



REPORT TO COUNCIL
SPECIAL COUNCIL MEETING MINUTES

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JANUARY 20, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, January 20, 2009, 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 zoning, official development plans, and sign by-laws.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

CITY CLERK'S OFFICE: Pat Boomhower, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to zoning, official development plans, and sign by-laws.

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Green Building Amendments (city-wide)

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

Summary: To permit the removal of certain barriers to using green building approaches in construction in the Zoning and Development By-law and certain Official Development Plans.

The Director of Planning, in consultation with the Director of Development Services, the Manager of the Sustainability Group, the Chief Building Official, and the Director of Legal Services, recommended approval.

Staff Comments

Brent Toderian, Director of Planning, and David Ramslic, Manager, Sustainable Development Program, explained the application and responded to questions.

Also before Council was a Memorandum from staff dated January 8, 2009, which put forth additional amendments to the Zoning and Development By-law to remove barriers to green building approaches in construction.

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

THAT the application to amend the Zoning and Development By-law, generally in accordance with Appendix A to the Administrative Report "*EcoDensity Revised Action C-10 (May 2008): Amendments to the Zoning and Development By-law to Remove Barriers to Green Building Approaches*" dated October 14, 2008, as amended at the Public Hearing on January 20, 2009, as follows:

- Introduce a new subsection 10.7.1 (f) to allow for 'fixed external shading devices', at the discretion of the Director of Planning, to project into required yards;
- Introduce a new subsection 10.11.1 (d) to allow for the Director of Planning to consider additional building height, subject to the described criteria, for roof-mounted energy technologies, or for access and infrastructure required to maintain green roofs or urban agriculture; and
- Clarify that only the extra space required to improve wall insulation, and not the entire wall assembly, is to be exempt from floor area calculation.

to remove barriers to green building approaches in construction, and to similarly amend the Downtown Official Development Plan By-law, the Downtown Eastside/Oppenheimer Official Development Plan By-law, the First Shaughnessy Official Development Plan By-law, and the Southeast Granville Slopes Official Development Plan By-law, generally in accordance with Appendix A, of the same report, be approved.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: False Creek North Official Development Plan (FCN ODP)

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

Summary: To correct amendments to the False Creek North Official Development Plan (FCN ODP) brought forward in October 2008 regarding the calculation of permitted floor space for Area 6B and the retail/service use optional designation for Area 5B.

The Director of Planning recommended approval.

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

THAT the application to amend the False Creek North Official Development Plan By-law No. 6650 to make three minor corrections regarding the calculation of permitted floor space for Area 6B and the retail/service use optional designation for Area 5B, generally as presented in Appendix A, to the Policy Report "*False Creek North Official Development Plan - Minor Corrections*", dated November 6, 2008, be approved.

CARRIED UNANIMOUSLY

3. TEXT AMENDMENT: 525 Abbott Street

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

Summary: To amend CD-1 (Comprehensive Development District) By-law No. 6747 (#265) for International Village and the False Creek North Official Development Plan (FCN ODP) By-law No. 6650 to adjust the requirements for affordable housing in these by-laws to enable a proposed supportive housing development.

The Managing Director of Social Development, in consultation with the Director of Planning, recommended approval.

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.

Staff Comments

Rob Jenkins, Assistant Director of Current Planning, and Brent Toderian, Director of Planning responded questions.

Council Decision

MOVED by Councillor Woodsworth Woodworth

THAT, the application to amend CD-1 By-law No. 6747 (Reference No. 265) for International Village and, consequently, the False Creek North Official Development Plan By-law No. 6650 to adjust the requirements for affordable housing in these by-laws to enable a proposed supportive housing development at 525 Abbott Street, generally as set out in Appendices A and B, to the Policy Report "*CD-1 Text Amendment for Supportive Housing Site at 525 Abbott Street and Text Amendment of the False Creek North Official Development Plan*", dated October 23, 2008, be approved.

CARRIED UNANIMOUSLY

4. REZONING: 215 West 2nd Avenue

An application by Dane Jansen, dysarchitecture, was considered as follows:

Summary: To rezone from M-2 (Industrial District) to CD-1 (Comprehensive Development District) to allow an 11-storey building with residential use and grade-level commercial. The development would contain 147 dwelling units of supportive non-market housing, with amenity and office use at the ground level. A floor space ratio of 4.8 and a height of 38 m (124.7 feet) are being proposed.

The Director of Planning and the Managing Director of Social Development recommended approval, subject to conditions as set out in the Agenda of the Public Hearing.

Staff Comments

Daniel Naundorf, Planner - Housing Policy, and Raymond Kwong, Senior Project Officer, Vancouver Coastal Region - Development Services, BC Housing Management Commission, responded to questions.

Applicant Comments

Dane Jansen, dysarchitecture, provided an overview of the application.

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 dysarchitecture on behalf of RainCity Housing and Support Society and Katherine Sanford Housing Society to rezone 215-225 West 2nd Avenue (Lots 9,10,11, Block 4, District Lot 302, Plan 5832, PID 011-068-515, PID 011-069-678, PID 011-069-651) from M-2 (Industrial District) to CD-1 (Comprehensive Development District) to permit an 11-storey building of residential use with grade-level commercial and a total density of 4.8 floor space ratio (FSR), generally as presented in Appendix A to the Policy Report "*CD-1 Rezoning - 215 West 2nd Avenue*", dated October 23, 2008, be approved, subject to conditions:

1. PROPOSED CONDITIONS: FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by dysarchitecture and stamped "Received City Planning Department, August 14, 2008", 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 ensure sustainability strategies and principles are reflected in design details, materials, and architectural finishes;
- ii) design development to further resolve the material treatment and detail;

Note to Applicant: The proposed material palette needs further design rigor to refine and reconcile the diverse choice of materials. Provide

detailed sections of the building envelope and through all material interfaces and connections.

- iii) design development to further address pedestrian interest along West 2nd Avenue and Cook Street frontages;

Note to Applicant: Provide for pedestrian interest along the street frontage, maintaining good transparency into the building. "Back of house" functions such as kitchens, work rooms and administrative offices need to be reconsidered so that the window frontage along the streets is not obstructed.

- iv) design development to the pedestrian connection, along the west property line, to strengthen the visual connection between West 2nd Avenue and the lane, with further enhancement of the architectural expression and landscape treatment along the west elevation to provide pedestrian interest;

Note to Applicant: Maintain good visibility of this space from both inside the building and the public realm. Consider providing a continuous pedestrian linkage between West 2nd Avenue and the lane to the north, as per SEFC Official Development Plan's recommendations for mid-block locations.

- v) design development to the architectural expression at the south west corner, acknowledging the end axis of Alberta Street;

Note to Applicant: This centre axis relationship requires further emphasis to strengthen the visual end point of Alberta Street and change in the city street pattern.

- vi) design development to reduce the apparent height of the low-rise massing and visual impact of the rooftop railing;

Note to Applicant: Re-position the railing further away from the parapet edge to reduce the apparent height. Reconsider the colour, materiality and height of the proposed railing.

Crime Prevention Through Environmental Design (CPTED)

- vii) design development to take into consideration the principles of CPTED having regard to reducing opportunities for:

- theft in the underground parking level;
- breaking and entering;
- mischief (such as graffiti and vandalism);

Note to Applicant: Reduce alcoves and hidden spaces within the underground parkade. Consider painting underground parkade white, including columns, to improve visibility.

Landscape

- viii) design development to the open space and landscape treatment to ensure appropriate and durable landscape materials and structures, such as plant specific soils, durable planters, wall trellis structures;

Note to Applicant: Provision, at time of development permit application, of a detailed rationale outlining intent for the specific programming of the 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) will be required.

- ix) design development to grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth;

Note to Applicant: Planted areas adjacent to structures and on slab to contain continuous soil volumes. Plant growing depth is to exceed BCLNA Landscape Standard.

- x) 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 and gates;

- xi) provision at time of development permit application of a lighting plan;

- xii) provision of hose bibs for all patios that cannot be serviced using at-grade non potable water with high efficiency irrigation system for all planters;

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

- xiii) 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;

Note to Applicant: 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") with a notation on the Landscape Plan:

"Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in deep. Planting depth of root ball must be below sidewalk grade. New street trees to be provided adjacent to the development site and to be confirmed prior to the issuance of the building permit. Call Park Board for inspection after tree planting completion."

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements.

Urban Agriculture

- xiv) design development to provide an area for composting, tool storage, work bench and hose bibs, in proximity to the garden plots on level 7;

Public Realm

- xv) design development to provide a variety of spaces consistent with the SEFC Public Realm Plan;

Note to Applicant: Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.

Note to Applicant: A copy of the public realm landscape plan should be submitted directly to Engineering for review and comment by Engineering Greenways staff with the following notation on the Landscape Plan:

"All public realm details to be in accordance with the SEFC Public Realm Plan to the satisfaction of the General Manager of Engineering Services."

Neighbourhood Energy Utility

- xvi) design development to include provision for connections which are compatible with the "district heating system" proposed for the area;

Note to Applicant: Clarification of how the building design includes provision for connections to the False Creek Neighbourhood Energy

Utility (NEU) is required, as are plans which label the room that will house the system infrastructure as NEU Energy Transfer Station (ETS). The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall.

Note to Applicant: The ETS room shall provide suitable space, to the satisfaction of the General Manager of Engineering Services, 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 be heated during the winter to a minimum of 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.

Universal Design

- xvii) applicant to work with a Universal Design consultant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria" as outlined in Appendix E to policy Report "CD-1 Rezoning - 215 West 2nd Avenue" dated October 23, 2008;

Sustainability

- xviii) applicant to meet the SEFC Green Building Strategy and the EcoDensity Rezoning Policy for Greener Buildings (Action A-1), including a minimum LEED™ Gold Canada Certified standard and City of Vancouver prerequisites (with a minimum of 3 optimize energy performance points, 1 water efficiency point, 1 storm water point) with full LEED™ registration and documentation, or equivalency;
- xix) provision of a LEED scorecard, demonstrating strategies to achieve a LEED Gold equivalent rating in the projects sustainability performance;

Waste Management

- xx) Provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics) the development site is to provide adequate space to accommodate 3 streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (a) That prior to enactment of the CD-1 By-law, arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services be made for the following:

- i) consolidation of Lots 9, 10 and 11;
- ii) discharge of Easement M21433 and of Easement and Indemnity Agreements M21434, N33824 and GC158948 (concerning a building encroachment);
- iii) dedication of the south 1.5 m of the site for road purposes;
- iv) provision of a 1.5 m right-of-way along the north property line of the site for lighting and landscaping purposes, and provision of lane lighting within that right-of-way;

Note to Applicant: provision of on-site transformers, switches and or kiosks to allow for the supply of energy to the lighting is required.

- v) provision of new sidewalks, curb, pavement, lamp standards, street trees, landscaping and street furniture adjacent the site in keeping with the final SEFC public realm design requirements;
- vi) provision of improvements to the lane south of 1st Avenue, adjacent the site, in keeping with the final SEFC public realm design requirements to include runnels, special pavement treatments and concrete lane crossings;
- vii) undergrounding of all existing utility services adjacent to the site and undergrounding of all new utility services to the site from the closest existing suitable service point;

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

- viii) agreement for shared use of the loading bay by residential and retail uses;

Note to Applicant: Appropriate agreements will be required.

SOILS

- ix) 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;

- x) do all things and/or enter into such agreements deemed necessary by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there 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;

OLYMPIC SECURITY REQUIREMENTS

- xi) prior to enactment of the CD-1 By-law, arrangements to secure the following:
 - (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements") at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010:
 1. cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 2. not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
 - (B) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner;
 - (C) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be

restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games, 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.

- B. THAT, the application to amend Schedule E of the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B (DD), as set out in Appendix C, to the Policy Report "*CD-1 Rezoning - 215 West 2nd Avenue*" dated October 23, 2008, be approved; and
- C. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law to include this Comprehensive District in Schedule B as set out in Appendix C to the Policy Report "*CD-1 Rezoning - 215 West 2nd Avenue*" dated October 23, 2008.

CARRIED UNANIMOUSLY

5. REZONING: 1845 Napier Street

An application by Laurie Schmidt, Brook and Associates Inc., was considered as follows:

Summary: To rezone from RT-5 (Two-Family Dwelling District) to CD-1 (Comprehensive Development District) to permit the use of an existing building for a vocational school and accessory dormitory. The rezoning would also permit a reduction in parking that would normally be required for the proposed uses and would regularize legal non-conformities of the existing building.

The Director of Planning recommended refusal.

Staff Opening Comments

Michael Naylor, Senior Planner, Current Planning - Rezoning Centre, provided an overview of the application and staff's recommendation and, together with Brent Toderian, Director of Planning, and Michelle McGuire, Planner, Current Planning - Rezoning Centre, responded to questions.

Applicant Comments

Laurie Schmidt, Brook & Associates Inc., provided an overview of the benefits of the application and noted concerns raised could be addressed by way of a good neighbour agreement.

Mr. Schmidt, along with Randy Parizeau, President, Youth With A Mission (YWAM) BC Society, and Mike Davies, Director, Youth With A Mission Vancouver, provided background on the YWAM organization and programs and responded to questions.

Summary of Correspondence

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

- 5 letters; 7 emails; and a Petition (*58 names - unaudited*) in opposition
- 1 letter; 29 emails; and a Petition (*193 names - unaudited*) in support
- 2 emails providing other comments in relation to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Penny Street
Dan Fass
Marcia Harrison
Jana Sakich
Stephen Holmes
Brian Hutchinson
Anita Dircks
Doug Pasco
Barb Lando
Jacqueline Samuda
Petronella Vander Valk
Binny Van Bergen
Mona Hubinette
Christopher Pollon
Tammy Schultz
Terri Holizki

Leslie Rose
Leonard Terhoch
Georgina Varveris

The following spoke in favour of the application.

Wade Pallister
Karen Reed
Gordie Lagore
Grayson Bain
Lynne O'Hara
Michael McClacherty
Rene Hadley, Youth With A Mission
David Koop

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

Applicant Closing Comments

Mr. Schmidt provided closing comments on the benefits of the application and responded to questions.

Staff Closing Comments

Staff provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Stevenson

THAT discussion and decision on the application by Brook and Associates Inc., to rezone 1845 Napier Street from RT-5 (Two-Family Dwelling District) to CD-1 (Comprehensive Development District) to permit the use of an existing building for a vocational school and accessory dormitory, be referred to the next Regular Council meeting on Tuesday, February 3, 2009, as Unfinished Business.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Stevenson

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

BY-LAWS

Moved by Councillor Deal
Seconded by Councillor Cadman

THAT Council enact the by-law before them at this meeting as number 1 and authorize the Mayor and the City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

1. **A By-law to amend False Creek North Official Development Plan (re. BC Place Stadium) (By-law No. 9797)**

The Special Council adjourned at 11:14 p.m.

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