

MAY 19, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 19, 2009, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider zoning, heritage and sign by-law amendments.

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

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

1. HERITAGE REVITALIZATION AGREEMENT: 101 West Hastings Street (Woodward's Site)

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

Summary: To amend the Heritage By-law and Heritage Revitalization Agreement (HRA) to include the final Conservation Plan.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this application.

Speakers

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

Council Decision

MOVED by Councillor Anton

- A. THAT Council approve amendments to Heritage Revitalization Agreement By-Law No. 9269, as amended by By-law No. 9700, to change and to more specifically describe heritage components listed in the Heritage Revitalization Agreement, all generally in accordance with Appendix A, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Heritage Revitalization Agreement By-law amendments, generally in accordance with Appendix A, to the above report.

- B. THAT Council approve amendments to the Restoration Covenant registered under number BA282954 to BA282956, generally in accordance with Appendix A, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Restoration Covenant amendments, generally in accordance with Appendix A, to the above report.

- C. THAT Council approve amendments to Heritage By-law No. 4837, as amended by By-law No. 9699, to more precisely describe the designated heritage features on the Woodward's Site, generally in accordance with Appendix B, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Heritage By-law amendments, generally in accordance with Appendix B, to the above report.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: Miscellaneous Text Amendments

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

Summary: Miscellaneous amendments to the Zoning and Development By-law, various Comprehensive Development (CD-1) By-laws, the Sign By-law, and Zoning and Development Fee By-law. The amendments achieve the intent of earlier rezonings.

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.

MOVED by Councillor Anton

- A. THAT the application by the Director of Planning to amend the Zoning and Development By-law, various CD-1 By-laws, and the Sign By-law for miscellaneous text amendments generally as presented in Appendix A to Policy Report, *"Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws, Sign By-law, and Zoning and Development Fee By-law"* dated April 7, 2009 be approved.
- B. THAT the Director of Legal Services be instructed to bring forward for enactment the necessary by-laws for miscellaneous text amendments to the Zoning and Development Fee By-law, generally in accordance with Appendix B of the above noted Policy Report.

CARRIED UNANIMOUSLY

3. REZONING & TEXT AMENDMENT: East Vancouver Port Lands

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

Summary: To make various text and plan amendments to Comprehensive Development (CD-1) #258 and adjacent sites to implement the East Vancouver Port Lands Plan and to rezone 3001 Wall Street and 3399 Bridgeway from CD-1 District to I-2 (Industrial) District to reflect the non-port related uses of the sites.

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.

Barbara Fousek, Burrardview Community Association and Community Liaison, East Vancouver Port Lands, spoke in support of the application.

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

Council Decision

MOVED by Councillor Woodsworth

- A. THAT, as part of the implementation of the East Vancouver Port Lands Plan, approved by Council on April 19, 2007, the application by the Director of Planning to amend CD-1 #258 (By-law No. 6718) for the East Vancouver Port Lands (currently named Burrard Waterfront, East of Victoria) to update the uses and height regulations to align the By-law with the East Vancouver Port Lands Plan, generally as described in Appendix A to Policy Report, *"Zoning Amendments to CD-1 #258 (Burrard Waterfront, East of Victoria) related to the East Vancouver Port Lands Plan"* dated April 6, 2009 and to rezone 3001 Wall Street (PID 023-672-781, Parcel B except part on Plan LMP 31713, Block S, Town of Hastings, New Westminster District, Plan LMP 31712) and 3399 Bridgeway (PID 011-154-551, Block K, Except part of Reference Plan 8675 now lane, Town of Hastings, Plan 5461) from CD-1 #258 (By-law No. 6718) to I-2 (Industrial) District to reflect the non-port related industrial uses of the sites be approved.
- B. THAT, subject to approval of the by-law to amend CD-1 #258, the East Vancouver Port Lands CD-1 Guidelines, generally as outlined in Appendix B of the above noted Policy Report, also be approved.

CARRIED UNANIMOUSLY

4. TEXT AMENDMENT: 651 Expo Boulevard

An application by James Cheng, James Cheng Architects, was considered as follows:

Summary: To amend an existing Comprehensive Development (CD-1) By-law to allow a 13-unit increase in the maximum number of dwelling units permitted to be achieved by reconfiguring several unit layouts in the proposed development at 161 West Georgia Street.

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 by James Cheng, Architects, to amend CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard (Lot 311, Block 49, D.L. 541, Plan BCP33383; PID: 027 300 285) to increase the maximum allowable number of dwelling units from 1,140 to 1,153, generally in accordance with Appendix A to Policy Report "*CD-1 Text Amendment - 651 Expo Boulevard*" dated April 7, 2009 and a consequential amendment to the False Creek North Official Development Plan (FCN ODP) By-law No. 6650, generally in accordance with Appendix B of the above noted Policy Report be approved.

CARRIED UNANIMOUSLY

5. REZONING: 6338-6432 Ash Street

An application by Stephan Vogelfaenger, W.T. Leung Architects Inc., was considered as follows:

Summary: To rezone the site from RT-1 (Two Family Dwelling) District to CD-1 (Comprehensive Development) District to allow construction of 35 townhouses and 18 secondary rental (or flex) suites at a floor space ratio (FSR) of 1.2.

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

Also before Council was a memorandum dated April 20, 2009, from Michael Naylor, Senior Rezoning Planner, Rezoning Centre, submitting the following additional recommendation for consideration:

THAT the draft CD-1 by-law provisions for parking, loading and bicycle spaces be amended to include the following:

- (a) there must be at least 0.1 parking space for each 100 m² of gross floor area;
- (b) there must be no more than 2 parking spaces for each dwelling unit and calculation of the maximum number of parking spaces is not to include secondary dwelling units;
- (c) calculation of bicycle spaces is to include secondary dwelling units;
- (d) for bicycle spaces located within individual garages or dwelling units, the requirements of the Parking By-law regarding bicycle lockers are not to apply; and
- (e) bicycle parking provided outside of a bicycle room must be accessible to the intended resident only, and the location of such parking must not block required access for entry into a secondary dwelling unit; unless any amendment to the Parking By-law results in any lesser requirement than one set out in subsection (a), (b), (c), (d), or (e) in which case the lesser requirement is to apply.

A second memorandum dated May 12, 2009, from Mr. Naylor was before Council submitting information about building code issues that have been identified with the secondary (rental) suites proposed in the rezoning application and offered options for the applicant if the code issues cannot be resolved at the development permit stage.

Staff Opening Comments

Michelle McGuire, Planner, Rezoning Centre, and Rob Jenkins, Assistant Director, Central Area Planning Branch, responded to questions.

Applicant Comments

Wing Ting Leung, W.T. Leung Architects Inc., provided an overview of the application and responded 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 Stevenson

- A. THAT the application by W.T. Leung Architects on behalf of Yuanheng Oakridge Development Ltd., to rezone 6338-6432 Ash Street (PID 009-301-194, 009-301-208, 009-301-216, 009-301-232, 009-301-241, Lots 19-23, All of Lot B, Block 1008, DL 526, Plan 10803) from RT-1 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow construction of a 53-unit multiple-dwelling development with 35 townhouses and 18 secondary rental (or flex) suites at a floor space ratio (FSR) of 1.2, generally as presented in Appendix A to Policy Report "*CD-1 Rezoning - 6338-6432 Ash Street*" dated April 8, 2009, be approved subject to conditions:
1. **PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**
 - (a) That the proposed form of development generally as prepared by W.T. Leung Architects, and stamped "Received City Planning Department, November 14, 2008", be approved by Council in principle, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
 - (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

- (i) Design development to reduce the overall grading of the development site so that the height of retaining walls located on shared private property lines are no more than 1.2 m (4.0 ft.) above the existing grade.

Note to Applicant: A minimum side yard setback of 2.1 m (7.0 ft.) for the building from the south property line should be provided to ensure an acceptable level of neighbourliness while achieving this design condition.

- (ii) Design development to provide wider external stairs and front porches for the entrances of adjacent dwelling units on Ash Street to achieve a more spacious and welcoming residential front stoop condition facing Ash Street.
- (iii) Provision of large-scale detail drawings of typical wall sections and of the proposed external stairs facing Ash Street.
- (iv) Significant design development to the public pedestrian walkway located at the north end of the site. In order to improve wayfinding and to encourage the use of this link by the public, the width of the setbacks and the passageway should be increased to achieve a distinctive high-quality landscape treatment that also provides barrier-free access.

Note to Applicant: Provide larger-scaled drawings to demonstrate a finegrained approach to the design of the pedestrian walkway.

- (v) Provision of a 0.6 m (2.0 ft.) setback for the brick garden walls facing the lane to provide for enhanced lane planting, as per (b) (xv) of the landscape design conditions.

Note to Applicant: The front yard setback may be reduced to 3.7 m (12.0 ft.) in order to achieve this condition while ensuring that all rear yards facing the lane are flush with the lane.

- (vi) Design development to provide a minimum suite size of 29.7 m² (320 sq. ft.) for all proposed rental suites.
- (vii) Consideration to eliminate of the exterior stairs facing the laneway to improve the liveability of the rental suites.
- (viii) Provision of manufacturer and color swatch identification numbers for all proposed colour samples of all elements in the design, listed directly on drawing set. All colour swatch samples to be stapled directly on the drawing set.

Crime Prevention Through Environmental Design (CPTED)

- (ix) Design development to improve security and visibility in the underground in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.
- (x) Design development to improve defensibility and reduce opportunities for mischief in the public pedestrian walkway by ensuring that all areas may be easily surveyed by residents.

Note to Applicant: Conformance to this condition should include an exterior night time lighting strategy.

- (xi) Design development to reduce opportunities for break and enter.
Note to Applicant: Show how the space around the private outdoor space will be clearly defined by gates or fences and effectively lit at night. Lighting should not cross the property line.

Sustainability

- (xii) The following sustainable features have been noted on the Built Green checklist submitted for this application. These features are to be duly indicated and noted on the application drawings for the Development Permit (Numbering corresponds to the Built Green checklist):
 - 1-1 3 zones for HVAC in each dwelling unit
 - 1-3 Locations of all ground-source heat pumps
 - 1-24 Locations of 3 motion sensor light switches per dwelling unit
 - 3-22 Indicate 27.9 m² (300 sq. ft.) of flooring from a certified sustainable source for each dwelling unit
 - 5-8 Indicate and note the location of the HRV for each dwelling unit
- (xiii) Provision of large-scale detail drawings of the proposed external sunshades and a clear indication of their proposed locations with an explanation of how they are employed.

Landscape Design

- (xiv) Design development to the front yards to add visual amenity and create a more residential appearance.

Note to Applicant: This could be accomplished through the use of front property line fences and gates and a more substantial foundation planting of mixed shrubs.

- (xv) Provision of a greener and more pedestrian friendly lane edge.

Note to Applicant: This could be accomplished through a combination of raised shrub and tree planters adjacent to the rear property line and lighting for the gates leading to the basement suite entrances. The outer wall of the lane edge planter should be a minimum of 0.5 m (1.5 ft.) above grade. Any lane edge trees that are specified should be

fastigiated in shape. Parrotia Persica Inge's Ruby Vase is suggested. See design development condition (b)(v).

- (xvi) Provision of a report from an ISA certified arborist regarding the 0.2 m (0.8 ft.) diameter Blue Atlas Cedar in the northwest corner of the site. The report should include any arboricultural care necessary for safe retention of this tree.

Note to Applicant: If site supervision during excavation is necessary, then a letter of assurance will be required from the arborist, stating that he has been retained.

- (xvii) Provision of a detailed Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (xviii) Provision of large scale east/west sections (1/4"=1' or 1:50) illustrating the lane edge planters, retaining walls and proposed and existing grades.
- (xix) Provision of large scale sections (1/4"=1' or 1:50) illustrating the townhouse to public realm interface of the townhouses facing Ash Street.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

Engineering

- (xx) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:
1. Provision of a 6.1 m (20.0 ft.) wide parking ramp is required.
Note to Applicant: The adjacent planter encroaches 10 cm (4 in.) into this area.
 2. Provision of adequate space to access the door leading into the dwelling units where the parking spaces butt right up to the door.
 3. Provision of off-street parking and bicycle spaces according to the Parking By-law, except that:
 - the minimum required parking is relaxed to one parking space per 100 m² of Gross Floor Area (GFA);
 - the maximum permitted parking shall be 2 parking spaces per dwelling unit;
 - secondary dwelling units will not be used for calculating maximum parking spaces;

- secondary dwelling units will be used for calculating bicycle spaces; and
 - for bicycle spaces located within individual garages or dwelling units, the requirements for bicycle lockers shall not apply.
4. Provision of car sharing vehicles and spaces at the rate of 0.02 per dwelling unit. Car-sharing spaces can be provided at the nearest Residential Parking Permit (RPP) zone to the site.

Note to Applicant: This will require payment by the owner of the yearly or monthly fee in perpetuity for parking the car-shared vehicle in the RPP zone. Secondary dwelling units will be counted as dwelling units for the calculation of car sharing vehicles and spaces. The required vehicle will be managed by a car sharing company and will be available to the residents of the area.

5. Bicycle parking provided outside of a bicycle room shall be accessible to the intended resident only and must not be located where entry into the secondary suite is required for access.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:

Secondary Dwelling Units

- (i) Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, to ensure that the number of strata lots created upon registration of a strata plan is limited to the approved number of principal dwelling units.

Pedestrian Walkway

- (ii) Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, for public access over the proposed pedestrian walkway connecting Ash Street with the lane to the east.

Note to Applicant: A statutory right of way will be required to provide public access to the pedestrian walkway 24 hours a day. Construction, installation, maintenance and lighting of the walkway will be the responsibility of the owner.

Community Amenity Contribution

- (iii) Make arrangements, to the satisfaction of the Acting Director of Social Development and the Director of Legal Services for the payment of \$173,500 as a Community Amenity Contribution (CAC), which is to be allocated toward the affordable housing fund.

Engineering

- (iv) Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - 1. Consolidation of all the lots into a single parcel.
 - 2. Provision of street trees on Ash Street where space exists adjacent the site.
 - 3. Provision of speed humps in the north-south lane, subject to neighbourhood review.
 - 4. Provision of curb bulges on both sides of Ash Street at 49th Avenue and at 45th Avenue, subject to neighbourhood review.
 - 5. Provision of two mid-block cross walks with bulges on Ash Street between 49th Avenue and 45th Avenue, subject to staff and neighbourhood review.
 - 6. Provision of a 1.8 m (6.0 ft.) wide concrete sidewalk on Ash Street adjacent the site.

- (v) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:
 - 1. 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.

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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to approval of the application, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law as set out in Appendix C to Policy Report "*CD-1 Rezoning - 6338-6432 Ash Street*" dated April 8, 2009.
- C. THAT the draft CD-1 by-law provisions for parking, loading and bicycle spaces be amended to include the following:
- (a) there must be at least 0.1 parking space for each 100 m² of gross floor area;
 - (b) there must be no more than 2 parking spaces for each dwelling unit and calculation of the maximum number of parking spaces is not to include secondary dwelling units;
 - (c) calculation of bicycle spaces is to include secondary dwelling units;
 - (d) for bicycle spaces located within individual garages or dwelling units, the requirements of the Parking By-law regarding bicycle lockers are not to apply; and
 - (e) bicycle parking provided outside of a bicycle room must be accessible to the intended resident only, and the location of such parking must not block required access for entry into a secondary dwelling unit; unless any amendment to the Parking By-law results in any lesser requirement than one set out in subsection (a), (b), (c), (d), or (e) in which case the lesser requirement is to apply."

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

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 Stevenson
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

1. **A By-law to amend Heritage re miscellaneous amendments (re 108 West Cordova Street, 351 Abbott Street, 111 West Hastings Street, 141 West Hastings Street, 131 West Hastings Street, and 122 West Cordova Street - Woodward's site) (By-law No. 4837)**
2. **A By-law to amend Heritage Revitalization Agreement re miscellaneous amendments (re 351 Abbott Street - Woodward's site) (By-law No. 9269)**

The Special Council adjourned at 8:15 p.m.

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