



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
JUNE 12 and 14, 2007

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, June 12, and reconvened on Thursday June 14, 2007, 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, Sign, and official development plan by-laws. The minutes have been consolidated for ease of reference.

PRESENT:
(June 12)
(Item 1-4 and portion of
Item 5)

Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor David Cadman
Councillor Kim Capri
Councillor George Chow
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie

ABSENT:

Councillor Elizabeth Ball (Sick Leave)
Councillor Tim Stevenson

CITY CLERK'S OFFICE:

Denise Salmon, Meeting Coordinator

PRESENT:
(June 14)
(Completion of Item 5)

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

ABSENT:

Councillor David Cadman
Councillor Elizabeth Ball (ineligible to participate)
Councillor Tim Stevenson (ineligible to participate)

CITY CLERK'S OFFICE:

Denise Salmon, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Capri

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning, Sign, and official development plan by-laws.

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Schedule E Amendment: 1000-1200 Davie Street

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

Summary: To amend Schedule E of the Zoning and Development By-law to establish two building lines on Davie Street between Burrard and Jervis Streets, for the purpose of widening the sidewalks, by requiring a 2.1 m setback for new development.

The Director of Planning in consultation with the General Manager of Engineering Services and Director of Legal Services recommended approval.

Staff Opening Comments

David Ramslie, Manager, Sustainable Development Program, provided a brief description of the proposed application, which he noted as a long-term strategy.

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

- 1 other letter

Speakers

The Mayor called for speakers for and against the application.

The following people, while in support of wider sidewalks, did not support the setback as proposed by staff.

John Whistler, West End Residents' Association
Michel Morin
George Metrakos, Mole Hill Community Housing Society

A summary of comments provided by the foregoing speakers follows:

- this is the most pedestrian-oriented shopping area in Vancouver, and its success depends on the pedestrian environment;
- it is important that wider sidewalks are achieved as soon as possible by reallocating the existing curb lanes; this will preserve and build upon neighbourhood character;
- 25 years is too long to achieve wider sidewalks through setbacks; and
- Davie Street should not be used as a transit corridor.

Lyn Hellyar, Executive Director, West End BIA, expressed concerns from West End businesses regarding parking issues and spoke in support of setbacks as recommended by staff.

Staff Closing Comments

Mr. Ramslie, along with Lon LaClaire, Strategic Transportation Planning Engineer, responded to questions from Council related to the length of time required to realize setbacks at this location, the impacts of eliminating the curb lane from Davie, and the method used for compensation of property owners whose land is used for setbacks.

Council Decision

MOVED by Councillor Anton

- A. THAT the application to amend Part II of Schedule E, Building Lines of the Zoning and Development By-law to establish two building lines, one being 7 feet (2.13 metres) north of the current northerly limit of Davie Street, and the second being 7 feet (2.13 metres) south of the current southerly limit of Davie Street, both extending from the westerly limit of Burrard Street to the easterly limit of Jervis Street, to facilitate a future increase of sidewalk width, generally in accordance with Appendix "A" to the Policy Report, "Davie Street Sidewalk Widening - Establishing two Building Lines" dated April 3, 2007 be approved.

CARRIED UNANIMOUSLY

MOVED by Councillor Deal

- B. THAT staff review peak hour traffic flows and signage.

CARRIED UNANIMOUSLY

2. CD-1 REZONING: 5718 Willow Street

An application by Alex Percy, Acton Ostry Architects was considered as follows:

Summary: To rezone this site from RT-1 (Residential Two-Family) to CD-1 (Comprehensive Development District) to permit the existing school on the site to add four additional classrooms and a gymnasium.

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

Staff Comments

Michael Naylor, Planner, Rezoning Centre, was present to respond to questions.

Applicant Comments

Mark Ostry, Acton Ostry Architects, representing the applicant, was 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 and none were present.

Council Decision

MOVED by Councillor Anton

THAT the application by Acton Ostry Architects Inc., to rezone 5718 Willow Street (Lot 23, Block E of Block 1008, DL 526, Plan 10194) from RT-1 to CD-1, to increase maximum floor space ratio (FSR) and maximum site coverage to permit an addition to the existing school, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 5718 Willow Street (King David High School)" dated May 1, 2007, 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 Acton Ostry Architects Inc., and stamped "Received City Planning Department, December 11, 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 improve neighbourly interface at the lane, reducing opportunities for noise, enhancing overlook conditions, and screening utilities.

Note to Applicant: An improved neighbourly response to the townhouses across the lane is sought. This may be achieved in the following ways:

- The terrace area accessed from the mezzanine level of the gymnasium is a potential noise source and should be either relocated to the north street elevation, or removed. An acoustic report is requested to evaluate acoustic levels generated by related assembly uses and recommendations for sound attenuation.
- Consider a green treatment for the gymnasium roof, with additional terrace landscaping along the lane edge to further buffer and transition scale. Large windows on the gymnasium's south lane elevation should be either significantly reduced in size or relocated to the north street elevation, to limit direct overlook to the neighbouring townhouses and reduce glare from the southern exposure.
- Provide screening for the existing utility area at the lane, including for the garbage and recycling components. Confirmation on the drawings that rooftop mechanical units for the gymnasium are located on the existing fourth-floor roof and are not visible from the townhouses across the lane.

- (ii) design development to improve enhanced accessibility to all parts of the school and grounds.

Note to Applicant: Provide for enhanced accessibility from the underground parking structure directly to the gymnasium. All terrace areas on the grounds should provide for enhanced accessibility.

CARRIED UNANIMOUSLY

3. CD-1 REZONING: 6111-6161 Oak Street & 1007 West 46th Avenue

An application by Craig Rowland, Lистраor Development Corporation was considered as follows:

Summary: To rezone this site from RS-1 (Residential One-Family) to CD-1 (Comprehensive Development District) to permit the construction of 30 townhouses at 2 and 2½ storeys with underground parking and a total floor space ratio of 1.0 FSR.

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

Staff Opening Comments

Desiree Drewitt, Rezoning Centre, provided an overview of the application.

Applicant Comments

Craig Rowland, Lистраor Development Corporation, was present to respond to 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.

Joseph Lau, area resident, expressed concern with the density being proposed for this area of the City.

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Lистраor Development Corporation, to rezone 6111-6161 Oak Street and 1007 West 46th Avenue (Lots 12-15 of Lot 16, Block 10, DL 526, Plan 7908) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 30 townhouses at a floor space ratio of 1.0, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 6111-6161 Oak Street and 1007 West 46th Avenue" dated April 17, 2007, 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 Formwerks Architectural Inc., Architect, and stamped "Received City Planning Department", January 15, 2007 and March 1, 2007, 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:

- (iii) Design development to setback the retaining walls a minimum of 1'-0" from the property lines along Oak Street, West 45th and West 46th Avenues, with appropriate planted landscaping within this setback.
- (iv) Design development to achieve a maximum height of 3'-0" (measured from bottom to top of wall) for all retaining walls that directly face the public realm.
- (v) Design development to address all changes in grade between the public sidewalk and the front yards of dwelling units with alternating flat terraces and retaining walls.

Note to Applicant: The proposed berms are excessively steep and will inhibit proper maintenance for the planted landscaping. Furthermore, flat terraces will ensure soil retention during heavy rainfall.

- (vi) Material treatment of all retaining walls facing the public realm with stacked masonry of either quarried stone or true brick.

Note to Applicant: Considering that these retaining walls will face the street and sidewalk for the entire site length and width, the proposed poured concrete finish would be visually monotonous.

- (vii) Material treatment of all exterior stairs accessed from the public realm to be in true brick or smooth-finished concrete.
- (viii) Design development to improve dwelling unit identity through minor variations in architectural detailing.

Note to Applicant: Provide small differences in detailing at entries, porches, etc. that distinguish and define dwelling unit individuality.

- (ix) Design development to the semi-private courtyard, creating areas of

special interest and focus, providing more variety and opportunities for social interaction.

Landscape:

- (x) Design development to provide a soft landscaped edge bordering Oak Street.

Note to Applicant: Planter walls should be kept to a minimum height and softened with plantings.

- (xi) Design development to ensure adequate planting depth for courtyard trees while maintaining a maximum height of 6 in. for raised planter walls.

Note to Applicant: Drop the slab wherever possible to provide tree planting depressions in the slab rather than relying on raised planters to hold soil.

- (xii) Provide a legal survey illustrating the following information:

- existing trees 20 cm calliper or greater on the development site; and
- the public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.

- (xiii) Provide at the development permit stage a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include notation to confirm all existing trees to be removed and an outline of the proposed underground parking garage.

- (xiv) Provide section details at a minimum scale of ¼"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences/gates, arbours and trellises, posts and walls, and water feature. Planter section details should confirm depth of proposed planting on structures.

- (xv) Provide notation on the Landscape Plan to read:

- for new street tree planting: "Final species, quantity and spacing to the approval of the General Manager of Engineering Services and Park Board. Contact Eileen Curran, ph: 604.871.6131, Engineering Services, about street tree spacing and quantity. Contact Bill Stephen, ph: 604.257.8587, Park Board, about tree species".
- for City tree removal: "City tree removal with permission of the General Manager of Engineering Services".

CPTED (Crime Prevention through Environmental Design):

- (xvi) Design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for graffiti on the stair walls on Oak Street; theft in the underground; and residential break and enter.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:
 - a. Provide to the Director of Legal Services a title charge summary in accordance with her specifications.
 - b. Make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 - i. Consolidation of Lots 12 to 15 of Lot 16, Block 10, DL 526, Plan 7908.
 - ii. Provision of concrete sidewalks on West 45th and 46th Avenues adjacent to the site.
 - iii. Provision of standard concrete lane entries at both ends of the lane adjacent to the site.
 - iv. Provision of speed humps in the lane west of Oak Street from West 45th to 46th Avenues.
 - v. Provision of street trees adjacent to the site where space permits.
 - vi. 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.
- B. THAT, the consequential amendment to the Subdivision By-law generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 6111-6161 Oak Street and 1007 West 46th Avenue" dated April 17, 2007, be approved.

CARRIED UNANIMOUSLY

4. CD-1 REZONING: 125 West 1st Avenue

An application by Stu Lyon, Gomberoff Bell Lyon Architects Group Inc. was considered as follows:

Summary: To amend existing CD-1 By-law No. 9454 (reference number 454) to add this site to the Olympic Village to permit a mixed-use development on an expanded Parcel 5 consisting of two buildings over underground parking. One building is for 99 units of affordable housing and the other for 58 market units with retail at grade. Buildings would be a maximum of 8 storeys. Consequential amendments to the Southeast False Creek Official Development Plan are also to be considered.

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

Also before Council was the following:

- Memorandum dated May 30, 2007, from M. Naylor, Rezoning Planner, Rezoning Centre, advising of additional rezoning conditions to be included in Appendix B of the Policy Report for this item. It also reported the advice of the Urban Design Panel on the rezoning application for Expanded Parcel 5.

Staff Opening Comments

Michael Naylor, Planner, Rezoning Centre, provided an overview of the application.

Applicant Comments

Stu Lyon, Gomberoff Bell Lyon Architects Group Inc. was present to respond to 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.

Daniela Staiano, spoke in general support for the project and its garden, but expressed concern in regard to the flat roofs proposed for the development, and leakage problems associated with flat roof construction. Ms. Staiano also noted the need for sufficient patrols to assist with crime prevention in the area.

Staff Closing Comments

Mr. Naylor responded to concerns raised by the speaker in regard to roof elements, and safety concepts for the neighbourhood.

Council Decision

MOVED by Councillor Deal

- A. THAT the application, by Gomberoff Bell Lyon Architects Group Inc. on behalf of Millennium Southeast False Creek Properties Ltd. and the City of Vancouver, to rezone 125 West 1st Avenue (PID 026-723-930, Lot 317, False Creek, New Westminster District, Plan BCP24394) ("Lot 317") from M-2 (Industrial) to CD-1 (Comprehensive Development District) by amending CD-1 By-law No. 9454 (#454) to include Lot 317, generally as presented in Appendix A to Policy Report "CD-1 Rezoning of 125 West 1st Avenue (Lot 317) by Plan and Text Amendments to Olympic Village CD-1 By-law No. 9454 (#454)" dated May 8, 2007, 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 Gomberoff Bell Lyon Architects Group Inc. and stamped "Received Planning Department, April 19, 2007", 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 clarify architectural expression, design intent, and related design development strategies, to ensure a high quality, distinguished and coherent identity that is recognized for sustainability performance;

Note to applicant: A range of architectural responses that are characterized by varied approaches to expressing passive and active sustainable design systems is anticipated for all buildings to ensure that the Olympic Village precinct achieves a recognizable identity while properly managing respective block and building scale. Strategies to ensure different approaches to design systems detailing should be considered.

- (ii) design development to more clearly distinguish individual building massing components from each other within the parcel as a strategy to improve project and precinct scale; further design development to more clearly differentiate between lower two/three-storey scaled streetwall, from upper floors and penthouses is also required;

Note to applicant: Further attention to articulation of massing, provision of substantive “breaks” between massing, materiality strategies and related building envelope detailing will assist in mitigating project and individual block scale. Penthouse units should be adequately setback and present a lighter, more transparent architectural expression while achieving sustainable performance.

- (iii) design development to optimize pedestrian interest and commercial use exposure by appropriately locating retail tenant entries and related residential entries;

Note to applicant: Further design development to maximize fine-grain commercial retail unit (CRU) opportunities along Manitoba Street based on the expression of an approximate frontage module of 7.6 m (25 ft.) is also required.

- (iv) design development to confirm perimeter setback dimensions, landscape setback treatment and the design of ground-oriented entries/porches/patios and related articulation to ensure that all buildings achieve streetwall and adjacent pocket park definition while clearly demarcating private and public realms;

Note to applicant: Design development to ensure proper integration with the Council-approved SEFC Public Realm Plan and to ensure that buildings contribute to coherent street identity is required. Perimeter alcoves for residential uses at grade are not supported.

- (v) provide design development wall section information, including confirmation of detail intent for building envelope, related passive and active architectural systems and other innovative features to ensure that anticipated design quality is achieved at construction;

Note to applicant: Sustainable precinct character will be achieved by a strategy of robust architectural expression of passive and active systems that are well designed and carefully integrated into buildings.

- (vi) design development to affordable housing buildings to ensure that architectural expression and quality is well integrated with market housing buildings;

Note to applicant: Careful attention to building envelope quality, including the provision of substantive materials and related detailing, to avoid these

buildings from being overly distinguished from market residential buildings is required.

- (vii) provide an exterior lighting strategy (white light) for all buildings, including pedestrian routes, and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents;

Note to applicant: Provision of anticipated exterior lighting fixture character that is consistent with the design intent for precinct lighting in the Council-approved SEFC Public Realm Plan is required.

- (viii) provide a conceptual signage plan that confirms design intent for general precinct related signage aspirations, retail frontages, anchor tenancies, individual buildings and addressing;

Note to applicant: The conceptual signage package should carefully consider the overall design intent established in the Council-approved SEFC Public Realm Plan with respect to character.

- (ix) design development to all loading zone, utility enclosure and underground parking ramp opening locations to ensure optimal integration, high quality visual screening, ground surface/public realm quality and public safety;

Note to applicant: Careful attention is required to the bulkhead design at the ramp opening and to related ceiling treatment in the parking garage.

- (x) design development to maximize privacy between residential suites and commercial uses/activities including careful attention to entry door locations, window openings and the provision of properly located, and visually effective, privacy screening;

- (xi) provide substantive weather protection in the form of fixed canopies for all retail, or future potential retail, frontages;

Note to applicant: Careful integration of canopy systems with storefront system, entries, signage, lighting and drainage is required. Opportunities to distinguish between CRUs should be pursued.

- (xii) design development to provide a retail storefront design strategy that ensures maximum transparency/display/visual interest and opportunities to optimize sidewalk activity and "openness" to the exterior utilizing high quality building systems and detailing;

- (xiii) design development to minimize the size, carefully integrate and screen all mechanical equipment, and related systems, that do not visually convey sustainable principles into the overall massing, form and architectural response for each building;

- (xiv) design development to optimize the architectural expression of vertical circulation systems, including common stairways and elevators, as a design response to sustainability expression and as a form of social animation. Careful attention to enclosure systems, and related lighting is required;
- (xv) design development to fully integrate the design intent of the Council-approved SEFC Public Realm Plan for this parcel's buildings, courtyards and open spaces;

Note to applicant: Further design development, in consultation with the SEFC/OV Project Office and their consultants, to ensure a seamless, innovative and expressive public realm, is required.

- (xvi) design development to ensure a seamless integration, and transition, of private realm landscaping with public realm design intent; further design development to maximize opportunities to integrate sustainable landscape systems at grade with public realm requirements is also required;
- (xvii) design development to provide adequate on-site communal open space, including opportunities for communal gardening;
- (xviii) design development to green roof systems to ensure optimal stormwater management performance and long term viability while clarifying active and passive programming opportunities;
- (xix) provide a Green Roof Management Plan to clarify requirements that will ensure usage and longevity;

Note to applicant: The plan should outline roles and responsibilities of the owner and future strata(s) with respect to green roof system opportunities, constraints and related maintenance performance requirements.

- (xx) design development to improve the quality of exterior space between the market housing building and the affordable housing building, and to mitigate privacy impacts of this adjacency;
- (xxi) design development to achieve a more pronounced two-storey expression for the Walter Hardwick Avenue frontage, as well as a more consistent rhythm of ground-oriented entries or porches that is evident in previously approved developments adjoining this street;

LANDSCAPE DESIGN

Open Space and Landscape Treatment

- (xxii) design development to the building entrances to provide paving materials that are substantive, reflect the robust character of the site and are tied to the palate of the building;

- (xxiii) design development to the retail frontage on Manitoba Street to provide a seamless interface between the public realm and private property by providing the same paving pattern to both areas, as well as a band of pavers indicating the property line;
- (xxiv) provide, at time of development permit application, a detailed rationale outlining the specific programming of outdoor spaces and landscape elements, including use, pedestrian capacity, storage (for example, 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;

Note to Applicant: Strong consideration should be given to outlining the maintenance expectations of the following sustainable systems: on-site stormwater management, green roof, urban agriculture, soil quality (mulching), compost, pruning, edible food harvesting, habitat and Integrated Pest Management. Documents should include brand specifications, where applicable (for example, cistern and rainwater harvesting manufacturer specifications).

- (xxv) clarify the planter height along Walter Hardwick Avenue at the sidewalk edge; the Landscape Plans appear to show a grade condition for the sidewalk edge planting and the architectural elevation appears to show a raised planter;
- (xxvi) provide a Plant List which contributes to the place-making character of the precinct and accentuates the individuality of the site;

Note to applicant: The plants should be hardy and drought tolerant, and shade tolerant in the case of north facing planters.

- (xxvii) provide hose bibs on all private decks that are 100 sq. ft. or greater;
- (xxviii) provide an overlay of all roofs, in order to illustrate the amount of roof coverage by intensive and extensive green roofs;

Note to applicant: Green roofs covering 50% of all roof surfaces are encouraged but not required. Where green roofs are not provided, roofing should be of high reflective material following the EPA Energy Star roofing requirements.

- (xxix) for green roofs: provide premium standard green-roof membrane for chosen brand technology; submit with development permit application details and sections; submit with building permit application technical details, sections and specifications; provide a letter of assurance that a roofing consultant has been hired to oversee the roofing process;

Technical

- (xxx) provide, at time of development permit application, a detailed Landscape Plan;

Note to Applicant: The Landscape Plan should be at minimum scale 1:100 (1/8" = 1'-0"). Aspects to include: public realm, plants, trees, grading, special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, trees, stormwater retention, rain gardens, public art, demonstration projects, urban agriculture, utilities, garbage storage, recycling and loading facilities. Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Where applicable, reconfigure underground parking design to increase soil depth to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting depth for inner boulevard trees/planters. Planted areas adjacent to structures and on slab to contain continuous soil volumes; 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, patios and privacy screens.

- (xxxi) provide additional planting plans for the sixth floor urban agriculture terrace and seventh floor private patio planters;
- (xxxii) provide large-scale sections (1/8"= 1'-0" or 1:100) illustrating the planter depths for the second, sixth and seventh floor all garden terraces;
- (xxxiii) provide large-scale sections (1/4"= 1'-0" or 1:50) illustrating the townhouse to public realm interface along 1st Avenue as well as the interface between the townhouses and the childcare terrace with the pocket park; the sections should include planter walls, stairs, gates, guardrails, landscaping, soil depth, including any underground structures, patios and privacy screens;

Trees

- (xxxiv) protect trees and planting from vehicular impacts by providing metal tree surrounds, bollards or low curbs as needed; modify or stagger overhead canopies, where necessary, if trees can be provided to inner boulevard;

Water Efficiency and Stormwater Management

- (xxxv) provide a notation on the landscape plans regarding the methods to be used for reducing the use of potable water for irrigation (e.g., high efficiency irrigation, moisture sensing, special soils and mulching, use of drought-tolerant plants, provision of a stormwater cistern);
- (xxxvi) design development to meet the LEED™ Canada 1.0 stormwater management credits (Sustainable Sites Credits 6.1 and 6.2); stormwater treatment/storage

facilities should be integral to the open space design; detailed technical drawings to be submitted at time of development permit application;

- (xxxvii) design development to significantly limit the use of potable water for irrigation through the provision of a stormwater cistern system; indicate on the architectural plans of the size, location and capacity of the cistern;

Note to Applicant: Provide cistern(s) separated from the potable water system (dual system), sized properly to reduce annual overall building water use for the irrigation of the ground-level common open spaces and public realm landscaping, and sized for the summer drought periods. Strong consideration should be given to maximizing the function of the cistern by using cistern water for landscape irrigation in the water-deficit periods and for toilet flushing during the water-surplus periods, allowing the cistern to circulate supply regularly. Where it is prohibitive to service outdoor patios with stored cistern water, the potable water system should be directed to required patio hose bibs. This system is to be designed in coordination with Building /Plumbing Code Processing.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (xxxviii) design development to take into consideration the principles of CPTED having particular regard for:
 - theft in the underground,
 - improving visibility in the underground, and
 - mail theft;

SOCIAL PLANNING

- (xxxix) design development to ensure that indoor amenity rooms comply with the High Density Housing for Families Living With Children Guidelines;

Note to applicant: An accessible washroom, kitchenette and storage should be provided in multi-purpose amenity rooms. Consideration should be given to locating amenity rooms adjacent to shared outdoor amenity space.

ENGINEERING

- (xl) undergrounding of all new utility services from the closest existing suitable service point; all services, in particular electrical transformers accommodating 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;

(xli) provide for a minimum 3% of residential parking stalls with 120 V AC single phase outlets (per section 86 of the Canadian Electrical Code) with provision for future expansion to 15% of all residential parking stalls to allow for charging of e-vehicles and scooters;

(xlii) provide for SEFC public realm treatments adjacent to the site;

Note to Applicant: Engineering will seek a copy of the finalized landscape plan for review and record purposes.

(xliii) provide three streams of waste removal for the development (regular garbage, recyclable materials and organics); the development site is to provide adequate space to accommodate the three streams of waste removal; include fully outfitted areas that can be made active upon implementation of organics collection system;

(xliv) provide for the applicants' "best commercial effort" to secure a single operator for waste removal from the site;

(xlv) building space heating and domestic hot water design is to include provision for connections to, be compatible with, and maximize efficiency of, the "False Creek Neighbourhood Energy Utility";

Note to Applicant: The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall with suitable space for the installation of the NEU system ETS equipment, and with adequate provision for connection to outside NEU distribution piping and communications conduit all to the satisfaction of the General Manager of Engineering Services. The developer shall make available use of sewer and potable water piping in each ETS room. The ETS room shall be ventilated as required by the Vancouver Building Bylaw and heated during the winter to minimum 15°C. The developer must provide a dedicated 15 amp 120V, 60 Hz single-phase electrical service for operation of the ETS, all to the satisfaction of the GMES. Please contact Chris Baber, NEU Project Manager at 604-871-6127 or chris.baber@vancouver.ca.

(xlvi) provide details of the flow rates to be transmitted to the site's stormwater connection(s);

ENVIRONMENTAL SUSTAINABILITY

(xlvii) for all buildings, achieve the SEFC Green Building Strategy (as outlined in Appendix F of the September 14, 2006 Policy Report for the CD-1 rezoning of the Olympic Village) and meet a minimum LEED™ Gold Canada Certified standard (with a target of no less than 42 points, including City of Vancouver prerequisites) (with full LEED™ registration and documentation) or equivalency; registration with the Canada Green Building Council (CaGBC) is required for all buildings; the applicant must submit full documentation, including initial

certified design credits, required for LEED™ certification to the City for verification prior to issuance of a long-term occupancy permit;

Note to applicant: The City encourages the applicant to complete full LEED™ certification for LEED™ Gold with the CaGBC.

Energy

- (xlviii) provide energy efficient design and show modeling results that meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;
- (xlix) 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 “xlviii”, 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 to be submitted at the time of application for Building Permit.

- (l) 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;
- (li) provide roughed-in capacity for future individual suite metering for energy and water use;
- (lii) provide climate zone control for residential and live-work units that is compatible with the False Creek Neighbourhood Energy Utility;
- (liii) no natural gas fireplaces are to be installed within dwelling units; ornamental, non-combustion fireplaces are permitted if they are not heat producing;

Note to Applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (liv) provide low-water-use plumbing fixtures at or below 1.8 gpm for faucets and showerheads and 6L/3L dual flush toilets; specify in-suite water-conserving appliances and building equipment (meeting Energy Star requirements);

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

Urban Agriculture

- (iv) design development to provide opportunities for urban agriculture, in particular shared garden plots and edible landscaping, in each of the affordable and market housing buildings, including, where possible, wheelchair-accessible garden plots for use by people with disabilities;

Note to applicant: Approximately 30% of the units without access to private outdoor space of 100 sq. ft. or more should have access to a shared garden plot. Plots should be approximately 24 sq. ft. in size and located to maximize solar access, so as to be productive and viable. Ancillary programming should also be provided, including composting, tool storage and irrigation. Consideration should be given to locating urban agriculture with other shared outdoor amenity spaces and programming for a synergy of uses.

Building Durability

- (lvi) provide high quality, durable architectural materials and detailing to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

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

Note to Applicant: Submit a Construction and Demolition Waste Management Plan. Follow the waste management requirements in LEED™ Canada 1.0 Materials and Resource Credit 2.

UNIVERSAL DESIGN

- (lviii) 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 H of the September 14, 2006 Policy Report for the CD-1 rezoning of the Olympic Village.

AGREEMENTS

- a. THAT, prior to enactment of the by-law to amend the CD-1 By-law, 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

- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, in consultation with the Director of Planning, for:
 - a. the provision, operation, and maintenance of co-operative vehicles and the provision and maintenance of parking spaces for use exclusively by such co-operative vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law; and
 - b. designation of visitor or surplus parking spaces which are publicly accessible for future use by co-operative vehicles, with such spaces not to be in addition to required parking for residents or visitors;

all as outlined in the table below:

Dwelling Units	Co-operative Vehicle	Co-operative Vehicle Parking Space	Future Converted Co-operative Parking Space
1 - 49	None	None	1
50 -149	1	1	1
150 - 249	2	2	2
250 - 349	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

- (ii) consolidation of Lot 317 with Lot 316. Consolidation prior to issuance of Development Permit is required.
- (iii) release of any redundant charges on title of Lot 317.
- (iv) provision of a 1.0 m by 1.0 m corner cut at the southeast corner of Lot 317 is required. (A surface right of way is required).

SOILS

- (v) 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;
- (vi) execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, covenanting 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 Environment;

HOUSING

- (vii) execute revised agreements, satisfactory to the City Manager and the Director of Legal Services, ensuring development of a total of at least 21 151 m² (227,673 sq. ft.) of floor area on Parcels 2, 5, 9 and Lot 317 for Affordable Housing as defined in the South East False Creek Official Development Plan, such proposed floor space to be sufficient to accommodate a minimum of 250 Affordable Housing units of which 50% of all Affordable Housing units must be designed for families with children.

PUBLIC ART

- (viii) execute a revised 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 and the SEFC Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials.

COMMUNITY AMENITY CONTRIBUTION

- (ix) the agreed Community Amenity Contribution in the amount of \$522,215 is to be paid to the City, on terms and conditions acceptable to the Director of Legal Services.

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 the draft consequential amendments to the Southeast False Creek Official Development Plan ("SEFC ODP"), generally as presented in Appendix C to Policy Report "CD-1 Rezoning of 125 West 1st Avenue (Lot 317) by Plan and Text Amendments to Olympic Village CD-1 By-law No. 9454 (#454)" dated May 8, 2007, be approved;

C. THAT Recommendation A & B be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

5. CD-1 REZONING: 1409-1477 West Pender Street

An application by Jim Hancock, IBI/HB Architects was considered as follows:

Summary: To rezone the site from DD (Downtown District) to CD-1 (Comprehensive Development District) to permit a mixed-use project containing a 36-storey residential tower, a 10-storey mid-rise residential building, commercial uses at grade across the entire site, and a five-storey podium containing live-work units. The maximum floor space ratio would be increased to 10.66 and maximum building height increased to 107.4 m (352.2 ft.).

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

Staff Opening Comments

Phil Mondor, Rezoning Planner, provided a review of the application, and advised after hearing from speakers he would comment on letters received to date expressing concerns with the proposed restaurant use and sunlight access impacts resulting from the proposed five-storey podium. Mr. Mondor, along with Ralph Segal, Senior Development Planner, and Brent Toderian, Director of Planning, responded to question from Council regarding the LED silver rating, shadowing issues on the Dockside building, amenity contributions, potential for daycare and affordable housing, traffic impacts and the rationale for staff's support of live/work residences.

Applicant Comments

Jon Stovell, Reliance Holdings Limited, representing the property owner, introduced the project Architects, Jim Hancock and Martin Bruckner, IBI/HB. Mr. Stovell advised of open houses held at the site and things done in response to comments received. He also noted the high quality unique design of the proposed structure with optimal building massing and minimized shadowing, and acknowledged the significant contribution of the heritage density transfer from Gastown in addition to the \$3 million cash amenity. Mr. Stovell advised he concurred with staff's report and asked Council to approve this rezoning application.

Summary of Correspondence

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

- 2 letters in opposition
- 2 letters in support
- 5 other letters

Speakers

The Mayor called for speakers for and against the application.

The following delegations spoke in general support of the application; however several speakers expressed specific concerns which are included in the points noted below:

Brian McDermott
Glen Grierson
Susan Fiedlar
Lorne Goldman

Comments provided by the foregoing speakers included:

- wholeheartedly enthused about the increase of density in the area, but more people are needed to support more retail space as there exists a seasonal component of residents;
- support for the proposed neighbourhood bistro, although concerns with noise are recognized;
- before the developer purchased this property there was a proliferation of drug use and undesirable individuals; this problem has now moved on;
- any new development improves the security and safety of the area and provides more "eyes on the street";
- not in favour of a restaurant overlooking the plaza, but the plaza does require activation as it would improve the neighbourhood;
- live/work would bring an element of "neighbourhood" missing from Coal Harbour due to many off-shore and seasonal neighbours;

- human-scale access to the water needs to be looked into; and
- heritage incentive program has revitalized the Gastown area and benefited the community, this is a good way to move density and benefit both Coal Harbour and Gastown.

The following delegations expressed concerns and/or spoke in opposition to the application:

Walter Hiebert (overhead presentation)
Giuseppe Cuzzetto (overhead presentation)
Brian Meakin, Rosebud Properties No. 2 Ltd.
Carter Maitland, condominium owner, Docksider (brief filed)
Malcolm Smith
Stan Tse
Roy Sperling
Irfaan Hafeez (overhead presentation)
Reg Romero
Harvey Dales, owner, 1445 W. Georgia
Mark O'nions

Comments provided by the foregoing speakers included:

- Coal Harbour lacks commercial, shopping opportunities; this development will bring more residents into the area and result in a further loss of commercial space;
- big buildings are intimidating; this development should remain within the existing guidelines, ODP and by-law; an FSR increase to 10.66 is extremely excessive and breaches the code of good taste;
- concern with densification of the area, lack of notification and confusion with signing on site advising of the rezoning application;
- in favour of developing this property, but this development is over and above what is appropriate for this site;
- monolithic design dwarfs everything around it and does not add to public open space;
- concern with amount of residential compared to commercial (retail and office space);
- windows of several bedroom units opening to the south that require protection from shadowing and access to light;
- the form of building is departing from a very establishment proven formula of a three storey podium with tower block to a five-storey podium to accommodate live-work space;
- views will be obstructed and value of units in adjacent buildings will decrease; in addition residents will be subjected to a 30-month noise timeline;
- while the benefits of increasing density are recognized, this development, as well as other projects in a several block radius, will likely create more traffic congestion and traffic along Pender and Georgia;
- a condominium occupying this space with no amenities is ridiculous; request rezoning be put on hold to allow for an assessment of community needs;
- views of the mountains are being replaced by views of tall buildings;
- owner of townhome in Docksider will be affected by construction, and expressed concern on behalf of his tenant with a one year lease that the bedroom and kitchen windows are possibly as near as 15 feet from the excavation site;

- not opposed to initial proposal of a three storey podium, the current five storey proposal has not totally obstructed his view;
- this 77% increase in fsr sets a dangerous precedent in massing of heritage transfer density;
- do not object to development in this area - just this specific development;
- more and more commercial space is being eroded by development of residential properties; in ten years there will be a shortage of commercial space and commercial will leave for the suburbs resulting in a bedroom community, and less desire to live downtown;
- concern that cross sections of the building podium were not made available to residents of Dockside; and
- residents want to be a community like Yaletown; Coal Harbour lacks commercial amenities and has no sense of community.

Applicant Closing Comments

Jon Stovell, in response to speakers' comments regarding the need for commercial, advised although the zoning does not require it, the proposal is to build a full floor as retail, with the exception of two residential lobbies. Mr. Stovell also noted heritage density needs to go somewhere, and both Coal Harbour and Gastown benefit; by increasing the population of Coal Harbour, Gastown becomes an attractive destination for local residents. Reduced impacts on the Palais Georgia were also noted by Mr. Stovell by a reduction in height of the second tower from fifteen to 10 storeys, which results in a building 200 feet lower than permitted. Additional public realm space has been added, and less shadowing also on the seawall, park and community centre. In summation Mr. Stovell advised this proposal offers less tower crowding and view loss than what could have been built.

Staff Closing Comments

Phil Mondor provided clarification on the height of the tower and referred to conditions as set out in a revised recommendation (distributed at the meeting and on file) regarding the matter of the restaurant. He further advised of a recent conversation with Park Board staff regarding services to residents including green space/open space/community recreation facilities and noted five sites had been identified as potential park sites, and also noted additional funds available from dcls and cacs to further address these concerns. Mr. Mondor concluded by advising that staff support the application and recommend its approval subject to conditions, including those amendments as set out in the yellow memo distributed this day.

Council Decision

MOVED by Councillor Capri

- A. THAT the application by IBI/HB Architects Inc. to rezone the site at 1409, 1425 and 1477 West Pender Street (PID: 015-842-932, 015-842-967, 015-843-203; Lot B of 1&2, Lot A of 2&3, and Lots 4, 5 and 6 EXC Plan 15915, Block 42, DL 185, Plan 92) from DD

(Downtown District) to CD-1 (Comprehensive Development District), to permit a mixed-use development containing two residential towers of 36 storeys and 10 storeys and floor space ratio of 10.66, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 1409-1477 West Pender Street" dated May 1, 2007, 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 IBI/HB Architects in revised plans and stamped "Received Planning Department, April 12, 2007", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (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 enhance public realm and pedestrian amenity at all sidewalk interfaces, with particular care taken along the sloping Broughton and Nicola frontages;

Note to Applicant: Blank walls are to be avoided. High quality landscape and materials, along with public art, are sought. Particular attention is needed for the garage entry off Nicola Street.

- ii) design development of the interface with Pumphouse Plaza, to enhance and, as much as possible, activate this public open space, taking into account operational and service requirements of the pumphouse; in addition, should any restaurant use be proposed adjoining the Plaza, it should address potential neighborhood concerns regarding noise, traffic and use of the public plaza;

Note to Applicant: Delete all proposed improvements to the plaza, and make separate arrangements to the satisfaction of the General Manager of Engineering Services for any changes or improvements. Consideration of Restaurant use at the eastern end of the site will involve separate liquor licensing process, outdoor restaurant seating in the public plaza will require separate approval, and all approval process for these, including development permit approval, will involve public notification and consultation.

- iii) design development to enhance the architectural treatment of the blank elevator core walls on Pender Street;

- iv) design development to the space between the proposed podium and the Dockside development to the north to improve daylight access and to enhance the landscape treatment;

Note to Applicant: To achieve the foregoing, some shaping and terracing of the podium's north face is encouraged. Stepping back of the upper two floors should be considered, if floor area can be appropriately redistributed elsewhere, including to Pender St. (south) side of the podium.

- v) design development to detailing and specification of curtain wall and other exterior materials to ensure that the high quality of the proposed dynamic architectural form is achieved.

Social Planning

- vi) design development to provide a minimum 130 m² secure outdoor children's play area with a covered seating area for adult surveillance and/or an adjacent common amenity room, following the High Density Housing for Families with Children Guidelines, to the satisfaction of the Director of Social Planning;

Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around the play area. A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available online at:

<http://vancouver.ca/commsvcs/Guidelines/C017.pdf>

Crime Prevention through Environmental Design (CPTED)

- vii) design development to take into consideration the principles of CPTED, having particular regard to:
- reducing opportunities for theft in the underground parking;
 - providing secure access for off-site parking users;
 - providing a gate to the loading area; and
 - reducing opportunities for break and enter and vandalism.

Landscape

- viii) consider provision of permanent landscaping on the podium and tower roof areas;

Note to Applicant: Planters should meet or exceed BCLNA (B.C. Landscape & Nursery Association) Standards.

- ix) provision of high efficiency irrigation for all landscaped areas and hose bibs for each individual private patio, semi-private patio and extensive green roof spaces;
- x) provision of new street trees adjacent the site.

Note to Applicant: Ensure that tree root barriers are specified for trees. New street trees should be noted "Final species, quantity and spacing to the approval of the City Engineer and Park Board." Contact Eileen Curban (604.871.6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (604.257.8587) of Park Board regarding tree species.

Sustainability

- xi) a preliminary LEED score card should be submitted with development (DE) application showing proposed strategies for attainment of at least LEED Silver or equivalent;

Note to Applicant: Registration and certification with CAGBC (Canada Green Building Council) to achieve LEED Silver certification is encouraged but not required. Best effort to pursue equivalency to the satisfaction of the Director of Planning will be accepted.

AGREEMENTS

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

ENGINEERING

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - A. Consolidation of Lots A, B, 4, 5 & 6 is required.
 - B. Dedication for road purposes of a 3 foot by 3 foot corner-cut at the southwest corner of the site (at Nicola and West Pender Streets) is required. No portions of the building above or below grade, or any constructed landscape features are to be proposed within this corner-cut area.
 - C. For the release of the following Easement and Indemnity Agreements prior to occupation of any new development. 236999M, 259196M, 378854M and 405763M.

- D. Provision of either funding of 50% of the total cost of a Pedestrian/Bicycle Actuated signal at the intersection of Nicola and West Pender Streets, subject to approval by City Council or funding of \$50,000 toward other pedestrian related improvements identified and approved by Council.
- E. Provision of funding of 50% of the total cost of a traffic signal at the intersection of West Hastings and Broughton Streets subject to Council Approval within 5 years of occupancy of the complete project.
- F. Upgrading of the water system to meet the service demands of this development. Upgrading of the water main on West Pender Street between Nicola Street and Broughton Street is required. Please provide details of fire flow demands to determine full extent of upgrading.
- G. Provision of Triangle West sidewalk improvements on Broughton Street and Nicola Street adjacent the site.
- H. Provision of improved sidewalks on Pender Street adjacent the site.
- I. Provision of street trees adjacent the site where space permits.
- J. Undergrounding of all existing and new utility services from the closest existing suitable service point. All services, and in particular vista switches and 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.

SOILS

- (ii) 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; and
- (iii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, 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 has been provided to the City by the Ministry of Environment.

HERITAGE DENSITY TRANSFER

- (iv) secure the purchase and transfer of 10 382 m² (111,755 sq. ft.) heritage bonus density to the site at 1409-1477 West Pender Street from a suitable donor site or sites;

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

PUBLIC ART

- (v) provide public art according to the Public Art Policies and Guidelines through an agreement to the satisfaction of the Director of Cultural Affairs.

COMMUNITY AMENITY CONTRIBUTION

- (vi) payment of the community amenity contribution of \$ 3.0 million which has been offered to the City 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.

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-laws.

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, the application to amend the Sign By-law, to establish regulations for this Comprehensive Development District in accordance with Schedule E [assigned Schedule "B" (DD)], as set out in Appendix C to Policy Report "CD-1 Rezoning - 1409-1477 West Pender Street" dated May 1, 2007, be approved;

- C. THAT, the Noise Control By-law be amended to include this Comprehensive Development District in Schedule B, as set out in Appendix C;
- D. THAT Recommendations A to C 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.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Anton

SECONDED by Councillor Chow

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 recessed at 10:00 p.m. on June 12th, and
adjourned at 9:15 p.m. on June 14, 2007

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