



PUBLIC HEARING MINUTES

JANUARY 19 AND 21, 2016

A Public Hearing of the City of Vancouver was held on Tuesday, January 19, 2016, at 6:04 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting was recessed and reconvened on Thursday, January 21, 2016, at 6:06 pm.

PRESENT: Councillor Raymond Louie, Acting Chair
Councillor George Affleck
Councillor Elizabeth Ball
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Heather Deal*
Councillor Kerry Jang
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson

ABSENT: Mayor Gregor Robertson (Leave of Absence - January 19, 2016)

CITY CLERK'S OFFICE: Terri Burke, Meeting Coordinator
Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor De Genova
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

1. **REZONING: Amendments to the Zoning and Development By-law Regarding the RM 9A/9AN Districts for Norquay's Apartment Transition Area**

An application by Acting General Manager of Planning and Development Services was considered as follows:

Summary: To amend the Zoning and Development By-law by adding RM-9A and RM-9AN to the RM-9 and RM-9N Districts Schedule and Guidelines, and rezone properties in the Apartment Transition Area from RS-1 (One-Family Dwelling) District to RM-9A/9AN (Multiple Dwelling) Districts to allow for apartments in Norquay Village.

The Acting General Manager of Planning and Development Services recommended approval.

Summary of Correspondence

The following correspondence was received since the application was referred to Public Hearing and prior to the close of the speakers list:

- 4 pieces of correspondence opposed to the application; and
- 1 piece of correspondence regarding other matters related to the application.

Staff Opening Comments

Planning and Development Services staff presented the application and responded to questions.

Speakers

The Acting Chair called for speakers for and against the application.

The following spoke in support of the application and one speaker recommended that all development applications in RM zones include floor, roof and parking plans:

Jeanette Jones
Li Tao

The following spoke in opposition to the application, noting concerns with the proposed rezoning changes including the exclusion of public consultation and increased density:

Marilyn Hogan
Alicia Barsallo
Korky Day

On January 19, 2016, the speakers list and receipt of public comments closed at 7:04 pm.

Staff Closing Comments

Planning and Development Services staff responded to questions.

Council Decision

MOVED by Councillor Jang

- A. THAT the following amendments to the Zoning and Development By-law, generally as set out in Appendix A of the Policy Report dated December 1, 2015, entitled "Amendments to the Zoning and Development By-law Regarding the RM-9A/9AN Districts for Norquay's Apartment Transition Area", be approved:
 - (i) create new districts, RM-9A and RM-9AN, as part of the RM-9 and RM-9N Districts Schedule; and

- (ii) rezone certain areas of Norquay Village from RS-1 to RM-9A and RM-9AN.

- B. THAT the application to amend Schedule A of the Sign By-law to establish regulations for the new districts, generally as set out in Appendix B of the Policy Report dated December 1, 2015, entitled "Amendments to the Zoning and Development By-law Regarding the RM-9A/9AN Districts for Norquay's Apartment Transition Area", be approved.

- C. THAT, subject to enactment of the amending by-law described in A above, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated December 1, 2015, entitled "Amendments to the Zoning and Development By-law Regarding the RM-9A/9AN Districts for Norquay's Apartment Transition Area".

- D. THAT, subject to enactment of the amending by-law described in A above, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix D of the Policy Report dated December 1, 2015, entitled "Amendments to the Zoning and Development By-law Regarding the RM-9A/9AN Districts for Norquay's Apartment Transition Area".

- E. THAT, subject to enactment of the amending by-law described in A above, the Acting General Manager of Planning and Development Services be instructed to bring forward amended RM-9, RM-9A, RM-9N and RM-9AN Guidelines, generally as set out in Appendix E of the Policy Report dated December 1, 2015, entitled "Amendments to the Zoning and Development By-law Regarding the RM-9A/9AN Districts for Norquay's Apartment Transition Area", for Council adoption.

- F. THAT, subject to enactment of the amending by-law described in A above, the Acting General Manager of Planning and Development Services be instructed to bring forward related amendments to the *Strata Title Policies for RS, RT and RM Zones*, generally as set out in Appendix F of the Policy Report dated December 1, 2015, entitled "Amendments to the Zoning and Development By-law Regarding the RM-9A/9AN Districts for Norquay's Apartment Transition Area", for Council adoption.

- G. THAT, subject to enactment of the amending by-law described in A above, Council rescind the "Norquay Village - Apartment Transition Area Rezoning Policy" adopted on May 16, 2013.

CARRIED UNANIMOUSLY

2. **HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
2024 West 15th Avenue (Ludgate Residence)**

An application by Alexandre Ravkov, Designer, was considered as follows:

Summary: To designate the exterior and the interior fireplace feature in the main floor living room of the heritage building at 2024 West 15th Avenue, known as the Ludgate Residence, which is listed on the Vancouver Heritage Register in the 'B' evaluation category. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE417169, to permit the rehabilitation and conversion of the heritage building to contain two dwelling units and the construction of a new infill dwelling on the rear of the site.

The Acting General Manager of Planning and Development Services recommended approval.

Summary of Correspondence

No correspondence was received since the application was scheduled for Public Hearing and prior to the close of the speakers list.

Speakers

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

On January 19, 2016, the speakers list and receipt of public comments closed at 7:54 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 and 594 of the *Vancouver Charter*, a by-law to designate the exterior and the interior fireplace feature in the main floor living room of the heritage building at 2024 West 15th Avenue [PID: 013-266-497; Lot 8, Block 465, District Lot 526, Plan 2983], known as the Ludgate Residence, which is listed on the Vancouver Heritage Register in the 'B' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law authorizing the City to enter into a Heritage Revitalization Agreement to:
 - (i) secure the rehabilitation and long-term preservation of the heritage building; and
 - (ii) vary the Zoning and Development By-law to permit the rehabilitation and conversion of the heritage building to a Multiple Conversion

Dwelling comprising two Dwelling Units and the construction of a new Infill One-Family Dwelling on the rear of the site as proposed under Development Permit Application DE417169 and as more particularly described in the Policy Report dated December 24, 2015, entitled "2024 West 15th Avenue - Ludgate Residence - Heritage Designation and Heritage Revitalization Agreement".

- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site to the satisfaction of the Director of Legal Services and the Director of Planning.
- D. THAT A to C 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 in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its 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

**3. HERITAGE DESIGNATION AND HERITAGE REVITALIZATION AGREEMENT (HRA):
1060 West 15th Avenue (James Northey Residence)**

An application by Jim Bussey, Formwerks Architectural, was considered as follows:

Summary: To add the existing building at 1060 West 15th Avenue, known as the James Northey Residence, to the Vancouver Heritage Register in the 'B' evaluation category and to designate the exterior of the heritage building as protected heritage property. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE418661, to restore the heritage building and construct a new infill building.

The Acting General Manager of Planning and Development Services recommended approval.

Summary of Correspondence

No correspondence was received since the application was scheduled for Public Hearing and prior to the close of the speakers list.

Staff Opening Comments

Urban Design Division staff advised of a number of corrections to the Summary and Recommendation, noting the development permit application number should read DE418661 and that the Applicant is Jim Bussey, Formwerks Architectural, not Timothy Ankenman, Ankenman Marchand Architects.

Speakers

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

On January 19, 2016, the speakers list and receipt of public comments closed at 7:58 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT Council add the existing building at 1060 West 15th Avenue [*PID: 013-244-132; Lot 6, Block 475, District Lot 526, Plan 3015*], known as the James Northey Residence to the Vancouver Heritage Register in the 'B' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law authorizing the City to enter into a Heritage Revitalization Agreement in respect of the heritage building to:
 - (i) secure the rehabilitation and long-term preservation of the heritage building; and
 - (ii) vary the Zoning and Development By-law in respect of the site to permit development as proposed under Development Permit Application No. DE418661 and as more particularly described in the Policy Report dated January 5, 2016, entitled "Heritage Designation and Heritage Revitalization Agreement - 1060 West 15th Avenue (James Northey Residence)", and that the HRA shall be prepared, completed and registered, and given priority on title to the site, to the satisfaction of the Director of Legal Services and the Director of Planning.
- D. THAT A to C 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 in relation thereto is at the risk of the person making the expenditure or incurring the cost; and

- (ii) THAT the City and all its 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

4. REZONING: 225 Smithe Street

An application by GBL Architects was considered as follows:

Summary: To rezone 225 Smithe Street from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 5.00 to 11.39 to allow for the construction of a 26-storey mixed-use building, comprised of market residential, office, and retail at grade.

The Acting 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 a memorandum dated December 17, 2015, from the Assistant Director of Planning, Vancouver Downtown, which advised of a minor change to section 4.1 of the proposed by-law, which notes the size of the CD-1 site as shown below (deleted text is greyed and struck-through; added text is underlined):

- 4.1 Computation of floor space ratio must assume that the site consists of ~~1,393 m²~~ 1,393.7 m², being the site size at the time of application for the rezoning evidenced by this By-law.

The revised wording states the precise total site size, consistent with the survey plan submitted as part of the rezoning application. No action was required by Council, as the proposed by-law posted for this item contained the changes explained in the memorandum.

Summary of Correspondence

The following correspondence was received since the application was referred to Public Hearing and prior to the close of the speakers list:

- 1 piece of correspondence in support of the application;
- 6 pieces of correspondence opposed to the application; and
- 1 piece of correspondence regarding other matters related to the application.

Staff Opening Comments

Planning and Development Services and Engineering Services staff responded to questions.

Speakers

The Acting Chair called for speakers for and against the application.

Sabrina Wei spoke in support of the application, noting the need for more residential buildings downtown.

The following spoke in opposition to the application. Concerns expressed included the building's mass and proximity to neighbouring residential buildings, increased traffic congestion and obstruction of views:

Greg Arden
Carol McIntyre
Callum Grant
Arash Zadeh
Neil McIver
Efaf Zadeh

On January 19, 2016, the speakers list closed at 8:39 pm and receipt of public comments closed at 8:54 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT the application by GBL Architects, on behalf of Boffo Developments (Smithe) Ltd., to rezone 225 Smithe Street [*Lots 20-24, Block 67, District Lot 541, Plan 210, PIDs 015-457-770, 015-457-788, 015-457-826, 015-457-851 and 015-457-877 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 5.00 to 11.39 to allow for the construction of a 26-storey mixed-use building, comprised of market residential, office, and retail at grade, generally as presented in Appendix A of the Policy Report dated November 2, 2015, entitled "CD-1 Rezoning: 225 Smithe 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 GBL Architects, and stamped "Received City Planning Department, May 5, 2015", provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Design development to reduce the height of the building to 86.6 m (284 ft.) noting that no part of the development may protrude into the approved view corridors, as set out in the City of Vancouver View Protection Guidelines.

Note to applicant: The tower height must not exceed Alder Terrace (A) view cone.

2. Design development to achieve a podium height that will be compatible with the long-term streetscape.

Note to applicant: The podium portion of the building facing Cambie Street adjacent to the Law Society building (845 Cambie Street) should be reduced by two storeys, or 6.1 m (20 ft.), to be more compatible with newer buildings on the block and the potential long-term streetscape, and to improve views for existing residents across the lane. A podium of this height will still achieve the urban design goal of mitigating the blank wall of the Law Society building.

3. Design development to the upper levels of the tower to improve the contribution to the general skyline.

Note to applicant: The uppermost two to three tower levels should be sculpted to provide architectural interest, in keeping with the predominant architectural design of the building.

4. Design development to simplify and harmonize the architectural expression between the commercial podium levels and the upper residential levels.

Note to applicant: The upper level vertical expression should be simplified and applied, in an appropriate way, to all elevations. The architectural connection between the upper levels and the podium, including the approach to undercutting requires refinement.

5. Design development to improve the continuity of pedestrian activity and movement along Cambie Street.

Note to applicant: The ground floor level at the north end along Cambie Street (between the proposed residential entry and the adjoining Law Society of British Columbia building) should be pulled out closer to the curb, to create a smoother transition to the neighbouring building. A minimum 5.5 m (18 ft.) sidewalk should be achieved, but a "depression" in the streetwall not created. The projecting lobby entrance must maintain visual transparency to avoid hidden alcoves. The upper levels may need to be pulled forward as well to achieve a balanced architectural

elevation. The double row of trees should be kept, though their locations may need revision.

6. Provision of high-quality and appropriately scaled weather protection along the street-facing facades.

Note to applicant: Canopy depths of a minimum of 1.5 m (5 ft.) at a height 2.7 m (9 ft.) above the sidewalk should be provided. Canopies at higher heights should be proportionately deeper.

7. Design development to provide separate means of egress and access to services for the residential and commercial users of the building.
8. Provision of a vertical vent space to accommodate future exhaust from the commercial level.

Note to applicant: Intent is to allow for a wider range of uses, including restaurants, without requiring the retrofitting of exhaust ducting on the outside of the building.

9. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

Note to applicant: Strategy should identify any particular risks with regard to the *Bird Friendly Design Guidelines* and propose design features or to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

10. Design development to create ground-oriented open spaces suitable for children's play with adjacent common amenity room. Refer to the *High-Density Housing for Families with Children Guidelines* for more information.
11. Provision of high quality and durable exterior finishes, as proposed in the rezoning submission, are to be carried forward and remain through the development permit process.

Crime Prevention Through Environmental Design (CPTED)

12. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft;
 - (iv) mischief in alcove and vandalism, such as graffiti.

Note to applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings

Sustainability

13. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezonings including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The design strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Landscape

14. Provision of a landscape plan that reflects the Downtown South (DTS) sidewalk treatments on both public and private property as well as reflects the off-site works required of this rezoning.

Note to applicant: This would include the concrete lane entry and proposed curb realignment intended for Smithe Street.

15. Show removal of the existing driveway crossing on Smithe Street and replace with new curb and sidewalk per the Downtown South sidewalk treatments.

Note to applicant: Modify the intake plenum and grill on Cambie Street, including the adjacent planting to be level with the sidewalk elevation. Clarify as to what elevation changes are proposed within the DTS setback and ensure they are level with the City sidewalk and available to the public to walk on. Paving on Cambie at the property line should appear to be a seamless extension of the City sidewalk.

16. Design development at street interface, to expand opportunities for pedestrian engagement, promote the 'green' image of the

project, as well as enhance connectivity between public and private realm, and between indoor and outdoor spaces at grade.

Note to applicant: This could be achieved by providing more pedestrian scale articulation at street level, including more soft landscape elements.

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

Note to applicant: Provision of a section through the planted areas at the time of development permit application, to show adequate depth of soil for the type of trees proposed, in order to allow for better root development and therefore healthier trees in the future.

18. Provision of improved coordination between landscape plans and site plans, ensuring locations of entry doors and windows are not blocked by planting.

Note to applicant: Planting bed of low plants fronting Smithe Street at grade should be deleted in front of the proposed door.

19. A full Landscape Plan for proposed green roofs to be provided at the development permit submission stage:
 - (i) 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.
 - (ii) 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 depth of proposed planting on structures.
 - (iii) A high-efficiency automatic irrigation system to be provided on all planted rooftops (illustrated on the Landscape Plan).
 - (iv) 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.

- (v) 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.

Housing Policy and Projects

- 20. Design development to ensure that a minimum of 25 percent of the proposed market strata units are designed to be suitable for families with children, including some three bedroom units.
- 21. The building is to comply with the *High Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
- 22. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.
- 23. The proposed unit mix including 80 two-bedroom and one three-bedroom units are to be included in the Development Permit drawings.

Note to applicant: Any changes in unit mix shall be to the satisfaction of the Chief Housing Officer.

Engineering

- 24. Clarify if a canopy or awning is proposed over the property line, and if so, submit appropriate application to Engineering Services.
- 25. Compliance with the *Parking and Loading Design Supplement* to the satisfaction of the General Manager of Engineering Services.
- 26. Modification of the loading bay design to the satisfaction of the General Manager of Engineering Services ensuring compliance with the following:
 - (i) The slope and cross fall of the loading bays should not exceed 5% and must be labelled on the plans with design elevations at the front and rear of the spaces.
 - (ii) Provide a throat on the loading spaces (4.6 m in width at 68 degrees).
 - (iii) Provide additional loading bay width for the second loading space (each additional space must be 3.8m wide).

- (iv) Provide improved access by means of a scissor lift/dumbwaiter or other elevating device from the loading bays into the Commercial Retail Units (CRUs) to the satisfaction of the General Manager of Engineering Services.
 - (v) Modify the layout/placement of the garbage compactor to ensure full access to the rear of a truck in the loading bay.
 - (vi) Clearly identify and dimension any proposed exit path adjacent to the loading spaces.
27. Modify the bicycle elevator to introduce glazing at the lane, and to pull back the adjacent exit stairs to improve an exiting driver's sightlines of oncoming pedestrian, cyclist or vehicle traffic in the lane all to the satisfaction of the General Manager of Engineering Services.
28. Provision of automatic door openers on all doors which provide access to and from the bicycle rooms to the building exterior.

Neighbourhood Energy

29. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
30. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

31. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited

to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

32. Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines, at development permit.
33. Detailed design of the building HVAC and mechanical heating system at the building permit stage 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 Acting General Manager of Planning and Development Services, 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. Consolidation of Lots 20 to 24, Block 67, DL 541, Plan 210 to create a single parcel.
2. Provision of a building setback and a surface statutory right-of-way (SRW) for public access purposes, to achieve a 6.8 m (22.3 ft.) distance from the back of the City curb to the building face on the Smithe Street frontage and 5.5 m (18 ft.) distance from the back of the City curb to the building face on the Cambie Street frontage. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimensions.

Note to applicant: The SRW area will allow for below grade parking and minor building elements from level 2 and above (vertical metal louvers, portions of balconies, and metal panel projections) within the SRW area.

Note to applicant: The 6.8 m dimension will allow for the following boulevard/bicycle/ bus facility dimensions; 2.7 m bus boarding island, a 2.4 m protected bike lane, 1.2 m treed utility strip, a 3.0 m sidewalk and 0.3 m building strip.

3. Provision of a cash contribution of \$300,000.00 for the re-location of the curb and all associated utilities as required, to accommodate the construction of a bus boarding island, a

protected bike lane, a treed utility strip, and a sidewalk adjacent to the site.

4. Provision of a Services Agreement to detail the on-site 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 street trees adjacent the site where space permits.
 - (ii) Provision of a standard concrete lane crossing and lane curb returns on both sides of the lane entry at the lane west of Cambie Street on the north side of Smithe Street. Work shall including relocation of the existing trolley strain pole should it impact the installation of the standard lane return.
 - (iii) Provision of new sidewalks adjacent to the site in compliance with the Downtown South guidelines.
 - (iv) 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.
 - (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer 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 sewer system upgrading that may be required.

5. 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.
6. Parking, loading and bicycle spaces shall be provided and maintained according to the provisions of the Parking By-law except that:
 - (i) A minimum of one Class B residential loading space and one Class B commercial loading space and 2 Class A shared loading spaces shall be provided including legal arrangements to share all loading spaces between the residential and commercial user groups.

Neighbourhood Energy

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:
 - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available.

Note to Applicant: The development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available or appropriate, a deferred services agreement or similar agreement will be required.

If the development is required by the General Manager of Engineering Services to connect to an NES, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.

- (ii) Grant the operator of the City-designated NES access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the applicant.
- (iii) Provide for up to 21 m² of suitable located dedicated space and design provisions to accommodate the City-designated NES, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, to the satisfaction of the General Manager of Engineering Services.

Note to applicant: Design shall provide suitable space for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications conduit. District energy equipment may include, but is not limited to: a steam to hot water converter station sized for neighbourhood service provision, energy transfer stations (ETS), and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

Heritage Density Transfer

- 8. Secure the purchase and transfer of a total of 2,763 m² (29,739 sq. ft.) of heritage density (which has a total value of \$1,933,015) from a suitable donor site (or sites).

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Community Amenity Contribution (CAC)

9. Pay to the City the cash component of the Community Amenity Contribution of \$10,118,608 which the applicant has offered to the City, Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and is allocated as follows:
 - (i) \$7,227,578 toward the provision of non-market housing in the Downtown South neighbourhood.
 - (ii) \$1,445,515 toward Phase 2 of the Comox-Helmcken Greenway.
 - (iii) \$1,445,515 toward upgrades for the Vancouver Public Library Central Library Branch.

Public Art

10. 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: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

Soils

11. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning 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; and
 - (iii) If required by the Manager of Environmental Planning 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 Planning, the General Manager of

Engineering Services and the 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 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 subject sites 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-laws.

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" (DD)], generally as set out in Appendix C of the Policy Report dated November 2, 2015, entitled "CD-1 Rezoning: 225 Smithe 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 November 2, 2015, entitled "CD-1 Rezoning: 225 Smithe Street".
- 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 Parking By-law, generally as set out in Appendix C of the Policy Report dated November 2, 2015, entitled "CD-1 Rezoning: 225 Smithe 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 bylaw 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
(Councillor Carr opposed)

5. REZONING: 1755 West 14th Avenue

An application by: Sun Life Assurance Company of Canada, Inc. was considered as follows:

Summary: To rezone 1755 West 14th Avenue from RM-3 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a second residential rental building with 116 new market rental housing units, and the addition of two new rental units to the existing building on the site containing 134 unsecured rental units. All units will be secured as market rental housing units. A height of 36.6 m (120 ft.) and a floor space ratio (FSR) of 3.45 are proposed.

The Acting 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.

Summary of Correspondence

The following correspondence was received since the application was referred to Public Hearing and prior to the close of the speakers list:

- 34 pieces of correspondence in support of the application;
- 23 pieces of correspondence opposed to the application;
- 1 petition with 151 names opposed to the application; and
- 1 piece of correspondence regarding other matters related to the application.

Staff Opening Comments

Planning and Development Services staff reviewed the application and responded to questions.

Speakers

The Acting Chair called for speakers for and against the application.

The following spoke in support of the application:

Sasa Radanovic
Kimberly Lachuk
Michael Ferreira
Sabrina Wei
Dani Paine

The following spoke in opposition to the application. Concerns expressed included the building's mass in relation to neighbouring residential buildings, traffic congestion and on-street parking issues:

Gershon Growe
Chris Johnson
Andrew Hiscox
Dan Quon
Mark Gibson
Nomi Kaplan
Roxanne Hilson
Michael Hilson
Brenda Knight
Shaleena Jeraj
Craig Dixon
Cara Foxtton
Ayaan Jeraj

* * * * *

On January 19, 2016, during the hearing of speakers, Council recessed at 10:02 pm and reconvened on January 21, 2016, at 6:06 pm.

* * * * *

On January 21, 2016, the speakers list closed at 8:45 pm and receipt of public comments closed at 9 pm.

Applicant Closing Comments

Thea Wilson, Bundt and Associates, responded to questions.

Staff Closing Comments

Planning and Development Services and Engineering Services staff responded to questions.

Council Decision

MOVED by Councillor Reimer

THAT discussion and decision on the application "REZONING: 1755 West 14th Avenue", be referred to the Regular Council meeting on February 2, 2016, as Unfinished Business.

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 Stevenson

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

ADJOURNMENT

MOVED by Councillor Carr

SECONDED by Councillor Stevenson

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned on January 21, 2016, at 9:55 pm.

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