

These Minutes will be adopted at the Regular Council Meeting on April 18, 2006



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
MARCH 21, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, March 21, 2006, at 7:36 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 By-laws.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
*Councillor Kim Capri
*Councillor George Chow
Councillor Heather Deal
*Councillor Peter Ladner
Councillor B.C. Lee
*Councillor Raymond Louie
Councillor Tim Stevenson

CITY CLERK'S OFFICE: Nicole Ludwig, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Stevenson

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

CARRIED UNANIMOUSLY
(Councillors Capri, Louie and Ladner absent for the vote)

1. TEXT AMENDMENT: 201 Burrard Street (Burrard Landing)

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

Summary: To amend the CD-1 By-law No. 7679 (# 363) for Burrard Landing to correct errors recently uncovered during the processing of a development application for the site at 1011 West Cordova Street.

The Director of Current Planning recommended approval.

Staff Comments

Phil Mondor, Senior Rezoning Planner, was available to respond to questions.

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Stevenson

THAT the application of the Director of Current Planning to amend CD-1 By-law No. 7679 for 201 Burrard Street, generally in accordance with Appendix A of the Policy Report dated February 14, 2006 entitled "CD-1 Text Amendment: 201 Burrard Street (Height)", be approved.

CARRIED UNANIMOUSLY

2. HERITAGE REVITALIZATION AGREEMENT: 101 West Hastings Street

An application by Henriquez Partners Architects on behalf of Westbank Projects Corp. and Peterson Investment Group Inc. was considered as follows:

Summary: Heritage Revitalization Agreement to provide incentives to secure the proposed Heritage Conservation Plan for the site. The Plan includes, in part, the rehabilitation and long term conservation of the "W" sign and the 1903-08 portion of the Woodward's Building at 101 West Hastings Street (corner of Hastings and Abbott). Recommended incentives include transferable density, Development Cost Levy relief, property tax exemption and façade grants.

The Director of Current Planning in consultation with the Director of Real Estate Services recommended approval.

Staff Opening Comments

Gerry McGeough, Senior Heritage Planner, was available to respond to questions.

Applicant Comments

Gregory Henriquez, Henriquez Partners Architects, was available to respond to questions.

Summary of Correspondence

There was no correspondence received.

Speakers

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

Staff Closing Comments

Larry Beasley, Director of Current Planning, along with Mr. McGeough, responded to questions regarding heritage density transfers and pricing, ownership of the property, and the value of the compensation package.

Council Decision

MOVED by Councillor Deal

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 101 West Hastings Street (100 West Cordova Street) to:
- secure delivery and on-going maintenance of the Heritage Conservation Plan as defined in Development Application DE 409942 and generally described as:
 - rehabilitation, protection and long-term conservation of the 1903 - 1908 portion of the Woodward's Site and the "W" sign and its support structure;
 - salvaging and re-use of architectural components of the Woodward's Site in the new development;
 - cultural memories program;
 - interpretive program;
 - interpretive mural; and
 - historical inspiration for the design of the new developments on the site.
 - vary the Development Cost Levy by-law to reduce the rate to \$0.01/m²; and
 - grant a density bonus of 187,000 sq. ft. restricted to transfer off site.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement.

- C. THAT Council require covenants to:
- make the bonus density not be available for transfer until the work in the Heritage Conservation Plan as defined in Development Permit DE 409942 is complete to the satisfaction of the Director of Planning, unless the owner secures completion of such work by a separate agreement;
 - require the retention of a qualified heritage conservation architect to provide professional services relative to all aspects of the Heritage Conservation Plan, including site supervision of all interior and exterior heritage conservation work; and
 - secure the daily hours of operation and protocols for both the illumination and rotation of the "W" sign.

And all such further agreements that are, in the opinion of the Director of Legal Services in consultation with the Director of Planning and the Managing Director of Cultural Services, required to carry out and fully affect the intent of this Report.

- D. THAT, subject to approval of A, above, Council instruct the Director of Legal Services to prepare:
- a Heritage Property Tax Exemption by-law which is not to exceed a value of \$8,140,000 or a period of ten (10) years for the commercial floor areas, whichever comes first; and
 - a Heritage Property Tax Exemption by-law which is not to exceed a value of \$3,500,000 or a period of three (3) years for the market residential floor areas, whichever comes first.
- E. THAT, if the Heritage Property Tax Exemptions receive the assent of electors, or are deemed approved by the electors under the Vancouver Charter, the Director of Legal Services bring forth two Heritage Property Tax Exemption By-laws, one for the commercial legal parcels and one for the market residential legal parcels, providing that:
- if issuance of the occupancy permit or, if more than one, of the last occupancy permit with respect to the improvements for a commercial legal parcel or a market residential legal parcel, authorized under development application number DE 409942, occurs:
 - before October 31st, the commencement date for the Heritage Property Tax Exemption for that legal parcel is to be January 1st of the next calendar year; and
 - on or after October 31st, the commencement date for the Heritage Property Tax Exemption for that legal parcel is to be January 1st of the calendar year after the next calendar year.
 - if the applicant for the development permit does not fulfil, or cause to be fulfilled, all requirements necessary to obtain issuance of an occupancy permit or, if more than one, the last occupancy permit with respect to the

work authorized for a commercial legal parcel or a market residential legal parcel pursuant to development application number DE 409942 within 60 months after the enactment date of the by-law, the by-law will expire with respect to such legal parcel.

- F. THAT, subject to the approval of A, above, Council authorizes two façade grants up to a total of \$100,000 (\$50,000 for each principal façade) with funding to be provided from the 2005 Capital Budget.
- G. THAT the agreements shall be prepared, registered and given priority to the satisfaction of the Director of Legal Services in consultation with the Director of Planning and the Managing Director of Cultural Services.

CARRIED UNANIMOUSLY

3. REZONING: 101 & 149 West Hastings Street & 150 West Cordova Street

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

Summary: To rezone the Woodward's Site from DD to CD-1 to facilitate a large, complex, mixed-used development which includes public amenity spaces that will be secured in the public domain for community use, in order that the development realizes its role as a neighbourhood centre. Rezoning approval will also increase the maximum density by the amount of an amenity bonus which will be available for off-site transfer only.

The Director of Current Planning, in consultation with the Managing Director of Cultural Services, recommended approval subject to conditions set out in the agenda of the Public Hearing.

Also before Council was a Memorandum dated March 21, 2006, entitled "Woodward's CD-1 Rezoning", in which Michael Flanigan, Deputy Director of Real Estate Services and Phil Mondor, Senior Rezoning Planner responded to questions arising from the February 28, 2006, Regular Council Meeting regarding the proposed increase in project density and changes in project design since its original presentation to Council in September 2005, and updated Council on the project budget.

Staff Opening Comments

Phil Mondor, Rezoning Planner, was available to respond to questions.

Summary of Correspondence

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

Speakers

The Mayor called for speakers for and against the application and none were present, however two representatives from the Strathcona Property Owners and Tenants Associations (SPOTA) rose to address Council regarding the WISH development proposal for 418 East Hastings Street (*brief submitted - on file*), and began to address Council in Chinese. Councillor Lee informed the representatives that they may not address Council on this matter at this time because it was not the matter before Council, and then translated what he had said into English so that all present would be informed as to what had occurred.

Staff Closing Comments

Sue Harvey, Managing Director of Cultural Services, responded to questions regarding use and allocation of community space.

Council Decision

MOVED by Councillor Deal

- A. THAT the application of the Director of Current Planning to rezone the site at 101 and 149 West Hastings Street (Lot E, Blk 4, OGT, Plan LMP40092 and Lot 11 E 46 ft., Lot 12 W 25 ft. & Lot 12 E 25 ft. of W 50 ft., Block 4, Old Granville Townsite, Plan 168) and 150 West Cordova Street (Lot B of 5 & 6, Lot 6 W 33 ft. & Lot 7 E Half, Block 4, OGT, Plan 168), (collectively the "Woodward's Site"), from Downtown District to CD-1 Comprehensive Development District, generally as outlined in Appendix A of the Policy report dated February 17, 2006 entitled "CD-1 Rezoning and Amenity Bonus: Woodward's Site (101 and 149 West Hastings Street and 150 West Cordova Street)", 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 shown in development drawings (DE409942) prepared by Henriquez Partners Architects on behalf of Westbank Projects Corp./Peterson Investment Group Inc. and approved by the Development Permit Board, provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

DEVELOPMENT APPROVAL

- (b) THAT, prior to final 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.

AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, make arrangements for the following:
- (i) execution of a Section 219 Covenant providing for the design and construction by the property owner of public amenity spaces in the development, including outdoor plaza and green space and atrium space, with a minimum area of 2 322.5 m² (25,000 sq. ft.), to be designed to the satisfaction of the Development Permit Board and to be constructed to the satisfaction of the Director of Facilities Design and Development,
 - (ii) registration of a statutory right of way to secure public access to public amenity spaces, as specified in (i) and generally as described in this report, at nominal cost and in perpetuity,
 - (iii) execution of a Section 219 Covenant providing a Community Use Agreement to the satisfaction of the Managing Director of Cultural Services, and
 - (iv) execution of a Section 219 Covenant providing an agreement to the satisfaction of the Director of Current Planning limiting development on the site to a maximum floor space ratio of 9.0 as defined in the CD-1 By-law, with related provisions, to the satisfaction of the Director of Legal Services.

Note: Where the Director of Legal Services deems appropriate, the preceding arrangements and 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.

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.

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 approval of the rezoning at Public Hearing, consequential amendments to the Parking By-law deleting references to Sub-area "C1" wherever they appear, be approved.

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law at the time of enactment of the CD-1 By-law.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Capri

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
SECONDED by Councillor Lee

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 7:52 p.m.

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