



PUBLIC HEARING MINUTES

MARCH 7, 2017

A Public Hearing of the City of Vancouver was held on Tuesday, March 7, 2017, 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 Raymond Louie
Councillor Geoff Meggs
Councillor Tim Stevenson

ABSENT: Councillor George Affleck
Councillor Elizabeth Ball (Sick Leave)
Councillor Kerry Jang
Councillor Andrea Reimer (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Maria Castro, Meeting Coordinator
Bonnie Kennett, Meeting Coordinator

WELCOME

The Mayor acknowledged that we are 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 Louie

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, Louie, Meggs, Stevenson and the Mayor opposed)

1. REZONING: 371 West 2nd Avenue

An application by DYS Architecture was considered as follows:

Summary: To rezone 371 West 2nd Avenue from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of a 12-storey residential building with a six-storey residential podium, containing 133 strata-titled housing units. A height of 37.54 metres (123 feet) and a floor space ratio (FSR) of 4.07 are proposed.

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

Staff Opening Comments

Planning, Urban Design and Sustainability staff reviewed the application.

Summary of Correspondence

Five emails in opposition to the application were received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Andrea Baxendale
Jennifer Chen
Darren Stone
Noriko Nagami
Marlies Ernst

The speakers list and receipt of public comments closed at 6:36 pm.

Applicant Closing Comments

Dane Jansen, DYS Architecture, provided closing comments including placement and height of the building, and responded to questions.

Staff Closing Comments

Planning, Urban Design and Sustainability staff, responded to questions.

Council Decision

MOVED by Councillor Louie

SECONDED by Councillor Stevenson

- A. THAT the application by DYS Architecture, on behalf of Aurmon False Creek Development Ltd., to rezone 371 West 2nd Avenue [*Lot D, Block 3, District Lot 302, Plan LMP3168; PID: 017-680-026*] from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to allow for a 12-storey residential building and a six-storey residential podium, containing 133 strata-titled housing units, with a total height of 37.54 m (123 ft.) and density of 4.07 FSR, generally as presented in Appendix A of the Policy Report dated January 9, 2017, entitled "CD-1 Rezoning: 371 West 2nd 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 DYS Architecture and stamped "Received Planning & Development Services (Rezoning Centre), December 23, 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 the penthouse levels to avoid shadows from these floors affecting the rooftop space of the neighbours to the northwest.

Note to Applicant: In particular, avoid shadowing planted areas on the rooftop at 10:00 am at the equinoxes. This adjustment should also apply to penthouse level on the podium. Reduction of the tower penthouse area by approximately 100 sq. m is expected, resulting in a penthouse floor area of approximately 933 sq. m.

2. Provision of increased setbacks from the north property line to the tower of at least 4.65 m at the northwest and 4.2 m at the northeast, with a minimum clearance from the lane to all portions of the tower at 2.8 m.

Note to Applicant: Intent is to moderate the visual scale of the building as seen from the pedestrian lane; to improve daylight and sunlight for residences to the north; and to open up views

along Wylie Street of the heritage Best Building to the northwest.

3. Design development to the tower penthouse to simplify and consolidate the various massing elements.

Note to Applicant: Massing should be arranged so the penthouse has a secondary expression in relation to the tower.

4. Removal of high level rooftop structures contributing to view obstruction.

Note to Applicant: This condition applies to trellises, overhead beams and the like.

5. Design development to the service and loading area to improve its relation to the lane and nearby residential properties.

Note to Applicant: This can be accomplished by treatment of the exterior walls, relocation of above-grade service rooms away from this area, and other revisions. Consideration should be given to the provision of an indoor amenity room in this area to serve the north courtyard; to using the open space to the northeast of the site for service purposes as it adjacent to an existing ramp; and to the use of material reflecting nearby heritage buildings on Wylie Street.

6. Design development to the main floor amenity room to improve its usefulness to all residents, including families and children.
Note to Applicant: This can be accomplished by relocating some or all of the area to the north courtyard to provide a room directly adjacent to, and with good sightlines to, common outdoor space suitable for children's play.

7. Refinement of the residential interface at grade along West 2nd Avenue.

Note to Applicant: Building on the improved setback dimension, continue to develop this edge in detail to balance a buffer for residents from the roadway with enlivenment of the public sidewalk. Enlarged section cuts should show trees with substantial soil volumes, planters, walls, gates and guards.

8. Design development to the north lane edge to provide a visually open, green and planted interface at the pedestrian level.

Lane edge should reflect South East False Creek (SEFC) themes more notably, allow sightlines into the courtyard, and avoid prominent vehicle-oriented fixtures such as bollards.

9. Design development to mitigate privacy and overlook toward nearby residential units.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features proposed to balance the amenity of future and existing residents.

10. Design development to meet the High-Density Housing for Families with Children Guidelines.

11. Provision of high quality and durable exterior finishes.

Note to Applicant: Intent is to maintain the proposed architectural quality including the use and extent of brick. Material choices including visible areas such as soffits should reflect a residential character and avoid an institutional character.

12. Consideration of a strategy 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. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

13. The proposed unit mix, including six studio units (4 percent), 81 one-bedroom units (61 percent), 34 two-bedroom units (26 percent), and 12 three-bedroom units (9 percent), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the 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 percent of the dwelling units designed to be suitable for families with children.

Crime Prevention through Environmental Design (CPTED)

14. Design development to respond to CPTED principles, having particular regards for:

- (i) theft in the underground parking;
- (ii) residential break and enter;
- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

15. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezonings, including a minimum of 63 points in the LEED® rating system, including at least 22 percent reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one stormwater point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project are also required under the policy. Insulation or thermal breaks should be provided at extensions of the concrete slab, given the extent and number of extrusions.

Landscape Design

16. Design development to the courtyard to achieve a sunnier common space.

Note to Applicant: Currently the courtyard as proposed would be in shade for most of the day. Design options should explore strategies which increase access to sun.

17. Design development to West 2nd Avenue interface to increase landscape buffering, better define the private/public transition, as well as enhance presentation to the street.

Note to Applicant: This can be achieved by the addition of more substantial planting in layers, oriented to the street. Any proposed fencing should be pulled further inside the private property, allowing a low layer of planting in front of it, oriented to the street. A section should be included, showing the public to private transition.

18. Design development to expand programming to enable increased common use of rooftop terrace for more diverse activities.

Note to Applicant: This can be achieved by reducing the private terrace area, while increasing the common area.

19. Design development to the Wylie Street interface to achieve increased buffer and enhance presentation to the street.

Note to Applicant: A raised grade or berm, combined with more substantial planting buffer could achieve this. Also, additional planting should soften the proposed bike pad location.

20. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be sloped or altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to British Columbia Society of Landscape Architects standards or better.

21. Provision of common planted areas over parking structure to be flush with the grade, rather than in discontinuous planter boxes.

Note to Applicant: This will require a reduced parkade ceiling height, or deeper excavation, to allow for parkade height.

22. Provision requirements at the time of Development Permit application:

(i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

(ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. Trees on structures should confirm a minimum depth of 3'.

(iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

- (iv) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (v) New proposed street trees should be noted "Final species, quantity and spacing to the approval of General Manager of Engineering Services and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (vi) A high-efficiency automatic irrigation system to be provided for all planters on slab and minimum of hose bibs to be provided for landscape on grade;
- (vii) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

Engineering

- 23. Provision and maintenance of off-street parking spaces, loading spaces, and bicycle parking spaces, in accordance with the Parking By-law.
- 24. Provision of the full 19 m x 4 m Public Bike Share (PBS) pad is required. Please update the site and landscape plans to reflect these dimensions.
- 25. Delete proposed trees and grass within the proposed PBS footprint. Placing temporary and easily removable objects such as planters or benches on the PBS pad in the interim until the PBS station is installed is acceptable.
- 26. Clarify garbage pick-up operations and confirm clear access from the garbage room to the lane for all bin sizes and that grades are compatible with the City building grades.
- 27. Connect the storm connection to the storm main on West 2nd Avenue and connect the sanitary main to the combined main on West 2nd Avenue, connecting from the eastern half of 371 West 2nd Avenue.

28. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.
- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, through the loading bay, throughout the parking layout and at all entrances.
 - (ii) Provision of an improved plan showing the connection from the existing main ramp to P1 parking level, the security gate on the main ramp and confirm that 2.3 m vertical clearance is provided on the main ramp to the parking layout.
 - (iii) Provide a 9 ft. x 9 ft. corner cut at the bottom of the main ramp to provide two-way flow and visibility.
 - (iv) Provision of a security gate for the parking layout to be shown on plans.
 - (v) Provision of minimum vertical clearance for security gates and loading bays.

Note: 3.5 m of vertical clearance is required for one Class B loading space and maneuvering. Minimum vertical clearance is not provided for the one Class B loading space shown on Section A, drawing A4.01.
 - (vi) Provision of a 4.6 m load throat for the Class B loading space to be shown on plans.
 - (vii) Provide a 0.3 m setback from the drive aisle for all of the columns on all parking levels P1, P2 and P3.
 - (viii) Provision of additional parking stall width for the parking stalls adjacent to walls as per the Parking By-law. Some examples of spaces are 45, 33, 25 and 14 on drawing A2.02.

Note to Applicant: similar located stalls on the other parking levels may also require the additional stall width.
 - (ix) Label all the visitor parking spaces on the plans.
 - (x) Stall number 43 is labelled twice on drawing number A2.02.
 - (xi) Provide automatic door openers on the doors providing access to the bicycle room(s).

- (xii) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

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

Street Horticulture

- 29. 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.
- 30. All plant material within the street right-of-way which are located outside of the areas described in the bullet above shall not exceed 1 m in height, measured from the sidewalk. Exceptions will be approved on a case-by-case basis by the City of Vancouver's Street Activities Branch.
- 31. Plants shall be planted in such a way as to not encroach on the sidewalk, street, lane, and/or bike lane.
- 32. To allow for easy access to vehicles through the boulevard, the location of planting areas along Wylie Street should take into consideration parking spacing and access requirements.

Neighbourhood Energy Utility (NEU)

- 33. The proposed plan for site heating and cooling, developed in consultation with the City, shall be provided prior to the issuance of development permit, to the satisfaction of the General Manager of Engineering Services.
- 34. The building(s) heating and domestic hot water system shall be designed to be compatible with the SEFC NEU system to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Energy Utility System By-law (9552)* and *SEFC NEU Building Connection Guideline (2016)* for specific design requirements, which include provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to

work closely with Staff to ensure adequate provisions for NEU compatibility are provided for in the mechanical design. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

35. The building mechanical system must utilize the energy transfer station for all of its space heating and domestic hot water requirements, and the building mechanical system must not incorporate any additional heat production equipment including, but not limited to, boilers, water source heat pumps, air source heat pumps, furnaces, hot water heaters, geo-exchange systems, electric baseboards, or heat producing fire places except that:
- (i) A building may incorporate a solar system to generate heat energy;
 - (ii) A building may incorporate hybrid heat pumps for space cooling, provided the compressor cannot operate in heating mode;
 - (iii) A building may incorporate heat recovery ventilation (air to air heat exchangers) and waste heat recovery from refrigeration or active cooling systems for the purposes of supplementing the heat energy provided:
 - (a) The systems used for heat recovery from refrigeration or active cooling do not provide any supplemental heating when there is no active cooling service required;
 - (b) The approach to heat recovery is consistent with this Schedule (i.e. hydronic systems with centralized mechanical equipment); and
 - (c) Waste heat recovery systems do not cross property lines.

Exceptions for on-site heat production may be approved by the General Manager of Engineering Services, provided the total heat production produced by all exceptions does not exceed 1 percent of the total annual thermal energy needs of the building.

36. Detailed design of the building Heating, Ventilation and Air Conditioning and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.

37. Provision of a dedicated room in a location suitable for connecting to the SEFC NEU distribution piping for each Energy Transfer Station that is required for servicing the development as to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The SEFC NEU has pre-serviced this site off of Wylie Street. The NEU room is to be in close alignment with the preservice location.

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

Engineering

1. Dedication of the south 5 feet of the site for road purposes. A subdivision is required to effect the dedication. A subdivision plan and application to the Subdivision and Strata Group is required.
2. Provision of a surface statutory right of way for landscaping and lane lighting purposes over the north 1.5 metres of the site.
3. Provision for a Right of Way and space to accommodate a Public Bike Share (PBS) Station.
 - (i) Size: At a minimum a 19 m x 4 m sized station must be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m. The 2 m maneuvering space may be shared with pedestrian space.
 - (ii) Location: The station must be located on private property while still clearly visible to the public with 24/7 public access and allowing easy access to the street.
 - (iii) Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.

- (iv) Grades: The surface must be leveled with a maximum cross slope of 3 per cent and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5 per cent. At minimum, spot elevations at the four corners of the station must be provided.
 - (v) Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
 - (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.
4. Provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law, at the rate in the table below:

Dwelling Units	Shared Vehicle	Shared Vehicle Parking Space	Future Converted Shared Vehicle Parking Space
1 - 49	None	None	1
50 - 149	1	1	1
150 - 249	2	2	2
250 - 349	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

and under the conditions outlined below:

- (i) a professional shared vehicle organization, satisfactory to the Director of Planning and General Manager of Engineering Services, is to manage the shared vehicles;
- (ii) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to

members of the car sharing organization who do not reside in the development; and

- (iii) Provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;
 - (iv) Provision of a letter from a car share organization indicating their desire to provide such vehicles at building occupancy.
5. 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 new curb alignment and pavement on West 2nd Avenue adjacent the site including relocation and adjustment of all impacted utilities both above and below grade should it be necessary.
 - (ii) Provision of an extended corner bulge on Wylie Street at the intersection of West 2nd Avenue to accommodate an asphalt bicycle curb ramp.
- Note to Applicant: A geometric design will be provided by the City.
- (i) Provision of a separate asphalt bicycle curb ramp on Wylie Street.
- Note to Applicant: The curb ramp is intended to facilitate access to and from the PBS station located at the corner.
- (ii) Provision of South East False Creek (SEFC) street improvements consistent with the SEFC Public Realm Plan and Public Realm Enrichment Guide is not limited to but shall include the following;
 - (a) Provision of CIP broom finish concrete with saw cut joints in the back boulevard between the sidewalk and concrete PBS station pad for the full length of the pad.

- (b) Provision of CIP concrete sidewalks with saw cut joints on both Wylie Street and West 2nd Avenue consistent with the SEFC public realm plan.
 - (c) Provision of improved street lighting adjacent to the site on Wylie Street and West 2nd Avenue consistent with the SEFC public realm plan.

Note to Applicant: new lighting including fixtures, poles and bases are required.
 - (d) Provision of lane lighting to be shown within the 1.5 m right of way adjacent the north property line of the site. Provision of a draft lane lighting plan is required and clear indication of the location of any lane lamp standards and the ability of the site (parking structure) to accommodate the pole bases is required.
 - (e) Upgrading of the existing street lighting fixtures using LED technology at the intersection of West 2nd Avenue and Wylie Street. Upgrading of the lighting at the 4 corners is required.
 - (f) Provision of lane improvements consistent with the SEFC public realm plan including, granite setts adjacent the lane edge, lane paving and standard concrete lane crossing on the east side of Wylie Street at the lane north of West 2nd Avenue should the existing lane entry not meet current standards.
 - (g) Restoration of lane improvements/specialty material required as a result of pole removal in the lane north of West 2nd Avenue from Wylie to Crowe.
 - (h) Provision of street trees adjacent to 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 per cent of any water system upgrading that may be required.

6. Provision of all existing and new 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. Consultation with BC Hydro and Telus and all other effected utilities is required by the applicant to identify the extent of existing overhead utilities that can be undergrounded or eliminated. The extent of undergrounding that can be achieved is to be clearly identified on the development permit drawings and the applicant is to be responsible for the restoration of the public realm after pole removal.

Neighbourhood Energy Utility

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connecting to and securing adequate space for the SEFC NEU, which may include but are not limited to the following:
 - (i) Provision of a Statutory Right of Way to the City granting the operator of the SEFC NEU access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy Utility connection and operation, on such terms and conditions as may be reasonably required by the operator.

Environmental Contamination

8. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);

- (ii) As required by the Manager of Environmental Services 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 Services 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 Services, 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have 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 registered charges pursuant to the Land Title Act.

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application to amend Section 4.2 in the Southeast False Creek Official Development Plan (By-law No. 9073) to increase the maximum permitted floor area for residential uses in Area 1B from 83,848 m² to 85,106 m², generally as set out in Appendix C of the Policy Report dated January 9, 2017, entitled "CD-1 Rezoning: 371 West 2nd Avenue", be approved.
- C. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix D of the Policy Report dated January 9, 2017, entitled "CD-1 Rezoning: 371 West 2nd 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 the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 01812)

ADJOURNMENT

MOVED by Councillor Stevenson
SECONDED by Councillor Louie

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 6:58 pm.

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