



PUBLIC HEARING MINUTES

FEBRUARY 27, 2013

A Public Hearing of the City of Vancouver was held on Wednesday, February 27, 2013, at 6:05 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed zoning amendments.

PRESENT: Councillor Tim Stevenson
Councillor George Affleck
Councillor Elizabeth Ball
Councillor Adriane Carr
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer*
Councillor Tony Tang

ABSENT: Mayor Gregor Robertson

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
SECONDED by Councillor Meggs

THAT this Council resolve itself into Committee of the Whole, Councillor Stevenson in the Chair, to consider proposed zoning amendments.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

1. REZONING - 633 Main Street

An application by Chris Dikeakos, Chris Dikeakos Architect Ltd., was considered as follows:

Summary: To rezone 633 Main Street from HA-1A (Chinatown Historic Area) District to CD-1 (Comprehensive Development) District. The proposal is for a 16-storey mixed-use residential-commercial development including 192 dwelling units and retail floor space. The proposed zoning would increase the maximum permitted height from 27.4 m (90 ft.) to 45.7 m (150 ft.). A floor space ratio (FSR) of 8.82 and total floor area of 12 974 m² (139,652 sq. ft.) are proposed.

The General Manager of Planning and Development Services recommended approval, subject to 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 21, 2013, which responded to a request from Council for more information on the following topics prior to public hearing:
 - Cornice Treatments on City Street;
 - Neon Signage in Chinatown;
 - Laneway Activation in Chinatown; and
- Memorandum dated February 22, 2013, which provided Council with an update on all rezoning applications under active consideration in the Downtown Eastside (DTES), per the *Interim Rezoning Policy* during the preparation of the Downtown Eastside Local Area Planning Program (LAPP).

Staff Opening Comments

Dwayne Drobot, Planner, Rezoning Centre, Planning and Development Services, reviewed the application and responded to questions.

Applicant Comments

Richard Bernstein, Principal, Chris Dikeakos Architect Ltd., provided opening comments. Dale Bosa, President, Blue Sky Properties, was also present.

Summary of Correspondence

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

- 10 letters and emails in support;
- two emails in opposition; and
- one email regarding other matters in relation to the application.

Speakers

Councillor Stevenson called for speakers for and against the application.

The following spoke in support of the application and a majority also raised concerns regarding the allocation of Community Amenity Contribution:

Faye Leung
Jordan Eng, Vice-President, Vancouver Chinatown Business Improvement Area Society
Henry Tom, Vancouver Chinatown Revitalization Committee
Nathan Edelson, 42nd Street Consulting
Fred Mah, Chinatown Society Heritage Buildings Association
Jim Yee
William Ma

Brian Yu, Vancouver Chinatown Merchants Association
Michael Wang, Chinese Benevolent Association of Vancouver
Robert Fung
Ko Man Chow

The following spoke in opposition to the application, and expressed concerns regarding the lack of social housing and displacement of low-income residents due to gentrification:

Jean Swanson, Carnegie Community Action Project
Ivan Drury, Carnegie Community Action Project
Teresa Vandertuin
King-mong Chan, Carnegie Community Action Project

Brendan Mulhall spoke neither in support of nor in opposition to the application, but noted the absence of social housing and childcare in the development proposal.

The speakers list was closed at 8:22 pm.

Staff Closing Comments

Mr. Drobot provided closing comments and, along with the following staff, responded to questions regarding concerns raised by the foregoing speakers:

- Tanis Knowles-Yarnell, Planner, Downtown East Side, Central Area Planning, Planning and Development Services
- Jim De Hoop, Managing Director, Social Development
- Paul Cheng, Planner, Urban Design and Development Planning Centre, Planning and Development Services
- Kent Munro, Assistant Director, Current Planning, Planning and Development Services

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Chris Dikeakos Architect Ltd., on behalf of Bosa Blue Sky Properties (Main) Inc., to rezone 633 Main Street [*Lots 6 to 10, Block 18 D.L. 196 Plan 184; PIDs: 003-350-487, 003-350-517, 003-350-550, 003-350-614 and 003-350-681 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 and to permit a 16-storey mixed residential-commercial development at a floor space ratio of 8.82, generally as presented in Appendix A of the Policy Report dated January 2, 2013, entitled "CD-1 Rezoning - 633 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 Chris Dikeakos Architects "Received

City Planning Department, December 20, 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. Deletion of the elevator override penthouse located on the rooftop of the building, thereby reducing the amount of building mass that incurs into viewcone G1.2.

Note to Applicant: Staff have determined that while the proposed 3'-8" incursion of the main building mass into viewcone G1.2 will produce a negligible effect on the view of the north shore mountains and is consistent with other projects nearby, the further incursion of an elevator override would negatively affect the protected viewcone.

2. Design development to visually break down the massing of the tower component (levels 11-16) by providing a shift in vertical plane by a minimum of 2 ft. for each major elevation, and by employing projecting building elements such as cantilevered balconies.
3. Design Development to emphasize the mass wall character of the brick streetwall to insure deep-set storefronts and recessed window frames.

Note to Applicant: The proposal shows a strong expression of brick masonry for the lower streetwall building components. 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.

4. Design development to distinguish the lower streetwall components from the tower component by further enriching the proposed cornice treatments.

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, fascias, etc.) or, conversely, be elicited through a more contemporary attitude. At any rate, a richer treatment involving busy play between light, shade and shadow as a means of visually "finishing" the tops of the streetwall components, is required.

5. Design development to retain the proposed signage locations and to further locate appropriate opportunities for retail commercial signage in order to better emulate the character of Chinatown.
6. Design development to the retractable cloth awning system that can extend a minimum depth of 10 ft. over the public sidewalk be used as additional signage opportunity, and to be varied on colour and texture.
7. Design development to the proposed ground floor commercial retail units to insure interior floor slab elevations that are flush with the external grade at the localized points of entry.
8. Provision of detailed drawings elaborating the proposed screening element that partially borders the public plaza located at the southeast corner of the property.
9. Consideration to provide further visual richness to the streetwall components by providing decorative metal grillwork, or a similar type of visual-enriching treatment, to the proposed balcony balustrades.
10. 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 two separate tenancies accessed directly from East Georgia Street.
11. 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 is also required.

Landscape Review

12. Design development to ensure there is adequate depth of soil available for proposed design intent of tree planting over structures.
13. 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.

14. 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.
15. A high-efficiency automatic irrigation system to be provided on all planted rooftops (illustrated on the Landscape Plan).
16. 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.
17. 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

18. Delete portions of canopy shown over the property line in the lane west of Main Street.
19. Canopies over the Georgia Street and Main Street property lines must be fully demountable and drained to the buildings internal drainage systems. A separate application to the General Manager of Engineering Services is required.
20. Delete all building encroachments (balcony railings and the beltline concrete eyebrow, except for canopies) over the south property line.
21. Clarify garbage pick-up operations. Please 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.
22. Please place the following statement on the landscape plans -

"This plan is Not for Construction of any public property facilities. Prior to the start of any construction on public property a landscape/site plan must be submitted to Engineering Services and be issued as "For Construction", 8 weeks' notice is requested. No work on public property may begin until plans receive "for construction" approval and related permits are

issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details.”

Sustainability

23. 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.

24. 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.
25. 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 Cultural Services 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 6 to 10, 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 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 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.
 - a. Provision of geometric changes and improvements to the Georgia Street right of way fronting the site from Main Street to the lane west of Main Street to facilitate pedestrian access to the retail units proposed to front Georgia Street and pedestrian passage from Main Street to the lane west of Main Street. Work to include new curb and gutter, asphalt pavement, retaining walls, sidewalks, street trees, traffic

signage, and related utilities. All works are at 100% the applicants cost.

Note: Delete proposed layby on Georgia Street and show approved City of Vancouver geometric on the site and landscape plans.

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:
 - a. require buildings on site to connect to a District Energy System at such time that one becomes available;
 - b. 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 Applicant; and
 - c. 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.

Community Amenity Contribution (CAC)

8. Pay to the City, prior to enactment of the rezoning by-law, the Cash portion of the Community Amenity Contribution of \$1,237,725 which the developer has offered to the City.

Soils

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

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 2, 2013, entitled "CD-1 Rezoning - 633 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 2, 2013, entitled "CD-1 Rezoning - 633 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 amendments to the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 2, 2013, entitled "CD-1 Rezoning - 633 Main 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; 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.
- F. THAT the Community Amenity Contribution be allocated to a fund to assist the Chinatown Society Heritage Buildings Association for the rehabilitation of their buildings;

FURTHER THAT staff report back to Council on terms and conditions of such fund.

referred

REFERRAL MOVED by Councillor Reimer

THAT Council refer decision on the pending motion regarding the rezoning application for 633 Main Street to the Regular Council meeting on March 12, 2013, as Unfinished Business.

CARRIED
(Councillor Affleck opposed)

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 Affleck

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

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Tang
SECONDED by Councillor Carr

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:24 pm.

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