



CITY OF VANCOUVER

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SPECIAL COUNCIL MEETING MINUTES  
FEBRUARY 12 AND 21, 2008

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, February 12, 2008, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider zoning, official development plan, sign by-law amendments and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, February 21, 2008, at 7:30 p.m. in the Council Chamber. The Minutes have been consolidated for ease of reference.

**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:** Tina Hildebrandt, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson  
SECONDED by Councillor Anton

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider zoning, official development plan, sign by-law amendments and heritage by-laws.

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

**1. TEXT AMENDMENT: 140 West 1st Avenue (formerly 102-160 West 1st Avenue)**

An application by Stuart Lyon, GBL Architects, was considered as follows:

Summary: To amend the Southeast False Creek (SEFC) Official Development Plan (ODP) to allow a height increase on this site and subject to enactment of the CD-1 (Comprehensive Development District) for this site to consider a CD-1 text amendment and amendments to the conditions of approval for the CD-1 By-law.

The Director of Planning recommended approval.

### Staff Opening Comments

Karis Hiebert, Planner, False Creek Flats Group, and Rob Jenkins, Assistant Director of Planning were present to respond to questions.

### Applicant Comments

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

### Summary of Correspondence

No correspondence had been received on this application 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 GBL Architects Group on behalf of Wall Financial Corporation to amend the Southeast False Creek Official Development Plan By-law (the "SEFC ODP By-law") to permit an increase in height for 140 West 1st Avenue generally in accordance with Appendix A to Policy Report "SEFC ODP and CD-1 By-law Text Amendments for 140 W 1st Avenue (formerly 102-160 W 1st Avenue)" dated December 21, 2007, be approved;
- B. THAT, subject to enactment of the CD-1 By-law for 102-160 West 1st Avenue:
  - (i) the application of the Director of Planning to amend the CD-1 By-law, generally in accordance with Appendix B to Policy Report "SEFC ODP and CD-1 By-law Text Amendments for 140 W 1st Avenue (formerly 102-160 W 1st Avenue)" dated December 21, 2007; and
  - (ii) the amendments to the conditions of approval for the CD-1 By-law for 102-160 West 1st Avenue, generally in accordance with Appendix C to Policy Report "SEFC ODP and CD-1 By-law Text Amendments for 140 W 1st Avenue (formerly 102-160 W 1st Avenue)" dated December 21, 2007;

be approved.

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

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Chow

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY  
(Councillor Ladner absent for the vote.)

**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  
(Councillor Ladner absent for the vote.)

**BY-LAWS**

MOVED by Councillor Chow  
SECONDED by Councillor Anton

THAT Council enact the by-laws before them at this meeting as numbers 1 and 2, and authorize the Mayor and the City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY  
(Councillor Louie ineligible to vote on By-laws 1 and 2)  
(Councillor Ladner absent for the vote.)

1. A By-law to amend CD-1 By-law No. 9594 (re 140 West 1<sup>st</sup> Avenue) (By-law No. 9598)
2. A By-law to amend SEFC ODP By-law No. 9073 (re 140 West 1<sup>st</sup> Avenue) (By-law No. 9599)

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Ladner  
SECONDED by Councillor Louie

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider zoning, official development plan, sign by-law amendments and heritage by-laws.

CARRIED UNANIMOUSLY

## 2. HRA/HERITAGE DESIGNATION: 71 East Hastings Street

An application by Douglas Johnson, Douglas Johnson Architects, was considered as follows:

**Summary:** Heritage Revitalization Agreement and Designation to rehabilitate and conserve this heritage building in exchange for Heritage Building Rehabilitation Program incentives, and Single Room Accommodation (SRA) Conversion permit to provide 19 self-contained SRA-designated units accompanied by 20-year term Housing Agreement requiring monthly rental to permanent residents only.

The Director of Planning recommended approval.

### Staff Opening Comments

Zlatan Jankovic, Planner, Heritage Group, and Rob Jenkins, Assistant Director of Planning, responded to questions.

### Applicant Comments

Douglas Johnson, Douglas Johnson Architects, was present to respond to questions.

### Summary of Correspondence

No correspondence had been received on this application 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 Council designate the buildings at 71 East Hastings Street (71-75 and 77 East Hastings Street), listed in the "C" category on the Vancouver Heritage Register, as Protected Heritage Property, and instruct the Director of Legal Services to bring forward for enactment a heritage designation bylaw;
- B. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site and grant a density bonus of 37,685 sq. ft. available for transfer off site. The Heritage Revitalization Agreement will be registered on title as a legal notation;
- C. THAT Council approve an SRA Conversion/Demolition permit to allow for alterations to install private bathrooms and cooking facilities in each of the 19 (nineteen) SRA-designated units, on the condition that Council approve A and B, and the owner enter into a 20-year term Housing Agreement with the City, to the

satisfaction of the Director of the Housing Centre, requiring monthly rental to permanent residents only;

- D. THAT, subject to the approval of A, Council authorize one facade grant for a total of \$50,000 with funding to be provided from the 2006 Capital Budget;
- E. THAT, subject to approval of A, Council instruct the Director of Legal Services to prepare a Tax Exemption Bylaw for 71 East Hastings Street for a property tax exemption which is not to exceed a value of \$173,670 or a period of ten (10) years, which ever comes first; and
- F. FURTHER THAT, subject to assent of the electors to the real property tax exemption by-law or their deemed approval, the Director of Legal Services bring forward the by-law, generally on the terms set out in Appendix A to Administrative Report "71 East Hastings Street (DE 410058) - Heritage Designation and Incentives, and SRA Conversion/Demolition Permit Application" dated December 13, 2007, for enactment.
- G. THAT the agreements, covenants and by-laws shall be prepared, registered and given priority to the satisfaction of the Director of Legal Services in consultation with the Director of Planning; and
- H. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY

### 3. HERITAGE REVITALIZATION AGREEMENT: 265 Carrall Street

An application by Roger Bayley, Merrick Architecture, was considered as follows:

Summary: Heritage Revitalization Agreement to rehabilitate and conserve heritage facades of this heritage building in exchange for Heritage Building Rehabilitation Program incentives, and (SRA) Single Room Accommodation Conversion permit to remove 22 designated, approximately 30 years vacant, rooms from the SRA by-law.

The Director of Planning recommended approval.

Also before Council was a Memorandum from staff dated February 12, 2008, advising that Recommendation B is changed based on last minute clarification on the relevant assessment provisions of the SRA by-law.

#### Staff Opening Comments

Jill Davidson, Housing Planner, and Zlatan Jankovic, Planner, Heritage Group, responded to questions.

### **Applicant Comments**

Roger Bayley, Merrick Architecture, was present to respond to questions.

### **Summary of Correspondence**

No correspondence had been received on this application 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

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for 265 Carrall Street and grant a density bonus of 61,825 sq. ft. available for transfer off site. The Heritage Revitalization Agreement will be registered on title as a legal notation;
- B. THAT, subject to approval of A, Council approve a Single Room Accommodation Conversion/Demolition permit for 265 Carrall Street to convert and remove 22 designated rooms from the SRA inventory, on the condition that prior to the issuance of the SRA permit, the owner (a) enter into a Heritage Revitalization Agreement with the City for the rehabilitation of the building as proposed in Development Application DE410844, AND (b) pay \$105,000 being an assessment of \$15,000 per unit for 7 of the 22 units, to be deposited into the City's reserve fund for the creation of replacement housing;
- C. THAT, subject to the approval of A, Council authorize two facade grants for a total of \$100,000 with funding to be provided from the 2006 Capital Budget;
- D. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement; and
- E. THAT the agreement and related by-law shall be prepared, registered and given priority to the satisfaction of the Director of Legal Services in consultation with the Director of Planning.

CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY

#### 4. CD-1 REZONING: 236-298 West 1<sup>st</sup> Avenue

An application by David Evans, Cressey (Cook) Development LLP, was considered as follows:

Summary: To rezone from M-2 (Industrial District) to CD-1 (Comprehensive Development District), under SEFC ODP, to permit a 156 unit residential development in a 13 storey tower with a townhouse podium.

The Director of Planning recommended approval.

#### Staff Opening Comments

Michael Naylor, Planner, Rezoning Centre, responded to questions.

#### Applicant Comments

David Evans, Cressey Developments, was present to respond to questions.

#### Summary of Correspondence

No correspondence had been received on this application 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 Louie

- A. THAT the application by Cressey (Cook) Development LLP, to rezone 236-298 West 1st Avenue (PID 011-068-477, Lot 6, Block 4, DL 302, Plan 5832 and PID 007-137-681, Lot A, Block 4, DL 302, Plan 18593) from M-2 (Industrial) to a CD-1 (Comprehensive Development) District to permit a 13-storey residential building and a 3-storey mid-block building with a total density of 3.5 Floor Space Ratio, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 236-298 West 1<sup>st</sup> Avenue" dated December 21, 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 Rafii Architects Inc., and stamped "Received Planning Department, April 24, 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

- (i) design development to further refine the architectural resolution and the apparent bulkiness of the tower;

- (ii) design development to the breezeway between the tower and the mid-block massing;

Note to Applicant: This can be achieved by providing a wider gap at grade, by extending the lobby and amenity spaces along the tower base to enliven the breezeway edge, and by adding windows to the sides of adjacent residential units.

- (iii) 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 second floor across Crowe Street. Primary living spaces for units adjacent to the lane are to be oriented east or west.

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

Note to Applicant: Consistent with the SEFC Public Realm Plan, a pedestrian courtyard is to be provided on the development site open to the lane, including specialty paving, bench seating, lighting and landscaping. The remainder of the site's open space design should transition from public to private striving not to use fencing or gating.

- (v) provision of high quality, durable architectural materials and detailing including rain protection overhangs;

- (vi) provision of grade-level setbacks from the property lines (after dedications) to the principle building façade of at least 2.4 m on the streets and of at least 1.5 m on the lane to provide the landscape interface specified in the SEFC Public Realm Plan;

- (vii) provision of a private, un-gated pedestrian link on the east edge of the property to be shared in common by future development on the adjacent site to the east;

Note to Applicant: Windows from adjacent units should be located to view this area.

- (viii) design development to the public realm to incorporate historic and art features consistent with the SEFC Public Realm Plan, Public Art Plan and Interpretive Strategy;

### Crime Prevention Through Environmental Design (CPTED)

- (ix) 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; and
- mischief in alcoves and vandalism, such as graffiti;



### Landscape Design

- (x) Public Realm Treatment – provision of a variety of spaces that are consistent with the SEFC 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;
- (xi) Open Space and 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); and
  - continuous soil trough to establish climbing plants on walls and structures;
  - durable landscape materials and structures such as plant specific soils, durable planters, wall trellis structures;
- (xii) 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, 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; and
  - 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");
- (xiii) Trees – protect lane-edge trees and planting from vehicular impacts by providing metal tree-surrounds, bollards or low curbs as needed;
- (xiv) Roof Decks – design development to provide urban agriculture grow plots, tool storage and hose bibs on common roof deck areas;

Note to Applicant: provide notations for hose bibs on landscape plan; provide details of green roof system and soil depth sections through all roof planters.

### **Social Planning**

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

Note to applicant: All indoor amenity rooms should have an accessible washroom. Multi-purpose amenity rooms should also include a kitchenette and adequate storage area.

- (xvi) design development to provide a children's play area on the common roof deck.
- (xvii) design development to provide opportunities for additional active and passive uses and activities.

Note to applicant: Outdoor cooking, preparation and eating areas, a grassy area and/or an increased number of seating areas could be provided for other uses.

### **Universal Design**

- (xviii) 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 G;

### **Environmental Sustainability**

- (xix) applicant to work with City staff through best efforts, to achieve the SEFC Green Building Strategy (as presented in Appendix E) and to 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**

- (xx) provide energy efficient design and show modelling results to meet or exceed the Commercial Buildings Incentive Program (CBIP) standard for energy efficiency;
- (xxi) provide full building design to meet ASHRAE 90.1 (2004) in its entirety (with the exception of outright energy efficiency, which is covered under the previous provision) 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.

- (xxii) 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;
- (xxiii) provide, in the building design, connections to and compatibility with the False Creek Neighbourhood Energy Utility;

Note to Applicant: Clarify how the building design includes provision for connections to the False Creek Neighbourhood Energy Utility and show on the plans the room, labeled "NEU Energy Transfer Station (ETS)", that will house the system infrastructure. The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall, suitable space for the installation of the NEU system ETS equipment, with adequate provision for connection to outside NEU distribution piping and communications conduit. 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 By-law 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, to the satisfaction of the General Manager of Engineering Services.

- (xxiv) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxv) provide climate zone control for residential and live-work units;
- (xxvi) specify fireplaces that are listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 (2001) heating appliance standards;

Note to applicant: No continuous pilot lights; interrupted power ignition is preferred. A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit. Fireplaces are not encouraged, but where fireplaces are specified, the proponent is encouraged to work with the False Creek Neighborhood Energy Utility to properly balance the unit's space-heating load.

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

Note to applicant: Implementation of the above will ensure one (1) additional LEED point for the project. Also, to ensure adequate overnight charging, a conductive split duplex receptacle, or two single receptacles by two separate circuits rated at 120 V at 20 Amps or more each, is required.

#### Stormwater Management

- (xxviii) provide an overlay of all roofs to illustrate the amount of green roof coverage by intensive and extensive green roofs;

Note to applicant: Green roofs covering 50% of all roof surfaces are encouraged but not required.

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

Note to Applicant: Provide stormwater retention system separated from the potable water system (a dual system) for the irrigation of ground-level open spaces. Public realm landscaping is to be sized for the summer drought periods. In addition, water storage for the rooftop 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.

#### In-Building Water Efficiency

- (xxxii) provide low water-use plumbing fixtures at or below 1.8 gpm for faucets and showerheads, and 6L/3L for 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

- (xxxiii) 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

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

#### Waste Management

- (xxxv) 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;
- (xxxvi) 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 three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.

## 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

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

- (i) consolidation of PID 011-068-477, Lot 6, Block 4, DL 302, Plan 5832 and PID 007-137-681, Lot A, Block 4, DL 302, Plan 18593;
- (ii) dedication of up to 2.0 m of the site along the north boundary for road purposes;

Note to Applicant: The exact dimensions of the dedication are to be determined by the final geometric design for the 1st Avenue reconstruction. The dimensions are expected to be 0.8 m width at the west boundary (for road widening) and, beginning at a distance of about 38.0 m from the east boundary, a gradual increase in width to a total of 2.0 m at the east boundary (to provide extra street width for a proposed streetcar stop on 1st Avenue at Cook Street).

- (iii) discharge of Easement and Indemnity agreements 498452M, J7774, and J87654 prior to occupancy of the site;
- (iv) provision of a shared vehicle ramp with knock-out panel for future access to underground parking and services for the adjacent site to the east;
- (v) provision of a 1.5 m wide easement along the east boundary of this development site, to be combined in the future with a comparable easement on the adjacent site to the east when that site is redeveloped, for the purpose of a private pedestrian walkway to be shared by both developments;

Note to Applicant: The design of this area as shown in the application, with gates, may be subject to adjustment when the development to the east occurs. The width of the easement for the adjacent site will be determined at the time of rezoning of that site.

- (vi) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees, street furniture and landscaping adjacent the site in keeping with the final design requirements of the SEFC Public Realm Plan;

Note to Applicant: See Engineering Services' detailed comments on public realm treatments in Appendix D.

- (vii) provision of improvements to the lane south of 1st Avenue in keeping with the final design requirements of the SEFC Public Realm Plan, including a "runnel", lane bulges, lane landscaping and lane lighting where applicable;

(viii) provision of a 1.5 m wide statutory right-of-way along the south side of the site (along the lane) for utility purposes;

(ix) undergrounding of all *existing* and *new* utility services from the closest existing suitable service point;

Note to Applicant: All services, 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.

(x) 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 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 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 add'l 100 units	+0	+0	+1

Note to Applicant: Co-op spaces must be provided in an area with 24-hour accessibility (e.g. within visitor parking or outside the building).

### SOILS

(xi) 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.

(xii) 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

- (xiii) 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, at the sole discretion of the City Engineer; 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;

#### COMMUNITY AMENITY CONTRIBUTION

- (xiv) the agreed community amenity contribution of \$1,470,056 is to be paid to the City and such payment 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-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT a consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (DD) as set out in Appendix C to Policy Report "CD-1 Rezoning - 236-298 West 1<sup>st</sup> Avenue" dated December 21, 2007, be approved.
- C. THAT, subject to approval of the rezoning at the Public Hearing, the Noise Control By-law be amended to include this Comprehensive District in Schedule B as set out in Appendix C to Policy Report "CD-1 Rezoning - 236-298 West 1<sup>st</sup> Avenue" dated December 21, 2007, be approved.
- D. THAT 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

#### 5. HRA/HERITAGE DESIGNATION: 190 Prior Street

An application by Craig Taylor, Christopher Bozyk Architect, was considered as follows:

Summary: Heritage Revitalization Agreement and Designation to permit an increase in density and to convert the building to residential use with retail at grade. The building will be added to the Vancouver Heritage Register as part of the process.

The Director of Planning recommended approval.

Also before Council was a Memorandum from staff dated February 21, 2008, in response to questions of Council in relation to the project.

#### Staff Opening Comments

Yardley McNiell, Planner, Heritage Group, and Jacquie Gijssen, Planner, Cultural Services, provided an overview of the application and, together with Brent Toderian, Director of Planning, Rob Jenkins, Assistant Director of Planning, and Jerry Evans, Property Development Officer - Real Estate Services, responded to questions.

#### Applicant Comments

Chris Bozyk, Christopher Boyzk Architects, explained the project, and, together with Richard Wittstock, AMACON, responded to questions.

#### Summary of Correspondence

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

##### *Opposed*

- 101 emails and letters;
- a Petition with 2,894 signatures; and
- 50 form letters

##### *In Support*

- 2 emails;

##### *Other*

- 2 emails

##### *Applicant*

- 1 letter regarding alternate artist space

## Speakers

The Mayor called speakers for and against the application.

The following spoke in opposition to the application, many of whom requested a 180 day delay to allow for further negotiation between the developer and the artists:

Mira Malatestinic  
Valerie Arntzen  
Elvy Del Bianco, VanCity  
Landon Mackenzie  
Andrew Wilhelm-Boyes, Alliance for Arts and Culture (*brief distributed - on file*)  
Frank Malinka  
George Rammell  
Suzan Marczak  
Megan McKinney, Office of Libby Davies, MP Vancouver East  
Haruko Okano  
Am Johal, Impact on Community Coalition  
Maureen Sugrue, Strathcona Resident's Association  
Richard Stout - need clear policies  
Zoe M. Peled, Canadian Artists' Representation (CARFAC BC)  
Dennis Brown (*brief distributed - on file*)  
Vanessa Kapka  
Richard Tetrault  
Eri Ishii (*petition submitted - on file*)  
Jane Wolsak (*letter distributed - on file*)  
Leslie Kemp, Community Arts Council of Vancouver (*letter submitted - on file*)  
Jovian Francey  
Dori Luthy-Harrison (*report submitted - on file*)  
Arnt Arntzen  
Warren Murfitt  
Christine Hatfull  
Peter Braune  
Paula Sawadsky  
Lisa Ochowycz  
John Swanson  
Nathan Wiens  
Rebecca Bishop  
Afuwa Granger, Canadian Artists' Representation (CARFAC) BC  
Kathy Atkins

In response to questions, staff agreed to provide memorandums on the following:

- the consequences, including costs, of adjusting the notification process within the development permit process to include tenants/renters in the notified area; and
- a detailed inventory of City-owned properties and the uses prescribed within these properties.

### **Council Decision**

Council, having concluded the Public Hearing, agreed to refer discussion and decision on the application as Unfinished Business to the Regular Council meeting on March 11, 2008, in order to allow the applicant and the artists of 190 Prior Street (formerly 901 Main Street) to further develop a proposal for report back by staff.

### **RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Lee

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

### **ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Cadman  
SECONDED by Councillor Chow

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

The Special Council recessed at 10:05 p.m. on February 12<sup>th</sup>,  
and adjourned at 10:11 p.m. on February 21, 2008

\* \* \* \* \*