



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
JULY 18, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 18, 2006, 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 and Sign 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: Denise Salmon, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
 SECONDED by Councillor Ladner

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 Sign By-laws.

CARRIED UNANIMOUSLY

1. REZONING: 360 West 1st Avenue

An application by Scott Baldwin, Polygon Homes, was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit development of a 13-storey residential tower and a row of 3-storey townhouses in the Southeast False Creek Official Development Plan (SEFC ODP) area.

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

Also before Council were the following:

- Memorandum dated July 7, 2006, from H. Blomfield, SEFC Rezoning Planner, submitting further recommendations as noted below:

THAT Section (c) (xiv) (C) be amended to read as follows:

“the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.”

THAT Section (c) (xiv) (E) be deleted.

- Memorandum dated July 10, 2006, from H. Blomfield, SEFC Rezoning Planner, submitting a further recommendation as noted below:

THAT City Council accept the property owner's offer of a community amenity contribution of \$1,215,590 (\$11.50 per sq. ft.) and that such offer 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.

- In addition, staff drew Council's attention to the following recommendation (distributed at the meeting), which was omitted from the Summary and Recommendation "white pages":

THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

Staff Comments

John Madden, Project Planner, made a brief presentation, and drew Council's attention to the recommendations contained in the above referenced material. Mr. Madden and Karis Hiebert, Senior Planner, in response to questions from Council, provided an explanation of how the amenity contribution for this project was calculated, and the rationale for making private a previously public portion of the pedestrian pathway.

Applicant Comments

Steve Jedreicich, Vice President Development, Polygon Development Ltd. and Jim Hancock, Architect, were present to answer questions.

Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Aria Troller requested clarification on the requested amendments put forward by Mr. Madden. Larry Beasley, Director of Current Planning, provided an explanation regarding these changes.

Council Decision

MOVED by Councillor Stevenson

- A. THAT the application by Polygon Homes Ltd. to rezone 360 West 1st Avenue (Lots 4, 5, 6, 7, and 8 Block 3 District Lot 302 Plan 5832) from M-2 to CD-1, to permit a 13 storey residential building with a total density of 3.5 Floor Space Ratio, generally as presented in Appendix A to Policy Report "CD-1 Rezoning: 360 West 1st Avenue" dated June 22, 2006, 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 Hancock Bruckner Architects, and stamped "Received Planning Department, March 16, 2006", 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 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, who shall consider the following conditions:

Design Development

- (i) design development to the mid-rise form to improve the interface with the proposed mid-rise to the south across the lane;

Note to Applicant: This can be achieved by reducing the width of the southern portion of the mid-rise.

- (ii) design development to provide improved daylight access and privacy to residential units;

Note to Applicant: The objective is to maintain approximately 24.4 m separation between main living spaces facing each other above the 2nd floor across Crowe Street. Primary living spaces for units adjacent to the lane are to be oriented east or west.

- (iii) design development to provide improved interface between the ground level open space on site and the public lane;

Note to Applicant: A fully public setback is to be provided adjacent to the lane including walking area with specialty paving, bench seating, lighting and landscaping. The remainder of the open space should transition from public, semi-private to private open spaces striving not to use fencing or gating.

- (iv) provide high quality, durable architectural materials and detailing including rain protection overhangs;
- (v) provision of 50 percent roof coverage to be 'green roofs'. Intensive 'green roofs' and gardening uses are encouraged;

Crime Prevention Through Environmental Design (CPTED)

- (vi) design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for;
 - theft in the underground parking;
 - residential break and enter;
 - mail theft;
 - vandalism such as graffiti.

Landscape Design

- (vii) Public Realm Treatment:
 - provision of semi-public and semi-private spaces that are consistent with the South East False Creek Public Realm Plan. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities;
- (viii) Open Space & Landscape Treatment:
 - provision at time of development permit application of a detailed rationale outlining intent for the specific programming of individual outdoor spaces and landscape structures, including overall use, pedestrian capacity, storage (e.g., compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat);
 - provision of continuous soil trough to establish climbing plants on walls and structures;
 - provision of durable landscape materials and structures such as plant specific soils, durable planters, wall trellis structures;
- (ix) Technical:
 - Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Reconfigure underground

parking design to increase soil depth for planting. Planted areas adjacent to structures and on slab to contain continuous soil volumes. Underground parking to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting depth for inner boulevard trees and planters;

- provision of large scale partial plans, elevations and sections illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, semi-private patios and privacy screens;
- provision at time of development permit application of a lighting plan;
- provision of hose bibs for all patios that cannot be serviced using at grade non-potable water;
- provision at time of development permit application of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees to be retained, paving, walls, fences, light fixtures and other landscape elements, including site grading. Proposed plant materials are to be clearly illustrated on the Landscape Plan. The Landscape Plan is to be at 1:100 (1/8" = 1'-0");

(x) Trees:

- protect lane edge trees and planting from vehicular impacts by providing metal tree surrounds, bollards or low curbs as needed;

Bicycle Parking

- (xi) design development to provide bicycle parking spaces meeting Parking By-law requirements;

Universal Design

- (xii) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" as outlined in Appendix F;

Environmental Sustainability

- (xiii) applicant to work with staff through best efforts, to achieve the SEFC green building strategy and meet a minimum LEED™ Silver Canada Certified standard (with a target of 36 points), including City of Vancouver prerequisites (with full LEED™ registration and documentation) or equivalency;

Energy

- (xiv) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;

- (xv) provide full building design to meet ASHRAE 90.1 2004 in its entirety (with the exception of outright energy efficiency, which is covered under provision "xiii", above) including:
- improved envelope options such as "continuous insulation", increased r-values, and thermal breaks for balconies and slab extensions
 - energy efficient lighting
 - air exchange effectiveness
 - full best practice building systems commissioning
 - daylighting
 - provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning outlining provision for this service is to be submitted at the time of application for Building Permit.

- (xvi) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the "district heating system" proposed for the area;
- (xvii) provide vertical glazing to a maximum of 40% or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
- (xviii) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xix) provide climate zone control for residential and live-work units;
- (xx) provision of fireplaces listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights; interrupted power ignition is preferred.

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Stormwater Management and Green Roofs

- (xxi) provision of a green roof (including useable, intensive roof and/or inaccessible, extensive roof) on principle building roofs;
- (xxii) provision of effective impervious area of no more than 60 percent of total site area with 30 percent of useable intensive green roof area in soft landscape (this includes drop off areas, walkways rooftops and plazas);
- (xxiii) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;

- (xxiv) design development to reduce the use of potable water for irrigation through the provision of a stormwater retention system (i.e., cistern, on-site pond, infiltration galleries, etc.);

Note to Applicant: Provide a stormwater retention system separated from the potable water system (dual system) for the irrigation of the ground level semi-private open spaces and public realm landscaping is to be sized for the summer drought periods. In addition, water storage for the roof top shared open space is to be considered. All hose bibs are to be served with potable water unless clearly indicated otherwise. This system is to be designed in coordination with Building - Processing.

- (xxv) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition (c) iv)

- (xxvi) provision of green roof design to meet structural load, soil depths, and access & egress conditions necessary for an intensive green roof/urban agriculture (regardless of initial roof design - intensive or extensive);

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (xxvii) provide low water use plumbing fixtures at or below 1.8gpm for faucets and showerheads and 6L/3L dual flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Urban Agriculture

- (xxviii) design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number to be productive and viable. The total amount of gardening spaces to be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes;

Building Durability

- (xxix) provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

- (xxx) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit ensuring that a minimum of 75 percent landfill diversion through the construction process;

AGREEMENTS

- (c) THAT, 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 registered owner shall:

ENGINEERING

Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- i) Consolidation of lots 4,5,6,7 and 8, Blk. 3, DL 302, Plan 5832 prior to any development permit being issued for the site.
- ii) Dedication of the north 0.8m of the site for road purposes. (The plans are to be amended to reflect dedication not a Statutory Right of Way as currently shown.)
- iii) Upgrading or extension of the storm sewer system to meet the SEFC stormwater management plan. (Note: the application does not currently contain enough detail to determine this, further clarification is required).
- iv) Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC Public Realm Plan.
- v) Improvements to the lane south of 1st Ave from Crowe Street to the west property line of the site in keeping with the final SEFC Public Realm Plan.
- vi) Release of indemnity agreement 30778M prior to occupancy of the building.
- vii) Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. 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.
- viii) Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system.
- ix) Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.
- x) Provide a shared vehicle ramp with knock-out panel for future access to underground parking and services for adjacent site.
- xi) make arrangements to the satisfaction of the General Manager of Engineering Services, in consultation with the Director of Planning, for:

- (A) the provision, operation, and maintenance of one cooperative vehicle and the provision and maintenance of one parking space for use exclusively by such cooperative vehicle, such parking space is to be in addition to the minimum parking spaces required by the Parking bylaw, and;
- (B) designation of one visitor or surplus parking space which is publicly accessible for future use by a cooperative vehicle.

SOILS

- xii) the property owner shall, as required by the Manager of Environmental Protection 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.
- xiii) execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection.

OLYMPIC SECURITY REQUIREMENTS

- xiv) Prior to enactment of the CD-1 By-law, the registered owner of the Lands (the "Owner") shall:
 - enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alia, provide for the following:
 - (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements") at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010:
 - i. cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 - ii. not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;

- (B) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner;
- (C) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games; and
- (D) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel.

The Security Agreement shall be fully registered in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as 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 Recommendation 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; 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.
- C. THAT City Council accept the property owner's offer of a community amenity contribution of \$1,215,590 (\$11.50 per sq. ft.) and that such offer 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.
- D. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

CARRIED UNANIMOUSLY

2. REZONING: 311 West 2nd Avenue

An application by Laurie Schmidt, Brook Development Planning, was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit a mixed use development, a 10-storey tower connecting to a 5-storey building each with 2-storey live-work units at grade and residential units above in the Southeast False Creek Official Development Plan (SEFC ODP) area.

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

Also before Council were the following:

- Memorandum dated July 7, 2006, from G. Miller, SEFC Rezoning Planner, submitting further recommendations as noted below:

THAT Section (c) (xiv) (C) be amended to read as follows:

“the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.”

THAT Section (c) (xiv) (E) be deleted.

- Memorandum dated July 10, 2006, from G. Miller, SEFC Rezoning Planner, submitting a further recommendation as noted below:

THAT City Council accept the property owner’s offer of a community amenity contribution of \$972,078 (\$11.50 per sq. ft.) and that such offer 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.

- In addition, staff drew Council's attention to the following recommendation (distributed at the meeting), which was omitted from the Summary and Recommendation "white pages":

THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

Staff Comments

John Madden, Project Planner, made a brief presentation, and drew Council's attention to the recommendations contained in the above referenced material.

Applicant Comments

Laurie Schmidt, Development Consultant, Brook and Associates, and Jim Hancock, Architect, were available to answer questions.

Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Deal

- A. THAT the application by Brook Development Planning to rezone 311 West 2nd Avenue (Lot C, Block 3, DL 302, Plan 22772) from M-2 to CD-1, to permit a 10 storey mixed use building with a total density of 3.5 Floor Space Ratio, generally as presented in Appendix A to Policy Report "CD-1 Rezoning: 311 West 2nd Avenue" dated June 22, 2006, 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 HB/IBI Architects and stamped "Received City Planning Department, March 27, 2006", 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 provide improved interface between the ground level open space on site and the public lane;

Note to Applicant: A fully public setback is to be provided adjacent to the lane including walking area with specialty paving, bench seating, lighting and landscaping. The remainder of the open space should transition from public, semi-private to private open spaces striving not to use fencing or gating.

- (ii) design development to the roof mechanical penthouse/roof access to provide a form and material treatment as an extension of the building architecture;
- (iii) provide high quality, durable architectural materials and detailing including rain protection overhangs;
- (iv) design development to treat the exposed end wall at the western property line through variations in colour and texture;
- (v) design development to provide improved daylight access and privacy;

Note to Applicant: The objective is to maintain approximately 24.4 m separation between main living spaces facing each other above the 2nd floor across Crowe Street. Primary living spaces for units adjacent to the lane are to be oriented east or west.

CPTED

- (vi) design development to reduce opportunities for theft in the underground;

Note to Applicant: This can be achieved by providing separation between the live-work parking and the residential. Visitor parking may be provided in the live-work parking area.

- (vii) design development to reduce opportunities for mischief by deleting the free-standing exit stair at the lane and replacing with a walkway on the side of the parking ramp;
- (viii) design development to reduce opportunities for mail theft by locating the mail boxes within a fully enclosed room or in the lobby are to be fully visible to the elevators;

Landscape

Technical

- (ix) Provide a full Landscape Plan at the Development Permit application stage;
- (x) The Landscape Plan should clearly note proposed paving, walls, fences, light fixtures and other landscape elements including site grading; all existing street trees and public utilities such as lamp posts, hydro poles, fire hydrants, etc., and the proposed landscape design illustrating proposed plant materials (common and botanical names), sizes and quantities keyed to a planting schedule. Plans to be at 1/8"=1'-0" minimum scale;
- (xi) Provide large scale 1/4"=1'-0" or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane; include planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi private patios, and privacy screens. Provide technical drawings of storm water recycling. Clarify "storm spouts" with section/elevation detail;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, are to be designed to provide maximum plant growth (exceed BCLNA Landscape Standard). Underground parking roofs may need to be reconfigured to increase soil depth. Underground parking to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting depth for inner boulevard trees and shrubs. Continuous soil troughs for street and lane trees and climbing plants for green walls are to be provided wherever possible;

- (xii) Provide a Lighting Plan for each site;

(xiii) Provide hose bibs for all patios that cannot be serviced by at grade non-potable water;

(xiv) Lane trees are to be protected with stand up metal tree guards, low curbs or bollards;

Universal Design

(xv) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria" as outlined in Appendix F;

Environmental Sustainability

(xvi) applicant to achieve the SEFC green building strategy and meet a minimum LEED™ Silver Canada Certified standard (with a target of 36 points), including City of Vancouver prerequisites (with full LEED™ registration and documentation) or equivalency;

Energy

(xvii) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;

(xviii) provide full building design to meet ASHRAE 90.1 2004 in its entirety (with the exception of outright energy efficiency, which is covered under provision "xvii", above) including:

- improved envelope options such as "continuous insulation", increased r-values, and thermal breaks for balconies and slab extensions;
- energy efficient lighting;
- air exchange effectiveness;
- full best practice building systems commissioning;
- daylighting; and
- provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning outlining provision for this service is to be submitted at the time of application for Building Permit.

(xix) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the "district heating system" proposed for the area;

(xx) provide vertical glazing to a maximum of 40 percent or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;

(xxi) provide roughed-in capacity for future individual metering for energy and water supplies;

- (xxii) provide climate zone control for residential and live-work units;
- (xxiii) provision of fireplaces listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights; interrupted power ignition is preferred.

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Stormwater Management and Green Roofs

- (xxiv) provision of a green roof (including useable, intensive roof and or inaccessible, extensive roof) on principal building roofs;
- (xxv) provision of effective impervious area of no more than 60 percent of total site area with 30 percent of useable intensive green roof area in soft landscape (this includes drop off areas, walkways rooftops and plazas);
- (xxvi) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- (xxvii) design development to reduce the use of potable water for irrigation through the provision of a stormwater retention system (i.e. cistern, on-site pond, infiltration galleries, etc.);

Note to Applicant: Provide a stormwater retention system separated from the potable water system (dual system) for the irrigation of the ground level semi-private open spaces and public realm landscaping is to be sized for the summer drought periods. In addition, water storage for the roof top shared open space should be considered. All hose bibs to be served with potable water unless clearly indicated otherwise. This system is to be designed in coordination with Building - Processing.

- (xxviii) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition "c iii");
- (xxix) provision of green roof design to meet structural load, soil depths, and access & egress conditions necessary for an intensive green roof/urban agriculture (regardless of initial roof design - intensive or extensive);
Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (xxx) provide low water use plumbing fixtures at or below 1.8 gpm for faucets and showerheads and 6L/3L dual flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Urban Agriculture

- (xxxi) design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number are to be productive and viable. The total amount of gardening spaces is to be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes;

Note to Applicant: Explore opportunities to expand the area designated for garden plots, e.g. by using the green roof panels on the tower roof, so that a minimum of 30 percent of the units without private garden space (not balconies) have access to a private garden plot. Note that the existing garden plots of approximately 4 by 12 ft. can be counted as 2 plots if needed to reach the 30 percent goal. Regarding the relationship between the proposed play areas and the proposed garden plots on Landscape level 1, explore opportunities to further integrate these areas in order to facilitate children's involvement in gardening and to support parent's ability to garden and monitor children's activities.

Building Durability

- (xxxii) provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

- (xxxiii) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit ensuring that a minimum of 75 percent landfill diversion through the construction process;

AGREEMENTS:

- (c) That 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 registered owner shall:
ENGINEERING

Make Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- (i) Dedication or other arrangements for the south 5'-0" of the site for road purposes. (should the parkade design require use of this proposed dedication

- area to achieve an approvable parkade design then Engineering would support this area as a surface right of way for public use in lieu of full dedication);
- (ii) Provision of a 1.5 m Right of Way along the north property line of the site (the lane) for pedestrian purposes;
 - (iii) Upgrading or extension of the storm sewer system to meet the SEFC stormwater management plan. (Note the application does not currently contain enough detail to determine this, further clarification is required.);
 - (iv) Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent to the site in keeping with the final SEFC Public Realm Plan requirements;
 - (v) Improvements to the lane south of 1st Avenue from Crowe Street to the west property line of the site in keeping with the final SEFC Public Realm Plan approvals;
 - (vi) Release of indemnity agreements 67629H and GD48106 and easement and indemnity agreements 189341M, 269280M, GD48105 and GD48107 prior to occupancy of the building;
 - (vii) Undergrounding of all existing and new utility services from the closest existing suitable service point. 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;
 - (viii) Provision of 3 streams of waste removal for the development. (Regular garbage, recyclable materials and organics.) The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system;
 - (ix) Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area;
 - (x) Provision of a shared vehicle ramp with knock-out panel for future access to underground parking and services for adjacent site;
 - (xi) make arrangements to the satisfaction of the General Manager of Engineering Services, in consultation with the Director of Planning for:
 - (A) the provision, operation, and maintenance of one cooperative vehicle and the provision and maintenance of one parking space for use

- exclusively by such cooperative vehicle, such parking space to be in addition to the minimum parking spaces required by the Parking bylaw and;
- (B) designation of one visitor or surplus parking space which is publicly accessible for future use by a cooperative vehicle.

SOILS

- (xii) the property owner shall do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion;
- (xiii) execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificate of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection;

OLYMPIC SECURITY REQUIREMENTS

Prior to enactment of the CD-1 By-law, the registered owner of the Lands (the "Owner") shall:

- (xiv) enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alia, provide for the following:
 - (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements) at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010;
 - i. cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 - ii. not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
 - (B) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any

buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner;

- (C) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games;
- (D) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel.

The Security Agreement shall be fully registered in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as 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 Recommendation 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; 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.
- C. THAT City Council accept the property owner's offer of a community amenity contribution of \$972,078 (\$11.50 per sq. ft.) and that such offer 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.
- D. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

CARRIED UNANIMOUSLY

3. REZONING: 2-88 West 1st Avenue, 2-26 East 1st Avenue and 27-99 West 2nd Avenue

An application by Brian Martin, Pinnacle International (West First) Plaza Inc., was considered as follows:

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit development of 6 primarily residential mid-rise buildings ranging from 4 to 15 storeys with commercial at grade on Manitoba St. in the Southeast False Creek Official Development Plan (SEFC ODP) area.

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

Also before Council were the following:

- Memorandum dated July 7, 2006, from J. Madden, SEFC Rezoning Planner, submitting further recommendations as noted below:

THAT Section (c) (xiv) be amended to add the following as Section (c) (xiv) (I):

“(I) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.”

THAT Section (c) (xivi) (C) be amended to read as follows:

“the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.”

- Memorandum dated July 10, 2006, from J. Madden, SEFC Rezoning Planner, submitting a further recommendation as noted below:

THAT City Council accept the property owner’s offer of a community amenity contribution of \$4,140,316 (\$11.50 per sq. ft.) and that such offer 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.

- In addition, staff drew Council's attention to the following recommendation (distributed at the meeting), which was omitted from the Summary and Recommendation "white pages":

THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

Staff Comments

John Madden, Project Planner, made a brief presentation, and drew Council's attention to the recommendations contained in the above referenced material. Mr. Madden, together with Larry Beasley, Director of Current Planning, responded to questions from Council related to transfer of heritage density and the workings of the City's Heritage Revitalization Agreements.

Applicant Comments

Brian Martin, Vice President Development, Pinnacle International, and John Bingham, Architect, were available to answer questions.

Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Capri

- A. THAT the application by Pinnacle International (West First) Plaza Inc. to rezone 2 - 88 West 1st Avenue (E1/2 of Lot1, W1/2 of Lot 1, Lots 2-8, Blk 9, DL 200A, Plan 197), 27 - 99 West 2nd Avenue (Lots 11-16, Blk 9, DL 200A, Plan 197) and 2 - 26 East 1st Avenue (Lots 1-3, Blk 8, DL 200A, Plan 197) from M-2 to CD-1 (Comprehensive Development District), generally as presented in Appendix A to Policy Report "CD-1 Rezoning: 2 - 88 West 1st Avenue, 2 - 26 East 1st Avenue and 27 - 99 West 2nd Avenue" dated June 23, 2006, 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 Howard Bingham Hill Architects, and stamped "Received Planning Department, March 24, 2006", 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 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, who shall consider the following conditions:

DESIGN DEVELOPMENT - GENERAL

- (i) design development to achieve an architectural response to the tower on Sub-Area 3 which emphasizes the landmark focus as seen from points north;
- (ii) design development to provide improved daylight access and privacy to residential units;

Note to Applicant: The objective is to maintain approximately 24.4 m separation between main living spaces facing each other above the 2nd floor across Ontario and Manitoba Streets. Primary living spaces for units adjacent to the lane should be oriented east or west;

- (iii) provide high quality, durable architectural materials and detailing including rain protection overhangs;
- (iv) consideration to provide a shared roof amenity on the roof of the mid-rises;

CPTED (Crime Prevention through Environmental Design)

- (v) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:
- theft in the underground parking areas,
 - providing full secure separation for residential uses and parking,
 - residential break and enter,
 - mischief such as graffiti and alcove areas, and
 - increasing the defensibility of the ground level pathway,

LANDSCAPE DESIGN

Public, Semi-Public Realm Treatment

- (vi) provision of semi-public and semi-private spaces that are consistent with the South East False Creek Public Realm Plan. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities;
- (vii) design development to provide a more public lane interface with the ground level open space on site;

Note to Applicant: A fully public setback to be provided adjacent to the lane including walking area with specialty paving, bench seating, lighting and landscaping. The remainder of the open space should transition from public, semi-private to private open spaces striving not to use fencing or gating.

Technical

- (viii) provision at time of development permit application of a full Landscape Plan illustrating propose plant materials (common and botanical names), sizes and quantities; notation of existing trees to be retained, paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The landscape plan should be at 1:100 (1/8" = 1'-0") minimum scale;
- (ix) provision of large scale (1/4"=1' or 1:50) partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the streets and lanes; including planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios, and privacy screens;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Underground parking roofs may need to be reconfigured to increase soil depth. Underground parking to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting

depth for inner boulevard trees and planters. Continuous soil troughs for street and lane trees and climbing plants for walls should be provided wherever possible.)

- (x) provision at the time of development permit application of a Lighting Plan for each site;
- (xi) provision of hose bibs for all patios that cannot be serviced by at grade non-potable water;

Specific Landscape Conditions

- (xii) provision of a landscape plan for the two intensive green roofs for Building B in Sub-area 1 and Building B in Sub-area 2. Page 11 of the design rational describes these roofs as amenity spaces for the residents. These intensive green roofs spaces should contain common space for use by all the building occupants as well as private patios. Their design should incorporate the collection and passage of water to areas of water storage;

Note to Applicant: A detailed program and a landscape plan for these intensive green roofs will ensure clear functionality and good design. For instance, gardening plots may require special watering facilities, storage of tools, and compost areas nearby, or risk being non-viable. Rooftop gardens may have special access or have safety requirements. Many spaces will have a multi-functional component with passive and active uses combined.

- (xiii) provision of landscape elevations illustrating the buildings with the proposed landscape treatment at the lane edge;

Bicycle Parking

- (xiv) design development to provide bicycle parking spaces meeting Parking By-law requirements;

ENVIRONMENTAL SUSTAINABILITY

- (xv) applicant to achieve the SEFC Green Building Strategy and meet a minimum LEED™ Silver Canada Certified standard (with a target of 36 points), including City of Vancouver prerequisites (with full LEED™ registration and documentation) or equivalency;

Energy

- (xvi) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;

- (xvii) provide full building design to meet ASHRAE 90.1 2004 in its entirety (with the exception of outright energy efficiency, which is covered under provision "xvii", above) including:
- improved envelope options such as "continuous insulation", increased r-values, and thermal breaks for balconies and slab extensions
 - energy efficient lighting
 - air exchange effectiveness
 - full best practice building systems commissioning
 - daylighting
 - provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning outlining provision for this service to be submitted at the time of application for Building Permit.

- (xviii) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the "district heating system" proposed for the area;
- (xix) provide vertical glazing to a maximum of 40 percent or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
- (xx) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxi) provide climate zone control for residential and live-work units;
- (xxii) provision of fireplaces listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights; interrupted power ignition is preferred;

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

Stormwater Management and Green Roofs

- (xxiii) provision of a green roof (including a useable, intensive roof and/or inaccessible, extensive roof) on principle building roofs;
- (xxiv) provision of effective impervious area of no more than 60 percent of total site area with 30 percent of useable intensive green roof area in soft landscape (this includes drop off areas, walkways rooftops and plazas);

- (xxv) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- (xxvi) design development to reduce the use of potable water for irrigation through the provision of a stormwater retention system (i.e., cistern, on-site pond, infiltration galleries, etc.);

Note to Applicant: Provide a stormwater retention system separated from the potable water system (dual system) for the irrigation of the ground level semi-private open spaces and public realm landscaping to be sized for the summer drought periods. In addition, water storage for the roof top shared open space to be considered. All hose bibs to be served with potable water unless clearly indicated otherwise. This system to be designed in coordination with Building - Processing.

- (xxvii) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition "c iii");
- (xxviii) provision of green roof design to meet structural load, soil depths, and access & egress conditions necessary for an intensive green roof/urban agriculture (regardless of initial roof design - intensive or extensive);

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (xxix) provide low water use plumbing fixtures at or below 1.8 gpm for faucets and showerheads and 6L/3L dual flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision for these features to be submitted at the time of application for Building Permit.

Urban Agriculture

- (xxx) Design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number to be productive and viable. The total amount of gardening spaces should be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes;

Note to Applicant: Explore opportunities to expand the area designated for garden plots, e.g. by using the green roof panels on the tower roof, so that a minimum of 30 percent of the units without private garden space (not balconies) have access to a private garden plot. Note that the existing garden

plots of approximately 4 by 12 ft. can be counted as 2 plots if need to reach the 30 percent goal. Regarding the relationship between the proposed play areas and the proposed garden plots on Landscape level 1, explore opportunities to further integrate these areas in order to facilitate children's involvement in gardening and to support parent's ability to garden and monitor children's activities.

Building Durability

- (xxxi) provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

- (xxxii) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit ensuring that a minimum of 75 percent landfill diversion through the construction process;

UNIVERSAL DESIGN

- (xxxiii) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" as outlined in Appendix F.

AGREEMENTS

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

ENGINEERING

Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:

- i make arrangements to the satisfaction of the General Manager of Engineering Services, in consultation with the Director of Planning, for:
 - a. the provision, operation, and maintenance of two Co-operative Vehicles and provision and maintenance of two Co-operative Parking Spaces for the use exclusively by such cooperative vehicles, such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw; and
 - b. designation of four visitor or surplus parking spaces which are to be publicly accessible for future use by cooperative vehicles.

Sub-Area 1- W½ and E½ of Lot 1 & Lots 2-8, Blk 9, DL 200A, Plan 197

- ii Consolidation of all lots comprising sub-area 1 into a single lot.
- iii Dedication as road of a triangular portion of the site at the northwest corner for open space (plaza) purposes with the potential option of a portion for road.
- iv Dedication of the north 0.8 m of proposed site for road purposes. Delete all encroachments and structures shown beyond the proposed property line.
- v Dedication or other arrangements for the east 5 ft. of proposed sub-area 1 for road purposes. Delete all encroachments and structures shown beyond the proposed property line. (Should the parkade design require use of this proposed dedication area to achieve an approvable parkade design then Engineering may support this area as a surface right of way for public use in lieu of full dedication.)
- vi Provision of a 1.5 m right of way along the south property line of the site (adjacent the lane) for pedestrian purposes.
- vii Provision of appropriate rights of way for public use of the plaza area with access to, from and within the "plaza area with water feature".
- viii Discharge of any crossing agreement made unnecessary by the development, prior to occupancy of the building.
- ix Resolution of annexed easement No. 221860M (over portions of lot 10).
- x Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements.
- xi Improvements to the lane south of 1st Avenue from Manitoba Street to Ontario Street in keeping with the final SEFC public realm design approvals.
- xii Provision of water system upgrading to service the proposed development. Note: Water system designs must be completed for the area to determine the need and extent of required system upgrading including pre-servicing needs. Further clarification regarding community gardens servicing is also required before extent of upgrading can be determined.
- xiii Abandonment of the existing 1953 sewer in the lane south of 1st Avenue between Manitoba and Ontario streets. This will require that all storm water flows towards Manitoba Street. Lane grading and design will need development to ensure City drainage needs are met for sewer abandonment.
- xiv Provision of storm system design to meet the development's storm water management plan. (Stantec's plans dated December 6, 2005.) Drawings indicate the inclusion of storm water runoff from sub-area 1 & 2 in this development to Hinge Park wetland. To implement this plan a storm sewer will have to be built at the developers sole expense in the lane south of 1st Avenue from Columbia Street to east of Manitoba Street. Note: Alternatively, storm water from development sites on First and Second avenues at Crowe Street could be substituted.
- xv Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. 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.

- xvi Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal including fully outfitted areas that can be made active upon implementation of organics collection system.
- xvii Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.

Sub-Area 2 - Lots 11-16, Blk 9, DL 200A, Plan 197

- xviii Consolidation of all lots comprising sub-area 2 into a single lot.
- xix Dedication of the south 5 ft. of proposed sub-area 2 is required for road purposes. (Should the parkade design require use of this proposed dedication area to achieve an approvable parkade design, then Engineering may support this area as a surface right of way for public use in lieu of full dedication.)
- xx Provision of a 1.5 m right of way along the north property line of the site (the lane) for pedestrian purposes.
- xxi Discharge of any crossing agreement made unnecessary by the development, prior to occupancy of the building.
- xxii Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements.
- xxiii Improvements to the lane south of 1st Avenue from Manitoba Street to the east property line of the site in keeping with the final SEFC public realm design approvals.
- xxiv Provision of water system upgrading to service the proposed development. Note: Water system designs must be completed for the area to determine the need and extent of required system upgrading including pre-servicing needs. Further clarification regarding community gardens servicing is also required.
- xxv Abandonment of the existing 1953 sewer is in the lane south of 1st Avenue between Manitoba and Ontario streets. This will require that all storm water flows towards Manitoba Street. Lane grading and design will need development to ensure City drainage needs are met.
- xxvi Provision of storm system design to meet the development's storm water management plan. (Stantec's plans dated December 6, 2005.) Drawings indicate the inclusion of storm water runoff from sub-area 1 & 2 in this development to Hinge Park wetland. To implement this plan a storm sewer will have to be built fully at the developers expense in the lane south of 1st Avenue from Columbia to east of Manitoba streets. Note: Alternatively, storm water from development sites on First and Second avenues at Crowe Street could be substituted.
- xxvii Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. 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.

- xxviii Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system.
- xxix Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.

Sub-Area 3- Lots 1-3, Blk 8, DL 200A, Plan 197

- xxx Consolidation of all lots comprising sub-area 3 into a single lot.
- xxxi Dedication of the north 0.8 m of proposed site for road purposes. Delete all encroachments and structures shown beyond the proposed property line.
- xxxii Dedication or other arrangements for the west 5 ft. of proposed site for road purposes. Delete all encroachments and structures shown beyond the proposed property line. (Should the parkade design require use of this proposed dedication area to achieve an approvable parkade design then Engineering would support this area as a surface right of way for public use in lieu of full dedication.)
- xxxiii Provision of a 1.5 m right of way along the south property line of the site (adjacent the lane) for pedestrian purposes.
- xxxiv Discharge of any crossing agreement made unnecessary by the development, prior to occupancy of the building.
- xxxv Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements.
- xxxvi Improvements to the lane south of 1st Avenue from Ontario Street to the east property line of the site in keeping with the final SEFC public realm design approvals.
- xxxvii Provision of water system upgrading to service the proposed development. Note: Water system designs must be completed for the area to determine the need and extent of required system upgrading including pre-servicing needs. Further clarification regarding community gardens servicing is also required.
- xxxviii Provision of a storm sewer extension in the lane south of 1st Avenue between Ontario and Quebec streets to provide drainage for the west end of the lane. This condition could be reduced or eliminated upon completion of detailed road designs that do not require the provision of catch basins for this lane.
- xxxix Undergrounding of all *existing* and *new* utility services from the closest existing suitable service point. 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.

- xl Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system.
- xli Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area.
- xlii Provision of a shared vehicle ramp with knock-out panel for future access to underground parking and services for adjacent site.

SOILS

- xliii The property owner shall, as required by the Manager of Environmental Protection 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.
- xliv Execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection.

OLYMPIC SECURITY REQUIREMENTS

For Sub-Area 1 and Sub-Area 3 the following condition shall apply:

- xlv enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alia, provide for the following:
 - (A) the Owner may make application for a development permit and a building permit pursuant to the Rezoning at any time, provided however that if the Owner commences construction of the improvements permitted pursuant to the Rezoning (the "Improvements"), the Improvements shall be completed, at a minimum, to "lock down" (including, without limitation, completion of all doors and windows to the satisfaction of the City's Chief Building Official) on or before January 12, 2010;
 - (B) prior to issuance of any building permit for the Improvements, the Owner shall be required to lodge a letter of credit with the City, on terms acceptable to the Director of Legal Services, in an amount deemed adequate by the Chief Building Official, in his sole opinion, to secure completion of the Improvements to lock down prior to January 12, 2010;

- (C) the Owner acknowledges and agrees that the Chief Building Official shall inspect the Improvements on or before October 12, 2009 and shall determine whether or not, in his opinion, the Improvements will be completed to lock down prior to January 12, 2010. If the Chief Building Official is not satisfied that lock down will be achieved by January 12, 2010, the Chief Building Official may order that the Owner take all necessary steps to ensure that lock down can be achieved by January 12, 2010 and the Owner shall take all necessary steps to do so at the Owner's cost. Alternatively, the Chief Building Official may, in his sole discretion, permit the City, or its permittees or licensees to complete the Improvements to lock down, at the cost and risk of the Owner;
- (D) the Owner acknowledges and agrees that notwithstanding that the Owner may construct the Improvements, the Owner may not occupy, or permit occupation of the Improvements, other than for site servicing, construction, maintenance and security purposes, prior to January 12, 2010;
- (E) the Owner shall not access or use the Lands for any purpose other than maintenance of and security for the Improvements during the period between January 12, 2010 and p.m. March 12, 2010. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
- (F) the Owner shall permit the City and its permittees and licensees, including without limitation the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games ("VANOC") and any security organizations responsible for security for the 2010 Olympic Winter Games, to enter the Lands and any buildings and improvements located thereon at any time, and from to time, from December 1, 2009 to January 11, 2010 for security planning purposes and from January 12, 2010 to March 12, 2010 for any security purposes they deem necessary or desirable for the purpose of providing security protection for the Vancouver Olympic Village;
- (G) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner; and

- (H) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel;
- (I) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games.

The Security Agreement shall be fully registered against title to the Lands in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

For Sub-Area 2 the following condition shall apply:

- xlvi enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alia, provide for the following:
 - (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements") at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010:
 - 1) cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 - 2) not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;

- (B) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner;
- (C) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games; and
- (D) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel;

The Security Agreement shall be fully registered in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

PUBLIC ART

- xlvi Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs 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;
- xlvi Submit a preliminary public art plan to the satisfaction of the Director, Office of Cultural Affairs setting out the proposed public art program aims, artist terms of reference, site and artist selection methods, project budget, implementation plan and a schedule; and

HERITAGE DENSITY

- (xlix) execute a Section 219 Covenant to the satisfaction of the Directors of Current Planning and Legal Services limiting development on the site to a maximum floor area of 33 446.70 m², such covenant to be released from title when the floor area of 696.53 m² has been transferred from a designated heritage property within the South East False Creek Official Development Plan area in relation to which the heritage floor area was received as compensation for the restoration of the heritage site.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as 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 Recommendation 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; 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.
- C. THAT City Council accept the property owner's offer of a community amenity contribution of \$4,140,316 (\$11.50 per sq. ft.) and that such offer 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.

- D. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (DD) be approved.

CARRIED UNANIMOUSLY

4. REZONING: 3203-3229 West 10th Avenue

An application by Robert Turecki, Robert Turecki Architect, was considered as follows:

Summary: To rezone from RS-5 One-Family Dwelling District to CD-1 Comprehensive Development District to permit development of 20 dwelling units on an existing commercial parking lot.

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

Also before Council was the following:

- Memorandum dated July 4, 2006, from J. Baxter, Rezoning Planner, submitting further recommendation as noted below:
- C. That the Proposed Conditions of Approval, Appendix C, page 4 of 5 be amended as follows (bold italics denotes changes):
1. Condition (c) (iii) to be amended to read "make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services ***to provide and maintain a minimum of 37 parking spaces on the rezoned lands for the benefit of the lands located at 3204 West Broadway (Lot 6, Block 59, D.L. 540, Plan 229)***;
 2. Condition (c) (v) to be amended to read "make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared ***equally*** between the City and the developer;
 3. Condition (c) (vi) to be amended to read "make arrangements, to the satisfaction of the General Manager of Engineering Services, for the undergrounding of all new utility services from the closest existing suitable service point. 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.

Staff Opening Comments

Rob Jenkins, Assistant Director, Current Planning Initiatives Branch, provided historic background on the project, noted neighbourhood concerns and meetings held to address those concerns, and provided highlights of the application currently before Council. Mr. Jenkins also drew Council's attention to staff's additional recommendations contained in the above referenced memorandum. Larry Beasley, Director of Current Planning, in response to a question from Council, advised that the applicant has agreed to secure eight residential market rental units for a period of fifteen years, rather than ten years, as previously agreed.

Applicant Opening Comments

Robert Turecki, Architect, provided Council with an overview of the process and initiatives undergone to date to address concerns of some neighbours, and also explained why approval of the development would not set a precedent. Mr. Turecki noted the development would provide much needed affordable housing in the neighbourhood, with both the character and smaller scale of nearby buildings reflected in his development. Mr. Turecki also noted financial support for the 10th and Trutch traffic signal would be provided, as well as additional parking to help alleviate neighbourhood congestion. Also submitted by Mr. Turecki were results/responses to his survey (on file in City Clerk's Office) of neighbourhood residents which requested feedback on the project.

Monty Simons, land owner, acknowledged the joint effort involved to provide a proposal which appeases all concerned, which includes a decrease in the number of townhouses, relocation of the parking entrance to the lane and provision of parking for guests and the nearby restaurant, as well as underground parking, which will address vandalism, loitering and car break-in issues.

Summary of Correspondence

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

- Thirty (30) letters in opposition to the application;
- Five (5) letters in support of the application; and
- One (1) other letter relating to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Greg Booth, Upper Kitsilano Residents Association

Andrew Bobyne
Colin Gorrie
Leah Whitehead
Susan Walsh
Bruno Rheume
Graeme Webster, Upper Kitsilano Residents Association
Joan Bunn, Upper Kitsilano Residents Association
Veronica Ross
Lori Lochrie
Shelley Stuart
Gordon Clark
David Gardener
Host Weckwert
Aria Troller

A summary of comments provided by the foregoing speakers follows:

- do not grant this rezoning application;
- there are better sites nearby owned by the applicant and already zoned for this type of development;
- densification should be planned, not done on an ad hoc basis;
- the City should consider purchasing the site, which is close to many amenities, to create a greater community centre or senior citizens building;
- the community has, on a number of occasions, requested participation in a comprehensive visioning process; this needs to be done prior to consideration of the application;
- this rezoning will remove the site forever from other potential community uses and negatively impact the quality of life in our neighbourhood;
- existing traffic conditions are already dangerous, this development, including the proposed traffic light, will exacerbate this situation;
- this spot rezoning could set a precedent which would change the character and livability of our neighbourhood;
- supply of parking should not be the deciding factor for approval of this application; there is also the residential land use issue, and Council should consider the need to replace the St. James Community Centre and accessibility issues there as well;
- residents of this project will put a further strain on the already very busy facilities at the nearby community centre;
- there is no guarantee the rental housing offered in the development will be affordable;
- houses with suites, rather than a multiple unit complex, should be constructed on the four lots;
- no public benefit, just eight rental units for fifteen years;
- this project is out of scale with the existing streetscape along West 10th Avenue;
- 20 suites is more than double what could normally be accommodated on this lot;
- the traffic light offered by the development is not an adequate response to address safety issues;

- parks and community centre infrastructure is not in place to address increased density; and
- Kitsilano already has its share of densification, with the Brewery Lands, multi-unit developments along both 4th Avenue and Broadway, and secondary sites in almost every home.

Bev Ballantyne (brief filed), spoke in general support of the application, and noted it is a tiny step toward a more sustainable community, but also questioned the need for the large number of parking spaces and the proposed traffic light, will bring more traffic to the neighbourhood.

In response to questions from Council, Paul Pinsker, Parking Management Engineer, provided clarification on traffic and parking issues and Mr. Beasley explained why rezoning this site would not set a precedent. Cameron Gray, Director, Housing Centre, provided clarification on the type of rental housing proposed for the development, and both he and Mr. Beasley responded to questions in regard to the potential to build supportive housing on this site. Mr. Beasley also suggested Council may wish to request Engineering staff to review the traffic situation on West 10th Avenue and report back.

Applicant Closing Comments

In response to a question from Council, Mr. Turecki advised he was amenable to an added condition of rezoning - that the project achieve a LEED Silver level of green building construction.

Staff Closing Comments

Mr. Beasley advised this project has been continually reshaped to address neighbourhood issues brought forward over a number of years, and he believes this application is compatible and in scale with the surrounding area, and the security of rental units is a justifiable public benefit. Mr. Beasley noted additional parking has been offered, which Council could choose to make more generally available in the community, and suggested staff could be requested to review and come forward with mitigation measures to address the area's recognized traffic management problems. Mr. Beasley also suggested if this rezoning is not approved, the site will likely remain a parking lot; however if approved, the development would be attractive to some families, which will help address the strong need for any level of housing affordability in Vancouver.

Council Decision

MOVED by Councillor Ladner

- A. THAT the application by Robert Turecki, Architect, to rezone 3203-3229 West 10th Avenue (Lots I, J, K and L, Block 59, D.L. 540, Plan 22895) from RS-5 to CD-1, to permit a three and one-half storey multiple dwelling providing 20 dwelling units and a resident manager's office at a floor space ratio of 1.25 plus underground parking for an adjacent commercial use, generally as presented in Appendix A to Policy Report

"CD-1 Rezoning: 3203 - 3229 West 10th Avenue" dated May 18, 2006, 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 Robert Turecki, Architect, and stamped "Received City Planning Department, March 17 and April 6, 2006", 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 height of the building, at the northeast corner of the site, to a maximum height of 10.7 m (35.10 ft.);
- (ii) design development to better integrate the upper half storey and roof form to create a more cohesive rhythm and character in keeping with the surrounding single-family context;
- (iii) design development to the detailed architectural character and materials;

(Note to Applicant: This can include wide fascia and window trim, bay window detailing, brick with concrete lintels and wood siding and doors. The use of stucco should be avoided).

- (iv) design development to relocate the open exit stair proposed in the front yard on West 10th Avenue and replacing it with character landscaping;

(Note to Applicant: This can be achieved by relocating the exit to the lane, by placing an exit walkway adjacent to the parking ramp or by providing an internal exit with a flush door at the lane).

- (v) design development to improve the daylight access to the lower level units by reducing the setback area under the units above;
- (vi) design development to create a more visible and attractive access to the underground public parking spaces, including universal access;

(Note to Applicant: Handicap parking will be required in the public parking area. A glass enclosed stair with an elevator, which is separate and secure from residential users, should be provided at the corner of the lane at Trutch Street).

- (vii) design development to improve the visual appearance of the lane interface and parking ramp;

(Note to Applicant: This can be achieved by enclosing the garbage and hydro/gas services with decorative fencing. A trellis with vines over portions of the ramp and treating the sidewalls of the ramp with architectural concrete and reveals should be provided).

- (viii) design development to provide a small public seating area at the corner of Trutch Street and West 10th Avenue;

(Note to Applicant: This can be achieved by provision of a corner bulge adjacent to the corner, or other similar feature, with landscaping and furnishing to the satisfaction of the General Manager of Engineering Services);

- (ix) design development to explore the possibility of providing an appropriately located, designed and landscaped outdoor child play area;

(Note to Applicant: Use of toxic plants in areas accessed by children should be avoided. Landscape materials including plants should be interesting and safe and of a size and design to withstand use by children);

- (x) provision of a standard concrete lane crossing at the Trutch Street lane entry of the site;

- (xi) provision of setbacks generally as shown on the drawings, notably:
2.3 m (7.5 ft.) from West 10th Avenue;
- 3.8 m (12.5 ft.) from Trutch Street;
 - 1.3 m (4.3 ft.) from the west property line;
 - 2.9 m (9.5 ft.) from the north property line;

- (xii) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

Landscape

- (xiii) design development to create a residential looking front yard that is contextual with the other one-family dwellings on West 10th Avenue. This can be accomplished by narrowing the entrance walkways to 1.2 m (4 ft.) and deleting one of the ground floor patios;

- (xiv) provision of adequate planting depth for the inner row of trees proposed for West 10th Avenue and for Trutch Street. The underground slab may need to be sloped downwards to accommodate the required planting depth.

(Note to Applicant: All inner trees to be planted on private property. Section A shows the underground slab extending at grade to the property line).

- (xv) provision at time of full development permit application of a full Landscape Plan (in the front, sides and rear yard) illustrating proposed plant materials

(common and botanical names), sizes and quantities; notations of existing trees to be retained; paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale;

- (xvi) provision at the time of full development permit application of large scale sections (1/4" = 1' or 1:50) illustrating the planting depths for the internal courtyard and the private deck planters and also illustrating the detailed treatment of the public realm interface (townhouse, private patio, street, etc.) including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;
- (xvii) provision of one additional street tree in the outer boulevard of West 10th Avenue where the existing curb cut is to be removed;
- (xviii) provision of a water conserving landscape through the use of a high efficiency irrigation system and drought resistant plants. A note to this effect should be added to the Landscape Plan; and

Crime Prevention through Environmental Design (CPTED)

- (xix) design development to reduce opportunities for theft in the underground parking area.

(Note to Applicant: This can be achieved by providing secure separation for residential from public parking including circulation and access to services).

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) consolidate Lots I to K, Block 59, D.L. 540, Plan 22895;
 - (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the provision of adequate water service for the proposed development

(Note to Applicant: The application does not contain adequate information to determine if water system upgrading is necessary. Please provide fire flow demands for this proposal to determine if system upgrading is necessary);

- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to provide and maintain a minimum of 37 parking spaces on the rezoned lands for the benefit of the lands located at 3204 West Broadway (Lot 6, Block 59, D.L. 540, Plan 229);

- (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a pedestrian signal at Trutch Street and West 10th Avenue or Trutch Street and West Broadway within 5 years of occupancy of the site. The costs are to be shared equally between the City and the developer;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared equally between the City and the developer;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services, for the undergrounding of all new utility services from the closest existing suitable service point. 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;
- (vii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services, and

HOUSING AGREEMENT

- (viii) Make arrangements to the satisfaction of the Director of the Housing Centre and the Director of Legal Services by way of a Housing Agreement, to secure eight residential market rental units, for a period of fifteen years; where the Director of Legal Service 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 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 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 with other City officials and City Council.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning: 3203 - 3229 West 10th Avenue" dated May 18, 2006.
- C. THAT a Parking Management Plan be secured as part of the Development Permit for this project, including some general availability for area demands.
- D. THAT the General Manager of Engineering Services review the traffic and safety situation on West 10th Avenue and report back on traffic management and remediating measures.
- E. THAT the project achieve a LEED Silver level of green building construction.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner

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 10:40 p.m.

* * * * *