



PUBLIC HEARING MINUTES

JULY 19, 2016

A Public Hearing was held on Tuesday, July 19, 2016, at 6:02 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 Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson

ALSO PRESENT: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Rosemary Hagiwara, Deputy City Clerk
Leslie Tuerlings, Meeting Coordinator

**Denotes absence for a portion of the meeting.*

COMMITTEE OF THE WHOLE

The Mayor reminded Council that, based on advice from the City Clerk, it is not necessary for Council to sit as Committee of the Whole during a Public Hearing; however, in order to comply with the Procedure By-law, a motion to go into Committee of the Whole should be put to a vote and failed by Council.

MOVED by Councillor Deal
SECONDED by Councillor Carr

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Heritage, Zoning and Development and Sign By-laws.

LOST

(Councillors Affleck, Ball, Carr, De Genova, Deal, Jang, Louie, Meggs, Reimer, Stevenson, and Mayor Robertson opposed)

**1. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
2050 Southwest Marine Drive - Wilmar Residence and Coach House**

An application by Stuart Howard, Stuart Howard Architects, and James Evans, 1043823 B.C. Ltd., was considered as follows:

Summary: To add the existing building at 2050 Southwest Marine Drive, known as the Wilmar Coach House, to the Vancouver Heritage Register as a protected property in the 'B' evaluation category, to designate the exteriors of the Wilmar Residence and Wilmar Coach House as protected heritage property, and to approve a Heritage Revitalization Agreement (HRA) for this site. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE419489, to permit the construction of five Infill One-Family Dwellings.

The Acting General Manager of Planning and Development Services recommended approval, subject to conditions set out in the summary and recommendation of the Public Hearing agenda.

Summary of Correspondence

No correspondence was received since the application was scheduled for 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.

Isabel Minty and Diane King of ARKS Vision Implementation Committee spoke in general support of the application, noting traffic volume and pedestrian amenities as areas of concern.

The speakers list and receipt of public comments closed at 6:12 pm.

Staff Closing Comments

James Boldt, Heritage Planner, Planning and Development Services, responded to questions.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Ball

- A. THAT Council add to the Vancouver Heritage Register in the 'B' evaluation category the existing infill building at 2050 SW Marine Drive, known as the Wilmar Coach House (the "coach house").
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 and Section 594 of the *Vancouver Charter* a by-law to designate as protected heritage properties the exterior of the

heritage building known as the Wilmar Residence (the "heritage building"), which is listed on the Vancouver Heritage Register in the 'B' evaluation category, and the exterior of the coach house, at 2050 SW Marine (PID: 011-172-371; Lot 3, Block 12, Plan 5350, District Lot 316 and 317 (the "site")).

- 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 to:
- (i) secure the rehabilitation and long-term preservation of the two heritage buildings;
 - (ii) vary the *Zoning and Development By-law* as necessary to permit the construction of five Infill One-Family Dwellings on the site as proposed under Development Permit Application Number DE419489 (the "DP Application") and as more particularly described in the Policy Report dated June 15, 2016, entitled "Heritage Designation and Heritage Revitalization Agreement - 2050 SW Marine Drive - Wilmar Residence and Coach House".
- D. 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.
- E. THAT, subject to Council's approval of the heritage designations and the Heritage Revitalization Agreement described in the Policy Report dated June 15, 2016, entitled "Heritage Designation and Heritage Revitalization Agreement - 2050 SW Marine Drive - Wilmar Residence and Coach House", Council waive for the site, for the development as proposed under the DP Application the requirements contained in paragraph 3.1 of the *Strata Title Policies for RS, RT and RM Zones*, including a condition of development permit approval for new development on a site that the registered owner is to execute a covenant which must be registered against title to the property that prohibits registration of a strata plan.
- F. THAT A to E above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City 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 (Vote No. 01398)

**2. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
6158 East Boulevard - Kirkland's Metal Shop**

An application by Bryce Rositch, Rositch Hemphill Architects, and Leon Bogner, Bogner Kerrisdale Properties, was considered as follows:

Summary: To add and designate the existing building at 6158 East Boulevard, known as Kirkland's Metal Shop, to the Vancouver Heritage Register as a protected property in the 'B' evaluation category, to designate the west façade as protected heritage property, and to approve a Heritage Revitalization Agreement (HRA) for this site. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE419324 to permit the construction of a five-storey building which retains the front façade of the heritage building. A height of 19.8 metres (65 feet) and a floor space ratio (FSR) of 3.09 are proposed.

The Acting General Manager of Planning and Development Services recommended approval, subject to conditions set out in the summary and recommendation of the Public Hearing agenda.

Summary of Correspondence

No correspondence was received since the application was scheduled for 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.

Isabel Minty spoke in opposition to the application noting concerns with the added height and retention of the façade.

The speakers list and receipt of public comments closed at 6:21 pm.

Staff Closing Comments

James Boldt, Heritage Planner, Planning and Development Services, responded to questions.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Carr

- A. THAT Council add the existing building at 6158 East Boulevard (PID: 011-187-557; Lot 19 of Lot 4, Block 2, District Lot 526, Plan 5309; PID: 011-187-556; Lot 20 of Lot 4, Block 2, District Lot 526, Plan 5309 (the "site")), known as Kirkland's Metal Shop (the "heritage building") 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 Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate the west façade (the “heritage façade”) 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 to:
 - (i) secure the rehabilitation and long-term preservation of the heritage façade; and
 - (ii) vary the *Zoning and Development By-law* in respect of the site to permit the construction of an addition to the heritage building as proposed under Development Permit Application No. DE419324 (the “DP Application”) and as more particularly described in the Policy Report dated June 15, 2016, entitled “Heritage Designation and Heritage Revitalization Agreement - 6158 East Boulevard - Kirkland’s Metal Shop” .
- D. 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.
- 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 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 (Vote No. 01399)

3. REZONING: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)

An application by Catalyst Community Developments Society, was considered as follows:

Summary: To rezone 585 West 41st Avenue (5688 Ash Street) from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building, containing 46 social housing units, a church and commercial space. A height of 21.6 m (71 ft.) and a floor space ratio (FSR) of 3.44 are proposed.

The Acting General Manager of Planning and Development Services recommended approval, subject to conditions set out in the summary and recommendation of the Public Hearing agenda.

Applicant Comments

Robin Petri, Catalyst Community Developments Society, thanked staff and introduced the representatives of Oakridge Lutheran Church in attendance. She noted that this development will not only regenerate the church, but create long-term community benefits in a financially sustainable way.

Summary of Correspondence

One email in support of the application was received since referral 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.

Alan Buium, Riley Park South Cambie Community Visions, spoke in support of the application.

The speakers list and receipt of public comments closed at 6:35 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Carr

- A. THAT the application by Catalyst Community Developments Society, on behalf of the Oakridge Lutheran Church, the registered owner, to rezone 585 West 41st Avenue [*Lots 1 and 2, Block 874, District Lot 526, Plan 8313; PIDs 010-165-932 and 010-165-959 respectively*] from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 3.44 and the height from 10.7 m (35 ft.) to 21.6 m (71 ft.) to permit the development of a six-storey mixed-use building with commercial space at grade, church on the second floor and social housing on floors three to six, generally as presented in Appendix A of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)", 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 Francl Architecture on behalf of Catalyst Community Developments Society and Oakridge Lutheran Church, and stamped "Received Planning Department, December 7, 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 provide separate indoor and outdoor amenity spaces for the exclusive use of the residents (see Housing Policy and Projects conditions 12 and 13).
2. Design development to improve and reduce the scale of the building at the lane.

Note to Applicant: Some design possibilities might include change in the use of guardrail material, lowering the roof deck elevation, or adjusting the roof overhang of the roof deck area.

3. Design development to maintain high quality, durable materials for the proposal.

Note to Applicant: Cementitious panel systems, such as hardie panel, are discouraged.

4. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

5. Design development to respond to CPTED principles, having particular regard 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 Design

6. In coordination with Engineering requirements for public realm treatment, refinements of the landscape plan to improve the

pedestrian experience to the 41st Avenue and Ash Street frontages.

Note to Applicant: In a manner that is similar to the proposal, the pedestrian experience can be enhanced by providing trees on public and/or private property, wherever possible. Large areas of paving should be mitigated with the addition of soft landscaping. To add color and texture to the ground plane, provide special paving on private property.

7. Provision of a high efficiency irrigation system for all planted areas and individual hose bibs for the common amenity area.

Note to Applicant: Hose bib locations to be depicted on the plans. The irrigation design and installation system shall be in accordance with the Irrigation Industry of BC Standards and Guidelines.

8. Provision of new street trees adjacent to the development site, to be confirmed prior to the issuance of a building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604-871-6131 to confirm tree planting locations and Park Board, ph: 604-257-8587 for tree species selection and planting requirements. Provide a notation on the development permit landscape plan, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion."

Sustainability

9. 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.

10. 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 and Projects

11. Provision of an Operations Management Plan to the satisfaction of the Chief Housing Officer or successor in function addressing building operations, a maintenance plan and operating budget with respect to the social housing units, and including provisions for the allocation of surplus rent revenues into other social housing projects within the City of Vancouver.
12. Design development to include a common residential outdoor amenity, ideally co-located with the indoor amenity space, which includes an area for children's play activity and to allow for a range of children's play activities for a range of ages.

Note to Applicant: Play equipment is not required for the children's play areas, but a soft surface play area and creative landscape/play features (such as balancing logs and boulders, sandbox, a small/tangible water stream or feature, creative motor-skills developing features etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

13. Design development to include an indoor amenity room of at least 37 m² with kitchenette and storage closet and adjacent accessible washroom with baby change table, storage closet and a kitchenette for residents.

Note to Applicant: Direct physical and visual connection between the indoor and outdoor amenity areas is sought.

Engineering Services

14. Provision of landscaping on Ash Street to the satisfaction of the General Manager of Engineering Services. Plantings are to meet

the boulevard landscaping guidelines noted below and are to be located behind the city sidewalks, front boulevards are to be lawn only.

- (i) All planting on street right-of-way is to be maintained by the adjacent property owner. If this is not acceptable please remove all planting on street right-of-way and replace with standard grass boulevard treatment.
 - (ii) All plant material within the same continuous planting area which is located on street right-of-way within 10 m, measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m, measured from the sidewalk.
 - (iii) All plant material within the street right-of-way which are located outside of the areas described in item above shall not exceed 1m in height, measured from the sidewalk.
 - (iv) All plant material shall be planted in such a way that it does not encroach on the adjacent roadway, sidewalk, bike lane or lane typically through provision of a 1 ft. setback or lawn strip adjacent the planting areas.
15. Provision of an updated landscape plan to reflect the off-site requirements noted in the related rezoning application.
16. 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.
17. 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.

18. 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) unless otherwise approved by the General Manager of Engineering Services.
19. Provide for 21 m² of 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.
20. 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:

1. Consolidation of Lots 1 and 2, Block 874, DL 526, Plan 8313 to create a single parcel.
2. Provision of building setback and a surface Statutory Right-of-Way to achieve a 7.45 m (24.4 ft.) distance from the back of the existing curb to the building face on 41st Avenue. The setback from the curb line would allow for a 3.0 m bus zone, 2.0 m bike lane and 2.6 m sidewalk.

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 dimension.

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.

Note to Applicant: 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 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.
- (iii) Provision of a 1.8 m wide cast-in-place concrete sidewalk with saw cut joints on Ash Street from 41st Avenue to the lane north of 41st Avenue adjacent to the site.
- (iv) Provision of a standard concrete lane entry at the lane north of 41st Avenue on the east side of Ash Street including upgrading of the curb returns on both sides of the lane to meet current standards.
- (v) Provision of street trees adjacent the site where space permits.
- (vi) Provision of new or adjusted traffic regulatory signage adjacent the site to accommodate the proposed building uses.

- 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; and
 - (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station as established in the Neighbourhood Energy Connectivity Standards Design Guidelines, to the satisfaction of the General Manager of Engineering Services.

Notes to Applicant:

- 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.
- 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.
- 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.

Housing Policy and Projects

6. Subdivision by air space subdivision plan of the lands and new building prior to occupancy such that the 24 units on the third and fourth floors will be contained within one air space parcel, owned by Catalyst, and the 22 units on the fifth and sixth floor will be contained within another, owned by the Church. Those dwelling units shall be comprised of not less than 2,449 m² of gross floor area, and each air space parcel containing them will be subject to a Housing Agreement, for the life of the building or 60 years, whichever is longer, and to include registrable covenants in respect of all such units prohibiting stratification, separate sales and rental for a term of less than one month at a time and securing a minimum of 30% of units to rent below rents that are affordable to households with an income of no more than the BC Housing Income Limits and meets all other applicable preconditions in order to comply with the exemption provisions for social housing in Section 523D(10)(d) of the *Vancouver Charter* and the *Vancouver Development Cost Levy By-law*, and securing the remaining 70% of units at rents that are at or below the maximum rents described in the *Vancouver Development Cost Levy By-law* for For-Profit Affordable Rental Housing. The proposed location of, and access and usage rights in respect of, the indoor and outdoor amenity spaces, as well as vehicle and bicycle parking and storage, in each case associated with the residential air space parcels, will be subject to review and approval by the Chief Housing Officer, or successor in function, and the Approving Officer.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the *Vancouver Charter*.

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.
- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)"; the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) prior to enactment of the CD-1 By-law contemplated by this same report.
- C. THAT, subject to enactment of the CD-1 By-law, the Parking By-law be amended to include this CD-1 and to provide parking regulations generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)".
- D. 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 [assigning Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)" be approved.
- E. THAT, subject to the enactment of the CD-1 By-law, the Subdivision By-law be amended generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)".
- F. THAT, subject to the enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B [assigning Schedule "B" (C- 2)], generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 585 West 41st Avenue (5688 Ash Street - Oakridge Lutheran Church)".
- G. THAT A to F 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 expenditure 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. 01400)

4. REZONING: 155 East 37th Avenue (Little Mountain)

An application by Holborn Properties Ltd., was considered as follows:

Summary: To rezone 155 East 37th Avenue (Little Mountain) from RM-3A (Multi-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of 14 residential buildings and three mixed-use buildings containing approximately 1,573 dwelling units, totaling 149,675 square metres (1,610,982 square feet), including 282 social housing units, 3,046 square metres (32,786 square feet) of commercial space, a 69-space childcare, a neighbourhood house and a public plaza and park. An overall height of 36.5 m (120 ft.) and a floor space ratio (FSR) of 2.50 are proposed.

The Acting General Manager of Planning and Development Services recommended approval, subject to conditions set out in the summary and recommendation of the Public Hearing Agenda.

Council also had before it a memorandum from the Assistant Director of Planning, Vancouver South, dated July 9, 2016, advising that the draft by-law had been revised to correct inconsistencies in Figure 2 and Table B which designate sub-areas and maximum permitted building heights.

In the by-law referred by Council on June 29, 2016, Figure 2 incorrectly labelled park space (known as 'Wedge Park') as sub-area 11. As this area has no development rights the designation has been removed. All remaining parcels have been renumbered as 1 - 15 with Table B corrected to reflect this new numbering.

Staff Opening Comments

Susan Haid, Assistant Director, Vancouver South Division, introduced the application. Graham Winterbottom, Rezoning Planner, Vancouver South Division, presented the application and along with staff from Planning and Development Services, Community Services, and Engineering, responded to questions.

Applicant Comments

Philip Scott, Development Manager, Holborn Properties Ltd., provided a summary of the development's master plan 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:

- 21 emails in support of the application;
- 1 email in opposition to the application; and
- 6 emails relating to other aspects of the application.

Speakers

The Mayor called for speakers for and against the application.

The following individuals spoke in general support of the application with some individuals noting concerns regarding traffic and parking issues, a shortage of community amenities, building design, and the amount of social and affordable housing:

Mario Lee, President of the Board of Directors, Little Mountain Neighbourhood House Society
Joel Bronstein, Executive Director, Little Mountain Neighbourhood House Society
Sean McEwen, Owners Representative for Little Mountain Neighbourhood House Society
Deborah Butler
Daniel Oleksiuk
Allan Buium, Riley Park South Cambie Community Visions
Sabastian Zein
Ingrid Steenhuisen
Daniel Suarez
Lee Machayluk, More than a Roof Mennonite Housing Society
Gerald Adamus
Walter O'Laughlin
Halima Johnson
Jonathan Ross
Armando Paris
David Vaisbord

The following individuals spoke in opposition to the application noting concerns regarding increased density, community fit, scheduled completion dates, community amenities and the amount of affordable housing:

Norman Dooley, Riley Park South Cambie Community Visions
David Chudnovsky
Janice Mahan

* * * * *

At 8:39 pm, during the hearing of speakers, the Mayor left the Chamber and did not return for the remainder of the meeting. Councillor Louie assumed the Chair.

* * * * *

The speakers list and receipt of public comments closed at 8:59 pm.

Council Decision

REFERRAL MOVED by Councillor Reimer
SECONDED by Councillor Jang

THAT discussion and decision on the application entitled "REZONING: 155 East 37th Avenue (Little Mountain)", be referred to the Regular Council meeting on July 26, 2016, as Unfinished Business.

CARRIED UNANIMOUSLY (Vote No. 01401)
(Mayor Robertson absent for the vote)

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY
(Mayor Robertson absent for the vote)

The Public Hearing adjourned at 9:48 pm.

* * * * *