



## PUBLIC HEARING MINUTES

JULY 17, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, July 17, 2018, at 6:10 pm, in the Council Chamber, Third Floor, City Hall.

**PRESENT:**

Mayor Gregor Robertson  
Councillor George Affleck  
Councillor Hector Bremner  
Councillor Adriane Carr  
Councillor Melissa De Genova\*  
Councillor Heather Deal  
Councillor Kerry Jang\*  
Councillor Raymond Louie  
Councillor Andrea Reimer

**ABSENT:**

Councillor Elizabeth Ball (Leave of Absence)  
Councillor Tim Stevenson (Leave of Absence – Civic Business)

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

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

\*Denotes absence for a portion of the meeting.

### 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 Deal

SECONDED by Councillor Bremner

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

### LOST

(Councillors Affleck, Bremner, Carr, Deal, Jang, Louie, Reimer and Mayor Robertson opposed)

(Councillor De Genova absent for the vote)

**1. TEXT AMENDMENT: Miscellaneous Amendments - Zoning and Development By-law, Various CD-1 By-laws, and Noise Control, Parking and Sign By-laws**

An application by the General Manager of Planning, Urban Design and Sustainability was considered as follows:

Summary: To make amendments to CD-1 (696) By-law for 500-650 West 57th Avenue (Pearson Dogwood), CD-1 (693) By-law for 809 West 23rd Avenue, CD-1 (679) By-law for 725-747 Southeast Marine Drive, and CD-1 (562) By-law for 508 Helmcken Street; to repeal superseded CD-1 (21) and CD-1 (598) By-laws; to amend various CD-1 By-laws to include 'Grocery Store with Liquor Store' use; and to amend the Sign, Noise Control, and Parking By-laws. The amendments would achieve the intent of the initial rezoning approvals and correct inadvertent errors.

**Summary of Correspondence**

No correspondence was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

**Speakers**

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

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

**Council Decision**

MOVED by Councillor Deal  
SECONDED by Councillor Jang

THAT Council approve the following applications to:

- (i) amend CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood) for a minor text amendment to clarify health care office as a permitted use and simplify the table listing maximum permitted heights, generally as presented in Appendix B of the Policy Report dated June 5, 2018, entitled "Miscellaneous Amendments - Zoning and Development By-law, Various CD-1 By-laws, and Noise Control, Parking and Sign By-laws";
- (ii) amend CD-1 (693) By-law No. 12034 for 809 West 23rd Avenue for a minor text amendment to include Multiple Conversion and Infill Dwelling uses, generally as presented in Appendix C of the above-noted Policy Report;
- (iii) repeal superseded CD-1 (21) By-law No. 4035 for 725-747 Southeast Marine Drive, CD-1 (598) By-law No. 11192 for 508 Helmcken Street, and Amending Sign By-law No. 11193 for 508 Helmcken Street;

- (iv) amend CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive for a minor text amendment to add Child Day Care Facility and Community Centre or Neighbourhood House as uses excluded from FSR calculations, generally as presented in Appendix D of the above-noted Policy Report;
- (v) amend CD-1 (562) By-law No. 10870 for 508 Helmcken Street to correct the CD-1 area generally as presented in Appendix E of the above-noted Policy Report;
- (vi) amend CD-1 (659), CD-1 (672), CD-1 (677), and CD-1 (682) to include “Grocery Store with Liquor Store” use as per recent updates to all CD-1 Districts with Grocery Store with Drug Store use, general as presented in Appendix F of the above-noted Policy Report; and
- (vii) amend the Sign By-law, Noise Control By-law, Parking By-law, to correct inadvertent CD-1 numbering errors, generally as presented in Appendices G, H and I of the above-noted Policy Report.

CARRIED UNANIMOUSLY (Vote No. 03152)  
(Councillor De Genova absent for the vote)

**2. TEXT AMENDMENT: Development and Building Regulatory Review - Minor Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, and Various Land Use and Development Policies and Guidelines**

An application by the General Manager of Planning, Urban Design and Sustainability was considered as follows:

Summary: The Development and Building Regulatory Review is a major review of the City’s land use regulations and policies and has been identified as a corporate priority to improve service delivery. As part of the initial phase of work, various amendments are proposed to the Zoning and Development By-law, the Downtown Official Development Plan, and various land use and development guidelines and policies to simplify and update the regulations and streamline permit review processes.

Council also had before it a memo dated July 9, 2018, from the Assistant Director of Planning, Urban Design and Sustainability, to advise that one of the items contained in the original application had been removed. Specifically, the memo noted that as the CD-1 By-law enactment has not been considered by Council, the miscellaneous amendments originally proposed in the application will be rescheduled for another Public Hearing once the CD-1 By-law is enacted. The memo also noted these amendments had been removed from the Summary and Recommendation contained in the Public Hearing agenda.

## **Summary of Correspondence**

The following correspondence was received since referral to Public hearing and prior to the close of the speakers list and receipt of public comments:

- 30 letters in support of the application;
- 16 letters opposed to the application.

## **Staff Opening Comments**

Staff from Planning, Urban Design and Sustainability responded to questions received at referral.

## **Speakers**

Mayor Robertson called for speakers for and against the application.

Council heard from eight speakers in support of the application, some of whom noted concerns with the condition for the second front door to be at or above grade:

Karen Sawatzky, Chair, Renters Advisory Committee  
Jens von Bergman  
Bryn Davidson  
Stuart Smith  
Graham Cook  
Jennifer Bradshaw  
Rhi Myfanwy Kirkland  
Karen Ward

The following spoke in opposition to the application noting concerns with process and that minor changes should be looked at as one part of the bigger process:

Larry Benge, Coalition of Vancouver Neighbourhoods  
Barbara May, Director, Upper Kitsilano Residential Association

The speakers list and receipt of public comments closed at 7:01 pm.

## **Staff Closing Comments**

Planning, Urban Design and Sustainability staff summarized the application and responded to concerns raised by the speakers and questions from Council.

## Council Decision

MOVED by Councillor Louie  
SECONDED by Councillor Deal

- A. THAT Council approve the application to amend the Zoning and Development By-law, generally as presented in Appendix A of the Policy Report dated June 1, 2018, entitled "Development and Building Regulatory Review - Minor Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, and Various Land Use and Development Policies and Guidelines", to amend:
- (i) the intent statements for the RS District Schedules to better reflect the form of development in those districts;
  - (ii) Section 4.17 in the RS-1, RS-3, RS-3A, RS-5, RS-6 and RS-7 District Schedules to allow more than one front door;
  - (iii) Section 4.4.1 (d) in the RS-1 District Schedule and 4.4.3 in the RS-3 and RS-3A Districts Schedule to allow covered porches to extend further into the front yard;
  - (iv) Section 11.19 to remove occupancy limits for a Residential Unit Associated with an Artist Studio;
  - (v) Section 2.2.A of the FC-2, I-1, I-1A, I-1B, I-2, I-3, I-4, IC-1, IC-2, IC-3, M-1, M-1B and M-2 District Schedules to exclude Artist Studio from the requirement for a wall separating accessory retail from all other uses;
  - (vi) references to the Director of Planning and Development Permit Board, throughout the by-law, to clarify authority and improve consistency of language; and
  - (vii) an incorrect reference in Section 4.5.3 of the RS-4 District Schedule.
- B. THAT Council approve the application to amend the Downtown Official Development Plan generally as presented in Appendix B of the Policy Report dated June 1, 2018, entitled "Development and Building Regulatory Review - Minor Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, and Various Land Use and Development Policies and Guidelines", to amend Section 3.9 to reduce the number of reviews required by City Council for development permit applications seeking an increase in floor area when a heritage building is being conserved.
- C. THAT Council amend various land use and development guidelines and policies to correct inconsistencies and minor reference errors and repeal several outdated or superseded policies and guidelines, generally in accordance with Appendix C of the Policy Report dated June 1, 2018, entitled "Development and Building Regulatory Review - Minor Amendments to the Zoning and Development By-law,

the Downtown Official Development Plan, and Various Land Use and Development Policies and Guidelines”.

CARRIED (Vote No. 03153)  
(Councillor Carr opposed)

### **3. TEXT AMENDMENT: 605-695 Southeast Marine Drive**

An application by Serracan Properties Ltd. was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (99) to add ‘Liquor Store’ as a conditional use to enable the temporary relocation of an existing liquor during redevelopment.

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

#### **Summary of Correspondence**

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

#### **Speakers**

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

The speakers list and receipt of public comments closed at 7:40 pm.

#### **Council Decision**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

- A. THAT the application by Serracan Properties Ltd. on behalf of Fraser Marine Drive Holdings Inc., the registered owner, to amend the text of CD-1 (Comprehensive Development) District (99) By-law No. 4238 and No. 4860 for 605-695 Southeast Marine Drive [*Lot B of Lot L, Block 30, District Lot 313 Plan 12285; PID: 007-037-201; and Lot G of Lot E, Block 31, District Lot 313 Plan 9905; PID 007-037-171*] to add ‘Liquor Store’ as an allowable use to enable the temporary relocation of an existing liquor store, generally as presented in Appendix A of the Policy Report dated June 5, 2018 entitled “CD-1 Text Amendment: 605-695 Southeast Marine Drive”, be approved.
- B. THAT A 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 UNANIMOUSLY (Vote No. 3155)

#### **4. REZONING: 5809-5811 Main Street (198 Ontario Place)**

An application by Marianne Amodio Architecture Studio was considered as follows:

Summary: To rezone 5809-5811 Main Street (198 Ontario Place) from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 3½-storey residential building with 12 co-housing units including three affordable home ownership units. A height of 14.1 metres (46 feet) and a floor space ratio (FSR) of 1.62 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 and receipt of public comments.

The following correspondence had been received since referral to Public hearing and prior to the close of the speakers list and receipt of public comments:

- 40 letters in support of the application;
- One letter opposed to the application;
- One letter on other matters related to the application.

#### **Staff Opening Comments**

Staff from Planning, Urban Design and Sustainability responded to questions received at referral.

## Applicant Comments

Mark Shieh, Tomo Spaces, and Marianne Amodio, Marianne Amodio Architecture Studio, presented the application.

## Speakers

Mayor Robertson called for speakers for and against the application:

Council heard from 11 speakers in support of the application:

James Chamberlain, Our Urban Village Cohousing  
Charles Montgomery, Principal, Happy City  
Cherie Lang  
Omar Dominguez  
Jens von Bergmann  
Kathy McGreenera, Quayside Village Cohousing  
Rebecca Chaster, It Takes a Village Cohousing  
Bryn Davidson  
Stuart Smith  
Michael Koo  
Barry Truter

The speakers list and receipt of public comments closed at 8:25 pm.

## Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to questions.

## Council Decision

MOVED by Councillor Louie  
SECONDED by Councillor Jang

- A. THAT the application by Marianne Amodio Architecture Studio, on behalf of Tomo Spaces Inc., the registered owner, to rezone 5809-5811 Main Street (198 Ontario Place) [*Lots 1 and 2, Except (A) the West 8 Feet Now Lane and (B) Part in Plan 4457, both of Lot 2, Block C, District Lot 643, Plan 2175; PIDs: 013-987-038 and 013-987-046, respectively*] from RT-2 (Two-Family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 1.62 and the building height from 9.2 m (30 ft.) to 14.1 m (46 ft.) to permit the development of a 3½-storey residential building with 12 co-housing units, including three affordable homeownership units, generally as presented in Appendix A of the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 5809-5811 Main Street (198 Ontario Place)" be approved subject to the following conditions:

## CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the prepared form of development be approved by Council in principle, generally as prepared by Marianne Amodio Architecture Studio and received November 9, 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 for the following:

### Urban Design

1. Design development to improve the livability of the units with basement bedrooms by considering solutions such as raising the basement floor level, adding light wells, increasing windows or reconfiguring the relationship between bedrooms and exterior circulation paths.

Note to Applicant: The basement floor level being closer to surrounding grade would improve natural lighting into the basement. It is anticipated that the overall height will increase as a result. However, the primary roof's eaves-line should remain at the same level and the roof-ridge to not increase more than 1 ft. This is to contain most of the building within the primary roof to maintain its two and a half storeys with basement expression. Adjusting some ceiling heights may be necessary to not increase the overall building height. Care should be taken in arranging the extra steps needed for these raised levels.

2. Design development to maintain and improve the common amenity room's usability and flexibility by:
  - (i) Introducing provisions to allow for partitioning of the amenity space.
  - (ii) Ensure that the area of the common amenity room is no less than 102 sq. m (1,100 sq. ft.)

Note to Applicant: This shared common room is intended to be a flexible space for multiple uses primarily by the building's residents, with the possibility of supporting external events.

3. Design development to ensure all fenestration locations and sizes will meet Passive House standards.
4. Consideration to improve the shared courtyard's usability by using the parking stalls closest to it as temporary extensions of the courtyard. Programmatically, consider how the pathways and parking stalls surrounding the courtyard are extensions of it rather than elements that restrict it.

5. Consideration to extend the lift to the basement level for better access, in conjunction with the bike-track, to the bicycle storage.
6. The proposed unit mix, including 3 studio units (25%), 2 one-bedroom units (17%), 4 two-bedroom units (33%), and 3 three-bedroom units (25%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

### **Crime Prevention through Environmental Design**

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

### **Landscape Design**

8. Provision of adequate soil volumes in planters to support long-term health of plants and trees.

Note to Applicant: Soil depths should meet or exceed BCLNA landscape standards.

9. Provision of detailed architectural and landscape cross-sections (minimum 1/4" scale) through common open spaces, semi-private patio areas and planters.

Note to Applicant: In tree areas, the sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy, and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

10. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8":1' scale minimum. The plant list should include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the plan and keyed to the plant list. The Landscape Plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials,

PMT/Vista transformers and public utilities such as lamp posts, hydro poles, and fire hydrants.

11. Consideration to employ landscape grading solutions that direct rainwater to absorbent soils.

Note to Applicant: This condition is to assist with infiltration and treatment in keeping with emerging rainwater management policies.

12. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: Street trees are to be shown on the development permit plans and confirmed prior to issuance of the building permit. 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 and planting requirements. Include a notation on the plan as follows: *“Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 ft. long and 18 in. in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion.”*

13. Provision of high-efficiency irrigation for the site and hose bibs for commons areas.

Note to Applicant: A portion of the landscape plantings are at grade in continuous soil volumes with access to the water table. It is to the discretion of the landscape architect to specify irrigation only in those areas susceptible to heat stress and drought. Hose bibs are requested to encourage gardening on amenity decks.

### **Sustainability**

14. All buildings in the development shall meet the requirements of the *Green Buildings Policy for Rezoning* (amended to 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>.

Note to Applicant: The applicant will be required to demonstrate the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later) bulletin.

## Engineering

15. The minimum off-street parking provided on-site may be relaxed due to site constraints with the provision of additional bicycle parking or other Transportation Demand Management (TDM) strategies to support alternative transportation.
16. 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.
17. Please place the following statement on the landscape plan: "This plan is "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".
18. 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.
19. 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. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.
20. Clarify garbage storage and pick-up space. Please show containers and totes on plans for recycling and garbage needs and refer to the Engineering Garbage and Storage Facility Design Supplement for recommended dimensions and quantities of bins.

Note to Applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick-up. Bins are to be returned to storage areas immediately after emptying.

21. The following are required as part of the dedication along Main Street.
- (i) Delete proposed bench and raised planter shown on beyond the dedication line on Main Street.
  - (ii) Delete portion of southerly fence that extends beyond the dedication line.
  - (iii) Delete brick pavers shown over the property line on both street frontages and show broom finish standard concrete sidewalks.
  - (iv) Delete references to “stoop with planters by residents”.
  - (v) Provision of an updated landscape plan with the property line and the required dedication on Main Street dimensioned and labelled.

22. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property.

Note to Applicant: Canopies are to be fully demountable and drained to the building’s internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.

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

- (i) Drawing design elevations within the parking area to calculate the slope and crossfall. The slope and crossfall must not exceed 5%.
- (ii) Number and dimension all parking spaces.
- (iii) If columns are required within the parking area, column placement must comply with the requirements of the Engineering Parking and Loading Design Supplement. Dimension any column encroachments into parking stalls.
- (iv) Section drawings showing elevations and minimum vertical clearances for the parking level and security gates. These clearances must consider mechanical projections and built obstructions.
- (v) Posts are shown along the property line on the landscape plan for the two parking spaces at the south end of the site. Confirm posts shown do not restrict maneuvering, parking access, and vertical clearance or delete from plans.

- (vi) Provision of 'stairs free' access for the Class A bicycle spaces located in the basement. The bicycle access shown with a wheel ramp is not supported. Providing an elevator stop in the basement level with an appropriately-sized elevator would achieve this.
- (vii) Provision of automatic door openers on the doors providing access to the bicycle storage rooms and note on plans.
- (viii) Provision of an improved plan showing the 'stairs free' access route from the Class A bicycle spaces to reach the outside.
- (ix) Consider providing a 4 ft. or wider access aisle for the cargo bike parking shown. As these bikes are longer, a wider access aisle may be required than what is shown.

## Housing

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

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

## CONDITIONS OF BY-LAW ENACTMENT

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

### Engineering Services

1. Consolidation of Lots 1 and 2, Both Except (A) of the West 8 Feet Now Lane and (B) Part in Plan 4457, of Lot 2, Block C, DL 643, Plan 2175 to create a single parcel and subdivision of that site to result in the dedication for road purposes of that portion of the site east of a line formed between a point measured 6.2 ft. along the north property line of Lot 1 from the easterly property line and a point measured 2.5 ft. along the south property line of Lot 5 (5837 Main Street) from the eastern property line.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required. For general information, see the subdivision website at: <http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>

2. Clarify if any portion of the roof is over the dedication area. Note that the easterly extent of the roof in the plan view differs from that shown in the elevations (where the easterly portion wall extends above the roof line). Delete any portions encroaching over the dedication area.
3. Clarify if any windows are boxed-out (as shown on the elevations A2.01 and A2.03) and encroach over the dedication area on Main Street. Note that projecting window frames are not indicated in the plan views. Delete any window projections over the dedication area.
4. Clarify if any bricks projecting proud of the easterly façade are to encroach over the dedication area (A2.01, A2.03). Delete any encroaching bricks.
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 is provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. Based on an estimate of the development’s water demands, the water system should be adequate to service the development. No upgrades currently noted.
    - a. Supply the project details including confirmed fire flow calculations based on the Fire Underwriter’s Survey’s document, Water Supply for Public Fire Protection, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required.
    - b. Should review of the confirmed project details deem upgrading to be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

Note to Applicant: The above analysis assumes the proposed building will not utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid.

- (ii) Separate and upgrade the sewers on the lane west of Main Street, from Ontario Place to East 42nd Avenue.

Note to Applicant: Based on preliminary calculations future STM will be 450 mm and SAN will be 250 mm. Design in this lane will require consolidation of the two existing combined sewers.

- (iii) Provision of countdown timers and LED lighting at the signalized intersection of Ontario Street and 41st Avenue.
- (iv) Provision of a 1.53 m (5 ft.) sod grass front boulevard with trees and a 3.05 m (10 ft.) light broom finish saw cut concrete sidewalk on Main Street frontage. Landscaping with shrubs, ground cover or hard surface is acceptable in the remaining portion of the dedication.
- (v) Provision of a 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on Ontario Place and maintain the existing grass front boulevard.

Note to Applicant: Label the grass area in the front boulevard along Ontario Place on the landscape plan.

- (vi) Removal of the existing driveway crossing on Ontario Place and provision of new curb and gutter.
- (vii) Provision of a standard concrete lane crossing including replacement of the curb returns on both sides of the lane and upgrading of the curb ramps to meet current standards.
- (viii) Provision of new curb ramps at the southwest corner of the intersection on Main Street and Ontario Place as per City standard.
- (ix) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (x) 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.

- 6. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use

exclusively by such Shared Vehicle, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (i) Provide one Shared Vehicle to the development for a minimum period of three 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;
- (iii) Provide and maintain the Shared Vehicle Parking Space for use exclusively by such Shared Vehicle;
- (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
- (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 statutory right-of-way (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 car share vehicles on the site at building occupancy.

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

7. Provision of all utility services is 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 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 BC 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.

## Housing

8. Make arrangements to the sole discretion and satisfaction of the Director of Planning to secure either of the following enhancements to the affordability of three units in the development by either:
  - (i) Entering into a Housing Agreement and Section 219 Covenant with the City or a Section 219 Covenant with BC Housing to secure 1 one-bedroom unit, 1 two-bedroom unit and 1 three-bedroom unit as below market affordable homeownership units where the units will only be sold for approximately 35% below market value to income tested buyers with a secure mechanism for maintaining that level of affordability over time; or
  - (ii) Entering into a Housing Agreement and Section 219 Covenant as set out in condition 10 below to secure two or three moderate income rental units for 60 years or the life of the building.
9. Provide a letter of intent, to the satisfaction of the General Manager of Arts, Culture and Community Services, between the applicant and a co-housing partner group affirming and securing the option to purchase units for members of the co-housing group.

Note to Applicant: The occupancy permit for the application may be held until the applicant has verified that sales have been completed to a co-housing group, to the satisfaction of the General Manager of Arts, Culture and Community Services and such permit hold may be secured by a Section 219 Covenant.

10. In the case of option (c.)8.(ii), make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing the rent restricted units as For-Profit Affordable Rental Housing pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or life of the building, and subject to the following additional conditions:
  - (i) A no separate-sales covenant;
  - (ii) A no stratification covenant;
  - (iii) That none of such units will be rented for less than one month at a time;
  - (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into and again prior to Development Permit issuance;

- (v) That the average starting monthly rents for each unit type will be at or below the following rates, applicable at the time of initial occupancy:

- Studio \$950
- 1 Bedroom \$1,200
- 2 Bedroom \$1,600
- 3 Bedroom \$2,000

as set out in section 2a of the *Moderate Income Rental Housing Pilot Program* and rent increases will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy.

Note to Applicant: A rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services.

- (vi) The applicant will verify eligibility of new tenants for the units secured at moderate income rates.
- a. For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent).
  - b. There should be at least one occupant per bedroom in each moderate income unit.
- (vii) The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every 5 years after initial occupancy.
- a. For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent).
  - b. There should be at least one occupant per bedroom in each moderate income unit.
- (viii) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the Moderate Income Rental Housing Unit which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income units, and a summary of the results of eligibility testing for all units.

- (ix) 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 and a Covenant under Section 219 of the Land Title Act prior to enactment of the rezoning by-law.

### **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 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 this 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 issued to the City.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over other such 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, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B, of the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 5809-5811 Main Street (198 Ontario Place)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment after the Housing Agreement has been agreed to and signed by the property owner(s) and their mortgagee(s) prior to enactment of the CD-1 By-law contemplated by this report.
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials 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. 03156)

**5. REZONING: 146-186 West 41st Avenue and 5726 Columbia Street**

An application by Bogner Bromley Homes Ltd. was considered as follows:

Summary: To rezone 146-186 West 41st Avenue and 5726 Columbia Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit a townhouse development that includes two four-storey buildings and four two-storey buildings, containing a total of 40 market residential units. A maximum height of 15.1 metres (49.4 feet) and a floor space ratio (FSR) of 1.88 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 and receipt of public comments.

## Speakers

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

The speakers list and receipt of public comments closed at 9:02 pm.

## Council Decision

MOVED by Councillor Louie  
SECONDED by Councillor Jang

- A. THAT the application by Bogner Bromley Homes Ltd., on behalf of 1060937 B.C. Ltd., the registered owner, to rezone 146-186 West 41st Avenue and 5726 Columbia Street [*Lots A through F and Amended Lot G (See 330115L), all of Block 1023, District Lot 526, Plan 8085; PIDs 010-254-633, 010-254-641, 010-254-650, 008-755-914, 010-254-668, 010254-684 and 010-255-052 respectively*] from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.88 and the height from 10.7 m (35 ft.) to 15.1 m (49.4 ft.) to permit a townhouse development that includes two four-storey buildings and four two-storey buildings, containing a total of 40 market residential units, generally as presented in Appendix A of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 146-186 West 41st Avenue and 5726 Columbia 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 Raymond Letkeman Architects Inc. and received September 11, 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 provide the following minimum setbacks:

- (i) front yard on 41st Avenue of 12 ft.,
- (ii) flanking yard on Columbia Street of 12 ft.,
- (iii) side yard on the east of 10 ft., and
- (iv) rear yard on the south of 4 ft.

Note to Applicant: Increasing the setbacks will improve the performance and open space to minimum standards found in the *Cambie Corridor Plan* and are consistent with other similar applications. Setbacks apply to the predominant face of wall and extend full height. Minor variances in the front and flanking street setbacks (in the range of 10-15 ft.) may be

considered for building articulation, increased outdoor open space, and accommodation of Engineering Condition of By-law Enactment 2 for setback and SRW along 41st Avenue.

2. Design development to provide minimum mid-block building separations of 24 ft.

Note to Applicant: These building separations apply to Buildings 1 and 2, and 4 and 5. The objective is to provide for a neighbourly relationship between adjacent units, allow for access to views and daylight through the site, and breakup large building masses. Consider flipping the amenity room to adjoin Building 5 rather than Building 4 thus creating a better visual link through the site. Encroachments into these building separations between Buildings 1 and 2, as a result of an increased sewer easement along the east property line, may be considered based on building and open space design and provided that no dimension is less than 20 ft. In no case will development in these separations, such as exit stairs, be permitted and should be enclosed within the building envelope.

3. Design development to provide minimum 1.0 m at grade landscape setback on the shared east property line.

Note to Applicant: The landscape setback should be flush with adjacent existing grade and be clear of any above grade development.

4. Design development to improve the on-site accessibility including the following recommended strategies:

- (i) Provision of elevator access from the parkade to the courtyard and both amenity room floor levels;
- (ii) Wheelchair accessible path connecting indoor amenity, the courtyard and Columbia Street as practical, and
- (iii) Identification on the plans of any entries and units accessible to the disabled.

Note to Applicant: Refer to handicap accessibility requirements noted in the Building Review Branch review.

5. Consideration to improve the openness and function of the outdoor open space and site plan including the following recommended strategies:

- (i) Limiting retaining walls and other above grade development in yards and setbacks to no greater than 1.0 m in height;
- (ii) Explore opportunities in the courtyard to simplify the programming and include nodes of open space; and
- (iii) Locate garbage in the underground parkade.

6. At time of development permit, provision of:

- (i) Confirmation, in the drawings, of clear courtyard dimension of 24 ft.

Note to Applicant: 24 ft. is the minimum clear dimension permissible in the Plan for the courtyard rowhouse typology. Increases are encouraged where practical. Minor encroachments into this dimension may be considered for improvements in liveability, unit layout and building articulation. These encroachments include elements such as cornices, eaves, porches or bay windows. Balcony projections are discouraged.

- (ii) Confirming dimensions on all drawings (plans, sections and elevations) of the significant step back above level three of between 8 and 12 ft.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) The proposed unit mix of 40 three-bedroom units (100%), 29 of which contain lock-off units, 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.

- (vii) 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>.

## Building Review

7. Firefighting provisions as per 3.2.5 except where otherwise approved by *Vancouver Fire and Rescue Services (VFRS)*.
  - (i) Clearly identify the locations of nearby hydrants, building fire department connection, hose connection, and annunciator panel.
  - (ii) The path of travel for firefighters shall comply with Article 3.2.5.5.
  - (iii) The path of travel for firefighters to the four-level dwelling units facing the courtyard may be problematic and further coordination with Fire Department may be required. The exterior walls facing the courtyard shall have wall assemblies protected by noncombustible cladding.
8. The addresses shall be assigned based on the relative point of entry from the street.
9. Building/s shall conform to Subsection 3.2.2. "*Building Size and Construction Relative to Occupancy*".
10. A standpipe system shall be installed in a building that is more than three storeys in building height, refer to Article 3.2.5.8 of the *Vancouver Building By-law (VBBL)*.
11. In a building more than three storeys in building height, access through a fire separation between a storage garage and Group C occupancy, shall be through a vestibule conforming to Sentence 3.3.5.7.(4). The private stairs that provide access from the underground storage garage to the residential units above shall be provided with vestibules in accordance with Article 3.3.5.7.(3).
12. Second means of egress must be provided for the multi-level residential units in Building 1 and Building 2, please refer to Article 3.3.4.4.
  - (i) The VBBL requires a dwelling unit containing more than one storey to be provided with an exit door or an egress door opening directly into access to exit from the uppermost storey and from the lowest storey of the dwelling unit.
  - (iii) A single exit is permitted from a dwelling unit provided the exit is an exterior door not more than 1.5 m. above the adjacent ground, and in a sprinklered building it is not necessary to travel up and down more than two storeys to reach the exit door, provided the travel distance to a single exit door does not exceed 25 m.
13. Floor assemblies within a dwelling have to be constructed as fire separation provided the distance between the lowest floor level and the uppermost floor level within the dwelling unit is more than 6 m. Please refer to Sentence 3.3.4.2(3).

14. The buildings are required to meet *Adaptable Housing Requirements* of Subsection 3.8.5 of the VBBL.
15. The building is required to provide accessible routes for access to people with disabilities to all common areas, storage, amenity, etc.
16. Parking stalls for persons with disabilities shall comply with Article 3.8.3.4. of the VBBL.
17. Lock-off units shall be separated from the remainder of the building by a fire separation with a one hour fire-resistance rating, and a sound transmission classification (STC) of 50.
18. The buildings shall be designed and constructed to conform to ASHRAE Standard 90.1-2010 and Building By-Law Tables 10.2.2.6 and 10.2.2.7 or City of Vancouver Modelling Guidelines.

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

19. 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; and
  - (iii) Site lighting developed with considerations for safety and security.

Note to Applicant: The location of mailboxes should be shown on the site plan and be considered based on principles for natural visual surveillance, being well lighted and the fit with the site and building design.

20. 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.

#### **Landscape Design**

21. Design development to the landscape treatment to increase the volume of soil, tree canopy cover and planting on slab, as follows:
  - (i) Provision of trees in planters (min. 1.25 m width) for each private rooftop patio; and

- (ii) Lower the slab in the courtyard area below the planters, to the greatest extent practicable.

Note to Applicant: Wherever possible, planted landscapes on slab should be designed to maximize soil depths. This will require integration of the landscape design and the structural plan. Soil depths should exceed BCLNA Landscape Standard. At the perimeter of the building the slab can be angled downward (1 m across and 1.2 m down) to maximize contiguous soil volumes.

- 22. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- 23. Design development to the Integrated Rainwater Management Strategy to explore opportunities for onsite rain water infiltration and soil absorption, as follows:
  - (i) Maximize natural landscape best management practices;
  - (ii) Minimize the necessity for hidden mechanical water storage;
  - (iii) Increase the amount of planting to the rooftop areas;
  - (iv) Provide a linear infiltration bio-swale along the 41st Ave property line;
  - (v) Use permeable paving;
  - (vi) Employ treatment chain systems (gravity fed, wherever possible);
  - (vii) Use grading methods to direct water to soil and storage areas; and
  - (viii) Maximize opportunities to infiltrate water to the soil areas outside the underground parkade (i.e. lane setback).

Note to Applicant: Refer to the City of *Vancouver Integrated Rainwater Management Plan* (IRMP), Vol.1 & 2 for further information. A consulting engineer (subject matter expert) will need to be engaged and early phase soil analysis will be needed. Further comments may be outstanding at the development permit stage.

- 24. Provision of plans, plan details, and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:
  - (i) Detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets;
  - (ii) A separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones; and
  - (iii) An overlay plan that shows amount and ratio of vegetative cover (green roof), permeable/impermeable hardscaping and notations

describing the storage location of rainwater falling on each surface, including roofs.

25. Provision of an arborist report that assesses impacts and requirements for street tree canopy and root pruning.

Note to Applicant: Design development may be needed to minimize impacts to street trees. Further coordination to occur at the development permit stage.

26. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

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

27. Provision of detailed architectural and landscape cross sections (minimum 1/4 in. scale) through common open spaces, semi-private patio areas and the public realm.

Note to Applicant: The sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy, and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

28. Provision of a "Tree Management Plan".

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/protection related matters. Attach a large scale tree management sheet (same size sheet as architectural sheets) to the landscape plan submission.

29. Provision of an arborist "letter of undertaking" to include signatures by the owner, contractor, and arborist.

Note to Applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

30. Provision of new street trees adjacent to the development site, where applicable.

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

31. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed. Hose bibs are to encourage patio gardening and hand-watering on private patio and amenity decks.

32. Provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis).

33. Provision of an outdoor Lighting Plan.

Note to Applicant: Consider CPTED principles and avoid any lighting that can cause glare to residential users.

### **Sustainability**

34. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning* (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>

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later).

35. 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.

### Engineering

36. 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.
37. 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 to your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.
38. 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.
39. 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. (Please confirm that the garbage storage shown in the lane at the east end of the site is intended for this purpose.)
40. Please place the following statement on the landscape plan; *This plan is "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.*

41. Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to Engineering for review.
42. Provide automatic door opens on the doors providing access to the bicycle room(s) and note on plans.
43. Design development to comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services (GMES). The following items are required:
  - (i) Dimension all columns encroaching into parking stalls.  
  
Note to Applicant: Dimension the length, width and the setback from the end of the stall.
  - (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, additional elevations within the parking level, and at all entrances.  
  
Note to Applicant: The slope and cross fall within the parking level must not exceed 5% and note on drawing SK-1.3.
  - (iii) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.  
  
Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required. Dimension the 4 ft. aisle required for access to all Class A bicycle spaces.
  - (iv) Provision of a bicycle wheel ramp to achieve 'stairs free' access for the Class B bicycle spaces shown at elevation 275.55 ft. on drawing L-1b.
  - (v) Modification of the internal parking ramp design as the slope must not exceed 12.5%.  
  
Note to Applicant: A 15% slope is shown for the three ramps leading to angled stalls 1-20. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the top and bottom for at least 4 m in length. Consider lowering the elevation of 270 ft. to achieve a 12.5% slope.
44. Design development to provide the required maneuvering and column adjustments for the angled stalls. Provide turning swaths to confirm the following:

- (i) The 90 degree turn required to access stall 5. Typically a 10 ft. x 10 ft. corner cut is required for a 12 ft. wide maneuvering aisle, and a 6 ft. x 6 ft. corner cut is shown with 11 ft. 10 in. maneuvering aisle widths.
- (ii) The maneuvering in and out of stall 1. Additional maneuvering space may be required, west of the stall.
- (iii) The required maneuvering for the angled stalls with column encroachments. Typically angled stalls require maneuvering where the columns are shown. Consider designing the stalls to eliminate the column encroachment or relocate columns to be outside of the required maneuvering area.
- (iv) Provide gridlines on drawing SK-1.3 and provide additional drawings at 1/8 scale.

Note to Applicant: Ensure that Class A bicycle spaces provided outside of a bike room or compound are provided as bicycle lockers with a 4 ft. access aisle and noted on the plans.

45. A 600 mm combined sewer is located on the neighbouring property immediately east of the development site and must be properly considered during excavation and construction. Please contact Jim Burnet in Sewer Design for further details at 604-873-7464.

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

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

#### **Engineering**

1. Consolidation of Lots A to F & Amended Lot G (See 330115L), Block 1023, District Lot 526, Plan 8085 to create a single parcel.
2. Provision of a building setback and a surface Statutory Right-of-Way (SRW) on 41st Avenue for public pedestrian use to achieve a 2.8 m distance measured from the property line in front of 5726 Columbia Street and 186 West 41st Avenue and 178 West 41st Avenue; and a 1.5 m distance from the property line in front 170, 162, 154, and 146 West 41st Avenue for public realm improvements. The SRW will be free of any encumbrances such as structures, stairs, planter walls, door swing, benches, chairs and tables, and bicycle parking at grade.
3. Provision of a 1.83 m wide SRW along the eastern property line of the future consolidated lot for existing sewer access and maintenance.

4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, 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.
  - (ii) Design and construct approximately 75 m of 900 mm diameter storm sewer on Columbia Street from future service connection (north of L/S W 41st Ave) to Columbia Park accounting for future extension to Columbia Park green infrastructure.

Design and construct approximately 55 m of 450 mm diameter sanitary sewer on Columbia Street from future service connection (north of L/S W 41st Ave) to 42nd Avenue. Design shall account for future sanitary extension to 43rd Avenue.

The post-development 10-year flow rate discharged to the sewer shall be no greater than the 10-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curves, whereas the post-development estimate shall utilize the 2100 IDF curves to account for climate change.
  - (iii) Provision of a design brief, calculations and/or model, with design drawings for review and acceptance by City Engineer.
  - (iv) Provision of a groundwater management plan for review and acceptance by City Engineer. The plan shall include confirmation that no groundwater will be discharged to the sewer system.

Note to Applicant: Developer to contact City Engineer prior to commencing design or analysis of sewer system as the upgrade requirement may be modified based on servicing plan.
  - (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 street re-construction on 41st Avenue and Columbia St adjacent to the site to generally include the following: new curb and gutter, raised protected bike lane, bus stop, light broom finish saw cut concrete sidewalk, curb ramps, and adjustment to all existing infrastructure to accommodate the proposed street improvements. City to provide an approved geometric design.
  - (vii) Provision of a contribution of \$100,000 towards upgrading of the traffic signal at Columbia Street and 41st Avenue.
  - (viii) Provision of a standard concrete lane crossing on the east side of Columbia Street at the lane south of 41st Avenue including new curb returns and curb ramps on both sides of the lane entry as per City standard.
  - (ix) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
  - (x) Provision of LED lighting at the four corners of the signalized intersection of Columbia and 41st Avenue.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include, but 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.

## Green Infrastructure

6. Provision of a Rainwater Management Plan (RMP) that details how the rainwater management system meets the Citywide Integrated Rainwater Management Plan (IRMP) requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review, which will address the following:
  - (i) In this instance of a zero lot line design staff will consider:
    - a. The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume;
    - b. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems; and
    - c. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated.
  - (ii) Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24 mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48 mm in 24 hours will also need to be demonstrated.
  - (iii) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
  - (iv) Provide outline area/volume calculations to support the overall rainwater management strategy.
  - (v) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices.
    - a. Planters designed as flow-through planters can be used to meet the treatment volume requirement.
    - b. Consider increasing the depth of soil throughout planted areas and shallow ponding depth within the planted areas as part of the calculations.
  - (vi) The building/public realm should be designed to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.

Note to Applicant: The applicant will enter into such legal agreements with the City, on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services, to ensure

on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

### **Sustainability**

7. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

### **Environmental Contamination**

8. If applicable:
  - (i) Submit a site profile to Environmental Services (Environmental Protection);
  - (ii) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services, and Director of Legal Services, including a Section 219 covenant that there will be no occupancy of any buildings or improvements on this 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 issued to the City.

### **Community Amenity Contribution**

9. Pay to the City a Community Amenity Contribution of \$3,158,382, 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 \$3,158,382 is to be allocated as follows:
  - (i) \$1,579,191 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;

- (ii) \$1,263,353 (40%) toward childcare and community facilities in and around the Cambie Corridor Plan area; and
- (iii) \$315,838 (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 enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Subdivision By-law, generally as presented in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 146-186 West 41st Avenue and 5726 Columbia Street".
- C. THAT A and B above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and 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 UNANIMOUSLY (Vote No. 03157)

## **6. HERITAGE DESIGNATION: 3123-3129 West Broadway (Hollywood Theatre)**

An application by Bonnis Properties was considered as follows:

Summary: To designate the exterior and certain elements of the interior of the existing building at 3123 West Broadway (Hollywood Theatre) as protected heritage property, to secure the rehabilitation and long-term preservation of the heritage building, and to vary the Zoning and Development By-law to permit a new six-storey mixed-use building under the existing C-2C (Commercial) District.

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

### **Summary of Correspondence**

The following correspondence had been received since referral to Public hearing and prior to the close of the speakers list and receipt of public comments:

- 51 emails in support of the application;
- One email opposed to the application.

### **Staff Opening Comments**

Planning, Urban Design and Sustainability staff responded to questions, noting the only decision before Council tonight is the Heritage Designation, and that the community use agreement is still under development.

### **Applicant Comments**

Marianne Amodio, Marianne Amodio Architecture Studio, introduced the application.

### **Speakers**

Mayor Robertson called for speakers for and against the application.

Council heard from thirteen speakers in support of the application:

Michelle Barile, Executive Director, West Broadway BIA  
Sal Audia, President, GNK Insurance  
Rob Wright, Senior Agent, the Feldman Agency  
David Hawkes, Operator, Hollywood Theatre  
Amal Wijayanayake, CEO, Amalien Records  
Aaron Chapman  
Dorothy Woodend  
Thierry Garrel  
Darren Reiter

Alan Franey  
Stuart Smith  
David Vaisbord, Documentary Organization of Canada  
Tyler Martin

Roger Larry spoke in opposition to the application, noting the community use agreement should be agreed on and finalized before the application is approved.

Kevin Eastwood, President, Optic Nerve Films, and Larry Benge, Save the Hollywood Theatre Coalition, spoke to other matters related to the application, noting that certain internal aspects of the theatre should also be included as protected heritage items, the reduction of seats in the theatre, and the need for more space for film festivals.

\* \* \* \* \*

*During the hearing of speakers it was*

*MOVED by Councillor Deal  
SECONDED by Councillor Bremner*

*THAT under section 6.8 of the Procedure By-law, Council suspend section 2.3(e) of the Procedure By-law in order to conclude hearing from speakers.*

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY  
(Councillor Jang absent for the vote)*

\* \* \* \* \*

The speakers list closed at 10:23 pm; the receipt of public comments closed at 10:27 pm.

### **Applicant Closing Comments**

Ms. Amodio responded to concerns raised by the speakers.

### **Staff Closing Comments**

Planning, Urban Design and Sustainability staff clarified the decision before Council tonight and responded to questions.

REFERRAL MOVED by Councillor Deal  
SECONDED by Councillor Louie

THAT discussion and decision on the application "HERITAGE DESIGNATION:  
3123-3129 West Broadway (Hollywood Theatre)" be referred to the Regular Council  
meeting on July 24, 2018, as Unfinished Business.

CARRIED UNANIMOUSLY  
(Councillor Jang absent for the vote)

**ADJOURNMENT**

MOVED by Councillor Deal  
SECONDED by Councillor Louie

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY  
(Councillor Jang absent for the vote)

The Public Hearing adjourned at 10:27 pm.

\* \* \* \* \*