



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
MAY 12, 2005

A Special Meeting of the Council of the City of Vancouver was held on Thursday, May 12, 2005, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development, Heritage and Sign By-laws.

PRESENT: Mayor Larry Campbell
Councillor Fred Bass
Councillor David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Tim Louis
Councillor Anne Roberts
Councillor Tim Stevenson

ABSENT: Councillor Sam Sullivan (Leave of Absence)
Councillor Ellen Woodsworth (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Tarja Tuominen, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Louis

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

CARRIED UNANIMOUSLY

1. Heritage Designation: 696 West 16th Avenue

An application by John Scott, Heatherview Developments, was considered as follows:

Summary: Designation of north and west facades of Foley Building.

The Director of Current Planning recommended approval.

Staff Opening Comments

Hugh McLean, Heritage Planner, was present to answer questions.

Applicant Comments

John Scott, representing the applicant, was present to answer questions.

Summary of Correspondence

There was no correspondence received on this application since the date the application was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Green

THAT Council approve the designation of the north and west facades of 696 West 16th Avenue, listed on the Vancouver Heritage Register in the "B" category, as Protected Heritage Property.

CARRIED UNANIMOUSLY

2. Text Amendment: 5750 Oak Street

An application by the Director of Planning was considered as follows:

Summary: The proposed amendment to the CD-1 would increase the permitted institutional use floor area.

The Director of Current Planning recommended approval.

Staff Opening Comments

Dave Thomsett, Rezoning Planner, was present to answer questions.

Summary of Correspondence

There was no correspondence received on this application since the date the application was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louie

THAT the application by the Director of Current Planning to amend CD-1 By-law No. 8055 for 5750 Oak Street (Lot B of Lot A, Block 1008, DL 526, Plan LMP 42868) to increase the floor area permitted for institutional use, generally as outlined in Appendix A of the Policy Report dated March 23, 2005 entitled "CD-1 Text Amendment - 5750 Oak Street - Lubavitch Centre", be approved.

CARRIED UNANIMOUSLY

3. Text Amendment: Residential Accessibility

An application by the Director of Current Planning was considered as follows:

Summary: Amend Section 3 of the Zoning and Development By-law to improve accessibility to residential buildings for persons with disabilities. Design Guidelines to be approved at time of enactment

The Director of Current Planning recommended approval.

Staff Opening Comments

Joanne Baxter, Rezoning Planner, was present to answer questions.

Summary of Correspondence

There was no correspondence received on this application since the date the application was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louis

- A. THAT the application by the Director of Planning to amend section 3 of the Zoning and Development By-law to improve accessibility to residential buildings for persons with disabilities generally as outlined in Appendix A to the Policy Report dated March 10, 2005 entitled "Text Amendment: Section 3 - Enhanced Accessibility to One-Family Dwelling, One-Family Dwelling with Secondary Suite and Two-Family Dwelling" be approved.
- B. THAT if A is approved, the Enhanced Accessibility Guidelines be approved at time of enactment of the amending by-law.

CARRIED UNANIMOUSLY

4. Rezoning: 2820 Bentall Street (Canadian Tire)

An application by Kasian Architecture, Interior Design and Planning was considered as follows:

Summary: Rezone the site for Highway Oriented Retail uses. Consequential amendments are required to the Zoning and Development By-law regarding landscape setbacks, the Sign By-law, and CD-1 By-law No. 6654.

The Director of Current Planning recommended approval, subject to the conditions set out in the agenda of the Public Hearing.

Also before Council were the following:

- Memorandum dated May 11, 2005 from the General Manager of Engineering Services providing information on:
 - More traffic related details such as the number of cars per day, the number of trucks, and the development's relationship to the City's transportation policy;
 - Analysis of the greenhouse gases (GHG) associated with the proposed amount of traffic and evaluation of the project's overall environmental impacts.
- Memorandum dated May 12, 2005, from Lynda Challis, Rezoning Planner, recommending adding the following condition to pursue LEED certification:
 - (b) (xxvii) The applicant to work with staff to pursue LEED Silver as a minimum standard, with a target of LEED Gold, including full registration, documentation and certification of the building through the Canadian Green Building Council.
- Memorandum dated May 11, 2005 from Ann McAfee, Co-Director of Planning/Director of City Plans, providing comments on broad city policies (e.g. CityPlan) and the policy basis for the location of large format retail and other large non-industrial uses (e.g. cultural, entertainment, and institutional uses) in industrial areas.

Staff Opening Comments

Ann McAfee, Co-Director of Planning/Director of City Plans, introduced the staff present to answer questions and reviewed the memorandum dated May 11, 2005, providing the background policy history of "Highway Oriented Retail (HOR)" or "large format non industrial use policy".

Applicant Comments

Michael McDonald, Architect, on behalf of the applicant, provided a brief description of the proposed development and an overview of the applicant's community involvement. The Grandview store will be operated by a local dealer. The applicant is prepared to develop to a minimum Silver LEED standard, with a target of Gold, and will continue with the daylighting of Still Creek on this section.

Peter Joyce, Transportation Consultant, reviewed the Parking and Traffic Study submitted with the application and responded to questions on the expected number of car trips, parking requirements, projected added capacity on area streets and the applicant's transportation demand strategy.

Paul Ardagh, on behalf of Retail Consultants, responded to questions on the retail impact study, projected impact of the development on the area services and market demand analysis of future trends.

Summary of Correspondence

Council was advised the following correspondence was received since the date the application was referred to Public Hearing:

- Three letters in support of the application
- One letter opposed to the application

Speakers

Mayor Campbell called for speakers for and against the application.

Eric Doherty, representing SPEC, opposed the application. The site is directly opposite the Rupert SkyTrain station and should be a pedestrian oriented centre. The proposed street is too long for pedestrian use. The proposed development is Highway Oriented Retail, not a suitable site for that use.

Andrew Tong, Concert Properties, generally supported the application, subject to the applicant finalizing agreements on two outstanding issues: truck access and setback issues with daylighting of Still Creek;

Lynda Challis, Planner, advised staff and the applicant are making positive progress and both issues will be resolved prior to enactment.

The following spoke in support of the application:

David Kimpton
Chris Wood
Dan Ballarin
David Morris
Cameron Watt
Kenny Diebel, Vancouver Film Studio
Jason McLean, McLean Group
Richard Sharpin

The foregoing speakers supported the application based on one or more of the following points:

- Generally supportive of the applicant and its history of community involvement;
- The proposed development projects a positive business opportunity in the area and will create many jobs;

- Canadian Tire is a great company which provides good products;
- The development will be a positive attribute for the city;
- The proposed development will help enhance one of the main corridors into the city;
- The proposed project is what has been lacking in the area for the past 20 years; the site needs to be upgraded to something like Canadian Tire and will bring more use to the SkyTrain station.

In response to questions, Paul Pinsker, Parking and Development Engineer, and Harv Weidner, Planner, described the creation of better sidewalk, greenway and pathway linkages in the area and upgrades around the SkyTrain station.

Council Decision

MOVED by Councillor Bass

THAT the application be approved, subject to the conditions set out in the agenda before Council, with the following amendments to the conditions:

- Amend condition (b) (xxvi) by adding the following words to the end of the sentence after the words "single-occupancy private automobile":
 - "with commuting targets set for non-single-occupancy modes, including transit, car-pooling, walking, and cycling."
- Add the following condition:
 - (b) (xxvii) The applicant to work with staff to pursue LEED Silver as a minimum standard, with a target of LEED Gold, including full registration, documentation and certification of the building through the Canadian Green Building Council.

Amended

AMENDMENT MOVED by Councillor Roberts

THAT the sale of food be eliminated as an approved use under the CD-1 By-law for this site.

LOST

(Councillors Cadman, Green, Ladner, Louie, Stevenson and the Mayor opposed)

AMENDMENT MOVED by Councillor Louie

- THAT Condition (b) (xxii) (b) (2) be amended by inserting the word "the" in front of the word "flushing" and striking out the words "to avoid entry".
- THAT Condition (b) (xxii) (b) (3) be amended by striking out the word "explore" and substituting the word "provide".

CARRIED UNANIMOUSLY

The amendment having carried, the motion as amended was put and CARRIED, with Councillors Louis and Roberts opposed.

FINAL MOTION AS AMENDED AND ADOPTED

A. THAT the application by Kasian Architecture, Interior Design and Planning to amend CD-1 By-law No. 6654 for 2820 Bentall Street (Lot 2, Sect. 38, Town of Hastings Suburban Lands, Plan 16415, N.W.D. to permit highway oriented retail development generally as outlined in Appendix A to Policy Report "CD-1 Text Amendment - 2820 Bentall Street (Canadian Tire) " dated March 29, 2005 be approved, subject to the following conditions:

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Kasian Architecture, Interior Design and Planning, and stamped "Received City Planning Department", April 6, 2004, July 28, 2004 and August 17, 2004, 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:

DESIGN DEVELOPMENT

- (i) design development to reduce the overall scale impacts of the proposed development;

Note to applicant: This can be achieved by reducing height and a greater emphasis on horizontal proportioning. Further design development to architectural expression to reduce the extent of blank wall and achieve a simpler, lighter industrial character is also required. Opportunities to maximize clerestory glazing should be pursued.

- (ii) design development to more clearly announce building entries and related on-site circulation systems;

Note to applicant: A greater reliance on good design, and less reliance on wayfinding systems, is required. Clear alignment where possible, and announcement, of building entries with on-site pathways/access routes is required.

- (iii) design development to achieve a more streetwall like character for the Bentall and Cornett Streets frontage while managing the scale of the overall development;

Note to applicant: A development strategy that maximizes and expresses active uses, reveals pedestrian/patron movement through maximum clear glazing and de-emphasizes automobile parking and

access is required. Confirmation of outdoor display expectations, and related design considerations is required.

- (iv) provision of a conceptual signage package that confirms signage types and locations in compliance with the Vancouver Sign By-law;

Note to applicant: The signage concept should be developed for site, building and tenancy considerations and should be expressed in a simple, understated manner. The signage concept should enhance the daylight creek setting on the northerly portion of the site while acknowledging the importance of Grandview Highway as a prime entry corridor with green front yard setbacks. Minimal reliance on wayfinding systems is required.

- (v) provision of a conceptual lighting package that confirms lighting types and locations;

Note to applicant: The lighting concept should be developed for site, building and tenancy considerations and should be expressed in a simple, understated manner. The lighting concept should enhance the daylight creek, and related pedestrian pathway, and bike hub setting on the northerly portion of the site through special lighting considerations.

- (vi) design development to properly screen loading activities and utility functions;

Note to applicant: The architectural strategy for screening should be integral to the overall building expression and quality.

- (vii) confirmation of proposed materials, including glazing and screening systems, to ensure a high quality built form response in an industrial context;

- (viii) design development to confirm the location and design of weather protection systems to ensure functionality and visual quality in an industrial context;

- (ix) design development to delete the signage in the landscaped setback;

LANDSCAPE

- (x) design development to make all the landscape setbacks along Grandview Highway, Bentall Street and Cornett Road compatible with the naturalistic treatment of the Creek's landscape;

- (xi) design development to provide substantial and coherent planting along the Grandview Highway frontage;

- (xii) design development to provide green edges to the surface parking area. This could be accomplished by incorporating a trellis with vines at the top of the walls on the east and west sides of the parkade. Daylighting opportunities into the ground level parking area should also be incorporated;

Note to applicant: This will require consolidation of the small car parking stalls thereby allowing a more efficiently planned parking layout which will contribute greater area to landscaping and natural light.

- (xiii) design development to provide additional interest to the east and west facades, with consideration to add trellises on the north facade;
- (xiii) design development to consider adding a vertical landscape element to the northeast corner of the building, near the bicycle plaza;
- (xiv) design development to consider adding some stormwater treatment for the site water draining from the roof and the parking structure;
- (xv) clarification of the roof treatment for the Canadian Tire building. A notation on the architectural drawings refers to a roof reservoir. Consideration should be given to adding a green roof for part of the roof;

GREENWAYS

- (xvi) incorporation of a pathway adjacent the creek side that connects and ties into seating at either end of the daylighted portion of the creek;
- (xviii) inclusion of pedestrian scale lighting for any seating areas;
- (xix) consideration of public art that has a focus on habitat and possible stormwater uses;
- (xx) provision of interpretive features incorporated into the "hub" area;
- (xxi) consideration of "green roof" principles is encouraged to mitigate stormwater runoff;

SUSTAINABILITY

- (xxii) design development to take into consideration environmental and sustainable objectives as outlined in the HOR policy, as well as sustainability and greenhouse gas reduction objectives as identified in current civic policy;
- (xxiii) design development to include and/or consider:
 - (a) for building systems:

- (1) pursue energy performance standards that exceed existing city baseline of ASHRAE 90.1 2001 to ensure significant energy use reduction;
 - (2) ensure that building orientation and exposure of facades maximizes solar exposure and natural ventilation opportunities;
 - (3) achieve reduced greenhouse gas (GHG) emissions through improved building systems;
 - (4) maximize daylighting and views for interior space through the use of clerestory windows, skylights, and etc.
- (b) for whole site systems
- (1) implement an extensive green roof strategy for as much of the non-parking roof surface as possible to achieve an increase in site habitat value, and assist in stormwater management and energy efficiency; where extensive green roofs are not possible, use high reflective roofing materials to reduce heat island;
 - (2) ensure that stormwater management systems are designed to significantly reduce peak flows and flushing to avoid entry of contaminants into Still Creek; maximize treatment of water leaving the site through bio-remediation; minimize water leaving the site through high permeability and on-site retention and absorption taking into account the sites characteristics;
 - (3) explore opportunities for management of site water into landscape elements such as swales, ponds, or vegetative buffers.
- (c) for potable water management
- (1) explore planting opportunities that encourage hardy, robust local species and reduce reliance on irrigation systems; if irrigation systems are necessary, use only drip irrigation systems or systems using recycled site storm water;
 - (2) select only ultra-low-flow fixtures, dual flush toilets and preferably waterless urinals; explore opportunities to redirect reclaimed and bio-filtered water.
- (d) for building materials management
- (1) ensure a minimum diversion of 50% of construction waste materials, with a goal of 80% or better;
 - (2) wherever possible, choose construction and finishing materials which have recycled or reclaimed content, are locally processed, or rapidly renewable;
 - (3) maximize use of finishing materials that are low in Volatile Organic Chemicals (VOC's), contain no added urea formaldehyde resins and meet the maximum "green" environmental standards.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (xxiv) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for mischief through reconfiguring the exit stairs from the loading area to be flush and at grade level;
- (xxv) provision of a comprehensive security report by a licensed security professional for securing or patrolling parking areas for both business and non-business hours;

TRANSPORTATION

- (xxvi) provision of a Transportation Demand Management Plan to encourage among employees and customers travel by means other than the private automobile and particularly the single-occupant private automobile.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

ENGINEERING

- (i) make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for:
 - (a) all new BC Hydro and Telus services are to be undergrounded from the closest existing suitable service point including a review of any necessary cabling to assess the impact on the neighbourhood; and
 - (b) clarification of the power needs for the site and assurances that all necessary primary power transformers will be located on site and not rely on secondary voltage from the existing electrical network. All Hydro servicing is to be approved by the General Manager of Engineering Services.
- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for:
 - (a) clarification of charges on title. A charge summary is required which addresses each charge and its impact on the development proposal;
 - (b) dedication of the following portions of the site for road purposes (see plans, page 8 and 9):
 - a 25.976 m width for the Cornett Street extension from Bentall Street to the existing Cornett Road;
 - a 1.5 m x 1.5 m corner cut at the northwest corner of the site;

- a varied amount at the northeast corner of the site;
- a varied amount at the southeast corner of the site;
- a 4.2 m x 3.4 m corner cut at the southwest corner of the site.

Note to applicant: the corner cut requirements noted above are necessary to ensure proper manoeuvring and turning radii for delivery trucks to access and circulate around the site.

- (c) appropriate agreements to ensure public use of "hub" area and to ensure ongoing maintenance of the "hub" by the adjacent property owners;
- (d) daylighting of Still Creek adjacent the site, including relocation of the water main and sewer main affected by the daylighting proposal;
- (e) construction of the Cornett Street extension, including curb, gutter, pavement, sidewalk, street lighting, and street trees where space permits and all utility/servicing needs for the road construction. The Cornett Street extension to include "greenway" features and improvements (see GREENWAYS above);
- (f) provision of a traffic signal at the Cornett Road and Grandview Highway intersection, including related curb adjustments and a raised left turn bay on Grandview Highway;
- (g) concrete sidewalks adjacent the site where space permits;
- (h) street trees adjacent the site where space permits; and
- (i) curb ramps both adjacent and opposite the site at all connecting sidewalk points to ensure continuing disability access to and from the adjoining City sidewalks.

PUBLIC ART

- (iii) execute an agreement satisfactory to the Director of Cultural Affairs and the Director of Legal Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide a preliminary public art plan to the satisfaction of the Director of Cultural Affairs;

Note to applicant: The "Public Art Policy and Guidelines" set out all Public Art Program requirements, including details of the preliminary public art plan referred to above. To discuss your application or any questions on the Guidelines, please call Bryan Newson, program manager, at 604-871-6002.

SOILS

- (iv) Obtain and submit to the City copies of all soils studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the

remediation of any contaminated soils on the site in accordance with a Remediation Plan approved by the Ministry of Environment and acceptable to the City, providing security satisfactory to the Director of Legal Services for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site; and

- (v) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for security to the satisfaction of the Director of Legal Services, protecting the City and Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval.

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

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting 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; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, 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 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 by the Director of Current Planning to amend the Appendix C of the Zoning and Development By-law No. 3575, as a consequential amendment of the rezoning, to establish landscaped setbacks for the site be approved.
- C. THAT the consequential amendment to CD-1 By-law No. 6654 for Still Creek to delete 2820 Bentall Street from that by-law be approved.
- D. THAT the consequential amendment to Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (M-2) be approved.

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louis

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louis

SECONDED by Councillor Cadman

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 9:20 p.m.

* * * * *