

Note: These minutes will be adopted at the Regular Council meeting on September 13, 2005.



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

JULY 14, 2005

A Special Meeting of the Council of the City of Vancouver was held on Thursday, July 14, 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, CD-1, Downtown District ODP, Heritage, Sign and Noise Control By-laws, and to enter into a Heritage Revitalization Agreement.

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 (Item No. 3)
- Councillor Tim Stevenson
- Councillor Sam Sullivan
- Councillor Ellen Woodsworth

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Bass

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development, CD-1, Downtown District ODP, Heritage, Sign and Noise Control By-laws, and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY
(Councillor Roberts absent for the vote)

**1. Heritage Revitalization Agreement and Heritage Designation:
1356 West 13th Avenue**

An application by Richard Kolodziej was considered as follows:

Summary: Heritage Revitalization Agreement and Designation in exchange for bonus density for use on site in a new tower.

The Director of Current Planning recommended approval.

Staff Comments

Yardley McNeill, Heritage Planner, was present to respond to questions.

Applicant Comments

Richard Kolodziej, applicant, was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this application since the date it was scheduled for Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Green

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the house at 1356 West 13th Ave, to secure the rehabilitation and long term protection in exchange for relaxations described below and illustrated under DE# 409177 (See Appendix A of the Administrative Report dated June 15, 2005, entitled "Heritage Revitalization Agreement and Designation for 1356 West 13th Avenue");
- 549 m² (5,910 sq.ft.) of bonus density;
 - Permit two principal buildings;
 - Permit the proposed four unit Multiple Conversion Dwelling;
 - Permit relaxations of the side yard setback requirements and vertical and horizontal angle of daylight for the proposed tower; and
 - Other zoning variances should the lots be subdivided in the future.

- B. THAT Council approve the designation of the house at 1356 West 13th Avenue, listed in the "B" category of the Vancouver Heritage Register, as municipally protected heritage property.
- C. THAT Council instructs the Director of Legal Services to bring forward for enactment the bylaws to authorize the Designation and the Heritage Revitalization Agreement; and

FURTHER THAT the Director of Legal Services be instructed to prepare a side agreement for the timely restoration of the house and its protection during the construction process.

CARRIED UNANIMOUSLY
(Councillor Roberts absent for the vote)

2. Rezoning: 898 Seymour Street and 887-897 Richards Street

An application by Brook Development Planning on behalf of Solterra Development Corp. was considered as follows:

Summary: To rezone to permit two residential towers, live-work townhouses, commercial/office use and above grade public parking. Consequential amendments to the DD ODP, Sign and Noise Control By-laws are also required.

The Director of Current Planning recommended approval, subject to the reduction of tower height and other conditions set out in the agenda of the Public Hearing.

Also before Council were the following:

- Memorandum dated June 29, 2005, from Phil Mondor, Rezoning Planner, which clarified the correct address and legal description for this application, thereby deleting reference to 872 Seymour Street (Lot 13);
- Memorandum dated July 13, 2005, from Larry Beasley, Director of Current Planning, which put forward Recommendation F that Council accept the offer of a \$6 million community amenity contribution and how it should be allocated. The memorandum also recommended a correction be made to Recommendation A. (c) (ix) to replace "19 509 m²" with "1 950 m²"; and
- Memorandum dated July 14, 2005, from Phil Mondor, Rezoning Planner, which provided additional information as requested by Council on the following aspects of the proposed rezoning:
 - Impact on Downtown Commercial capacity;
 - Neighbourhood Amenities (families with children);
 - Residential livability (acoustics and air-conditioning);
 - Sustainability.

Staff Comments

Phil Mondor, Rezoning Planner, responded to questions concerning bicycle parking requirements for this application.

Applicant Comments

Laurie Schmidt, Brook Development Planning, was present to respond to questions.

Summary of Correspondence

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

- two letters opposed to the application
- two letters in support of the application
- one letter in support of the application but opposed to reduced tower height.

Speakers

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

Council Decision

MOVED by Councillor Stevenson

- A. THAT the application by Brook Development Planning on behalf of Solterra Development Corp. to rezone 898 Seymour Street and 887-897 Richards Street (Lots 14-27, Block 64, DL 541, Plan LMP 210) from DD (Downtown District) to CD-1 (Comprehensive Development District) for a mixed-use development generally as outlined in Appendix A of the Policy Report dated June 7, 2005 entitled "Rezoning of 872-898 Seymour Street and 887-897 Richards Street from DD('C') to CD-1" be approved subject to the following conditions:

FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Merrick Architecture Inc., and stamped "Received Planning Department, August 25, 2004", provided that the Director of Planning or the Development Permit Board, as the case may be, 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, or Development Permit Board, as the case may be, who shall have particular regard to, among other things, the following:

DESIGN DEVELOPMENT - GENERAL

- (i) design development to reduce the Richards Street tower height to 91.44 m (300 ft.) and to reduce the Seymour Street tower height to 82.29 m (270 ft.) to improve the relationship with the current existing building heights and to improve some private views from southerly residential development;
- (ii) design development to increase tower separation to a minimum of 23.38 m (80 ft.) to improve the livability and privacy of the dwelling units and to improve some private views from southerly residential development;
- (iii) design development to refine the character of towers;

Note to applicant: aspects to consider include, among other things: that there should be more variations between the towers that allow them to respond better to the varied context and reduce the twinning architectural characteristics.

- (iv) design development to grade level Seymour Street frontage to increase the presence of retail, minimize presence of elevator, stairs and exiting, strengthen presence, identity and surveillance of residential lobby, and to more strongly celebrate the relationship to the Orpheum;
- (v) design development to the Richards Street lower levels to strengthen the presence, identity and surveillance of the residential lobby;

Note to applicant: Vancouver Building By-law provisions for office occupancy, which must be met in live-work units, have accessibility requirements for the disabled which will not be met if the units have just one entrance accessed by means of stairs.

- (vi) design development to the architectural design of the street-fronting above-grade parking to ensure it is masked, particularly on the Seymour Street elevation where no other land uses are proposed at the building face;

Note to Applicant: aspects to review include, among others, the provision of artistic architectural finishes and on-site public art.

- (vii) design development to increase the amenity area for the Richards Street tower and to improve the presence and identity of both amenity areas in the Richards Street and Seymour Street towers;

Note to Applicant: aspects to review include, among others; use and activity programming for internal area and terrace areas.

- (viii) design development to the porte cochere located off the lane to improve the circulation, environment, and spatial quality;

Note to Applicant: aspects to review include, among others; natural and artificial light, vertical and horizontal materials, and landscaping.

- (ix) design development to the party walls of both sites to ensure they are visually appropriate in the neighbourhood as viewed from the public realm;

- (x) cornice encroachments are not supported, and should be pulled back to the property line or deleted;

Note: the large sign encroachment on Seymour Street should be deleted from the application and applied for separately. Planning, also note the large cornice encroachment over the neighbouring lot 13.

LANE BRIDGING

- (xi) design development to the bridging over the lane to remove the two levels of internal office corridors proposed over the lane, at the Smithe Street frontage, and to provide open, demountable bridges with a minimum clearance to grade and minimal dimensions to support the vehicle and pedestrian connections, as established by the General Manager of Engineering Services;

Note to applicant: bridging over the lane will be subject to legal agreement to the satisfaction of the General Manager of Engineering Services, on terms and conditions satisfactory to the Director of Legal Services.

LANDSCAPING

- (xii) design development to the Smithe Street frontage (public realm) should illustrate Downtown South details:
- granite street names at corner locations,
 - cast Iron tree grates at tree bases,
 - free standing city-style pedestrian lamp standards and pole mounted fixtures in an alternating pattern, and
 - placement of other street furniture; benches, refuse containers, and bicycle racks;

Note to Applicant: All public realm development are to be provided to the approval of the General Manager of Engineering Services.

- (xiii) Design development to provide more interesting and further refinement to all proposed roof gardens;
- (xiv) An irrigation system shall be specified in all common areas, including the entry and upper terrace areas. Hose bibs should be provided in private areas such as patios and courtyards. Notations to this affect should be added to the drawing;

Note to Applicant: The irrigation system design and installation shall be in accordance with the irrigation industry of B.C. standards and Guidelines.

- (xv) design development to provide public realm details consistent with those already approved at 822 Seymour Street(DE406340);

Note to applicant: This DE includes details from the Downtown South public realm treatment such as metal tree grates with granite surrounds and bronze medallions in the corners, Downtown South benches, and leaves stamped into the sidewalk. In addition, a West Georgia Street paving pattern was used consisting of exposed aggregate banding along the edge of the sidewalk and a perpendicular band of exposed aggregate at each street tree.

- (xvi) design development to stagger the double row of street trees on Smithe and Richards Streets in order to match the pattern of street tree planting in the adjacent Downtown South streets;
- (xvii) provision at the development permit stage of a full Landscape Plan illustrating propose plant materials (common and botanical names), sizes and quantities; paving, walls, fences, light fixtures and other landscape elements; and site grading. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale;
- (xviii) provision at the development permit stage of detailed large scale (1/4" or 1:50) architectural sections and elevations, illustrating the detailed treatment of the public realm interface (street, open space, townhouse etc.) including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;

DESIGN DEVELOPMENT - CPTED (Crime Prevention through Environmental Design)

- (xix) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for:
- theft in the parking areas,
 - graffiti on the lane, and
 - mischief in alcoves and unwatched areas; and

SUSTAINABILITY

- (xx) pursue a sustainable development strategy, including use of a preliminary LEED score card, to meet the City's most current green building strategy and, if possible, achieves LEED certification.

AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- (i) Clarification of the charges on title by way of a charge summary.

Note to applicant: The summary is to include both a description of the charges and note any impacts they might have on this proposed development.

SITE CONSOLIDATION

- (ii) Consolidation of the lots involved into 2 sites (Seymour, lots 13-19) and (Richards, lots 20-27), or other arrangements to the satisfaction of the General Manager of Engineering Services, Director of Legal Services and Director of Planning.

BRIDGING OVER LANE

- (iii) the design and construction of the bridges over the lane providing vehicle and pedestrian circulation within the parkade to be to the approval of the General Manager of Engineering Services. The bridges are also to be subject to legal arrangements, to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services;

Note to Applicant: the bridge design to be revised to be of minimal dimensions to provide the intended vehicle and pedestrian circulation within the parkade and to provide open, demountable bridges with a minimum clearance to grade as established by the General Manager of Engineering Services upon review before approval of any development permit, and such other design criteria as established by the General Manager of Engineering Services.

Note to Applicant: the internal corridors, being part of the micro-offices over the lane, at the Smithe Street frontage, are not supported and are to be deleted from the design Encroachment agreement for proposed bridges over the lane.

LANE TREATMENTS

- (iv) Appropriate maintenance agreements for the proposed lane treatments. A separate application to the General Manager of Engineering Services is required.

UNDERGROUND SERVICES

- (v) Undergrounding of all new BC Hydro and Telus services from the closest existing suitable service point, including:
 - a) a review of the cabling necessary to service the site to determine any impact on the neighbourhood,
 - b) all power transformer requirements are to be fully accommodated on site,
 - c) Provision of on-site pad mounted transformers or other necessary power equipment for the development, and
 - d) Provision of connection to BC Hydro's "dual radial" power system.

STREET TREES and SIDEWALK TREATMENTS

- (vi) Provision of street trees adjacent the site where space permits.
- (vii) Provision of "Downtown South" sidewalk treatments adjacent the site.

SOILS (VANCOUVER CHARTER)

- (viii) The applicant or property owner shall provide to the City's Manager of Environmental Protection a site profile and, if necessary, a preliminary site investigation or detailed site investigation.

If it is determined that the site is contaminated or that contamination has migrated from the site onto City lands, the applicant or property owner shall enter an agreement with the City for the remediation of the contaminated lands.

HERITAGE DENSITY PURCHASE

- (ix) The purchase of 1 950 m² (21,000 sq. ft.) of heritage bonus density from a suitable donor site.

Note to applicant: Letters in the City's standard format, i.e., Letter A and B, are to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the "donor" site, and submitted to the City with receipt(s) of the heritage density purchase, including the amount, sale price, and total cost of the heritage density.

PUBLIC ART

- (x) Public art will be provided according to the Public Art Policies and Guidelines through an agreement to the satisfaction of the Managing Director of Cultural Affairs.

COMMUNITY AMENITY CONTRIBUTION

Note: Recommendations for arrangements regarding community amenity contribution will be reported to Council at the Public Hearing. (See F below.)

Note: 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.

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; 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, 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 a consequential amendment to the Downtown Official Development Plan to remove the site from all map figures be approved.
- C. THAT the application by Brook Development Planning to amend the Sign By-law to include the site in Schedule B of the By-law be approved.

- D. THAT, subject to approval of the rezoning at Public Hearing, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule A.
- E. THAT Recommendations A to D 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.
- F. THAT, given the property owner's offer of a community amenity contribution of \$6 million (cash), this contribution is accepted and is to be secured 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, and subject to the provisions of E. above, as follows:
- (i) contribution of \$2,000,000 for the pursuit of City cultural objectives to the satisfaction of the Managing Director of Cultural Affairs,
 - (ii) contribution of \$2,000,000 to the Affordable Housing Fund to the satisfaction of the Director of the Housing Centre, and
 - (iii) contribution of \$2,000,000 for park acquisition and development at Emery Barnes Park (Downtown South) to the satisfaction of the General Manager of Parks and Recreation.

CARRIED UNANIMOUSLY
(Councillor Roberts absent for the vote)

3. Text Amendment: 2001 Nanton Avenue (Arbutus Club)

An application by Stantec Architecture was considered as follows:

Summary: The proposed amendment to the CD-1 By-law would permit an underground parking structure, modest expansion of existing building and relocation of air-supported tennis bubble.

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

Staff Comments

Michael Naylor, Planner, Rezoning Centre, provided an overview of the application. In response to a query raised by a Council member when this application was referred to Public Hearing, the proposed bylaw amendments provide for accommodation for bicycle parking both within the parkade structure and adjacent the entrance to the facility.

In response to questions, Mr. Naylor advised the specific number of bike parking spaces is determined at the development permit stage, however, the proposed rezoning ensures there is adequate space available to accommodate bicycle parking. Mr. Naylor also noted that Council could choose to add another rezoning condition that a Transportation Management Plan be provided and he had prepared a possible motion for Council to consider in this regard.

Applicant Comments

Richard Bernstein, Stantec Architecture, noted the applicants were prepared to look at ways to encourage cycling and transit use as well as provide incentives for car-pooling among club members. He further advised the applicants were fully supportive of the notion of bicycle parking and the suggested Transportation Management Plan.

Summary of Correspondence

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

- one letter in conditional support of the application
- one letter opposed to the application

Speakers

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

Council Decision

MOVED by Councillor Sullivan

THAT the application by Stantec Architecture, to amend CD-1 By-law No. 4085 for 2001 Nanton Avenue (Lot B, Block 76, DL 526, Plan 11136), to permit an underground parking structure and expansion of building floor area generally as outlined in Appendix A to the Policy report entitled "CD-1 Text Amendment - 2001 Nanton Avenue (Arbutus Club)" dated May 27, 2005 be approved subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Stantec Architecture, and stamped "Received by the City Planning Department", October 13, 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, among other things, the following:

Design Development:

- (i) Design development to consider issues of scale, height and view impact as seen from the public realm and surrounding neighbourhood.
- (ii) Design development to control the glare of night lighting as seen from the public realm and surrounding neighbourhood.
- (iii) Design development to ensure compatibility between existing and proposed new structure.

Note to Applicant: Consider how the buildings interconnect and material expression.

- (iv) CPTED issues, including safety and security of the parking structure and the climb-ability of the air roof structure.

Engineering:

- (v) That the traffic management measures as described in the N.D. Lea Traffic Impact Study (draft - June 2004) will be a requirement at the development permit stage and be implemented to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services prior to issuance of any occupancy permit for this development.
- (vi) Adjustment of the proposed entry driveway width and location to avoid conflict with the existing street tree on Nanton Avenue.
- (vii) Reduction of the proposed "exit only" crossing to the minimum width necessary to serve the site.

Landscape:

- (viii) Design development to ensure that the existing green landscaped edge bordering the CP Rail lands and Nanton Avenue is maintained and enhanced as a visual amenity for the neighbourhood.

Note to Applicant: With the provision of a Certified Arborist report, confirm the safe retention of the existing Cedar hedge along Nanton Avenue in the siting of the parking and tennis bubble structure. The report should include an outline of the method of safe retention of the hedge during and after excavation for the underground parkade. If the safe retention of the portion of the cedar hedge adjacent to the excavation for the underground parking structure is not feasible, a hedge replacement to match the existing should be provided.

- (ix) Design development to provide adequate screening for the proposed parking and tennis bubble structure as viewed from Maple Crescent and from Nanton Avenue. Screening should be located on private property and consist of evergreen plantings.

Note to Applicant: Clarification should be provided for any future need for tree removals on the neighbouring CP Rail land. If construction necessitates the removal of neighbouring trees, then written permission from the owners authorizing the City to permit the removal of the trees must be provided.

- (x) Design development to ensure the retention of street trees along Nanton Avenue.

Note to Applicant: Any street tree removal should be done in consultation with the City Engineer and Park Board. Contact Eileen Curran (871-6131) of Engineering Streets Division and Bill Stephen (604 257 8587) of the Park Board.

- (xi) Provide at the development permit stage a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements. Landscape Plan should be at 1/8" = 1'-0" minimum scale. All existing street trees, and public utilities such as lamp posts, hydro poles, fire hydrants, etc. should be noted.
- (xii) Provide at the development permit stage detailed large-scale 1/4" = 1' 0" sections showing the planting depths for the proposed planters on the ground and on roof decks.

Transportation Management Plan:

- (xiii) That, prior to issuance of any related development permit, a Transportation Management Plan, including measures for vehicle trip reduction, be provided to the satisfaction of the General Manager of Engineering Services and the Director of Planning.

AGREEMENTS

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

ENGINEERING

- (i) Provide, to the satisfaction of the Director of Legal Services, a clarification of the charges on title, by way of a charge summary which shall both describe the charges and note any impact they may have on this project.
- (ii) Make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for:
 - (A) the replacement of certain utilities necessitated by the proposed development, including the following:
 - (1) the provision to the City of a Statutory Right of Way to contain replacement sewer facilities; and
 - (2) the construction of the replacement facilities within the SRW area, all at no cost to the City;
 - (B) undergrounding of all new utility services from the closest existing suitable service point.

Note to applicant: All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

COMMUNITY AMENITY CONTRIBUTION

- (iii) Deliver to the City a Community Amenity Contribution in the amount of \$60,714, as proposed by the registered owner.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Roberts

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Roberts
SECONDED by Councillor Stevenson

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 7:45 p.m.

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