



## **PUBLIC HEARING MINUTES**

**MARCH 13, 2018**

A Public Hearing of the City of Vancouver was held on Tuesday, March 13, 2018, at 6:07 pm, in the Council Chamber, Third Floor, City Hall.

**PRESENT:** Mayor Gregor Robertson  
Councillor George Affleck  
Councillor Elizabeth Ball  
Councillor Hector Bremner  
Councillor Adriane Carr  
Councillor Melissa De Genova  
Councillor Heather Deal  
Councillor Kerry Jang  
Councillor Raymond Louie  
Councillor Andrea Reimer  
Councillor Tim Stevenson

**CITY MANAGER'S OFFICE:** Sadhu Johnston, City Manager

**CITY CLERK'S OFFICE:** Nicole Ludwig, Meeting Coordinator

### **WELCOME**

The Mayor acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh Nations and we give thanks for their generosity and hospitality on these lands.

### **COMMITTEE OF THE WHOLE**

*Mayor Robertson 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 Jang  
SECONDED by Councillor Deal

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

### **LOST**

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

## 1. **REZONING: 5130-5170 Cambie Street**

An application by GBL Architects was considered as follows:

Summary: To rezone 5130-5170 Cambie Street from RS-1 (One-Family Dwelling) District to a CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with 65 market residential units. A height of 20.1 metres (66 feet) and a floor space ratio (FSR) of 2.44 are proposed.

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

### **Summary of Correspondence**

No correspondence had been received since referral to Public Hearing and prior to the close of the speakers list.

### **Speakers**

Mayor Robertson called for speakers and none were present.

The speakers list and receipt of public comments were closed at 6:13 pm.

### **Council Decision**

MOVED by Councillor Louie  
SECONDED by Councillor Jang

- A. THAT the application by GBL Architects, on behalf of Jia Wei You (Lot 13), Yuk Ming Tsoi (Lot 14) and Jia Xin You (Lot 15), the registered owners, to rezone 5130-5170 Cambie Street [*Lots 13, 14 and 15, all of Block 840, District Lot 526, Plan 8324; PIDs 010-152-296, 010-152-318, and 010-152-326 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.44 and the height from 10.7 m (35 ft.) to 20.1 m (66 ft.) to permit the development of a six-storey residential building containing a total of 65 market residential units, generally as presented in Appendix A of the Policy Report dated January 23, 2018, entitled "CD-1 Rezoning: 5130-5170 Cambie Street", be approved subject to the following conditions:

### **CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects, on behalf of the registered owners, and stamped "Received Planning & Development Services (Rezoning Centre), April 20, 2017", 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 open space at the south side of the building to enhance the character as a landscaped amenity.

Note to Applicant: Additional trees and soft landscaping should be provided at the entry to the pedestrian path to enhance the character of the open space as a green amenity for both pedestrians and residents. The private patio for the ground floor unit at the southwest corner should be reoriented to face Cambie Street to provide space for additional landscaping. Refer also to Condition 6.

2. Design development to provide a green roof in keeping with the expectations of the Planning By-Law Administration *Bulletin Roof-mounted Energy Technologies and Green Roofs*.

Note to Applicant: A substantial portion of the roof is to be a green roof (minimum of 25% of the roof area for an intensive green roof or 50% for an extensive green roof).

3. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: The intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance, by retaining the use and extent of the finishes shown.

### **Housing**

4. Design development to meet the requirement in the *Family Room: Housing Mix Policy for Rezoning Projects (2016)* which requires at least 10% of the total dwelling units be three-bedroom units and at least 25% of the total dwelling units must be two-bedroom units.

Note to Applicant: The current housing mix of 6% three-bedroom units does not meet the *Family Room: Housing Mix Policy for Rezoning Projects (2016)*. The unit mix will need to be adjusted to ensure the project meets the minimum of 10% three-bedroom units and minimum of 25% two-bedroom units.

### **Crime Prevention through Environmental Design (CPTED)**

5. Design development to respond to CPTED principles, having particular regard for:
  - (i) Theft in the underground parking;
  - (ii) Residential break and enter;
  - (iii) Mail theft; and
  - (iv) Mischief in alcoves and vandalism, such as graffiti.

### **Landscape Design**

6. Design development to improve the pedestrian crossing at the northern property line in the following subject areas:
  - (i) Public Expression: Delete the portions of the private open space that are north of the northwest corner's units; this includes the ground floor patio and the decks on the 2nd, 3rd and 4th floors. This space is to be used for landscaping and/or hardscaping that will continue west adjoining to the Cambie Street sidewalk.
  - (ii) Public Expression: The entrances to this pedestrian crossing from the public sidewalk/lane should flare out to a wider width than the middle of the pedestrian crossing.
  - (iii) Denoting the walkway entrance: Provide one 'Part 1' tree and one 'Part 2' tree, as per Schedule D of the Protection of Trees By-law, in the southern portion of the front-yard that denotes the entrance to the pedestrian crossing.
  - (iv) Programming: Provide a minimum of three passive seating nodes providing opportunities for social contact. These nodes should be designed to facilitate 3-4 people and have more than one type of seating.
  - (v) Activating the edges: Entrances and windows along the northern façade of the ground floor should be augmented with landscaping that enhances the indoor/outdoor relationship.

Note to Applicant: The pedestrian crossing from the Cambie Street sidewalk should be expressed as a welcoming public thoroughfare. This thoroughfare should maximize views towards Queen Elizabeth Park and be bordered with a façade that has entrances to and visual connections to communal space. Lastly, this pedestrian linkage should be programmed to allow for informal gatherings that foster community. Refer also to Condition 1 and the *Cambie Corridor Plan*.

7. Design development to ensure that the northern portion of the front-yard can facilitate two 'Part 1' trees and two 'Part 2' trees, as per Schedule D of the Protection of Trees By-law.

Note to Applicant: To ensure that these trees will not cause future problems with the proposed development, the underground parking structure must not protrude past the building envelope within 15 ft. from the proposed trees. This may require the underground garage to be reconfigured/parking spaces to be deleted. Note that only 65 parking spaces are required and 90 have been proposed.

8. Design development to delete water features.

Note to Applicant: Water features should be replaced with landscaping. Water features are not supported as they are in conflict with the principles of the City of Vancouver's *Green Infrastructure Strategy*.

9. Design development to ensure that all proposed landscaping in common areas is planted at grade and not in raised planters.

Note to Applicant: Underground parking slabs may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standards.

10. 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 altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standards.

11. Incorporation of aspects of *Vancouver's Bird Friendly Design Guidelines*.

Note to Applicant: This project has an opportunity to create a park-like ambiance by attracting birds. The use of Sword Ferns may be considered as they provide habitat for ground nesting birds like the Spotted Towhee. For more information, see the guidelines at:  
<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

12. 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.

13. 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, with dimensions which exceed BCSLA standard.

14. 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.

15. 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.
16. New proposed street trees should be coordinated with the Park Board and Engineering, confirmed on the Plant List and noted "Final species, quantity and spacing to the approval of City Engineer 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.
17. A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
18. 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.

### **Sustainability**

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

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

20. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezoning* (as amended up to January 14, 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management and

a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

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

21. In lieu of the requirements outlined in Condition 20, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning*s amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

### Engineering

22. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
23. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way.
24. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details. Design development to provide

visitor parking spaces in the parkade as per Section 4 (4.5A.1) of the Parking By-law.

25. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent the lane.
26. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning, including the following statement to be placed on the landscape plan:

“The landscape plan is to be noted as ‘NOT FOR CONSTRUCTION’ and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive ‘For Construction’ approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”

27. Delete feature paving that extends over the property line and show standard broomed finished concrete sidewalk.
28. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
29. Provision of a 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.

30. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Show all columns and note the column dimensions on drawings.
  - (ii) All parking spaces to be numbered, dimensioned, and labelled on drawings.
  - (iii) Provide a 10 ft. x 10 ft. corner cut at the bottom of the main access ramp to improve visibility for two-way vehicle movement.
  - (iv) Provide 6.6 m (21.66 ft.) maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.

Note to Applicant: Provide additional stall width for stalls adjacent to walls and dimension on drawings.



- (v) Provide design grades clearly showing the slopes and cross-fall within the parkade.
- (vi) Provision of 2.3 m of vertical clearance throughout the parkade including at any security gate. Clearly indicate minimum clearance at the security gate.
- (vii) The proposed knockout panel is shown in the incorrect location. Correct location to be shown on drawings (north property line of the site).
- (viii) Design development to improve sight-line visibility at the lane driveway.
- (ix) Provision of stair-free access between the lane and the bicycle parking. Clearly show the route on the plans.

### **Neighbourhood Energy Utility**

- 31. The proposed approach to site heating and cooling, developed in collaboration with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 32. Design of the development must provide for Neighbourhood Energy System (NES) compatibility and shall adhere to the following requirements:
  - (i) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to NES compatibility must be to the satisfaction of the General Manager of Engineering Services.

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

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

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

- (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated NES, as outlined in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, at development permit.
  - (iv) Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
33. In lieu of the requirements outlined in Condition 32, the applicant may choose, at time of Development Permit, to meet a greenhouse gas outcome equivalent to connecting to a low-carbon neighbourhood energy system. This equivalence must be demonstrated to the satisfaction of the Director of Planning, and may include achieving a 50% GHG reduction from a high-efficiency natural-gas scenario, achieving the GHG limits of the *Green Buildings Policy for Rezoning*s (amended February 2017), or a Certified Passive House.

Note to Applicant: If following the greenhouse gas outcome equivalency option, the applicant will be required at each stage of permit to submit energy model results, for review by Sustainability, demonstrating that the development is on track to achieve the above requirements and what must be submitted.

## **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, make arrangements for the following:

### **Engineering Services**

1. Consolidation of Lots 13, 14 and 15, all of Block 840, District Lot 526, Plan 8324 to create a single parcel.
2. Provision of a surface statutory right-of-way over the south 1.22 m of the site to serve as a pedestrian connection between Cambie Street and the lane east of Cambie Street. The right-of-way is to accommodate any portion of the below grade parkade located within the right-of-way and is to be free and clear of structure, door swings and encroachments into the right-of-way at and above grade.

Note to Applicant: The pathway is to match the adjacent site to the south in grade/elevation and surface treatments and is to provide pedestrian scale lighting.

3. Provision of a knockout panel and easement agreement in favour of the adjacent property at 5110 Cambie Street (Lot 12, Block 840, District Lot 526, Plan 8324) on terms and conditions satisfactory to the Director of Legal Services to secure access to underground parking by and to any future development on the adjacent property.

Note to Applicant: Page A-1.02 incorrectly indicates the location of the knockout panel to be at the south property line, rather than the north.

4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of separated and upgraded sewers on L/E Cambie Street, from 35th Avenue to maintenance hole fronting 5170 Cambie Street: (Approximately 90 m). The estimated sewer diameters are: 525 mm Storm and 250 mm Sanitary, subject to a final design review and acceptance by the City.
  - (ii) Provision of a stormwater and rainwater management plan that meets the objectives of the *Citywide Integrated Rainwater Management Plan* and complies with the Sewer and Water Course By-law. The plan shall achieve the following objectives:
    - a. Retain or infiltrate the 6-month storm event volume (24 mm) onsite;
    - b. Treat the 2-year event (48 mm) onsite;
    - c. Maintain the pre-development 10 year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change;
    - d. Meet the January 1, 2018, Vancouver building code plumbing fixture rates; and
    - e. Development to be serviced by the new upgraded sewers on L/E Cambie.

Note to Applicant: Legal arrangements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

- (iii) The following water system upgrades are required to service the site:
  - a. On Cambie Street, 33rd to 37th Avenues - Upgrade to 200mm (approx. 200m); and
  - b. On 35th Avenue, L/E Cambie to Cambie - Upgrade to 200mm (approx. 40m).

Note to Applicant: The above noted upgrades are part of the City-wide DCL project list. As such, the required upgrades will be funded by City-wide DCLs and be designed and constructed by the City of Vancouver. The Developer shall submit confirmed fire flows and domestic flows to the Waterworks Branch to confirm this analysis.

- (iv) 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

- (v) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (vi) Provision of a minimum 2.13 m (7 ft.) wide CIP light broom finish concrete sidewalk with saw cut joints on Cambie Street adjacent to the site. Note that the sidewalk may have to bend slightly to provide clearance to existing trees.
- (vii) Provision of a cash contribution of \$300,000 for installation of a traffic signal at Cambie Street and 35th Avenue.
- (viii) Provision of speed humps in the lane east of Cambie Street between 35th and 37th Avenue.
- (ix) Provision of 100% of funding to the satisfaction of General Manager of Engineering Services for the future construction of protected bike lanes and infrastructure improvements on Cambie Street adjacent to the site. Improvements will generally include the following:
  - a. New concrete curb and gutter;
  - b. Raised protected bike lane;
  - c. Concrete sidewalk;
  - d. Curb ramps where necessary;
  - e. Upgraded street lighting to LED standard;
  - f. Pedestrian scale lighting;
  - g. Adjustment to all existing infrastructure to accommodate the proposed street improvements; and
  - h. Street trees adjacent the site where space permits.

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

### **Environmental Contamination**

- 5. 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.

#### **Community Amenity Contribution (CAC)**

6. Pay to the City the Community Amenity Contribution of \$2,747,882 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of legal Services. The \$2,747,882 is to be allocated as follows:
  - (i) \$1,373,941 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;
  - (ii) \$1,099,153 (40%) toward childcare and community facilities in and around the Cambie Corridor Plan area; and
  - (iii) \$274,788 (10%) to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of

Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 23, 2018, entitled "CD-1 Rezoning: 5130-5170 Cambie Street".
- 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 January 23, 2018, entitled "CD-1 Rezoning: 5130-5170 Cambie Street".
- D. THAT A to C above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the sole risk of the property owner;
  - (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. 02690)

## **2. REZONING: 5190-5226 Cambie Street**

An application by GBL Architects was considered as follows:

Summary: To rezone 5190-5226 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with 59 market residential units and a privately operated childcare. A height of 20.2 metres (66 feet) and a floor space ratio (FSR) of 2.43 are proposed.

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

Council also had before it a memorandum from the Assistant Director of Planning, Vancouver South, which explained there was a technical error in section 5 “Height” of the draft CD-1 By-law in Appendix A of the Policy Report dated January 23, 2018, entitled “CD-1 Rezoning: 5190-5226 Cambie Street”. The memorandum also noted that the Summary and Recommendations and draft CD-1 By-law posted for the public hearing had been changed as follows:

5. Building height, measured from base surface, must not exceed ~~19.8 m~~ 20.2 m.

### **Staff Opening Comments**

Tiffany Rougeau, Planning, Urban Design and Sustainability, drew Council’s attention to the above-noted memorandum, and noted that in appendix F of the above-noted Policy Report, the Floor Space Ratio (FSR) was incorrectly listed due to the change in height. She also noted there would be no impact on Community Amenity Contributions or Development Cost Levies.

### **Summary of Correspondence**

No correspondence had been received since referral to Public Hearing and prior to the close of the speakers list.

### **Speakers**

Mayor Robertson called for speakers and none were present.

The speakers list and receipt of public comments closed at 6:15 pm.

### **Council Decision**

MOVED by Councillor Louie  
SECONDED by Councillor Jang

- A. THAT the application by GBL Architects, on behalf of Everbright Cambie Developments Inc., the registered owner, to rezone 5190-5226 Cambie Street [*Lots 16, 17 and 18, all of Block 840, District Lot 526, Plan 8324; PIDs: 010-152-351, 010-152-377, and 010-152-407 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.43 and the height from 10.7 m (35 ft.) to 20.2 m (66 ft.) to permit the development of a six-storey mixed-use building containing a total of 59 market residential units, with approximately 416.6 sq. m (4,484 sq. ft.) of private childcare at grade, generally as presented in Appendix A of the Policy Report dated January 23, 2018, entitled “CD-1 Rezoning: 5190-5226 Cambie Street” and the memorandum dated February 20, 2018, entitled “CD-1 Rezoning: 5190-5226 Cambie Street”, be approved subject to the following conditions:



## CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects, on behalf of Everbright Cambie Developments Inc., and stamped "Received Planning & Development Services (Rezoning Centre), April 27, 2017", 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 of by the Director of Planning, who shall have particular regard to the following:

### Urban Design

1. Design development to the open space at the north side of the building to enhance its character as a landscaped amenity.

Note to Applicant: Additional trees and soft landscaping should be provided at the entry to the pedestrian path to enhance the character of the open space as a green amenity for both pedestrians and residents. The private patio for the ground floor unit at the northwest corner should be reoriented to face Cambie Street to provide space for additional landscaping. Refer also to Condition 11.

2. Design development to relocate the common amenity space to provide an improved interface with the pedestrian path.

Note to Applicant: The amenity room should be relocated to the northeast corner to activate the adjacent pedestrian path and provide improved access to sunlight for the outdoor space. The proposed three-bedroom unit should be relocated away from the corner to improve livability.

3. Design development to provide a townhouse expression at the rear two-storey base.

Note to Applicant: Individual units along the two-story base should be articulated. Canopies should be provided for each dwelling unit entry.

4. Design development to refine the expression for a visual break in the massing.

Note to Applicant: It is recommended that the visual break be carried through and expressed on the rear elevation with additional glazing and articulation of the form.

5. Design development to the fencing of the daycare outdoor space to improve the character at the lane edge.

Note to Applicant: A lighter, more transparent fence design which incorporates layered, landscape screening is recommended. Refer also to Condition 11.

6. Design development to provide an appropriate architectural identity for the daycare.

Note to Applicant: Further delineation of the daycare and residential components should be provided. A more substantial landscape transition at the front yard between the two uses should be provided, as well as introducing more solidity to the wall at the Gross Motor/Nap Room.

7. Design development to provide a green roof in keeping with the expectations of the *Planning By-Law Administration Bulletin Roof-mounted Energy Technologies and Green Roofs*.

Note to Applicant: A substantial portion of the roof is to be a green roof (minimum of 25% of the roof area for an intensive green roof or 50% for an extensive green roof).

8. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: The intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance, by retaining the use and extent of the finishes shown. Consider solar exposure and incorporate shading devices.

### **Housing**

9. The proposed unit mix, including 10 three-bedrooms (17%), 23 two-bedrooms (39%), 23 one-bedrooms (39%) and three studios (5%) are 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 35% of the dwelling units designed to be suitable for families with children.

### **Crime Prevention through Environmental Design (CPTED)**

10. Design development to respond to CPTED principles, having particular regard for:
  - (i) Theft in the underground parking;
  - (ii) Residential break and enter;
  - (iii) Mail theft; and
  - (iv) Mischief in alcoves and vandalism, such as graffiti.

## Landscape Design

11. Design development to improve the pedestrian crossing at the northern property line in the following subject areas:
  - (i) Public Expression: Delete the portions of the private open space that are south of the southwest corner's units; this includes the ground floor patio and the decks on the 2nd, 3rd and 4th floors. This space is to be used for landscaping and/or hardscaping that will continue west adjoining to the Cambie Street sidewalk.
  - (ii) Public Expression: The entrances to this pedestrian crossing from the public sidewalk/lane should flare out to a wider width than the middle of the pedestrian crossing.
  - (iii) Denoting the walkway entrance: Provide one 'Part 1' tree and one 'Part 2' tree, as per Schedule D of the Protection of Trees By-law, in the southern portion of the front-yard that denote the entrance to the pedestrian crossing.
  - (iv) Programming: Provide a minimum of three passive seating nodes providing opportunities for social contact. These nodes should be designed to facilitate 3-4 people and have more than one type of seating.
  - (v) Activating the edges: Entrances and windows along the southern façade of the ground floor should be augmented with landscaping that enhances the indoor/outdoor relationship.
  - (vi) View to Queen Elizabeth Park from Cambie Street: Tree species and location should be selected on their ability to maximize views to Queen Elizabeth Park from Cambie Street.

Note to Applicant: The pedestrian crossing from the Cambie Street sidewalk should be expressed as a welcoming public thoroughfare. This thoroughfare should maximize views towards Queen Elizabeth Park and be bordered with a façade that has entrances to and visual connections to communal space. Lastly, this pedestrian linkage should be programmed to allow for informal gatherings that foster community. Refer also to Condition 1.

12. Design development to ensure that the southern portion of the front-yard can facilitate two 'Part 1' trees and two 'Part 2' trees, as per Schedule D of the Protection of Trees By-law.

Note to Applicant: To ensure that these trees will not cause future problems with the proposed development, the underground parking structure must not protrude past the building envelope within 15 ft. from the proposed trees. This may require the underground garage to be

reconfigured/parking spaces to be deleted. Note that only 66 parking spaces are required and 101 have been proposed.

13. Design development to delete water features.

Note to Applicant: Water features should be replaced with landscaping.

14. Design development to ensure that all proposed landscaping in common areas is planted at grade and not in raised planters.

Note to Applicant: Underground parking slabs may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standards.

15. 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 altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standards.

16. Incorporation of aspects of *Vancouver's Bird Friendly Design Guidelines*.

Note to Applicant: This project has an opportunity create a park-like ambiance by attracting birds. The use of Sword Ferns may be considered as they provide habitat for ground nesting birds like the Spotted Towhee. For more information, see the guidelines at:

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

17. 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.

18. 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, with dimensions which exceed BCSLA standard.

19. 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.

20. 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.
21. New proposed street trees should be coordinated with the Park Board and Engineering, confirmed on the Plant List and noted "Final species, quantity and spacing to the approval of City Engineer 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.
22. A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
23. 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.

### **Social Policy**

24. Design development to ensure that the childcare is licensable by Community Care Facilities Licensing and meets the intent of the City's *Childcare Design Guidelines*.
25. Design development to ensure that the indoor and outdoor spaces of the childcare are designed to maximize opportunities for healthy child development while ensuring an operationally sustainable facility for the operator.
26. Design development of the outdoor childcare space should maximize solar access, ensure maximum visibility for supervision, and accommodate adequate storage on-site for program equipment and strollers (parent and program).

### **Sustainability**

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

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

28. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezoning*s (as amended up to January 14, 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

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

29. In lieu of the requirements outlined in Condition 28, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning*s amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

## Engineering

30. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way.
31. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

32. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from)

and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.

33. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning, including the following statement to be placed on the landscape plan:

“The landscape plan is to be noted as ‘NOT FOR CONSTRUCTION’ and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive ‘For Construction’ approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”

34. Delete feature paving that extends over the property line and show standard broomed finished concrete sidewalk.
35. Please update the landscape plan and submit a separate copy to Engineering Services for review.
36. Please separate residential and daycare garbage storage.
37. Design development to provide visitor parking spaces in the parkade as per Section 4 (4.5A.1) of the Parking By-law.
38. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
39. Provision of a 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.

40. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
- (i) Provide 4 ft. aisle clearance in bicycle room.
  - (ii) Provide a corner cut at the bottom of the main access ramp to improve visibility for two-way vehicle movement.
  - (iii) Show all columns, column encroachments and note the dimensions on plans.
  - (iv) Provide the slopes and cross-fall within the parkade.

- (v) Provision of the security gate vertical clearances and dimensions to be shown on drawings.

Note to Applicant: Ensure adequate vertical clearance is provided, including utilities, mechanical projections, and other services throughout the parkade. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on drawings.

Engineering recommends the provision of stair-free access from the lane into the site and parkade. The possibility of protected cycling lanes on Cambie Street would result in the loss of on-street parking making the lane the only nearby drop off solution, disability access to the building and parkade from the lane should be considered.

### **Neighbourhood Energy Utility**

- 41. The proposed approach to site heating and cooling, developed in collaboration with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 42. Design of the development must provide for Neighbourhood Energy System (NES) compatibility and shall adhere to the following requirements:
  - (i) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to NES compatibility must be to the satisfaction of the General Manager of Engineering Services.

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

- (ii) Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.



- (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated NES, as outlined in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, at development permit.
  - (iv) Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
43. In lieu of the requirements outlined in Condition 42, the applicant may choose, at time of Development Permit, to meet a greenhouse gas outcome equivalent to connecting to a low-carbon neighbourhood energy system. This equivalence must be demonstrated to the satisfaction of the Director of Planning, and may include achieving a 50% GHG reduction from a high-efficiency natural-gas scenario, achieving the GHG limits of the *Green Buildings Policy for Rezonings* (amended February 2017), or a Certified Passive House.

Note to Applicant: If following the greenhouse gas outcome equivalency option, the applicant will be required at each stage of permit to submit energy model results, for review by Sustainability, demonstrating that the development is on track to achieve the above requirements and what must be submitted.

#### **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, make arrangements for the following:

##### **Engineering Services**

1. Consolidation of Lots 16, 17 & 18, all of Block 840, District Lot 526, Plan 8324 to create a single parcel.
2. Provision of a surface statutory right of way over the north 1.22 m of the site to serve as a pedestrian connection between Cambie Street and the lane east of Cambie Street. The right-of-way is to accommodate any portion of the below grade parkade located within the right-of-way and is to be free and clear of structure, door swings and encroachments into the right-of-way at and above grade.

Note to Applicant: The pathway is to match the adjacent site to the north in grade/elevation and surface treatments and is to provide pedestrian scale lighting.

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) Upgrading and replacement of the existing combined sewer from the intersection of Cambie Street and 37th Avenue to the MH in L/E Cambie, north of 37th Avenue (approximately 145 m). The combined sewer shall be replaced with separate 675 mm dia storm (sized for 2100 IDF) and 300 mm sanitary sewer. Sewer sizes and location subject to detailed design review.
  - (ii) Provision of a stormwater and rain water management plan that meets the objectives of the *Citywide Integrated Rainwater Management Plan* and complies with the Sewer and Watercourse By-law. The plan shall achieve the following:
    - a. Retain or infiltrate the 6-month storm event volume (24 mm) onsite;
    - b. Treat the 2-year event (48 mm) onsite;
    - c. Maintain the pre-development 2014 IDF-10 year storm event rate. The post-development estimate shall use the 2100 IDF curve to account for climate change; and
    - d. Meet the January 1, 2018, Vancouver Building Code plumbing fixture rates.
  - (iii) The following water system upgrades are required to service the site:
    - a. On Cambie Street, from 37th Avenue north to the water service point for the property - Upgrade to 300 mm (approx. 100 m); and
    - b. Install a new hydrant fronting this property

Note to Applicant: The above noted upgrades are part of the City-wide DCL project list. As such, the required upgrades will be funded by City-wide DCLs and be designed and constructed by the City of Vancouver. The Developer shall submit confirmed fire flows and domestic flows to the Waterworks Branch to confirm this analysis.

- (iv) 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

- (v) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (vi) Provision of 100% of funding to the satisfaction of General Manager of Engineering Services for the future construction of protected bike lanes and infrastructure improvements on Cambie Street adjacent to the site. Improvements will generally include the following:
- a. New concrete curb and gutter;
  - b. Raised protected bike lane;
  - c. Concrete sidewalk;
  - d. Curb ramps where necessary;

- e. Upgraded street lighting to LED standard;
- f. Pedestrian scale lighting; and
- g. Adjustment to all existing infrastructure to accommodate the proposed street improvements including any transitions from protected bike lanes to adjacent street network.

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

- (vii) Provision of a cash contribution of \$300,000 for installation of a traffic signal at Cambie Street and 35th Avenue.
- (viii) Provision of speed humps in the lane east of Cambie Street between 35th and 37th Avenue.

#### **Environmental Contamination**

- 4. 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.

### **Community Amenity Contribution (CAC)**

5. Pay to the City the Community Amenity Contribution of \$3,250,000 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 \$3,250,000 is to be allocated as follows:
  - (i) \$1,625,000 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;
  - (ii) \$1,300,000 (40%) toward childcare and community facilities in and around the Cambie Corridor Plan area; and
  - (iii) \$325,000 (10%) to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.
  
6. Local Buyers First — Provide documentation to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and Director of Legal Services to demonstrate the applicant's voluntary commitment to support residents who live or work in Metro Vancouver by giving them the first opportunity to purchase new pre-sale homes in the new development on the site, including:
  - (i) Written confirmation from the applicant that:
    - a. For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for this development (the "Exclusive Local Buyer Period"), only those who live or work in Metro Vancouver will be eligible to purchase homes in this development, and all such buyers will be required by the applicant to sign a statutory declaration attesting that they live or work in Metro Vancouver and intend to occupy the unit they are purchasing;
    - b. The applicant will not carry out any foreign marketing, being marketing in any medium to entities outside of Canada during this Exclusive Local Buyer Period; and
    - c. No buyer shall be allowed to enter into a contract of purchase and sale for more than one (1) unit within this Exclusive Local Buyer Period.
  - (ii) A form of statutory declaration drafted by the applicant with text to be agreed upon in advance of the rezoning enactment by the Applicant and the City's Director of Legal

Services which will require the buyer to attest to the following:

- a. That they live or work in Metro Vancouver;
- b. That they intend to occupy the unit they are purchasing; and
- c. That they do not intend to assign the contract of purchase and sale prior to closing on the transaction and that they intend for the title to the unit to be registered in their name in the Land Title Office.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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

- B. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 23, 2018, entitled "CD-1 Rezoning: 5190-5226 Cambie Street".
- 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 January 23, 2018, entitled "CD-1 Rezoning: 5190-5226 Cambie Street".
- D. THAT A to C above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and

any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the sole risk of the property owner;

- (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. 02691)

### **3. REZONING: 61-95 West Hastings Street**

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

Summary: To rezone 61-95 West Hastings Street from DD (Downtown) District to CD-1 (Comprehensive Development) District to permit the development of a 10-storey mixed-use building with three commercial units at grade and 132 residential units above. A height of 32 metres (105 ft) and a floor space ratio (FSR) of 7.62 are proposed.

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

#### **Staff Opening Comments**

David Paterson, Planning, Urban Design and Sustainability, introduced the application and, along with Tom Wanklin, Senior Planner, Vancouver Downtown, responded to questions.

#### **Applicant Comments**

Philip Scott, Holborn Developments, provided opening remarks and introduced the architect, Gair Williamson, Gair Williamson Architects Inc.

#### **Summary of Correspondence**

The following correspondence had been received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 6 pieces of correspondence in support of the application
- 9 pieces of correspondence opposed, and
- 1 piece of correspondence related to other aspects of the application.

## Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in opposition to the application, noting issues with parking in the area, the cost of housing and how the proposal is inappropriate for the neighbourhood:

Dani Moretto  
Kim Duff  
Sandra Gibbs, Strata Corp BCS4367  
Karen Ward

The speakers list and receipt of public comments were closed at 6:46 pm.

## Staff Closing Comments

Mr. Paterson and Mr. Wanklin, along with Jason Olenik, Urban Design, and John Turecki, Engineering Services, responded to questions.

## Council Decision

MOVED by Councillor Jang  
SECONDED by Councillor Louie

- A. THAT the application by Gair Williamson Architect Inc., on behalf of W East Holdings Limited, to rezone 61-95 West Hastings Street [*Lot A (Reference Plan 355) of Lot 10, Block 3, Old Granville Townsite, Plan 168, and Lot 9, Block 3, Old Granville Townsite Plan 168; PIDs 010-825-762 and 009-849-076, respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 5.00 to 7.62 to allow for the construction of a 10-storey mixed-use building with three commercial units at grade and 132 residential units above, all of which will be secured as market rental housing, generally as presented in Appendix A of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 61-95 West Hastings Street", be approved subject to the following conditions:

### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Gair Williamson Architect Inc., and received November 14, 2016, including revised underground parking level plans received September 12, 2017, 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 comply with allowable building height.

Note to Applicant: The maximum achievable building height is 32.0 m (105 ft.). If rooftop access is to be excluded from the calculation of height, it must be provided in accordance with Section 10 of the Zoning and Development By-Law and the *Urban Agriculture Design Guidelines for the Private Realm and Roof-mounted Energy Technologies and Green Roofs – Discretionary Height Increases Bulletin*.

2. Design Development of the Hastings Street public realm interface to provide greater space and amenity for pedestrians.

Note to Applicant: The intent is to accommodate additional at grade public space for the adjacent bus passenger queuing, loading, and passersby. This can be achieved with additional setting back of the exterior walls at the ground floor facing Hastings Street to at least 0.6 m (2 ft.) in between the building columns and providing improved opportunities for waiting, standing, or sitting under cover.

3. Design development to increase the provision of useable private outdoor open space.

Note to Applicant: This may be achieved by providing balconies for the north facing two bedroom unit types labeled F, G, and K.

4. Design development to improve the access to daylight and views for the lightwell facing dwelling units.

Note to Applicant: The intent is to provide for a high level of liveability and comply with the minimum horizontal angle of daylight regulations. Revisions may be achieved with the following general strategies:

- (i) Revising layout to eliminate shadowing of windows below caused by cantilevered elements;
- (ii) Enhancing the near view with visually interesting elements such as planters, vegetative walls, or unique material treatments; and
- (iii) providing confirming dimensions that the clear distance from property line to face of glazing for primary living spaces is a minimum of 4.9 m (16 ft.) and no less than 15.15 m (49.75 ft.) in the north south direction.

5. Consideration to reinforce the characteristic sawtooth street wall profile indicative of the Victory Square context.

Note to Applicant: This may be achieved by varying roof heights, increasing upper level setbacks, cornices and shadow lines, or changes in materiality.

6. Consideration to express the southwest building corner above the at-grade chamfer as fully glazed rather than as a suspended metal panel column.

7. Design development to the rooftop outdoor amenity area to include an area suitable for a range of children's play activity.

Note to Applicant: Play equipment is neither required nor encouraged but a soft surface play area and a landscape providing a range of creative and motor-skills developing play activity is encouraged (features may include natural soft surface play areas, opportunities for sand play, balancing logs, boulders, etc.).

8. Consideration to include accessible urban agriculture planters on the rooftop common amenity area along with supporting infrastructure including high efficiency irrigation and/or hose bib, potting bench, tool storage and compost box.

9. At time of development permit, provision of:

- (i) Detailed section drawings with notes and dimensions including planter and soil depths, balcony railing design, weather protection, rooftop overhead structures and other indicative exterior details.
- (ii) High quality durable materials, noted in the drawings, that maintain the level of exterior detailing and finish necessary to accomplish the intended expression of the building in this application.
- (iii) Design to ensure that mechanical units and service equipment including any anticipated cell antennas, mechanical screen structures and parkade exhaust ventilation do not compromise the integrity of the architectural expression.
- (iv) Confirmation that vertical vent space is provided to accommodate exhaust from the commercial level.

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

- (v) The proposed unit mix, including 83 studio units (63%), 4 one-bedroom units (3%), and 45 two-bedroom units (34%) is to be included in the Development Permit drawings.

Note to Applicant: Any changes to the unit mix from the rezoning application are at the discretion of the Director of Planning or Development Permit Board.

- (vi) Submission of a bird-friendly strategy for the design of the building.

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://guidelines.vancouver.ca/B021.pdf>.

### **Crime Prevention through Environmental Design (CPTED)**

- 10. Identify on the drawings strategies that consider the principles of CPTED including the following conditions:
  - (i) Limiting unobserved access or activity and encouraging natural visual surveillance;
  - (ii) Mail theft;
  - (iii) Site lighting developed with considerations for safety and security; and
  - (iv) Reduced opportunities for graffiti.
- 11. Design development to improve visibility and security in the underground parking in accordance with the Parking By-law including:
  - (i) Overhead lighting and step lights at exit stairs and doors;
  - (ii) 24-hour lights and walls painted white; and
  - (iii) Visibility at doors, lobbies, stairs and other access routes.

### **Sustainability**

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

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

### **Landscape**

13. Design development responding to street tree retention measures noted in the arborist report and tree management drawing.

Note to Applicant: The applicant will need to coordinate closely with the Park Board, Engineering and Planning Departments with regard to working near the trees. There will need to be careful attention to construction methods, materials and arboricultural practices recommended by the arborist. If additional root zone protection is necessary, design development may be needed to setback the underground parking garage. The applicant will need to coordinate with Engineering Sewer Design with regard to exploring options to locate underground service locations away from trees, where possible.

14. At the development permit submission stage:
- (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 architectural and landscape sections [typical] through planted areas, including the slab-patio-planter relationship.

Note to Applicant: The sections should include the planter materials, tree stems, canopy and root ball (where applicable).

- (iii) Provision of high efficiency irrigation for all planted areas.

Note to Applicant: Illustrate symbols (irrigation stub locations), written specifications and notations on the landscape plans in this regard. The green roof will have special irrigation requirements during the establishment phase.

- (iv) Provision of plan details and documentation/calculations that support achievement of LEED storm water credit(s) and integrated rainwater management, including absorbent landscapes, soil volumes and detention systems.

Note to Applicant: Landscape related solutions and detention systems should be shown on the plan. The LEED consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

- (v) Provision of a vegetative surface area calculation overlay plan.

Note to Applicant: The plan should differentiate between extensive and intensive green roof types and provide a percentage ratio of soft and hard surface cover proposed.

- (vi) Provision of a revised development permit phase arborist report.

Note to Applicant: The expanded report should inform public realm design and methods for street tree retention. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements.

- (vii) Provision of an arborist supervision assurance letter.

Note to Applicant: The letter should outline the important construction milestones where the arborist will need to be notified in advance to attend the site and provide services. The letter should be signed by the applicant/owner, the arborist and the contractor.

## **Engineering**

15. Provision of a minimum 12-foot knock-out panel that is aligned with the manoeuvring aisle and at the top of corner-cut to facilitate two-way flow and a corner-cut into the neighbouring site to the east in the future.

Note to Applicant: A 12-foot wide knock-out panel is sufficient if the adjacent property being accessed contains no more than 20 vehicle spaces. The design should consider turning sweep in setting the knock-out panel width (may require slightly more than 12 feet.) If over 20 vehicle spaces are anticipated in the adjoining parking structure a 20-foot wide knock-out panel will be required.

16. The following are to be addressed at the development permit stage:
  - (i) The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
  - (ii) Provision of a widened canopy to serve the bus bench location. A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. Canopies are defined as a rigid roof like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (VBBL section 1A.9.8).
  - (iii) Provision of a separate application for all sidewalk treatments to the satisfaction of the General Manager of Engineering Services. Please show all off-site improvement sought by this application on the Landscape plans.
  - (iv) Please note the following statement on the landscape plans:

"A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Kevin Cavell at 604.873.7773 for details."
  - (v) All existing street furniture adjacent to site to be clearly shown on Site and Landscape plans.

Note to Applicant: 50% of public seating should be accessible seating evenly spread throughout public spaces and meet accessibility standards as follows:

- Size - Benches shall have seats that are a minimum of 160 cm long, and 50 to 60 cm deep.
- Back Support – benches should provide back support or be affixed to a wall. Back support shall be 160 cm long and shall extend from a point 5.0 cm maximum above the seat surface to a point 45 cm above the seat surface. Back support shall be 6.5 cm maximum from the rear edge of the seat measured horizontally.
- Height – The top of the bench seat surface shall be 43 cm minimum and 49 cm maximum above the ground.

17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provision of design elevations on both sides of the parking ramps and ramp sections at all breakpoints, both sides of the loading bays, throughout the parking levels and at all entrances.

Note to Applicant: The slope and length of the slope sections to be shown on the submitted drawings.

- (ii) Provision of section drawings showing elevations, vertical clearances, and security gates for the main ramp, the residential gate and through the loading bay.
- (iii) Label minimum clearance for the loading and parking levels on the section drawings, including overhead gates and mechanical projections.

Note to Applicant: Minimum 12.5 ft. (3.8 m) vertical clearance is required for Class B loading. Minimum 7.5 ft. (2.3 m) vertical clearance is required on the main ramp for access to disability parking.

- (iv) Provision of minimum 20 ft. (6.1 m) drive aisle width at the overhead gate of the main parkade ramp for two way flow.
- (v) Provision of an updated 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 or elevator, if required.

- (vi) Provision of a dedicated bicycle elevator and bicycle elevator call button to the satisfaction of General Manager of Engineering Services.

Note to Applicant: The door opening is to be a minimum 3.5 ft. (1.07 m), with an internal chamber of 6.5 ft. (1.98 m) width by 5.5 ft. (1.68 m) depth. This to accommodate two bicycles at a time.

- (vii) Provide automatic door openers on the doors providing access to the bicycle rooms.

Please contact Jennifer White of the Parking Management Branch at 604.871.6474 for more information or refer to the Parking and Loading Design Guidelines at the following link: (<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>)

### **Social Policy and Projects**

- 18. Arrange, to the satisfaction of the Managing Director, Social Policy and Projects, a strategy for inner-city local employment, which outlines best efforts to achieve a minimum target that 10% of working hours during the project's construction are acquired through local hiring, and to report back quarterly during construction to the Managing Director, Social Policy and Projects, assessing the strategy's success.

Note to Applicant: The intent of inner-city local employment is to ensure that benefits from redevelopment remain within the inner-city through employment opportunities for individuals living with barriers to employment (e.g. individuals living with mental health and addictions, Aboriginal residents, and newcomers whose first language is not English). Please contact Wes Regan, Community Economic Development Planner at 604.871.6894 for more information on local hiring for construction and employment-based social enterprise.

### **CONDITIONS OF BY-LAW ENACTMENT**

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:



## Engineering

1. Consolidation of Lot A (Reference Plan 355) of Lot 10, Block 3, Old Granville Townsite, Plan 168, and Lot 9, Block 3, Old Granville Townsite, Plan 168 to create a single parcel.
2. Provision of a setback and Statutory Right of Way (SRW) for a corner cut of 2.4 m x 2.4 m (8 ft. x 8 ft.) at the site's southwest corner. The SRW is to be free of any encumbrance such as structure, stairs, door swing and bicycle parking at grade but the encroaching building portions shown below grade and at the third storey and above are to be accommodated within the SRW agreement. Note any portion of the parking structure within the SRW is to be a minimum of 0.3 m (1.0 ft.) below City building grade.
3. Clarification regarding the proposed parkade knockout panel at P2 and the 6th floor aisle connection proposed to connect to a future development on the adjacent lot 10 (55 West Hastings Street). Should this be desired, appropriate legal arrangements are required for these proposed future access points.
4. Provision of a shared use loading agreement amongst all of the uses within the project.
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 improved sidewalks adjacent the site in keeping with the area standards.
  - (ii) Provision of a sidewalk and front boulevard treatment of brick mortared on a concrete base with concrete bands on Abbott Street in a pattern to match the east side of Abbott Street north of Cordova Street.
  - (iii) Provision of a cast-in-place light broom finish concrete sidewalk with saw cut joints and a front boulevard of brick mortared on a concrete base with concrete bands on Hastings Street similar to the Woodward's frontage on Hastings Street.
  - (iv) Provision of crushed granite gravel at the base of trees to match that used in the tree bases along the Woodward's Building.

- (v) Provision of a standard concrete lane crossing on the east side of Abbott Street at the lane south of Cordova Street including provision of new curb returns on both sides of the lane and adjustment of curb ramps on both sides of the lane.
  - (vi) Provision of intersection lighting improvements for the intersection of Abbott Street and Hastings Street.
  - (vii) Provision of an accessible pedestrian signal at the intersection of Abbott Street and Hastings Street.
  - (viii) Provision of street trees adjacent the site where space permits.
  - (ix) Provision of bus benches and adequate awning/canopy coverage on Hastings Street to provide weather protection for users and to serve the adjacent bus stop. Note: Bench(es) to be supplied by the City of Vancouver.
  - (x) 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, 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.
6. 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.
7. Provision of any gas service to connect directly to the building at standard utility depths and without any portion of the service connection above grade within the road right of way.

8. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of up to 4 Shared Vehicle(s) and the provision and maintenance of up to 4 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (i) Provide up to 4 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) 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 a covenant under Section 219 of the Land Title Act of British Columbia, a SRW, or other instrument 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 up to 4 car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum length of 5.5 m and width of 2.9 m.

### **Housing**

9. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement securing all residential units as rental housing, for the longer of 60 years or the life of the building, 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.
- (iv) Compliance with the City approved Tenant Relocation Plan.
- (v) Such other terms and conditions as the General Manager of Arts, Culture and Community Services 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*.

### **Social Policy and Projects**

10. Make arrangements to the satisfaction of the Managing Director, Social Policy and Projects and the Director of Legal Services to enter into a legal agreement to provide at time of occupancy one fully fit and finished ground-level commercial unit, with an area of approximately 130.5 sq. m (1,405 sq. ft.), for tenancy by a non-profit organization or employment-based social enterprise acceptable to the City. Lease of the space will be at a fixed-rate of 50% market rate at time of occupancy, for not less than 20 years, with a possibility to renew at a discounted rent.

### **Environmental Contamination**

11. 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: 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 sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

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

- B. THAT the application to amend Schedule A of the Sign By-law to establish regulations for this CD-1, generally as presented in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 61-95 West Hastings Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 61-95 West Hastings Street".
- D. THAT, if Council approves in principal this rezoning and the Housing Agreement described in section (b) of Appendix B of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 61-95 West Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Community Services.
- 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 the sole risk of the person making the expenditures or incurring the cost;

- (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the sole risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED (Vote No. 02688)  
(Councillor Carr opposed)

### **ADJOURNMENT**

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:13 pm.

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