



PUBLIC HEARING MINUTES

JUNE 14, 2016

A Public Hearing of the City of Vancouver was held on Tuesday, June 14, 2016, at 6:08 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck
Councillor Elizabeth Ball*
Councillor Adriane Carr
Councillor Melissa De Genova*
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Tim Stevenson

ABSENT: Councillor Heather Deal (Leave of Absence - Civic Business)
Councillor Andrea Reimer (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Jang

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

lost

Prior to the vote on the motion, the Mayor requested advice from the City Clerk regarding procedural uncertainties which arose at a previous Public Hearing due to loss of quorum while in Committee of the Whole. The City Clerk advised that while Council is required under Section 18.13 of the Procedure By-law to move a motion to go into Committee of the Whole at a Public Hearing, it is not required to sit as a Committee of the Whole during the hearing. She further advised that the Motion to go into Committee of the Whole could be put to a vote and failed by the Council.

Subsequently, the motion was put and LOST with Councillors Affleck, Ball, Carr, Jang, Louie, Meggs, Stevenson and Mayor Robertson opposed, and Councillor DeGenova absent for the vote.

1. TEXT AMENDMENT: 3738 Cypress Street (Remove from First Shaughnessy Protected Heritage Property List)

Summary: To amend the Heritage Conservation Area Official Development Plan to remove the existing building at 3738 Cypress Street from the list of First Shaughnessy protected heritage properties. Based on an assessment of the heritage character and heritage value, the original form of the house has been determined to have been altered to the point of no longer having sufficient heritage character or heritage value to justify conservation.

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

Staff Opening Comments

Planning and Development Services staff responded to questions.

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 and receipt of public comments:

- 3 pieces of correspondence in support of the application; and
- 2 pieces of correspondence opposed to the application.

Speakers

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

The speakers list and receipt of public comments closed at 6:17 pm.

Council Decision

MOVED by Councillor Louie

THAT the application to amend Appendix A4 of Schedule A of the Heritage Conservation Area Official Development Plan, to remove from the list of First Shaughnessy protected heritage properties the building, existing prior to January 1, 1940, on lands having a civic address of 3738 Cypress Street [PID: 008-914-958; Lot 1A, Block 42, District Lot 526, Plan 4502], be approved.

CARRIED UNANIMOUSLY (Vote No. 01311)

2. REZONING AND HERITAGE DESIGNATION: 4976-5010 Cambie Street

An application by SHIFT Architecture Inc. was considered as follows:

Summary: To rezone 4976-5010 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a seven-storey residential building, and to retain and designate the heritage "Wong Residence" and "Volcanic Rock Outcropping" landscape feature at 5010 Cambie Street. The proposal contains a total of 49 residential dwelling units with a height of 23.5 metres (77 feet) and a floor space ratio (FSR) of 2.46.

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 June 9, 2016, from the Assistant Director of Planning, Vancouver South, that put forward for consideration the following two additional conditions pertaining to sustainability, that were inadvertently omitted during preparation of the Policy Report dated May 3, 2016, entitled "CD-1 Rezoning and Heritage Designation: 4976 - 5010 Cambie Street":

"Sustainability

27. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

28. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System 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 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."

Staff Opening Comments

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

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 and receipt of public comments:

- 1 piece of correspondence in support of the application; and
- 1 piece of correspondence opposed to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Reilly Wood
George Chin

The following spoke in opposition to the application, expressing concerns regarding proposed height, density, and aspects of the heritage designation:

Monique Choptuik
Allan Buium, Riley Park South Cambie Community Vision Committee
Norm Dooley, Riley Park South Cambie Community Vision Committee
Varouj Gumuchian
William O'Brian, Riley Park South Cambie Community Vision Committee
Tracey Moir

The speakers list and receipt of public comments closed at 7:28 pm.

Applicant Closing Comments

Michael Brown, Trillium Project Management, addressed concerns raised by the speakers and, along with Cam Halkier, SHIFT Architecture, responded to questions.

Staff Closing Comments

Planning and Development Services staff responded to questions

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During debate on the motion for Item 2, Council recessed at 8:05 pm and reconvened at 8:16 pm, due to a disruption in the Chamber.

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Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT the application by SHIFT Architecture Inc. on behalf of Pennyfarthing Q.E. Park Properties Inc., the registered owners, to rezone: 4976-5010 Cambie Street [Lots 5 to 7, all of Block 840, District Lot 526, Plan 8324; PIDs 002-974-258, 010-152-199, and 010-152-211, respectively] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.46 FSR and the height from 10.7 m (35 ft.) to 23.5 m (77 ft.) to permit the development of a seven-storey residential building containing a total of 49 dwelling units, and to retain and rehabilitate the heritage Wong Residence, generally as presented in Appendix A of the Policy Report dated May 3, 2016, entitled "CD-1 Rezoning and Heritage Designation - 4976-5010 Cambie Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by SHIFT Architecture Inc., on behalf of Pennyfarthing Q.E. Park Properties Inc., and stamped "Received August 14, 2015", subject to the following conditions, 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:

Urban Design

1. Design development to the architectural expression of the new building to better respond to the retained Wong Residence and the overall context.

Note to Applicant: At the south and east elevations, the proposed three-storey massing provides a transition to the lower massing at the Wong Residence and across the lane. The architectural treatment of the three-storey mass should emphasize this relationship, and the upper storey massing should

be de-emphasized with a lighter, subsidiary expression. The three-storey massing at the lane should be shifted to the north to align with future town houses at the rezoning site to the north, and provide open space with improved solar access at the south east corner contiguous with the Wong Residence surface parking area. The west façade should express a four-storey datum line to relate to the four-storey shoulder line at the new principal building at the adjacent rezoning site to the north, and the north elevation should be developed to respond to the buildings and open space directly adjacent at the north site. The response should incorporate subtle steps in the massing, as well as further architectural design development to the façade.

2. Design development to mitigate the apparent height of the building by minimizing the extent of projections above the main roofline.

Note to Applicant: Stairwell penthouses are provided for both common and private roof deck access. Reduce the height of the penthouse for the common stairwell, including elevator and mechanical equipment enclosure, to the minimum required. Private access should be via angled hatches that do not exceed 1.2 m in height, or deleted. Trellises, or other built landscape features, over 1.2 m in height should be deleted. Guard rails should be set back substantially from the roof edges to reduce their prominence. The planted area should occupy a substantial portion of the overall roof, including the full perimeter, and be in-keeping with the expectations of the Planning Administration Bulletin: 'Discretionary height Increases - Roof Mounted Energy Technologies and Green Roofs'. Common roof deck amenity should be maintained for all residents.

3. Design development to the east elevation to activate the lane, consistent with the expectations of the Cambie Corridor Plan Built Form Guidelines.

Note to Applicant: Units at the base at the lane should maintain a townhouse configuration with entries facing the lane.

4. Design development to the landscape to substantially retain the rock outcrop.

Note to Applicant: The main floor level may be lowered so that a ramp is not required or minimized. The rock outcrop should be retained in its existing form as much as possible, and not cut into.

5. Design development to provide an improved configuration and location for the amenity room.

Note to Applicant: The amenity room should be of a more functional shape and size for gatherings, and have an improved alignment and connection to the lobby entry. A small kitchen and washroom should be provided. It is recommended that the amenity room be located at the southwest corner adjacent the building entry lobby and with overlook to the rock outcrop.

6. Design development to the basement rooms for Unit CH1 to comply with the expectations of the Planning Administration Bulletin 'Bulk Storage and In-Suite Storage - Multiple Family Residential Developments'.

Note to Applicant: Habitable space is not permitted in this location as daylighting requirements cannot be met. Bulk storage rooms may be provided if reconfigured to comply with the size limitations and design parameters within the bulletin. Compliant bulk storage rooms are excluded from floor area. Stair access to in-suite bulk storage in the basement, and any required vestibule is counted in floor area.

7. Design development to the laneway house to be compatible with the Milton Wong Residence in terms of its form and character.

Note to Applicant: The laneway house should occupy the approximate footprint of the existing carport. While it need not copy the style of the Wong Residence, its' overall design should be complimentary to the Milton Wong house and site.

8. The proposed unit mix including 22 two-bedroom, 10 three-bedroom units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25% of the dwelling units.

Crime Prevention through Environmental Design (CPTED)

9. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:

- (i) theft in the underground;
- (ii) break and enter;
- (iii) mischief and vandalism such as graffiti; and
- (iv) mitigate possible CPTED concerns in the parking area.

Landscape

10. Design development to the responsible retention of all trees proposed for protection in the "Tree Protection and Removal Plan" dated May 12, 2015 by DK Ltd., including any offsite trees and vegetation;

Note to Applicant: in reference to the arborist report by Florian Fisch, dated June 8, 2015. While the proposal indicates that existing trees have been retained and integrated, there may be further design requirements at the development permit stage, including arborist reporting. To optimize the root protection zone, a minimum setback distance beyond the dripline may be necessary, subject to further review. There is a row of trees or a hedge on the northerly neighbour site (i.d.# 102-106) that is in conflict with the excavation. To resolve this conflict, a written neighbor consent letter and a tree removal permit application must be submitted, or the trees/vegetation must be retained through design development.

11. Design development to grades, retaining walls, walkways and structural design, such as underground parking, to maximize soil volumes (exceed BCLNA Landscape Standard) to accommodate new and existing trees and landscaping.

Note to Applicant: Wherever possible, take advantage of natural soils and the water table by locating new trees at grade beyond the edge of the underground slab. To avoid raised planters above grade, angle the corner of the underground slab downward (1.0 m across and 1.2 m) to maximize contiguous soil volumes. Planted landscapes on slab should be designed to maximize soil depths by lowering the slab, wherever possible, or providing tree wells, if necessary.

12. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

13. Submission of a bird friendly strategy for the design of the building 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>.

14. At time of first development permit, provision of:

- (i) A detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. Where applicable, phased development should include separate landscape plans for individual buildings and adjacent open space. The Plant list should include the common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) A Tree and Rock Outcrop Protection Plan.

Note to Applicant: Given the size and complexity of the site, provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and retained, including any tree protection barriers and important construction management directives drawn out of the arborist report(s), such as clearly illustrating the limit of excavation and footing design (shotcrete and vertical shoring). Tree replacements are likely best located on the proposed phased landscape plans. The rock outcrop, in its entirety, should also be illustrated and protected with protection fences.

- (iii) Provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through tree protection zones, all proposed common open spaces and semi-private patio areas.

Note to Applicant: In tree protection areas, the sections should illustrate and dimension the limit of excavation, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios

and portions of the adjacent building, such as residential units or amenity rooms.

15. Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.
16. Provision of the necessary supporting infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common gardening locations.
17. Provision of a partial irrigation plan.

Note to Applicant: Provide high efficiency irrigation for all planted areas, including urban agriculture areas and individual hose bibs for all private patios of 100 square feet (9.29 m²). On the plan, illustrate hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed.

Housing

18. Design development to ensure that a minimum of 25 % of the proposed market strata units are designed to be suitable for families with children, including some three bedroom units.

Engineering Services

19. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: 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.

20. Provision of a landscape plan that reflects the off-site improvements sought by this rezoning.

Note to Applicant: Please update the plan to reflect all of the proposed street work. A geometric of the Cambie curb alignment will be supplied by Engineering Services.

21. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (i) Provision of automatic door openers on the doors providing access to the bicycle rooms.

- (ii) Provide an alcove for the bike room access off the parking ramp and maneuvering aisle.
- (iii) Identify the path to be used by residents to move their bikes from the bicycle rooms to the building exterior by marking the route(s) with a line and arrow onto the plans.
- (iv) Provide Class B bicycle rack(s) on private property that can comfortably hold six (6) bicycles.

Note to Applicant: The orientation of the bicycle racks shown on the ground floor landscape plan does not allow 6 bicycles to occupy the spaces.

- (v) Provision of a convex mirror at the bottom of the shared parking ramp.
 - (vi) Clarify and identify the location of the parking security gate for this site.
22. 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.
23. 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.

24. 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.

25. 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.
26. 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.

Sustainability

27. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

28. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System 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 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.

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 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. Consolidation of Lots 5 and 6, Block 840, District Lot 526, Plan 8324 to create a single parcel.
2. Confirmation that a shared access agreement (in a form and content acceptable to the City), between this site and the development site to the north (lot 4), is fully registered in Land Titles Office and provides for the required access or, provision, modification or replacement of an agreement to allow for the proposed access arrangement. This agreement will include a Section 219 Covenant in favour of the City which provides that the agreement will not be modified or released without the City's consent.
3. 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 adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (ii) Provision of upgrading of the existing 250 mm diameter combined sewer that serves the site. A new 200 mm sanitary sewer and 375 mm storm sewer are required to be constructed from the existing manhole adjacent the site in the lane east of Cambie Street to the upstream manhole in the lane east of Cambie Street (approximately 57 Meters). The sewer upgrade is estimated at \$125,000 in 2016 dollars.
 - (iii) Provision for future street re-construction on Cambie Street adjacent to the site to generally include the following;
 - a. new curb and gutter;
 - b. a 2.5 m wide raised protected bike lane;

- c. a 2.13 m (7'-0") wide broom finish concrete sidewalk with saw cut joints; and
- d. improved street and pedestrian LED lighting including adjustment to all existing infrastructure to accommodate the proposed street improvements.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the Cambie Corridor Public Realm Plan.

- (iv) Provision of street trees adjacent the site where space permits.
4. 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.
5. 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), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the Cambie Corridor Plan that 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.
 - (ii) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation.

- (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant:

- a. Until a City-designated NES utility provider has been identified, 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.
- b. 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 at that time, the agreement will provide for future connection.
- c. 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

- 6. The owner enters into a Heritage Restoration Covenant for the rehabilitation, registration and long-term protection of the heritage building. The agreement is to be completed and registered in the Land Title Office to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the rezoning by-law.

Note to Applicant: The agreement must be signed by the owner and any party with a financial charge on the title to give priority. The purpose of the agreement is to secure the protection of the heritage building during and after construction and ensure its rehabilitation in a timely manner consistent with a conservation plan, in addition to allowing the City to place a commemorative plaque on the building or lands, and related matters. Please contact the heritage planner to receive a copy of the draft agreement for review.

7. Designation of the exterior of the heritage building as a protected heritage property and the Volcanic Rock Outcropping as protected heritage landscape resource, pursuant to sections 593 and 594 of the *Vancouver Charter* and enactment of the Heritage Designation By-law by Council.
8. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

Soils

9. 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*.
 - (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 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.

Community Amenity Contribution (CAC)

10. Pay to the City the cash component of the Community Amenity Contribution of \$2,056,285 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, the \$2,056,285 is to be allocated as follows:
 - (i) \$1,028,142 (50% of total CAC package) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area; and

- (ii) \$1,028,143 (50% of total CAC package) towards childcare and community facilities in and around the Cambie Corridor Plan area.

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 registerable charges pursuant to 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, subject to the approval in principle of the rezoning, the existing heritage feature, known as the "Volcanic Rock Outcropping", be added to the Vancouver Heritage Register as a landscape resource; and the existing building, known as the "Wong Residence", (the "heritage building") at 5010 Cambie Street [PID: 010-152-211; Lot 7, Block 840, District Lot 526, Plan 8324] be added to the Vancouver Heritage Register in the 'A' evaluation category.
- C. THAT, subject to approval in principle of the rezoning, pursuant to Sections 593 and 594 of the *Vancouver Charter*, Council approve the designation of both the heritage building and the Volcanic Rock Outcropping as protected heritage property.
- D. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as presented in Appendix C of the Policy Report dated May 3, 2016, entitled "CD-1 Rezoning and Heritage Designation - 4976-5010 Cambie Street".
- E. THAT A to 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 the expenditures of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 (Vote No. 01312)
(Councillor Ball absent for the vote)

3. REZONING: 5189-5289 Cambie Street

An application by Ciccozzi Architecture was considered as follows:

Summary: To rezone 5189-5289 Cambie Street from RS-1 (One Family Dwelling) to CD-1 (Comprehensive Development) District to permit the development of two six-storey residential buildings and five two-storey townhouse buildings at the lane, containing a total of 134 dwelling units. A height of 19.3 metres (64 feet) and a floor space ratio (FSR) 2.55 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

One piece of correspondence in opposition to the application was received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments

Speakers

The Mayor called for speakers for and against the application.

The following expressed concerns regarding various aspects of the application:

Allan Buium Riley Park South Cambie Community Vision Committee
Tracey Moir

The speakers list and receipt of public comments closed at 8:27 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT the application by Ciccozzi Architecture on behalf of Pure West Financial Holdings Group Inc., the registered owners, to rezone 5189-5289 Cambie Street [*Amended Lots 15 and 16 (Explanatory Plan 4304), Lots 17, 18, 19 and 20; All of Block 839, District Lot 526, Plan 8513; PIDS 010-087-125, 010-087-133, 010-086-820, 010-086-846, 010-086-862, and 010-086-871, respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.55 FSR and the height from 10.7 m (35 ft.) to 19.3 m (64 ft.) to permit the development of two six-storey residential buildings and five two-storey townhouse buildings at the lane for a total of 134 dwelling units, generally as presented in Appendix A of the Policy Report dated May 3, 2016, entitled "CD-1 Rezoning - 5189-5289 Cambie Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Ciccozzi Architecture on behalf of Pure West Financial Holdings Group Inc., and stamped "Received Planning Department, July 23, 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:

Urban Design

1. Design development to the north end of the north building to strengthen the expression of the curved façade.

Note to Applicant: The balconies at the north end align with the curved geometry of Cambie Street. For Levels 1 to 4, as with Levels 5 and 6, the building façade should follow the curve of the balconies, rather than step as shown. The balconies should turn the corner for a portion of the end wall, but should not project into the 12 ft. side yard setback. A minimum 6 ft. balcony depth should be provided at the front and north side.

2. Design development to provide substantial shoulder setbacks above the 4th storey, in-keeping with the expectations of the Cambie Corridor Plan Built Form Guidelines.

Note to Applicant: A minimum 8 ft. setback should be provided from exterior wall to exterior wall above the 4th storey shoulder line at all facades, including at the central courtyard and north side.

3. Design development to improve views through and use of the central courtyard by deleting the parkade exit.

Note to Applicant: The parkade exit should be covered and may be relocated to a less prominent area.

4. Design development to reduce overlook impact due to the roof deck at Level 3 of the building return along 37th Avenue.

Note to Applicant: Occupied portions of the roof deck at Level 3 should be setback from the lane elevation with a substantial landscape buffer.

5. Design development to the amenity room to improve functionality and access.

6. Design development to provide townhouse entry doors facing the courtyard and path access from the street.

Note to Applicant: An entry door to the townhouses should be provided facing the courtyard with path from the street to the door for fire fighter access. The door at the lane should also be maintained for laneway activation.

7. Design development to the uppermost roof decks must meet the expectations of the Planning Administration Bulletin 'Discretionary Height Increases - Roof-mounted Energy Technologies and Green Roofs'.

Note to Applicant: Green roof area should be provided as prescribed by the Bulletin.

8. Design development to minimize projections above the height of the primary roof parapets.

Note to Applicant: Stairs to private roof decks should be low profile, angled hatches. Exit stair and elevator overrun should be at the minimum height required. Confirm location of mechanical equipment. If provided at the roof, mechanical equipment should be in a central location and screened to reduce its prominence.

9. The proposed unit mix including 63 two-bedroom, 22 three-bedroom and 5 three-bedroom townhouse units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25% of the dwelling units.

Crime Prevention through Environmental Design (CPTED)

10. 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; and
 - (iv) mischief in alcoves and vandalism, such as graffiti.

Landscape

11. Provide a Landscape Plan with a variety of open spaces consistent with Cambie Corridor Design Principles to incorporate:
 - (i) green property edges;
 - (ii) replication of natural systems;
 - (iii) urban agriculture opportunities;
 - (iv) rainwater management strategies;
 - (v) landscape design transition to the public realm; and
 - (vi) consideration given to the use of basalt to reference local rock quarry.

12. Protect existing site and off-site trees wherever possible.

Note to Applicant: There is a grouping of healthy trees at the west side (rear yard) of 5229 Cambie Street that should be considered for retention. Consult with arborist for more detailed information about tree retention strategies.

13. Design development of the public realm landscape treatment to provide substantial green setbacks for enhanced screening and visual amenity between semi-private residential at-grade patios and adjacent public sidewalk.

Note to Applicant: Landscaped setback to incorporate a layering of new trees and shrubs with sufficient planting depth.

14. Provide maximized plant growing medium volumes and depth for new trees and shrubs within planters located over structures to ensure long term health of plant species.

Note to Applicant: Notch or angle back the edge of slab to increase at-grade planting depth. Trees planted on structures should be consolidated within a trench to improve planting condition (1 m across and 1.2 m downward). Alter slab to allow private trees and shrubs to be planted at the level of courtyards, and patios and not placed in above grade planters to achieve soil depth. Soil volumes for planters should exceed BC Landscape Standard (latest edition).

15. Provide a flexible Child's Play Space incorporating forms for children to engage in active and passive social play within a main common open space gathering area.

Note to Applicant: Refer to the *High-Density Housing for Families with Children Guidelines* for further features that are recommended.

16. Provision of an external lighting plan consistent with the Draft Cambie Corridor Public Realm Plan.
17. Provision of best current practices for irrigation and managing water conservation including high-efficiency (drip) irrigation and aspects of xeriscaping making use of drought tolerant plant selection and mulching.
18. Design development to integrate utilities into the building, where possible.

Note to Applicant: Advanced planning will be needed to integrate utilities and access into structures and behind lockable, decorative gates or screened landscaping. Avoid the awkward placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.

19. At time of development permit application:
 - (i) Provision of a legal survey confirming the location of existing on-site and off-site trees.
 - (ii) Provision of a fully labelled Landscape Plan, Sections and Details and written rationale at the Complete Development permit submission stage.
 - (iii) Provision of Tree Management Plan to locate existing trees, as noted on the survey, as an overlay on the Site Plan.

- (iv) Provision of large-scale section drawings at 1/4"=1'-0" /1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, including the slab-patio-planter relationship, the lane interface, and common areas.

Note to Applicant: The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

- (v) Provision of an ISA Certified Arborist report for all existing site trees and adjacent trees on neighbouring sites, as noted on the legal survey.

Sustainability

- 20. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

- 21. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System 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 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.

Housing Policy

22. Design development to ensure that a minimum of 25 % of the proposed market strata units are designed to be suitable for families with children, including some three bedroom units.

Engineering Services

23. Provision of 1st step risers to be 1'-0" behind the property line.
24. Provision of design elevations at all entry points along the property line.
25. Provision of garbage/recycling storage and pick up locations. Please review the garbage and recycling guidelines to determine the space requirements for the project. Note the unit count suggests a compactor may be more efficient than bins.
26. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking areas and at all entrances.

Note to Applicant: This is required to calculate the slope and crossfall.

- (ii) Provision of a centrally located Class B loading space with direct 'stairs free' access to the elevator core for both buildings.

Note to Applicant: The Class B loading space shown on drawing L2 has no direct access to the buildings and is located at the north end of the site.

- (iii) Modification of the loading bay design to provide a standard loading throat (4.6m in width / 68 degrees).
- (iv) Relocate the parking entry to provide a minimum 15m separation between the parking ramp for 5101 Cambie Street, See related permit (DE418277).

Note to Applicant: The locations of the two parking ramps and the angle of the lane creates poor sightlines and potential conflicts for vehicles using the parking ramps.

- (v) Provision minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8m of vertical clearance is required for Class B loading spaces and maneuvering.

- (vi) Provision of a 9'x9' corner cut at the bottom of the ramp on P2 to improve visibility and maneuvering.

- (vii) Dimension all stall lengths and widths.

- (viii) Show all columns in the parkade, ensuring they comply with the requirements of the Engineering Parking and Loading Design Supplement as none are currently shown.

- (ix) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside. Please indicate a line indicating the route to be used from the bicycle rooms to the exterior.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

- (x) Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

- (xi) Provision of an improved site plan showing any existing poles or guy wires in the lane.

Note to Applicant: This is to confirm that the proposed parking and loading access for the development does not conflict with any existing poles or guy wires in the lane if there are any conflicts please provide written confirmation that all poles can be relocated to the satisfaction General Manager of Engineering Services. Written confirmation from the utility companies will be required.

- (xii) Provision of a draft street lighting improvement plan to be shown on the development application drawings.

- 27. 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.

28. 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.

29. 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.
30. 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.
31. 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, 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. Consolidation of Amended Lots 15 and 16 (Explanatory Plan 4304), Lots 17, 18, 19 and 20; All of Block 839, District Lot 526, Plan 8513 to create a single parcel.

2. Provision of a 10'-0" (3.05 m) setback and Statutory Right-of-Way (SRW) on the 37th Avenue frontage of the site for future improved walking and cycling facilities including space for a Public Bike Share station.

Note to Applicant: The location of the PBS station along the 37th Avenue SRW may affect the stair access shown for one of the ground floor units along 37th Avenue and may need to be revised.

3. Provision for a Statutory Right-of-Way to accommodate a Public Bike Share (PBS) Station.
 - (i) Size: At a minimum a 16m x 4m sized station must be accommodated. The physical station with docked bicycles is 2m wide and has a required bicycle maneuvering zone of 2m for a total width of 4m.
 - (ii) Location: 3.0 m of the station must be located on private property and 1.0 m on public property while still clearly visible to the public with 24/7 public access and allowing easy access to the street. Note the result is that no addition SRW widening on 37th Avenue is needed to accommodate the PBS station.
 - (iii) Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
 - (iv) Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.
 - (v) Sun exposure: No vertical obstructions to maximize sun exposure as the station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
 - (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the Cambie Corridor Public Realm Plan.

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 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.

Note to Applicant: An interconnected water service is required. There is a 150 mm water main on 37th Avenue and a 300mm water main on Cambie Street available for servicing.

- (ii) Provision of street re-construction adjacent to the site on 37th Avenue for future walking and cycling improvements to generally include the following:
 - a. new curb and gutter, 8'-0";
 - b. 2.44 m raised protected bike lane;
 - c. 6'-0" (1.83 m) sidewalk with saw cut joints;
 - d. boulevard and street trees; and
 - e. work is to include all adjustments to utilities and all existing infrastructure impacted by the new street design.
- (iii) Provision of street re-construction adjacent to the site on Cambie Street for future walking and cycling improvements and a right turn lane at 37th Avenue to generally include the following:
 - a. new curb and gutter, 8'-0";
 - b. 2.44 m raised protected bike lane;

- c. 7'-0" (2.134 m) sidewalk with saw cut joints, boulevard and street trees; and
 - d. work is to include all adjustments to utilities and existing infrastructure impacted by the new street design.
- (iv) Provision of new and/or improved street and pedestrian LED lighting adjacent the Cambie Street and 37th Avenue frontages of the site.
 - (v) Provision of 25% of the cost associated with the full re-construction of the intersection of 37th Avenue and Cambie Street to provide for a protected cycling intersection. Work is to include all adjustments to utilities and existing infrastructure impacted by the new intersection design.
 - (vi) Provision of a standard concrete lane crossing, curb ramps and new curb returns at the lane entry on the north side of 37th Avenue at the lane west of Cambie Street.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the Cambie Corridor Public Realm Plan.

- (vii) Upgrading of the storm and sanitary sewer on Cambie Street to serve the site.

Note to Applicant: The existing 200 mm diameter combined sewer that flows southwards to 37th Avenue does not have the capacity for additional sanitary and storm flows from the proposed development. The existing 200 mm combined sewer, which is approximately 100 m in length, must be upgraded through provision of a new 200 mm sanitary sewer and a new 300 mm storm sewer to connect into the existing 500 mm diameter combined 37th Avenue. The estimated cost of this sewer upgrade is \$250,000 in 2016 dollars.

- 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. 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), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the Cambie Corridor Plan that 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.
 - (ii) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation.
 - (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant:

- a. Until a City-designated NES utility provider has been identified, 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.
- b. 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 at that time, the agreement will provide for future connection.
- c. 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.

Soils

7. 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*.
 - (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 Protection, the General Manager of Engineering Services 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 satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Heritage Density Transfer

8. Secure the purchase and transfer of heritage density with a value of \$516,907 being equivalent to approximately 738 m² (7,952 sq. ft.) of floor area, based on an estimated purchase price of \$65.00 per sq. ft., which may be varied or negotiated resulting in a higher or lower amount of purchased density from a suitable donor site.

Note to Applicant: Given the stipulated value that the City attributes to the creation of new transferable heritage density, currently at \$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 the City will only recognize the value of the density above \$65.00 per buildable square foot if the applicant and the owner of the donor site can demonstrate that bona fide market conditions warrant the increased purchase price.

Note to Applicant: "Letter A" and "Letter B" in the City's standard format are to be completed by both the owner(s) of the subject site, also referred to as the receiver site, and the owner of the donor(s) 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.

Public Art

9. 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)

10. Pay to the City the cash component (being \$4,652,158) of the total Community Amenity Contribution of \$5,169,065 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, the \$4,652,158 is to be allocated as follows:
 - (i) \$2,584,532 (50% of total CAC package) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area; and
 - (ii) \$2,067,626 (40% of total CAC package) towards childcare and community facilities in and around the Cambie Corridor Plan area.

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 registerable charges pursuant to 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 and at no cost to the City.

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, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as presented in Appendix C of the Policy Report dated May 3, 2016, entitled "CD-1 Rezoning - 5189-5289 Cambie Street".
- C. THAT A and B 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 the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 (Vote No. 01313)

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Louie

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:38 pm.

* * * * *