



PUBLIC HEARING MINUTES

OCTOBER 18, 2016

A Public Hearing of the City of Vancouver was held on Tuesday, October 18, 2016, at 6:07 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Heather Deal
Councillor Kerry Jang
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson

ABSENT: Councillor George Affleck (Leave of Absence)
Councillor Elizabeth Ball (Leave of Absence - Civic Business)
Councillor Raymond Louie (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Katrina Leckovic, Deputy City Clerk
Tina Hildebrandt, Meeting Coordinator

WELCOME

Mayor Robertson acknowledged that the City of Vancouver is on the unceded traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations.

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 Jang

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

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

1. HERITAGE DESIGNATION: 1610 Stephens Street (Mary McGregor Cottage)

An application by Formwerks Architectural Inc. was considered as follows:

Summary: To add the Mary McGregor Cottage at 1610 Stephens Street to the Vancouver Heritage Register in the 'C' evaluation category, and designate the exterior of the heritage building as protected heritage property. In exchange for designation, rehabilitation, and conservation of the heritage building, an increase in floor area to 0.83 FSR and other zoning variances are proposed, as set forth in Development Permit Application Number DE418671.

The General Manager of Planning, Urban Design and Sustainability recommended approval.

Applicant Comments

Jim Bussey, Formwerks Architectural Inc., provided brief opening comments.

Summary of Correspondence

Three pieces of correspondence opposed to the application were received since it 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.

Jeff Davis spoke in opposition to the application, noting concerns with the loss of view and reduction in property value.

The speakers list and receipt of public comments closed at 6:20 pm.

Staff Closing Comments

Staff from Planning and Development Services responded to questions.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Jang

- A. THAT Council add the Mary McGregor Cottage (the "heritage building") at 1610 Stephens Street [*PID: 011-552-468; Lot B of Lot 4, Block 3, District Lot 192, Plan 4455 (the "site")*] to the Vancouver Heritage Register in the 'C' evaluation category.
- 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 property the exterior of the heritage building as protected heritage property.

- 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 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 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. 01517)

2. REZONING: 1672 West 1st Avenue

An application by Arno Matis Architecture Inc. was considered as follows:

Summary: To rezone 1672 West 1st Avenue from IC-1 (Industrial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.36 to 1.87 to permit the expansion of the second floor and mezzanine area, and convert the existing wholesale use on the ground floor to office use.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Applicant Comments

Paul Kibayashi, Senior Associate, Arno Matis Architecture Inc., reviewed the application.

Summary of Correspondence

No 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.

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 6:33 pm.

Staff Closing Comments

Staff from the Vancouver - Midtown Division provided closing comments.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Jang

- A. THAT the application by Arno Matis Architecture Inc., on behalf of West First Holdings Ltd., to rezone 1672 West 1st Avenue [*PID: 014-875-659, Lot E, Block 219, District Lot 526, Plan 22463*] from IC-1 (Industrial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.36 to 1.87 to permit the expansion of the second floor and mezzanine area, and convert the existing wholesale use on the ground floor to office use, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 1672 West 1st Avenue", 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 Arno Matis Architecture, Inc. and stamped "Received Planning and Development Services, December 24, 2015", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning.

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

Engineering

1. Release of Easement & Indemnity Agreement 502728M (commercial crossing) prior to building occupancy.

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

2. Provision of 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.

3. Provision of all new utility services to be underground from the closest existing suitable service point.

Note to Applicant: 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.

Soils

4. 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.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigning Schedule B (IC-1)], generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 1672 West 1st Avenue", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 1672 West 1st Avenue".
- D. THAT A through C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 01518)

3. REZONING: 3595 Kingsway (Odd Fellows Manor)

An application by GBL Architects was considered as follows:

Summary: To amend CD-1 (60) By-law No. 4491 for 3595 Kingsway to permit the development of a six-storey mixed-use building containing commercial retail units at grade, 44 social housing units and 117 secured for-profit affordable rental housing units. A height of 23.0 metres (75.2 feet) and a floor space ratio (FSR) of 3.69 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Staff from the Vancouver - Midtown Division responded to questions.

Applicant Comments

Hugh Forster, Terra Special Projects Ltd., provided an overview of the application.

Summary of Correspondence

One piece of correspondence 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.

David Proctor, President, Odd Fellows Low Rental Housing Society, spoke in support of the application, noting the state of the current building is poor and in need of replacement.

Shihching Huang spoke in opposition to the application. Concerns expressed included height and close proximity of the new development to adjacent properties as well as safety on the alley side due to uneven ground.

The speakers list and receipt of public comments closed at 6:49 pm.

Applicant Closing Comments

Stu Lyon, GBL Architects, responded to questions.

Staff Closing Comments

Staff from the Urban Design Division responded to questions.

Council Decision

MOVED by Councillor Jang
SECONDED by Councillor Carr

- A. THAT the application by GBL Architects, on behalf of Odd Fellows Low Rental Housing Society and Hungerford Properties, to amend CD-1 (60) By-law No. 4491 for 3595 Kingsway [*PID: 008-822-808; Lot 26, Blocks 3 and 4, District Lot 49, Plan 12672*] to permit a floor space ratio (FSR) of 3.69 and a building height of 23.0 m (75.2 ft.) to allow for a six-storey mixed-use building containing commercial retail units at grade, 44 social housing units and 117 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects Inc. and stamped "Received Planning and Development Services, December 22, 2015", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to strengthen the architectural expression at the Kingsway/Lincoln street corner, and to improve the Odd Fellows entry, as follows:
 - (i) set back the building face (approximately 12 ft.) in front of the entry doors to create a more open corner/covered plaza; and
 - (ii) increase the width of the corridor to the Odd Fellows lobby, to accommodate a stair adjacent to the chair lift.

Note to Applicant: Both an able-bodied person and a person in a wheelchair should be able to use the Kingsway entry to the Odd Fellows residence. Compliance with this condition may result in a decrease in floor space.

2. Design development to reconfigure the northwest corner of the building massing and outdoor space to accommodate tree retention (see also Landscape Design condition 12).

Note to Applicant: Compliance with this condition will result in a decrease in floor space. The amenity room for the Odd Fellows residence should be maintained at approximately 1,000 sq. ft.

3. Design development to provide adequate private outdoor spaces.

Note to Applicant: Balcony depths on the Kingsway elevation should be increased to minimum 4 ft. They may project further into the front yard setback, or be inset.

4. Design development of the Kingsway elevation to create further depth and animation, as follows:

- (i) consideration to provide a variety of balcony depths (4 ft. and greater), and/or a combination of inset, partially inset, and projecting balconies;
- (ii) increase the 5th storey (Level 6) setback at the northwest corner to 12 ft. (to match the storey above);
- (iii) increase the depth of the weather canopy to 10 ft., and wrapping it around the northwest corner (at the Kingsway/Lincoln entry);
- (iv) explore an alternative colour selection for the red "accents", including a multi-colour option;
- (v) confirm that the colour of the vinyl window frames is black (or similar);
- (vi) provide information on the fritting on the glass guardrails (as these are described as providing "colour and animation to the building elevations"); and
- (vii) consideration to provide a greater colour contrast between the grey fiberglass reinforced concrete panel (horizontal pattern) and the grey fibre cement panel (rectangular pattern).

Note to Applicant: Compliance with this condition will result in a decrease in floor space. The information provided in response to the above may result in further conditions.

5. Design development to mitigate the visual impacts of the north elevation on the residential properties to the north, as follows:

- (i) add planting along the north edge of the Level 6 terrace (similar to the planter on the Level 3 terrace);
- (ii) lower the height of the wall-mounted trellis to match the parapet; and

- (iii) consider extending the trellis structure to the east, to span the width of the urban agriculture area.

Note to Applicant: It is understood that the change in plane of the exterior wall on which the trellis is mounted would also shift to the east, resulting in a slight increase in floor space.

- 6. Design development to improve the livability of the social housing units, as follows:

- (i) increase ceiling height on Basement/P1 Level to 9 ft.; and
- (ii) increase ceiling height on Levels 1 and 2 to 8.5 ft.

Note to Applicant: Overall building height should not be increased. If required, floor-to-floor height of the market rental can be reduced.

- 7. Design development to improve the accessibility of the outdoor amenity space for the Odd Fellows residence.

Note to Applicant: This may be achieved by providing a wheelchair ramp. Alternatively, the chairlift could be relocated to a covered location. Note that the chairlift is currently shown in different locations on the floorplan and landscape plan.

- 8. Consideration to improve the sustainable design of the building envelope.

Note to Applicant: Intent is to reduce the energy required to heat and cool the building. This may be accomplished through the use of solar shading, triple glazing and avoidance of thermal bridging at window frames and projecting concrete structures such as balconies. Consider the use of thermally broken door and window frames, and either insulating the concrete projections or installing thermal breaks.

- 9. 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)

- 10. Design development to consider the principles of CPTED, 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.

Sustainability

11. Confirmation of the building's sustainability performance as required by the *Green Buildings Policy for Rezoning*, including achieving Gold certification under LEED® for Homes - Multifamily Mid-Rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Landscape Design

12. Design development and coordination of the plans with a revised arborist report, to enable the retention and protection of a group of three trees in the northeast corner of the site: Trees #11, #12 and #13.

Note to Applicant: It is understood that this will require revisions to the parkade and building footprint, and may result in reduced floor area. The three trees are significant, healthy Tulip Trees which currently contribute to privacy for the adjacent properties to the north. Tree #12 is already proposed for retention, however, the three trees are growing as a group, with their root zones intertwined. The trees, therefore, should be retained and protected, as a group. An updated arborist report should recommend safe methods of protection.

Engineering

13. Revision of the landscape and site plans to reflect the requirements of this rezoning application noting the following:
- (i) all planting on street right-of-way are to be maintained by the adjacent property owner; if this is not acceptable please remove all planting on street right-of-way;
 - (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 materials within the street right-of-way which are located outside of the areas described in item 14 (ii) shall not exceed 1 m in height, measured from the sidewalk; and
- (iv) remove *Lonicera pileata* (LP) from landscaping adjacent to lane due to potential encroachment issues; replace with a plant that does not have a vigorous spreading habit.

Housing Policy and Projects

- 14. Provision of an Operations Management Plan, to the satisfaction of the General Manager of Community Services, that addresses key issues including but not limited to:
 - (i) a draft building operations and maintenance plan and operating budget in respect of the social housing units;
 - (ii) a detailed tenant relocation plan for current non-market tenants, including first right of refusal for existing tenants at existing rents or rents geared to be no more than 30% of their income;
 - (iii) a coordinated tenant selection process for units not claimed by returning tenants, including referral from the BC Housing Registry; and
 - (iv) allocation of any potential surplus rental revenue from the non-market units to broaden and deepen affordability.
- 15. The proposed mix of the market residential units in this development, including 71 studio units (60.7%), 10 one-bedroom units (8.5%) and 36 two-bedroom units (30.8%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the proposed rezoning application may only 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 designed to be suitable for families with children.

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, Urban Design and Sustainability, the

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

Engineering

1. Release of Easement & Indemnity Agreement 514183M (See 612125L), a support agreement, prior to building occupancy.

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

2. Provision of building setback and a surface Statutory Right of Way (SRW) to achieve a 5.5 m distance from the back of the City curb to the building face.

Note to Applicant: Current plans are showing a 19 ft. boulevard dimension. 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. The SRW agreement is to accommodate the underground parking, the balconies on levels 3 to 6, and projections at the 7th level within the SRW area.

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.

Note to Applicant: 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 minimum 1.83 m (6'-0") broom finish concrete sidewalk with saw cut control joints and a minimum 1.35 m (4'-6") front boulevard with sod and street trees on Lincoln Street.

Note to Applicant: The current plan shows a 3 ft. front boulevard.

- (iv) Provision of a new concrete sidewalk on Kingsway consisting of a minimum 1.2 m exposed aggregate front boulevard and minimum 3.0 m broom finish concrete sidewalk with saw cut joints.
 - (v) Provision of improved curb ramps at the northwest corner of Kingsway and Lincoln Street including new curb returns should existing returns not meet current standards.
 - (vi) Provision of a standard concrete lane crossing and new curb returns at the lane east of Aberdeen Street on the north side of Kingsway.
 - (vii) Provision of \$275,000 towards installation of a pedestrian signal at Kingsway and Lincoln Street to improve pedestrian connections.
 - (viii) Provision of street trees adjacent to the site where space permits.
4. Provision of all utility services to be underground from the closest existing suitable service point.

Note to Applicant: 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.

Housing

5. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to:

- (i) enter into a Housing Agreement, for the airspace parcel containing not less than 44 units (2,468 m² of gross floor area) of social housing, 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 in order to comply with the exemption provisions for social housing in the *Vancouver Charter*, except that rents for a greater number of non-market units may be further defined and reduced below Housing Income Limits to accommodate the financial constraints of current/returning tenants.

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

- (ii) enter into a second Housing Agreement to secure all of the other residential units in this development, in an air space parcel, as for-profit affordable rental housing 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 subject to such other terms and conditions as are satisfactory to the Director of Legal Services and the General Manager of Community Services.

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

Soils

6. If applicable:

- (i) submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
- (ii) as required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the *Vancouver Charter*; and
- (iii) if required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental 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.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-laws for enactment, after the Housing Agreements have been agreed to and signed by the property owners and their mortgagee(s) prior to enactment of the CD-1 By-law contemplated by this report.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigning Schedule B (C-2)], generally as set out in Appendix C of the

Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)", be approved.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)".
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)".
- F. THAT A through E above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 01519)

4. REZONING: 2395-2469 Kingsway

An application by Ankenman Marchand Architects was considered as follows:

Summary: To rezone 2395-2435 Kingsway from RT-2 (Two-Family Dwelling) District, and 2443-2469 Kingsway from C-2 (Commercial) District, all to CD-1 (Comprehensive Development) District to permit the development of one 12-storey mixed-use building and one four-storey mixed-use building with 122 dwelling units and retail uses at grade. A height of 40.2 metres (132 feet) and a floor space ratio (FSR) of 3.8 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Staff from the Vancouver - Midtown and Urban Design Divisions responded to questions.

Applicant Comments

Timothy Ankenman, Ankenman Marchand Architects, responded to questions.

Summary of Correspondence

Two pieces of correspondence in support of the application were 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.

Susana D. Chui spoke in support of the application, noting it will enhance the streetscape and add vibrancy to the area.

The speakers list and receipt of public comments closed at 7:07 pm.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Carr

- A. THAT the application by Ankenman Marchand Architects, on behalf of 0960813 B.C. Ltd., to rezone
- 2395-2399 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS2323; PIDs: 027-135-454 and 027-135-462 respectively*],
 - 2405-2409 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS3251; PIDs: 027-765-156 and 027-765-164 respectively*],
 - 2415 Kingsway [*PID: 014-790-645; Amended Lot 21 (See 592536L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*],
 - 2425 Kingsway [*PID: 014-790-670; Amended Lot 23 (See 283177L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*], and
 - 2435 Kingsway [*PID: 011-695-838; Lot 24, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*] from RT-2, and
 - 2443-2469 Kingsway [*Lots 25 and 26, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388; PIDs: 014-790-696 and 014-790-718 respectively*]
- from C-2, all to CD-1 (Comprehensive Development) District to permit one 12-storey mixed-use building and one four-storey mixed-use building at 3.8 FSR with 122 dwelling units and retail uses at grade, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 Kingsway", 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 Ankenman Marchand Architects Inc. and stamped "Received Planning and Development Services,

June 30, 2015", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Significant design development to the proposed mid-block courtyard, located in the middle section of the site, to be a more useable and vibrant public place rather than a passageway, including the following:
 - (i) An increase to the overall width to a minimum of 40 ft. clear of any overhanging building elements (except for the proposed pedestrian bridge) for the entire height of the space;
 - (ii) Integrated permanent seating and tables to be strategically located within the space;
 - (iii) Active uses to fully animate the entire depth of the plaza, such as amenity rooms and commercial units, with direct entrances and maximum transparent glazing facing the plaza.
2. Design development to the commercial retail units:
 - (i) Locate all exhausts resulting from the commercial retail units to be through the roof of the buildings;
 - (ii) Ensure that there is no more than 1'-6" of vertical distance between the floor elevation of any CRU space and the sidewalk grade directly adjacent on the Kingsway frontage;
 - (iii) Confirmation that a minimum 0.35 FSR is allocated for non-residential uses on the ground floor plane.
3. Design development to provide opaque doors and garage doors at the lane that will mitigate any noises or odours emitting from the proposed garbage, loading and parking areas.
4. Design development to secure a significant amount of brick masonry as an exterior cladding material within the podium and tower portions of the development.
5. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

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

Crime Prevention through Environmental Design (CPTED)

6. Design development to consider the principles of CPTED, 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

7. Provide enhanced landscape treatment of public realm open spaces at the street, lane and mid-block courtyard for neighbourhood identity, greening and safe, enjoyable spaces for pedestrians to circulate, stop, rest and interact.

Note to Applicant: At the mid-block courtyard, incorporate fully landscaped planters integrated with bench seating and a variety of small trees, low shrubs and groundcover plantings, and lighting. At the lane, terraced planters should be provided with substantial greenery to buffer near to grade private patios. At Kingsway, additional trees should be provided on private property to create a double row effect with existing street tree colonnade.

8. Incorporate a universally accessible continuous level pedestrian path through the mid-block public courtyard to connect the lane and Kingsway.

Note to Applicant: If possible, provide ramped path to replace one set of courtyard stairs; as well as a bike ramp at the edge of the stairs.

9. Final coordination of the public realm landscape treatment to meet the intent of the Norquay Village Public Realm Plan.

Note to Applicant: Aspects to consider at time of Development Permit application include paving, lighting, planting, pedestrian pathways, safety and way finding, permanent site furniture, weather protection, garbage storage, recycling and loading.

10. Provide maximized plant growing medium volumes for trees and shrubs within landscaped planter areas on structure to ensure long term viability of plant species.

Note to Applicant: Soil volumes for landscape planters should exceed BC Landscape Standard (latest edition) with the goal to provide a minimum 4 ft. depth of growing medium for large species trees planted in ground, and 3 ft. depth for trees on structure. Where possible, alter (drop) slab to achieve soil depths to accommodate substantial trees and shrubs below the level of courtyards and pedestrian pathways. Where possible, angle edge of parkade slab to expand below grade planting area for tree roots without compromising headroom requirements in the parking garage. Trees planted on structures should be consolidated within a continuous trench, where possible, to improve planting condition. Consider use of structural soil for street level trees at Kingsway.

11. Incorporate edible landscaping and/or garden plots, with infrastructure to support urban agricultural activity at the outdoor amenity roof deck.

Note to Applicant: The design should maximize sunlight, integrate into the overall landscape design, and provide universal access. Design to be in keeping with the Urban Agriculture Guidelines for the Private Realm.

12. 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: Recommend the use of solid natural elements arranged for people to climb, step up and socialize around. Refer to the High-Density Housing for Families with Children Guidelines for further features that are recommended.

13. Provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Strategies could include high efficiency (drip) irrigation, the use of drought tolerant plants and mulching. Proposed plantings should be consistent with the City of Vancouver Water-wise Planting Guidelines.

14. Incorporate the principles of the City of Vancouver Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the city.

Note to Applicant: Incorporate a diversity of native and non-invasive plants within the planting scheme. Use of high visibility glass for windows, reduce reflection and dangers for attractants at building facades is encouraged.

<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

15. At time of development permit application:
 - (i) Provision of a legal survey;
 - (ii) Provision of a fully labelled Landscape Plan, Sections and Details;
 - (iii) Provision of larger-scale section drawings at ¼"=1'-0" / 1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard plaza areas;
 - (iv) Provision of larger-scale architectural details 1/2"=1'0" or 1:25 or better to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other landscape features applicable to proposal. Planter sections details to confirm depth of proposed planting on structures; and
 - (v) Provision of an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents and birds.

Sustainability

16. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including at a minimum 63 points in the LEED® rating system, a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit Application. The checklist and the strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Housing Policy and Tenant Relocation Plan

17. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to

redevelop the property; that indicates the number of units occupied on the date of the notice; and includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

18. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent); and includes a summary of all communication provided to the tenants.

Note to Applicant: As per Section 10.12.2 of the Zoning & Development By-law pertaining to developments resulting in the demolition of existing residential rental accommodation, the development permit is not issuable until all building permits for the new development and a building permit for the demolition are issuable. Please do not issue any Notices to End Tenancies until all permits described above are issuable.

Engineering

19. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.

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 Ginkgo biloba 'Princeton Sentry' as the street tree on Kingsway.
21. Provision of 'Norquay Tree Surround' in the exposed aggregate utility strip on Kingsway and deletion of the proposed plantings at the base of the street trees.
22. Provision of Norquay Village street furniture in accordance with the Norquay Village Public Realm and Transportation Plan.

Note to Applicant: Norquay Village Neighbourhood Centre: Shopping Area - Public Realm and Transportation Improvements Plan (November 2010)

<http://vancouver.ca/docs/planning/norquay-village-public-realm-and-transportation-plan-2010-november-4.pdf>

23. Provision that any plantings should not encroach on the adjacent sidewalk. Please show all planting at least 1.0 ft. behind the back of the City sidewalks where applicable.

24. Landscape plan to show the revised parking regulations along the Kingsway and lane frontages. (COV to supply.)
25. Provide automatic door openers on the doors providing access to the bicycle room(s).
26. Provision of universal access along the pedestrian mews between Kingsway and the lane. Any stairs should be replaced with a barrier-free access route.

Note to Applicant: Engineering does not support the stairs-only access between Kingsway and the lane. Applicant should provide an alternate solution to provide a 'stairs-free' access for people with mobility aids, strollers and people walking from the lane to Class A or Class B bicycle parking or the street.

27. 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:

Please refer to the Parking and Loading Design Guidelines at the following link:

<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- (i) Provision of the required loading for the site.

Engineering would consider the provision of 2 Class B and 2 Class A loading spaces as meeting the loading requirement for the site provided a shared use agreement for the Class B and Class A loading spaces, freight elevator and loading corridor will be provided. Confirm that the commercial loading corridor from the freight elevator to gridline F on drawing A110 can be shared with the residential loading access to the residential elevator core as only one loading corridor is shown.

- (ii) Number and label all parking spaces, dimension all parking stalls, maneuvering aisles and column encroachments.
- (iii) Provision of additional width for parking stalls adjacent walls.
- (iv) Modify column placement or stall widths to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: Drawings A102, A104 and A106 show 4' columns with no set back from the maneuvering aisle. A column 2' in length must be set back 2' from either the

opening to or the end of the parking space. A column 3' long may be set back 1'. Refer to the Parking and Loading Design Guidelines.

- (v) Dimension the O/H gate on drawing A106 to confirm that the required 20' minimum width is being provided.
- (vi) 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 to calculate the slope and cross fall.

- (vii) Confirm that 'stairs free' access is being provided between the commercial elevator and the commercial disability spaces on drawing A106.

- (viii) Modification of the parking ramp design to address the following:

- Provision of a maximum 10% ramp grade for the first 20' from the property line. Drawing A110 shows a 10% slope for approximately 17'.
- Modify the ramp slope after the first 20' from the PL to achieve a maximum slope of 12.5% slope.

Note to Applicant: A consistent 12% slope can be achieved from elevation 292' to 283.89' on the ramp rather than the 15% shown.

- (ix) Provision of modifications to the Class B loading spaces, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The Transportation Study by Bunt dated November 25, 2015, identifies numerous conflicts and modifications to the loading bays to improve loading access and maneuvering. Loading throats, additional bay widths or stall setbacks may all be required. Please update the plans to eliminate these identified conflicts.

- (x) Provision of 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. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (xi) The storm and sanitary connections should be made to existing mains on Kingsway.

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, Urban Design and Sustainability, the General Manager of Engineering Services, the Managing Director of Cultural Services, the General Manager of Community Services (or successor in function), 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 the following:
 - 2395-2399 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS2323; PIDs: 027-135-454 and 027-135-462 respectively*],
 - 2405-2409 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS3251; PIDs: 027-765-156 and 027-765-164 respectively*],
 - 2415 Kingsway [*PID: 014-790-645; Amended Lot 21 (See 592536L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*],
 - 2425 Kingsway [*PID: 014-790-670; Amended Lot 23 (See 283177L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*],
 - 2435 Kingsway [*PID: 011-695-838; Lot 24, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*], and
 - 2443-2469 Kingsway [*Lots 25 and 26, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388; PIDs: 014-790-696 and 014-790-718 respectively, (upon dissolution); to create a single parcel.*]
2. Release of Easement & Indemnity Agreement 269241M (See 122789L) - a support agreement - prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition for zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

3. Provision of a building setback of 24 feet (7.31 m) per the Norquay Village Neighbourhood Centre Plan and provision of a Statutory Right of way to achieve a 5.5 m distance from the

existing curb to the inner edge of the statutory right of way along Kingsway. 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 SRW dimension.

Note to Applicant: The SRW area is to be clear of tables, chairs, planters, benches and door swings but will allow for structures below grade and certain structures above grade such as canopies located to the satisfaction of the General Manager of Engineering Services in consultation with the Director of Planning.

4. Provision of a surface Statutory Right of Way to secure a pedestrian connection through the breezeway between the two buildings from Kingsway to the lane.

Note to Applicant: The SRW agreement is to accommodate both below-grade and above-grade structures which are to be located to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services.

5. Provision of a SRW along the north edge of the site adjacent the laneway, for the sign posts and bases allowing for installation of parking regulations on private property.
6. Provision of \$250,000 towards the installation of mid-block pedestrian crossing and traffic signal in the 2400-block of Kingsway to support the proposed connections from Kingsway to the lanes and residential areas beyond and break up the long blocks in support of the mid-block shopping courts intended of the Norquay plan.
7. 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 in the form of a letter of credit, or other security satisfactory to the City, for the Services are provided.
 - (i) Provision of new concrete sidewalks and street furniture adjacent the site in keeping with the Norquay Village plan.
 - (ii) Provision of street trees adjacent the site where space permits.
 - (iii) 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.

8. 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.

Community Amenity Contribution (CAC)

9. Pay to the City a Community Amenity Contribution of \$879,530 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 \$879,530 is to be allocated as follows:
 - (i) \$439,765 (50% of total CAC package) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Norquay Village Neighbourhood Centre Plan area; and
 - (ii) \$439,765 (50% of total CAC package) towards childcare and community facilities serving residents and workers in or near the Norquay Village Neighbourhood Centre Plan area.

Public Art

10. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please contact the Public Art Program Manager at 604-871-6002 to discuss your application.

Soils

11. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the *Vancouver Charter*; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental 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.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law. The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (C-3A)], generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 Kingsway", be approved.

- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 Kingsway".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 Kingsway".
- E. THAT A through D above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 01520)

5. REZONING: 2894 East Broadway

An application by Gair Williamson Architects Inc. was considered as follows:

Summary: To rezone 2894 East Broadway from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a five-storey mixed-use building with at-grade commercial uses and 37 secured for-profit affordable rental housing units. A building height of 14.8 metres (48.6 feet) and a floor space ratio (FSR) of 2.69 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Staff from the Vancouver - Midtown Division reviewed the application and, along with staff from Housing Policy and Projects, 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:

- one piece of correspondence in support of the application; and
- two pieces of correspondence regarding other aspects related to the application.

Speakers

The Mayor called for speakers for and against the application.

Jack Molnar spoke in support of the application.

The speakers list and receipt of public comments closed at 7:15 pm.

Council Decision

MOVED by Councillor Stevenson

SECONDED by Councillor Jang

- A. THAT the application by Gair Williamson Architects Inc., on behalf of 1009513 B.C. Ltd., to rezone 2894 East Broadway [*Lot E, Block 2, South 1/2 of Section 35 Town of Hastings Suburban Lands Plan 20664; PIDs: 002-907-763*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.20 to 2.69 and the building height from 10.7 m (35 ft.) to 14.8 m (48.6 ft.) to permit the development of a five-storey mixed-use building with at-grade commercial uses and 37 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2894 East Broadway", 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 Gair Williamson Architects Inc. and stamped "Received City Planning Department, December 16, 2016", subject to the following conditions, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to improve architectural expression including any of the following possible explorations:
 - (i) further articulation of the tectonic massing concepts;

- (ii) penthouse roof forms;
- (iii) relationship to the immediate context;
- (iv) expression of north east corner with respect to visual prominence at the intersection; and
- (v) treatment of blank, unfinished concrete and block walls.

2. Design development of at grade relationship to public realm.

Note to Applicant: This may be achieved by improving visual and physical connections for retail at grade or by mitigating the impact of blank exposed concrete walls with building articulation, landscape buffering and higher level of detail and materiality.

3. Design development of fifth level to improve unit design with respect to horizontal angle of daylight access.

Note to Applicant: This may be achieved by moving or rotating the Level 5 two-storey volumes above units 408 and 415 further to the south.

4. Provision for future below grade parking access to lot immediately adjacent on the south.

Note to Applicant: This may be achieved with a knock-out panel located on the south wall of the below grade parking level. See Engineering Condition (c) 6.

5. Provision of details to maintain the high-quality materials indicated and as necessary to sufficiently describe the intended expression of the building.

Crime Prevention through Environmental Design (CPTED)

6. Design development to consider the principles of CPTED, 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.

Sustainability

7. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including achieving Gold certification under LEED® For Homes -

Multi-family Mid-rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Landscape Design

8. Design development to locate site utilities and vents onto private property, integrated discreetly into the building, avoiding landscaped and common areas.
9. Grades, retaining walls, walkways and structural elements, such as underground parking, designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard).
10. Note to Applicant: Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible. Planters on slab located on upper levels should exceed BCLNA planting depths and strive to maximize soil volumes and planter widths.
11. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 square feet;
12. Subject to review at the development permit stage, vegetation (shrubs) proposed at the base of the building and on city property may not be appropriate.
13. At time of development permit application:
 - (i) Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of large-scale, dimensioned, architectural and landscape sections [typical] through planted areas, including the slab-patio-planter relationship, common areas and upper levels.

Note to Applicant: The sections should include the slab, planters, planter materials, tree stem, canopy and root ball.

- (iii) Provision of a partial irrigation plan.

Note to Applicant: The irrigation plan should illustrate hose bibs for patios and amenity areas. Include a highlighted, bolded note on the plans, "high efficiency irrigation to be provided for all planted areas and hose bibs for all patios and common areas greater than 100 square feet".

- (iv) Provision of new street trees adjacent to the development site.

Note to Applicant: Street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm 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".

Engineering

- 14. Correct the legal description on page A0.01. It should read "Lot E, Block 2, South ½ of Section 35, THSL, Plan 20664".
- 15. Clarification if canopies or awnings are proposed over the property lines and if so submission of a canopy/awning application is required.
- 16. Confirmation from the effected utility companies that the proposed hydro pole relocations and removals are achievable. Written confirmation from the utility companies is required.
- 17. Clarification of the garbage pick-up operations, are the commercial bins to have direct access to the lane or be passed

through the residential space and then out to the lane for pick up.

18. 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 an improved plan showing the main parking ramp on one drawing.

19. Modification of the parking ramp design.

Note to Applicant: The following must be addressed:

- (i) The slope must not exceed 10% for the first 20 ft. from the property line;
- (ii) The slope must not exceed 12.5% after the first 20 ft. from the property line. 15% slopes may be acceptable if 7.5% to 10% transition ramps are provided for at least 4 m in length; and
- (iii) Ramps which have a 15% slope and are exposed to weather must be heated.

20. Provision of dimensions and design elevations on both sides of the parking ramp at all breakpoints, through the loading bay, the parking layout and at all entrances.

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

21. Provision of 2.9 m width by 5.5 m length for the shared vehicle parking space is required.

Note to Applicant: The proposed shared vehicle space 1 shown on drawing A2.00 measures 2.4 m x 4.6 m.

22. Provision of additional parking stall width for stalls adjacent to walls as per the Parking By-law. Some examples of spaces are Commercial stall 2, 5 and Residential stall 22.

Note to Applicant: Consider realigning bulk store #11 and #12 to achieve additional stall width for parking space #22.

23. Excessive column encroachment on disability space #13.

Note to Applicant: A maximum column encroachment of 0.15 m (6 inches) is permitted into any stall as per the Parking and Loading Design Guidelines.

24. Provision of minimum vertical clearances for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and minimum vertical clearances dimensioned on the drawing. The vertical clearance for the Class B loading overhead door measures 9 inches on drawing A3.02, West (Laneway) Elevation.

25. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces.
26. 3.5 m of vertical clearance is required for one Class B loading space and maneuvering.
27. The slope of the Class B loading bay must not exceed 5%.

Note to Applicant: A slope of 12% is shown on drawing A2.01

28. Provide a standard load throat for the Class B loading and show on plans.
29. Clarification of the Class A bicycle parking spaces as space #16, 17 and 18 are missing from the bicycle parking room shown on drawing A2.01. Only 44 Class A bicycle parking spaces are provided.
30. Provision of automatic door openers on the doors providing access to the bicycle room(s).
31. Relocate Class B bike racks on drawing A2.01 as bicycles parked at the racks encroach onto the 4.5 m pedestrian setback zone.
32. Notes to Applicant regarding bus shelter relocation:

The developer will be responsible for all costs including but not limited to:

- (i) Removal and re-installation of the bus shelter;
- (ii) Rebar cage installation by Outfront Media at the sidewalk forming stage of construction;
- (iii) Developer to coordinate with the City of Vancouver and Outfront Media for bus shelter removal and re-installation;
- (iv) Provision of a minimum of 4 weeks notice for removal of the bus shelter. Excavation for shelter foundation requirements to satisfaction of Outfront Media, please contact Marc Freeman at 604.830.6247; and

- (v) The developer will be required to liaise with Outfront Media prior to the scheduling of sidewalk concrete pour to coordinate installation of the bus shelter foundation. Four weeks notice to be provided. Contact Marc Freeman at 604.830.6247.

Housing Policy and Projects

- 33. That the proposed unit mix for family units: 22% two-bedroom and 8% three-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Director of Planning.

- 34. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them.

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, Urban Design and Sustainability (or successor in function), the General Manager of Engineering Services and the General Manager of Community Services (or successor in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 1. Provision of building setback and a surface Statutory Right Of Way (SRW) to achieve a 4.5 m distance from the back of the City curb to the building face along East Broadway and Renfrew Street except that provision of building setback and surface SRW to achieve a 5.5 m distance from the back of the City curb to the building face around the relocated Transit Shelter on Renfrew Street. The required SRW agreement must accommodate the underground parking, the balconies on levels 2 to 4, and some minor roof elements within the SRW area. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimensions.

Note: Remove all door swings and class B bicycle parking that encroach into the SRW.

2. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 1 Shared Vehicle(s) and the provision and maintenance of 1 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provide 1 Shared Vehicle(s) to the development for a minimum period of 3 years;
 - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);
 - (iii) Provide and maintain the Shared Vehicle Parking Space(s) indefinitely for use exclusively by such shared vehicles;
 - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
 - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
 - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including covenants under section 219 of the Land Title Act of British Columbia, a statutory right of way, and/or other security satisfactory to the Director of Legal Services, securing these conditions; and
 - (vii) Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle parking spaces are required to be a minimum width of 2.9 m.

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.
 - (a) Provision of improved transit stop service on Renfrew Street adjacent to the site by relocation of the transit shelter and bus stop ID location. Improvements to include all sidewalk adjustments and utility relocations to accommodate the changes.

- (b) Provision of new curb and gutter adjacent the site, on Broadway and to the south edge of the existing driveway crossing on Renfrew Street.
- (c) Provision of improved curb ramps and curb return at the Renfrew Street/Broadway corner adjacent the site.
- (d) Provision of new sidewalk adjacent the site consisting of; 1.35 m exposed aggregate front utility strip, standard 4 piece tree surrounds and the remainder CIP concrete sidewalks complete with broom finish and saw cut joints.
- (e) Provision of a standard concrete lane crossing at the lane west of Renfrew Street on the south side of Broadway.
- (f) Relocation of the existing traffic signal kiosk at the Renfrew Street/Broadway corner so that it does not conflict with the new sidewalk alignments proposed for the site.
- (g) Provision of improved street lighting adjacent to the site, to current standards including LED lighting where applicable.
- (h) Provision of pedestrian countdown timers for the signal at East Broadway/ Renfrew Street.
- (i) Provision of lane paving adjacent the site.
- (j) 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.
- (k) 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.

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. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a shared (parkade) access agreement between the development site and the adjacent property to the south at 2543 Renfrew Street (Lot 17 Block 2 South 1/2 Of Section 35 Town of Hastings Suburban Lands Plan 2059) to secure access to underground parking within the future development on Lot 17. See Urban Design Condition 4.

Housing

6. Make arrangements to the satisfaction of the General Manager of Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or life of the building, and subject to the following additional conditions:
 - (i) A no separate-sales covenant;
 - (ii) A no stratification covenant;
 - (iii) That none of such units will be rented for less than one month at a time; and
 - (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit.
7. That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by the Vancouver Development Cost Levy-By-law:

Unit Type	2894 E Broadway Proposed Average Starting Rents
Studio	\$1,260
1-bedroom	\$1,675
2-bedroom	\$2,084
3-bedroom	\$2,606

8. That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Community Services (or successor in function) and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by the Vancouver Development Cost Levy By-law.
9. Such other terms and conditions as the General Manager of Community Services (or successor in function) and the Director of Legal Services may in their sole discretion require.

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

Soils

10. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the *Vancouver Charter*; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental 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.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2894 East Broadway", 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 the above-noted Policy Report.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (C-1)], generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2894 East Broadway", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2894 East Broadway".
- E. THAT A through D above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 01521)

6. HERITAGE DESIGNATION: 2655 Maple Street (F. Haynes & Company Building)

An application by Ankenman Marchand Architects was considered as follows:

Summary: To add the F. Haynes & Company Building at 2655 Maple Street to the Vancouver Heritage Register in the 'C' evaluation category and designate the exterior of the building as a protected heritage property.

The General Manager of Planning, Urban Design and Sustainability recommended approval.

Staff Opening Comments

Staff from Planning and Development Services reviewed the application and responded to questions.

Applicant Comments

Timothy Ankenman, Ankenman Marchand Architects, provided opening comments and responded to questions.

Summary of Correspondence

The following 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:

- three pieces of correspondence in support of the application; and
- nine pieces of correspondence in opposition to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Alistair Waddell
Mark Chernoff
Rick Eden
Andie Skene
Don Bull
Laura Gillanders
Kerry Williams
Neil Palman
Warren Fitz

Darren Adeau
Kate Robinson

The following spoke in opposition to the application and felt the F. Haynes & Company building does not warrant being designated a heritage building and that the proposed height and density of the new development not be allowed:

Colleen Lee
Bill Raikes
Veronica Ross

The speakers list and receipt of public comments closed at 8:35 pm.

Applicant Closing Comments

Mr. Ankenman provided closing comments including points of clarity in regard to the heritage aspects of the F. Haynes & Company building.

Staff Closing Comments

Staff from Planning and Development Services provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Carr

- A. THAT Council add the existing building at 2655 Maple Street [*PID: 014-191-181; Lot 11, Block 365, District Lot 526, Plan 1949 (the "site")*], known as the F. Haynes & Company Building (the "heritage building") to the Vancouver Heritage Register in the 'C' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT 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 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 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 (Voting No. 01522)

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:50 pm.

* * * * *