision of asphalt paving of the lane adjacent the site from East 27th Avenue to the south edge of the development.
 - (iii) Provision of a standard concrete lane entry at the intersection of East 27th Avenue and the lane east of Slocan Street.
 - (iv) Provision of street trees adjacent the site where space permits.
3. 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 (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. 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.
4. 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.

5. Provision, operation, and maintenance of 1 shared vehicle and the provision and maintenance of 1 shared vehicle parking space for use exclusively by such shared vehicle and under the conditions outlined below:

- (i) The developer will be required to fund \$25,000 for the purchase of each required shared vehicle and fund \$11,500 for operating costs for each required shared vehicle.

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to occupancy.

- (ii) Management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City.
- (iii) The registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development.
- (iv) The provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to Occupancy.

Housing

6. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all 41 housing units as for profit affordable rental housing pursuant to the Short Term Incentives for Rental Housing (STIR) Program for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant through a STIR housing agreement, and subject to such rentals being made available as rental housing units.

Soils

7. Submit a site profile to the Environmental Protection Branch (EPB).
8. 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.
9. If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, 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.

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

The preceding agreements are to be registered in the appropriate Land Title office, with priority over such other liens, charges and encumbrances affecting the subject site as are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 2, 2013, entitled "CD-1 Rezoning: 4320 Slocan Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment

prior to enactment of the CD-1 By-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.

- C. THAT the application to amend Schedule E of the Sign By-law to add the CD-1 and to assign regulations in accordance with Schedule "B" (C-2), be approved.
- D. 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 January 2, 2013, entitled "CD-1 Rezoning: 4320 Slocan Street".
- E. THAT A through D above be adopted on the following conditions:
 - (i) 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 is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

1. REZONING - 611 Main Street

An application by W.T. Leung, W.T. Leung Architects, was considered as follows:

Summary: To rezone 611 Main Street from HA-1A (Chinatown Historic Area) District to CD-1 (Comprehensive Development) District. The proposal is for a 17-storey, mixed-use residential-commercial development including 134 privately owned dwelling units, 22 units of social housing (targeted to seniors rental), and office and retail floor space. The proposed zoning would increase the maximum permitted height from 27.4 metres (90 feet) to 45.7 metres (150 feet). A floor space ratio (FSR) of 8.26 and total floor area of 12 162 square metres (130,910 square feet) are proposed.

The General Manager of Planning and Development Services recommended approval, subject to the conditions as set out in the Summary and Recommendation of the public hearing agenda.

Council also had before it the following from the Assistant Director, Central Area Planning:

- Memorandum dated February 15, 2013, which provided Council with an update on all rezoning applications under active consideration in the Downtown Eastside; and
- Memorandum dated February 19, 2013, to provide information requested on:
 - cornice treatments on city streets and with regard to the proposals in Chinatown,
 - the potential to have a neon light program different than the current sign regulations allow, including an extensive application for 611 and 633 Main Street, and
 - lane use, in accordance with the Chinatown Neighborhood Plan and Economic Revitalization Strategy.

Staff Opening Comments

Kevin McNaney, Assistant Director, Central Area Planning, and Dwayne Drobot, Planner, Rezoning Centre, reviewed the application, and along with Abi Bond, Assistant Director, Housing Policy, responded to questions.

Applicant Opening Comments

Wing Ting Leung, Architect, introduced the project team and noted the consultative process was productive in developing the scheme represented by the model, and that they are confident they can meet the requirements set out in the report.

Ian Gillespie, Principal, Westbank Developments, responded to questions.

Summary of Correspondence

Council received the following since the application was referred to public hearing and prior to close of the speakers list:

- 12 letters in support
- three letters opposed to the application
- one letter on other related matters.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Queenie Choo, CEO, S.U.C.C.E.S.S.
Jennifer Ho
Derick Chang
Jordon Eng, Vice President, Vancouver Chinatown Business Improvement Area Society
Tony Lam, Vancouver Chinatown Merchants Association
Brian Yu, Floata Seafood Restaurant
Tomas Malapitan, Colliers International Residential Marketing
Bob Sung, Vancouver Chinatown Revitalization Committee
Ken Tsui, Program Director, Chinatown Night Market

The following spoke in opposition to the application and expressed concerns about the impacts of gentrification on low-income residents, rents, retail prices, building height, density for the site, and heritage character of the neighbourhood:

Harold Lavendar
Jean Swanson, Carnegie Community Action Project
Ivan Drury, Carnegie Community Action Project
Colleen Boudreau
Teresa Vandertuin
Susan Neeves
Homeless Dave
Daniela Staiano
Stephen Bohus

The following provided other comments related to CACs, number of housing units, and the incorporation of historic aspects with the revitalization of Chinatown:

Joe Wai, Joe Wai architect inc.
Faye Leung

The speakers list closed at 9:28 pm.

Applicant Closing Comments

Mr. Leung, Architect, offered to answer questions and noted they are comfortable with the design and will continue to improve on it.

Staff Closing Comments

Mr. Drobot, along with Kevin McNaney, Assistant Director, Central Area Planning, Abi Bond, Assistant Director, Housing Policy, and Paul Cheng, Planner, Urban Design and Development Planning Centre, responded to questions.

Council Decision

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At 10:04 pm during discussion and debate, it was

MOVED by Councillor Louie

THAT Council extend the length of the meeting to complete this item.

CARRIED UNANIMOUSLY

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During debate Councillor Jang raised a Point of Order under the Procedure By-law section 5.2(g) noting Councillor Affleck was attributing motive to Councillor Tang. The Mayor cautioned Councillor Affleck.

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MOVED by Councillor Tang

- A. THAT the application, by W.T. Leung Architects on behalf of 5264 Investments Ltd. (Westbank Developments), to rezone 611 Main Street [*Lots 1 to 5 Block 18 District Lot 196 Plan 184; PIDs: 007-374-321, 007-374-348, 007-374-381, 007-374-437 and 007-374-470 respectively*] from HA-1A (Chinatown Historic Area) District to CD-1 (Comprehensive Development) District, to increase the maximum building height from 90 feet to 150 feet to permit a 17-storey mixed residential-commercial development at a floor space ratio of 8.26, generally as presented in Appendix A of the Policy Report dated January 4, 2013, entitled "CD-1 Rezoning - 611 Main 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 W.T. Leung Architects, on behalf of Westbank Developments, and stamped "Received City Planning Department, November 19, 2012", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below;
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to emphasize the mass wall character of the brick base, including: the deep-set storefronts; all other window frames recessed; 2-storey ground-floor proportions with spandrels at Level 2 along Main Street; the stepped brick parapet/balcony slabs along Main Street; and the deeply recessed 4-storey glass bay at grid 7.

Note to Applicant: The proposal shows a strong expression of brick masonry for the Main Street streetwall. Provide large-scale detail drawings that show a substantial amount of the brick cladding returns into the building to visually reinforce the massivity of these building elements.

2. Design development to ensure the divisibility of the commercial-retail floor space into a minimum of three separate tenancies

accessed directly from Main Street and one separate tenancy accessed directly from Keefer Street.

3. Design development to minimize the form of the elevator override and any private rooftop accesses in order to respect the Council-adopted view-cone limit over this site.
4. Design development to visually break down the upper massing, by maintaining the solid/glass patterns shown and approximate number/locations of deep balconies shown, thus ensuring the mass is broken by strong vertical recesses and rich shadow play.
5. Design development to adequately articulate the upper portion made up of concrete, by including the reveals and textured portions as shown, especially at the following highly visible locations: the vertical solid east of grid G; the walls flanking the balcony at grid E and at grid 6; the vertical solid north of grid 6.5.

Note to Applicant: Provide large-scale detail drawings of the proposed reveals and textures, with clear dimensions to show how light and shadows will be manifested.

6. Design development to visually distinguish the lower streetwall components from the tower component, with the provision of a visually enriching cornice treatment to the tops of all streetwall components along Keefer and Main streets.

Note to Applicant: The tendency to finish the highest building elements with a decorative flourish in cornice treatment is an important characteristic of historical buildings in Chinatown. Such treatment may be executed with traditional materials (such as dentils, fascia boards, etc.) or, conversely, be elicited through a more contemporary attitude. At any rate, a richer treatment involving a busy play between light, shade and shadow as a means of visually "finishing" the tops of the streetwall components, is required.

7. Design development to locate further opportunities for retail-commercial signage in order to better emulate Chinatown character.

Note to Applicant: The perspective drawings of the proposal show a series of lit, vertically-oriented blade signs, located on the occasional brick pier at the second-floor level. Ensure that these areas are equipped with the necessary electrical and anchorage systems for future signage opportunities.

8. Design Development to replace the glass canopy continuous weather protection system with a retractable cloth awning system that can extend a minimum depth of 10 ft. over the public sidewalk.

9. Provision of detailed drawings to elaborate the proposed screening elements located on the commercial clerestorey windows, the residential entry gate and the residential balcony railings.
10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold.

Note to Applicant: Provide a LEED® checklist confirming LEED® Gold performance and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Confirmation of LEED® registration and application for certification of the project are also required.

Landscape Review

11. Design development to ensure a smooth ground plane and compatible paving treatment with the sidewalk along the Keefer Street setback, which is a desirable place to have an additional 6 feet of sidewalk space.
12. Design development to provide more pedestrian scale articulation at street level, expand opportunities for pedestrian crossing, engagement and enjoyment at street level, landscaping and street furniture by provision of a bulge at the corner of Main and Keefer streets, in keeping with the Chinatown Design Guidelines and to the approval of Engineering. This would also increase opportunities for seating and create a more functional area for bike rack location.
13. Design development to improve main entry identity and pedestrian flow by creating a transition zone between public and private realm paving. This would allow for a wider perceived sidewalk, as well as soften the edge separation between private and public realm.
14. Design development to ensure there is adequate depth of soil available for proposed design intent of tree planting over structures.
15. A full Landscape Plan for proposed green roofs to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
16. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features.

Planter section details must confirm dimensioned depth of proposed planting on structures.

17. A high-efficiency automatic irrigation system to be provided on all planted rooftops (illustrated on the Landscape Plan).
18. A Landscape Lighting Plan to be provided for security purposes.

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

19. Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.

Engineering Services

20. Modify the parking ramp to provide improved two-way vehicle movement at the bottom of the main parking ramp, and where possible, on further parking levels below. In addition, improve driver visibility on the parking ramp of oncoming vehicles.

Note to Applicant: A reduction in the parking slope from 12.5% to a range between 5 and 10% combined with removal of the adjacent wall will help.

21. Ensure that all small car spaces are labelled on the plans and on-site.

22. Provision of the correct number of commercial parking spaces as per the parking by-law.

23. Consideration to be given to providing wheel ramps on all stairs that serve the bicycle parking access and existing.

24. Consideration of an improved means of egress to the street for bicycles which does not require use of the main parking ramp.

25. Consider modification to the loading bay to provide an additional 1 inch in height beyond the parking by-law standard.

Note to Applicant: There is ample additional head room within the loading bays, but only 3.8 m (12 ft. 6 in.) at the building face.

26. Note to applicant: Sewer service connections are to be directed to the 375 mm combined service in the lane west of Main St. and are to be located as close to the south property line of the site as possible. Please contact Engineering Sewers design branch early to discuss servicing location and needs.

Social Development

27. Make arrangements to design, construct, equip, and finish the units of affordable housing and associated parking, to the satisfaction of the Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services

Note to Applicant: Design development will be required through the Development Permit process.

Sustainability

28. 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.

29. Space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment including gas fired make-up air heaters.
30. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

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 General Manager of Engineering Services, the Managing Director of Social Development and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering Services

1. Consolidation of Lots 1 to 5, Block 18, DL 196, Plan 184 to create a single parcel.
2. Provision of a building setback and statutory right of way over a portion of the site on the Main Street frontage to achieve a 5.5 m wide sidewalk (to be measured from curb to building face).
3. Provision of a 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 is provided.
 - (i) Provision of a standard concrete lane entry at the lane west of Main Street on the south side of Keefer Street.
 - (ii) Provision of audible signals and countdown timers at the Keefer Street and Main Street intersection.
 - (iii) Provision of Chinatown sidewalk pattern adjacent the site.
4. All utility services shall be underground for this development. All electrical services to the site must be primary with all electrical plant, including but not limited to, junction boxes, switchgear, kiosks, other utility kiosks and pad mounted transformers, 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.
5. 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.

Sustainability

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 District Energy System, if and when the opportunity is available and in accordance with the City's policy for District Energy Connectivity Standards, and the Rezoning Policy for Chinatown South, which may include but are not limited to agreements which:

- (i) require buildings on site to connect to a District Energy System at such time that one becomes available;
- (ii) grant the operator of the District Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling District Energy System connection and operation, on such terms and conditions as may be reasonably required by the owner; 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

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.

Social Development

8. Make arrangements to the satisfaction of the Director of Legal Services and the Managing Director of Social Development to enter into a Housing Agreement securing 22 residential units with a minimum total area of 757 m² (8,143 sq. ft.), plus two parking stalls and storage space for three electric scooters, 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 those units may be separately sold;
- d. that none of such units will be rented for less than one month at a time;
- e. that with 11 of those units the tenant contribution to rent will be no more than the shelter component of income assistance (currently at \$375 a month);
- f. that 6 of those units will be rented for no more than the applicable "housing income limits" for Vancouver (as published from time to time by the British Columbia Housing Management Commission or its successor in function - now approximately \$850 per month);
- g. that 5 of those units may be rented at full market value (now approximately \$900 - \$950 per month);
- h. that those units will comply with the definition of "social housing" in the applicable City development cost levy by-law; and
- i. such other terms and conditions as the Director of Legal Services and the Managing Director of Social Development may require.

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.

- 9. Grant an Option to Purchase in favour of the City for an air space parcel containing the 22 units (including land component) contemplated in the Housing Agreement described in #8 above, 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, including securement of two parking stalls and storage space for three electric scooters. The total cost of the units shall not exceed \$3,951,793.

Soils

- 10. Submit a site profile to the Environmental Protection Branch (EPB).
- 11. If 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.

12. If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, 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.

Community Amenity Contribution

13. Make arrangements, prior to enactment of the CD-1 by-law, to provide security to the City to secure the payment by the applicant of the \$1,331,793 Community Amenity Contribution which the applicant has offered to the City, which payment must be made on or before the expiry of the Option to Purchase provided for in condition #9 of this Appendix B, section (c); provided that if the City exercises such Option to Purchase and the applicant provides a credit to the City in the amount of \$1,331,793 on the completion of the purchase of the land and improvements for the 22 social housing units to be constructed by the applicant as part of the development on the subject site, the City will return such security to the applicant and no further amount will be owed by the applicant towards such Community Amenity Contribution."

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services 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 C to the Sign By-law [assigned Schedule "C" (HA-1A)], generally as set out in Appendix C of the Policy Report dated January 4, 2013, entitled "CD-1 Rezoning - 611 Main 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 January 4, 2013, entitled "CD 1 Rezoning - 611 Main Street".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the necessary amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 4, 2013, entitled "CD-1 Rezoning - 611 Main Street".
- E. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in part (c) of Appendix B of the Policy Report dated January 4, 2013, entitled "CD-1 Rezoning - 611 Main Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- F. THAT A through E above be adopted on the following conditions:
 - (i) 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Deal

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 regarding Items 1 and 2.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Meggs

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 10:25 pm.

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