

SPECIAL COUNCIL MEETING MINUTES

MAY 18 AND 20, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 18, 2010, at 7:30 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, official development plan, sign and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, May 20, 2010, at 7:38 pm.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman (May 18, 2010)
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs (May 20, 2010)
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Councillor Geoff Meggs (Leave of Absence - May 18, 2010 -
Items 1 through 9)
Councillor David Cadman (Sick Leave - May 20, 2010 - Item 10)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

1. Heritage Designation: 1476 Graveley Street

An application by the property owner(s) of 1476 Graveley Street was considered as follows:

Summary: A heritage designation to preserve and protect the exterior of this heritage house as part of the Vancouver Heritage Foundation's *Restore It* grant program.

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 Deal

- A. THAT Council approve the designation of the Marchese House at 1476 Graveley Street, listed on the Vancouver Heritage Register in the "B" category, as Protected Heritage Property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment the heritage designation by-law.
- C. THAT Council commend the building owner for designating this property on a voluntary basis and for participating in the Vancouver Heritage Foundation's *Restore It* program.

CARRIED UNANIMOUSLY

2. SIGN BY-LAW TEXT AMENDMENT: 1895 Venables Street (Vancouver East Cultural Centre)

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

Summary: Proposed amendment to the Sign By-law to permit a fascia sign with third-party advertising which says "Vancity Culture Lab" to be installed on the easterly exterior wall of the newly constructed rehearsal studio for the Vancouver East Cultural Centre.

The Director of Planning in consultation with Acting Managing Director of Cultural Services and Director of Legal Services, recommended approval subject to conditions as set out in the Public Hearing Agenda.

Also before Council was a memorandum dated April 28, 2010, from Joanne Baxter, Planner, which proposed the following amendment to the recommendation, to correct an error in the draft by-law:

THAT Appendix A (1895 Venables Street draft by-law) of the Policy Report titled "*1895 Venables Street - Vancouver East Cultural Centre - Sign By-law Amendment*" dated April 1, 2010, be revised as follows:

- A. with regard to the sign area, strike out "34 m²" and substitute "2.7 m²".

The memorandum noted the error was corrected in the posted by-law.

Staff Comments

City Wide and Regional Planning staff responded to questions.

Applicant Comments

Heather Redfern, Executive Director, The Cultch responded to questions.

Summary of Correspondence

No correspondence had been received on the 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 to amend Schedule A of the Sign By-law to permit signage consisting of one, facia sign containing third party advertising at 1895 Venables Street (Vancouver East Cultural Centre), generally in accordance with Appendix A, to the Policy Report, "*1895 Venables Street - Vancouver East Cultural Centre - Sign By-law Amendment*", dated April 1, 2010, be approved subject to the following conditions:

PROPOSED PRIOR-TO CONDITIONS TO CONSIDER PRIOR TO BY-LAW ENACTMENT

- (a) That, prior to consideration of enactment of the Sign By-law:
- (i) the Vancouver East Cultural Centre and the Vancity Savings and Credit Union shall enter into an agreement, in a form and substance satisfactory to the Managing Director of Cultural Services and the Director of Legal Services, by which the Naming Rights to be exercised pursuant to the proposed amendment to the Sign By-law will be established; and
 - (ii) the City and the Vancouver East Cultural Centre shall enter into an agreement, to the satisfaction of the Managing Director of Cultural Services and the Director of Legal Services by which the signage to be permitted under the amendment to the Sign By-law will be established.

These agreements, and any related agreements shall provide security to the City including, without limitation, indemnities, warranties, equitable charges, and letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services and shall, if required by the Director of Legal Services, be registered on title to the lands.

FURTHER THAT no legal rights or obligations be created or arise unless and until the legal agreements have been executed and delivered by the Director of Legal Services.

B. THAT Appendix A (1895 Venables Street draft by-law) of the Policy Report titled "*1895 Venables Street - Vancouver East Cultural Centre - Sign By-law Amendment*" dated April 1, 2010, be revised as follows:

- with regard to the sign area, strike out "34 m²" and substitute "2.7 m²".

CARRIED

(Councillors Jang, Reimer and Woodsworth opposed)

3. TEXT AMENDMENT: Backyard Hens Amendment

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

Summary: To amend the Zoning and Development By-law to designate allowable zones for backyard hens and to add standards for the size and location of hen enclosures on residential uses. This amendment is needed to implement the "Guidelines for Keeping of Backyard Hens" approved by Council at the Planning and Environment Committee of April 8, 2010.

The Director of Planning and the Chief Licence Inspector recommended approval.

Staff Comments

Licenses and Inspections staff responded to questions.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

Support - 1
Opposed - 10
Other - 1

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application, some of whom provided additional comments:

Dane Chauvet
Duncan Martin
Trish Kelly
Jeremy Ellis
Chris Diplock

Council Decision

MOVED by Councillor Reimer

THAT the application to amend the Zoning and Development By-law regarding keeping of backyard hens, generally in accordance with Appendix A, to the Policy Report, *"Guidelines for Keeping Backyard Hens"*, dated March 24, 2010, be approved.

CARRIED
(Councillor Anton opposed)

4. OFFICIAL DEVELOPMENT PLAN: Greenhouse Gas (GHG) Emissions Reduction Official Development Plan (ODP)

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

Summary: New city-wide Official Development Plan (ODP) referencing existing targets, policies, and actions for greenhouse gas emission reductions in order to ensure compliance with the Vancouver Charter.

The Manager of Sustainability and the Director of Planning recommended approval.

Also before Council was a memorandum dated May 4, 2010, from Sean Pander, Acting Manager, Sustainability Group, which made minor improvements, clarifications and corrections that were incorporated into the by-law posted at the Public Hearing:

- A. The title of the climate change report, referenced in Appendix A of the policy report as "The Climate Friendly City: A Community Climate Change Action Plan for the City Of Vancouver", has been changed in section 2.2.3 of the posted by-law to "Vancouver's Community Climate Change Action Plan". This matches the title used in the appendix of the March 29, 2005 Council report, ensuring that the climate change report can be more easily found in the future.
- B. Section 2.2.4 (b) in the posted by-law has additional information added to be more thorough in documenting the Passive Design Toolkits program Council approved on May 7, 2009.

Staff Comments

Sustainability Group staff responded to questions.

Summary of Correspondence

No correspondence had been received on the 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 Cadman

- A. THAT the application to establish the Greenhouse Gas Emission Reduction Development Plan as an Official Development Plan, generally as set out in Appendix A, to the Policy Report, *"Proposed Greenhouse Gas Emissions Reduction Development Plan, Referencing Existing City Greenhouse Gas Reduction Targets and Policies as Required by the Vancouver Charter"*, dated April 9, 2010, be approved.
- B. THAT the title of the climate change report, referenced in Appendix A of the policy report as "The Climate Friendly City: A Community Climate Change Action Plan for the City Of Vancouver", be changed in section 2.2.3 of the posted by-law to "Vancouver's Community Climate Change Action Plan". This matches the title used in the appendix of the March 29, 2005 Council report, ensuring that the climate change report can be more easily found in the future.
- C. THAT section 2.2.4 (b) in the draft by-law incorporate the additional information to be more thorough in documenting the Passive Design Toolkits program Council approved on May 7, 2009.

CARRIED UNANIMOUSLY

5. TEXT AMENDMENT - Southeast False Creek Official Development Plan (SEFC ODP) Amendments

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

Summary: To amend the floor space maximums in the Southeast False Creek Official Development Plan (SEFC ODP) to account for sites which have been approved for bonus density.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on the application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Merv Therriault spoke in support of the application and provided additional suggestions.

Council Decision

MOVED by Councillor Louie

THAT the application to amend the Southeast False Creek Official Development Plan to increase the maximum floor area to include additional density already approved through various Comprehensive Development (CD-1) rezonings, generally as set out in Appendix A, to the Policy Report, *"Amendments to the Southeast False Creek Official Development Plan Regarding Floor Area and to the Parking By-law"*, dated April 7, 2010, be approved.

CARRIED UNANIMOUSLY

6. TEXT AMENDMENT: 711 West Broadway

An application by Robert Salikan, Salikan Architecture, Inc., was considered as follows:

Summary: To amend Comprehensive Development (CD-1) #358 to expand the range of uses permitted in the existing hotel complex.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on the 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 Cadman

THAT the application, by Salikan Architecture Inc. to amend CD-1 #358 (By-law No. 7648) to permit Health Care Office use and to add other uses that are consistent with the surrounding C-3A District Schedule, generally as presented in Appendix A, to the Policy Report, *"CD-1 Text Amendment - 711 West Broadway"*, dated April 6, 2010; be approved.

CARRIED UNANIMOUSLY

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At this point in the proceedings Council agreed to vary the order of the agenda in order to deal with By-laws 1 and 2.

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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 Deal

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 related to items 1 through 6.

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Louie
SECONDED by Councillor Jang

THAT Council enact the by-laws before them for this meeting as number 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 adopt the Development Plan regarding greenhouse gas emissions reduction as an Official Development Plan (By-law No. 10041)
2. A By-law to amend CD-1 By-law No. 7648 re 711 West Broadway and 700 West 8th Avenue (By-law No. 10040)

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

7. REZONING: 5912-5970 Oak Street

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

Summary: To rezone from RS-1 (single-family) to Comprehensive Development (CD-1) District to permit a 27-unit townhouse development on four single-family lots.

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

Staff Opening Comments

Rezoning Centre staff 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 Woodsworth

- A. THAT the application by Listraor Development Corporation, to rezone 5912-5970 Oak Street (PID: 009-246-851, 009-246-916, 009-246-941 and 009-246-967 - Lots 1, 2, 3 and 4, Block I of Block 1008, DL 526, Plan 10897) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 27 rowhouses at a floor space ratio of 1.0, generally as presented in Appendix A, to the Policy Report, "*CD-1 Rezoning - 5912-5970 Oak Street*", dated April 6, 2010, be approved, subject to the following conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Formwerks Architectural, and stamped "Received City Planning Department, December 14, 2009", 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 site boundaries to create individual solutions to each condition;

Note to Applicant: This can be achieved by reducing the setbacks at Oak Street and West 43rd Avenue and considering alternate siting of the east building. Grade transitions, especially at the south property line and lane must be stepped and landscaped appropriately.

- (ii) Design development to the buildings forms to create variety and articulation;

Note to Applicant: This can be achieved by stepping the building façade, varying the form at key points of the development and creating individual, rather than continuous, dormers at each unit.

- (iii) Design development to visually strengthen the architectural approach at the site corners;

Note to Applicant: The site corners should have a design approach that differs from the street wall design. The approach could engage significant variations in the exterior wall planes. The entry to the southwest unit should face Oak to better engage the dominant street frontage.

- (iv) Design development to the semi-private courtyard, creating areas of special interest and focus, providing more variety and opportunities for social interaction;

- (v) Provision of high quality wall treatment, such as quarried stone or true brick, to any retaining walls visible from the streets;

- (vi) Design development to provide a weather protected cover over all open stairs to the underground parking structure;

Note to Applicant: The stairs and the exposed parking ramp should be well integrated with the overall landscaping.

- (vii) In suite bulk storage areas must be located away from exterior walls, off of common hallways, and generally conform to the Administrative Bulletin, Bulk Storage - Residential Developments;

Landscape

Note to Applicant: these comments respond to the Rezoning submission package, dated December 15, 2009 and the revised landscape plan, dated March 11, 2010.

- (viii) Design development to provide sufficient soil depth and volume to ensure long term plant health;

Note to Applicant: soil depths should meet or exceed BCLNA Landscape Standards (latest edition).

- (ix) Provide a detailed Landscape Plan illustrating soft and hard landscape treatment;

Note to Applicant: the Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

- (x) New street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit;

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. Provide a notation on the plan, as follows: "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion."

- (xi) Provide a Tree Plan, including dimensioned tree protection barriers;

Note to Applicant: refer to *Protection of Trees By-law* (sec. 4.0, 4.3).

- (xii) Provide large scale sections [typical] through the landscaped areas, including the townhouse interface, the slab-patio-planter relationship, the lane interface and common areas;
- (xiii) Provide illustration of spot elevations to all outdoor areas (including top/ bottom walls), including offsite context spot elevations in proximity (such as the lane, for example);
- (xiv) Provide an efficient irrigation system for all common outdoor planters and individual hose bibs to be provided for all patios of 100 sq. ft. or greater. Specification notes and irrigation symbols to this affect should be added to the drawing;

- (xv) Explore opportunities to mitigate blank walls in the lane.

Note to Applicant: in consideration of CPTED principles, exposed walls should be textured to discourage graffiti. In addition, "vine pockets" can be located near the lane edge to establish plants on walls.

Crime Prevention Through Environmental Design (CPTED)

- (xvi) Design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for graffiti on lane retaining walls;

Sustainability

- (xvii) Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a score of Energuide 80;

Note to applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how a score of Energuide 80 will be achieved. Both checklist and description should be incorporated into the drawing set.

Engineering

- (xviii) Delete portion of footing shown encroaching into the lane on Page A4.1;

Note: final footing design is to have no portions encroaching beyond the property lines;

- (xix) Delete gate-swings shown over the north property line on Page PLP-01;
- (xx) The Legal Description on page A-O.1 should correctly read "Block I", rather than "Block 1", and should also include Lot 4;
- (xxi) Modify the planters adjacent the parking ramp by lowering them to height not greater than 3' for a distance of 4' to 6' on either side of the ramp to provide improved visibility of vehicles in the lane;
- (xxii) The plans should clearly identify the bicycle parking requirements for bicycle lockers and duplex receptacles as per the Parking By-Law;
- (xxiii) Provide details of garbage pick up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown on the plans;
- (xxiv) Clarify/provide recycling storage and pick up locations;
- (xxv) Delete portions of curbing that appear to extend into the lane; (PLP-01)

- (xxvi) First risers are to be located a minimum of 1'-0" behind the property line; (2 entries along the lane on PLP-01)
- (xxvii) Show root barriers for all proposed street trees;
- (xxviii) Proposed boulevard plantings must meet the Engineering Dept. Boulevard Planting guidelines.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) Provide to the Director of Legal Services a title charge summary in accordance with her specifications;
 - (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 - (1) Consolidation of Lots 1 to 4, Block I of Block 1008, DL 526, Plan 10897 into a single site.
 - (2) Release of Easement & Indemnity Agreement 452053M (crossing agreement), prior to issuance of any occupancy permit for the site.
 - (3) Provision of a new 1.8 m wide standard concrete sidewalk on the south side of 43rd Avenue from Oak Street to the lane east of Oak Street.
 - (4) Provision of a standard concrete lane entry at the lane east of Oak Street on the south side of 43rd Avenue.
 - (5) Provision of new curb ramps and curb return at the Oak Street and 43rd Avenue corner of the site.
 - (6) Provision of street trees adjacent the site where space permits.
 - (7) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required.
 - (8) Undergrounding of all new utility services from the closest existing suitable service point. All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to

rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix C, to the Policy Report, "*CD-1 Rezoning - 5912-5970 Oak Street*", dated April 6, 2010; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the CD-1 By-law.

CARRIED UNANIMOUSLY

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Prior to dealing with Item 8 it was

MOVED by Councillor Deal

THAT due to time constraints, Item 10 regarding 3333 Main Street be referred to Thursday, May 20, 2010, 7:30 pm.

*CARRIED
(Councillor Anton opposed)*

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8. TEXT AMENDMENT: 2908 West 33rd Avenue

An application by Geoffrey Glotman, Mackenzie Street Development Inc., was considered as follows:

Summary: To amend Comprehensive Development (CD-1) #190 to permit a three-storey mixed residential development with retail on the corner.

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

Staff Opening Comments

Rezoning Centre staff reviewed the application and responded to questions

Summary of Correspondence

No correspondence had been received since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support, some of whom provided additional comments or suggestions:

Jim Hall, Chair, ARKS Vision Committee
Kary McGavin, ARKS Housing Subcommittee
Robert Lilly
Joel Silverman

The following requested that the site be considered for seniors' housing:

Bill Rapanos, Dunbar Housing Trust
Donna Webb

Applicant Closing Comments

Doug Ramsay, Architect, Ramsay Worden Architects provided closing comments.

Council Decision

MOVED by Councillor Anton

THAT the application by Mackenzie Street Development Inc., to amend CD-1 #190 (By-law No. 6155) for 2908 West 33rd Avenue (PID 013-283-006, 013-283-014, and 013-283-031; Lots 16, 17, and 18, all of Lot 1; Block 47; District Lot 2027; N.W.D; Plan 2972), to permit construction of a mixed-use development with 10 residential units and 4 commercial units at a floor space ratio (FSR) of 1.25, generally as presented in Appendix A, to the Policy Report, "*CD-1 Text Amendment - 2908 West 33rd Avenue*", dated April 6, 2010, be approved, subject to conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Ramsay Worden Architects Ltd., and stamped "Received City Planning Department, November 18, 2009", 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 the Mackenzie Street elevation to improve integration of the upper storeys with the ground level storey.

Note to Applicant: This can be achieved by shifting the mass of the storeys above the commercial use to the east. This will also broaden the separation between the two buildings, reducing privacy impacts.

- (ii) Design development to the roof and expression of the western building to reduce the impacts to the western neighbour.

Note to Applicant: The west elevation of the two-family building presents a large portion of blank wall, blocky massing with upper bulk, long building depth, and a high springline to the western neighbour. Design development considering composition, privacy, materials, and detailing is required to reduce the impact. An alternate roof shape with a lower springline should also be considered. The Kitsilano RT-7 and RT-8 Guidelines may provide a useful reference.

Sustainability

- (iii) Submission of details on strategies necessary to achieve BuiltGreen™ BC Gold with a score of Energuide 80.

Note to Applicant: In particular, features, which will reduce building energy and water consumption, should be identified on the final approved permit drawings.

Crime Prevention through Environmental Design (CPTED)

- (iv) Design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for:
- Unintended cut-throughs;
 - Theft in the underground parking;
 - Break and enter;
 - Mischief in alcoves; and
 - Nuisance activity such as graffiti.

Landscape Design

- (v) Provision of a fully illustrated and detailed Landscape Plan.
- (vi) Resolution of the conflict between retained trees on the subject and neighbouring sites and proposed construction as outlined on the Landscape Plans submitted by Durante and Kreuk Ltd. and date stamped received November 2009.

Note to Applicant: Further design development is needed to limit excavation within the drip line of the 12 inch neighbour-owned Maple and the 14 inch Maple on the development site. Talk with the neighbour about risks to tree health. Neighbour's written consent is required for tree removal. Shift proposed hard landscaping away from the trunk of the retained 14 inch Maple in the front yard of West 33rd Avenue.

- (vii) An arborist report submitted by an ISA Certified Arborist confirming the method of safe retention of retained trees and a letter of assurance confirming arborist supervision during excavation and construction as needed.
- (viii) Design development to maximize security for the residents and visitors to the Courtyard Mews by providing the mews entryways with gates, and illustrated on the Landscape Plan.
- (ix) Provision of illustration details at $\frac{1}{4}''=1'-0''$ scale showing the project's public realm interface at the street edge; include illustration of semi-private front yards with privacy screening, planter walls, fence and or gates, stairs, landscaping, street trees and bus stop.
- (x) Provision of large scale illustration/section details at $\frac{1}{2}''=1'-0''$ scale confirming soil depth in planters.

Engineering

- (xi) Provision of required bicycle parking spaces within a bicycle room.

Note to Applicant: Where bicycle spaces are proposed near the parking space, these should be enclosed within a hard shell locker.
- (xii) Provision of correctly dimensioned disability parking space as per the Parking By-law.

Note to Applicant: The required width is 4.0 m.
- (xiii) Provision of a loading bay throat as per the Engineering Parking and Loading Design supplement.

Note to Applicant: This will require changes to the position of the adjacent disability parking space to set it further back, thereby allowing the loading throat to be provided.
- (xiv) Provision of a parking ramp slope not to exceed 10% for the first 20 ft. from the property line and a maximum 12.5% thereafter.

Note to Applicant: If a ramp slope steeper than 12.5% is required after the first 20 ft., provision of a transition slope of 7.5 to 10% at the bottom will be required.
- (xv) Provision of a parabolic mirror in the bottom corner of the parking ramp to allow drivers of exiting vehicles visibility of oncoming vehicles on the parking ramp.
- (xvi) Provision of column setback from the entrance into the parking space as per the Engineering Parking and Loading Design Supplement.

Note to Applicant: 2 ft. long columns which encroach into the standard parking space must be set back 2 ft. from the end of the space.

- (xvii) Relocate the overhead security gate to the top of the parking ramp at the building line.

Note to Applicant: For CPTED reasons, this is necessary.

- (xviii) Delete landscaping and curbing shown in the lane.
- (xix) Make arrangements to the satisfaction of the General Manager of Engineering Services for relation of the bus stop and bench on Mackenzie Street. (Note: A bench located adjacent to the most southern CRU is preferred by Engineering and Coast Mountain Bus Company. A widened canopy and bench should be provided to achieve this. If not the default location for the bench will place it in front of a residential unit.)
- (xx) Clarify proposed canopy design of the CRU's. Canopies must be fully demountable and drained to the buildings internal drainage system. (Note: The proposed canopy appears to be an extension of the concrete slab which is not an acceptable design). Engineering encourages the provision of wide canopies to provide shelter for transit users.
- (xxi) Make separate application to the General Manager of Engineering Services for the proposed sidewalk café. (The development permit process will not provide an approval for the sidewalk café).
- (xxii) Clarify garbage pick up operations. Please provide confirmation from a waste hauler that they can access and pick up from the location shown without reliance of bin storage on the City lane, or provide garbage storage at grade adjacent the lane so bins can be picked up and immediately be returned to the storage area and not remain in the lane.
- (xxiii) Provision of separate retail and residential garbage storage areas.
- (xxiv) Delete specialty sidewalk/paving and landscaping area shown as a sidewalk café and make separate application to the General Manager of Engineering Services.
- (xxv) Sidewalk relocation should result in a 4 ft. exposed aggregate front filler and a 6 ft. wide standard sidewalk with the balance in either grass or concrete in the back filler area as necessary.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

- (i) Consolidation of lots 16, 17 and 18 is required.
- (ii) Release of easement and indemnity agreement 145906M (crossing agreement) prior to occupancy of the site.
- (iii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required.
- (iv) Provision of upgraded disability ramps at the south west corner of West 33rd Avenue and Mackenzie Street to current Engineering standards.
- (v) Provision of an improved lane entry including standard concrete curb returns, at the lane south of West 33rd Avenue on the west side of Mackenzie Street.
- (vi) Provision of an infill street light on Mackenzie Street at West 33rd Avenue to achieve minimum lighting standards.
- (vii) Provision of street trees adjacent the site where space permits.
- (viii) 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.

Soils

- (ix) The applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion.
- (x) The applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.

- (xi) Provision of an off-site contamination agreement that requires contamination in the road to be remediated to City standards on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deems necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road has been remediated.

Community Amenity Contribution

- (xii) Offering to the City of a Community Amenity Contribution (CAC) in the amount of \$37,911.

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 it 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 deems 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.

CARRIED UNANIMOUSLY

9. REZONING: 2250 Commercial Drive

An application by Francois Marchand, Ankenmen Marchand Architects, was considered as follows:

Summary: To rezone from C-2C (Commercial) to CD-1 (Comprehensive Development) District for additional height, an extra floor of development, and alternate setback requirements, to permit the partial demolition and rebuilding of an existing 3-storey retail/office building and its conversion to a mixed-use building with 4 floors of residential over one floor of commercial, containing 58 residential units. The majority of the existing structure would be retained.

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

Also before Council was a Memorandum from Dwayne Drobot, Rezoning Planner, that provided Council with a response to community concerns and recommended changes to the draft by-law and the Sign By-law, as posted at the Public Hearing.

Staff Opening Comments

Planning staff reviewed the application and responded to questions.

Applicant Comments

Tim Ankenman, Ankenman Marchand Architects, reviewed the application.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

Support - 11 and 243 from letters
Opposed - 1

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application, some of whom made additional comments or suggestions:

Monica Goyal
Chris Flerlage
Abraham Krown
Connor Finucane
Kevin Chen
James Evans
Rick Peterson
Barbara Smythe
Darren Porsnuk
Jenna Scott
Veralena Casellato
Michelle Berelli, Commercial Drive BIA
Isaiah Sharma

The following expressed concerns regarding the rezoning application:

Dan Fass, Grandview-Woodland Area Council (GWAC)
Mike Banas
Sylvia Dodd
John Dixon
Kirby Chang
Craig Ollenberger, Grandview Woodland Area Council

* * * * *

During the hearing of speaker it was

MOVED by Councillor Deal

THAT, under Section 2.3(e) of the Procedure By-law, Council extend the meeting end time by one hour or less in order to finish hearing speakers on this item.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

* * * * *

Applicant Closing Comments

The applicant provided closing comments and responded to questions

* * * * *

During the hearing of the applicant's closing comments it was

MOVED by Councillor Louie

THAT, under Section 2.3(e) of the Procedure By-law, Council extend the meeting end time by one hour or less.

*CARRIED AND
BY THE REQUIRED MAJORITY
(Councillor Woodsworth opposed)*

* * * * *

Staff Closing Comments

Planning staff responded to questions and provided closing comments.

Council Decision

Council agreed to separate the vote on the components of the motion.

MOVED by Councillor Louie

- A. THAT the application by Image Development Inc. to rezone (Lot 1, BLOCK 153, DISTRICT LOT 26A, NEW WESTMINSTER DISTRICT PLAN 17345) P.I.D. 007-286-635 from C-2C to CD-1, to permit a five storey mixed commercial-residential building, generally as presented in Appendix A, to the Policy Report, "*CD-1 Rezoning - 2250 Commercial Drive*", dated April 8 ,2010, be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development, generally as prepared by Ankenman Marchand Architects, and stamped "Received City Planning Department, June 19 2009", 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 improve the ground floor interface with the public realm to ensure adequate space for active use of the sidewalk, and individual character for commercial units:

(Note to Applicant: Provide a large scale section illustrating the complete streetscape condition, including canopies, and street fixtures complete with dimensions. Identify in plan, appropriate and convenient locations for bike racks that do not block window displays or pedestrian traffic. The design must consider the issues of Crime Prevention Through Environmental Design.)
- (ii) design development to the southeast corner and residential entry to achieve an architectural and material expression compatible with the residential use of the building;

(Note to Applicant: The residential entry from Commercial Drive should have an identity that is independent from the commercial entry. The commercial unit entry at the south east corner makes active use of the corner, however the architectural expression on the floors above could be more sympathetic to the residential use.)
- (iii) provision of separate means of circulation and egress for residential and commercial tenants on the ground floor;

(Note to applicant: The current layout allows for CRU tenants to enter into the residential corridor on the main floor. This may cause conflict between the two different user groups.)
- (iv) design development to residential units to provide improved liveability and maximum privacy between units;

(Note to Applicant: All habitable rooms, including bedrooms should have direct access to a window for provision of light, views and ventilation. In consideration of the challenges encountered when renovating an existing structure, some units with "interior" bedrooms may be supported. These interior rooms must have opportunities for "borrowed" light and views and should have a minimum of 75% of the

wall facing the exterior wall glazed. Units with interior habitable rooms must provide at adequate outdoor private space. This does not include "enclosed balconies". When possible, entry doors across the corridor from one another should be offset to increase visual privacy.)

- (v) provision of appropriate weather protection at street elevations;

(Note to Applicant: Awnings or canopies must be a minimum of 5 ft. in depth and 9 ft. from grade. Higher awnings or canopies may need to be deeper to provide adequate weather protection.)

- (vi) provision of additional information on elevations and site plans identifying the exterior finishes, location of exterior lighting and their specification;

- (vii) provision of larger scale sectional drawings showing proposed canopies, balconies, roof decks, and entries;

(Note to Applicant: Dimensioned and notated drawings at a minimum of $\frac{1}{2}'' = 1'-0''$ scale (or better) must be provided for these and of any other area the applicant feels expresses the strength of the integrated façade features and the building-to-street interface.)

Landscape Design

- (viii) design development to the lane edge to create a greener transition to the adjacent residential lots by providing lane edge planters in the two foot setback to the north of the loading driveway, except where there are doors accessing the lane. The planters should be a minimum of 18" high to prevent vehicles from parking on them;

- (ix) clarification that the green panels shown attached to the lane façade on page A530 are green walls. This can be done with notations on the Ground Level Plan (page A103) and the East Elevation (page A201);

- (x) design development to the add visual amenity to the residential entry by providing built in planters on either side of the entry doorways;

- (xi) provision of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, guardrails, 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;

- (xii) provision of large scale sections ($1/4'' = 1'$ or 1:50) illustrating the soil depths for the deck planters on the 2nd, 4th and 5th levels. The section should run east to west and should include the building façade and the guardrails;

Engineering

- (xiii) make notation on plans that any sidewalk café seating requires a separate application to the City Engineering and is not approved as part of this application;
- (xiv) provide dimensions for all parking stall types;
- (xv) provision of additional parking stall width, as per the Parking By-law, or parking spaces adjacent to walls or with columns encroaching more than 6" into the parking stall;

(Note to applicant: examples of some spaces requiring additional width are spaces 52, 60 and 65)
- (xvi) provide additional stall width for parking spaces 52/53 and 55/56 as columns are set back more than 4' from the end of the stall;
- (xvii) provide an improved plan showing design elevations within the parking and loading areas to calculate slope and cross fall;

(Note to applicant: maximum slopes and crossfalls are to be 5%.)
- (xviii) provision of section drawings for the loading bay and along gridline 9 showing elevations and vertical clearance for the main ramp and security gates;
- (xix) clarify how the security gate for the commercial and residential parking is to be activated (Remote control, card reader etc...);
- (xx) provision of measures to improve the visibility of oncoming traffic in the drive aisle at grid line F2;

(Note to applicant: parabolic mirrors are recommended.)
- (xxi) confirm the unobstructed vertical height clearance of the loading bay opening and the maximum height of trucks that are to use the loading bays;
- (xxii) show the dimension of the Class B loading spaces on the plan;
- (xxiii) clarify proposed garbage pick up operations. Residential and commercial facilities are to be separated and include separate recycling provisions for each use;
- (xxiv) clarify if canopy is existing or proposed and if existing that it complies with the building by-law for demountability and drainage, if not appropriate encroachment agreements will be required;
- (xxv) clarify if sidewalk improvements are intended, if so a separate application to the City Engineer is required;

- (xxvi) delete the portion of circular roof top feature that encroaches onto public property unless it qualifies as a LEED® feature. (A107).

Sustainability

- (xxvii) Identification on the plans and elevations of the built elements contributing to the building's sustainability performances in achieving LEED Gold equivalency, including at least 3 optimize energy performance points, 1 water efficiency point and 1 storm water point, as well as building reuse points by maintaining 75% of existing walls, floors and roof of the existing structure. Staff are directed to attempt to achieve the second LEED checklist point for maintaining 95% of existing walls, if feasible, at the discretion of the Director of Planning.

(Note to Applicant: Provide a LEED checklist confirming LEED Gold equivalency and a detailed written description of how the above-noted points have been achieved. Both the checklist and description should be incorporated into the drawing set.)

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to General Manager of Engineering Services and the Director of Legal Services arrange for the following:

- (i) Proposed sun shade encroachments. A separate application to the City Surveyor is required. Note: encroaching features must be intended to meet LEED® standards for consideration;
- (ii) Provision of a minimum of two car share vehicles managed by a professional car share organization;
- (iii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required;
- (iv) 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.

- (v) Provision of a concrete lane crossing at the lane east of Commercial Drive on the north side of East 7th Avenue.

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 not otherwise specified in these conditions, 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.

FURTHER THAT application to amend the Sign By-law to establish regulations for this CD-1 in generally in accordance with Appendix A, to the Policy Report, "*CD-1 Rezoning - 2250 Commercial Drive*", dated April 8 ,2010, be approved;

- B. THAT, Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B, generally as set out in Appendix C, to the Policy Report, "*CD-1 Rezoning - 2250 Commercial Drive*", dated April 8 ,2010.
- C. THAT Appendix A of the Policy Report "*CD-1 Rezoning - 2250 Commercial Drive*" be amended as follows:
- Under Section 2.1 Density, replace the words "The floor space ratio must not exceed 3.0" with the words "The floor space ratio for all uses combined must not exceed 3.0, except that the floor space ratio for Office Uses must not exceed 1.20".
- D. THAT Appendix C of the Policy Report "*CD-1 Rezoning - 2250 Commercial Drive*" dated April 8, 2010, be amended to read B (C-2C) instead of B (C-5)
- E. THAT Section 2.2(e)(ii)A in the posted by-law be amended by striking the word "Pawnshop".

CARRIED
(Councillors Cadman, Reimer and Woodsworth opposed)
(Councillor Anton opposed to A.(b)xxvii)

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 Deal
SECONDED by Councillor Jang

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 related to items 7 through 9.

CARRIED UNANIMOUSLY

* * * * *

Council recessed at 12:25 am on Wednesday, May 19, 2010, and reconvened on Thursday, May 20, 2010 at 7:38 pm with the same members present except Councillor Meggs who was present and Councillor Cadman who was on sick leave.

* * * * *

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

10. REZONING: 3333 Main Street

An application by Kim Maust, Bastion Development Corporation was considered as follows:

Summary: To rezone from C-2 (Commercial) to CD-1 (Comprehensive Development) District to permit an increase in residential floor area on the upper floors and a height increase of six feet beyond that permitted in C-2.

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

Staff Opening Comments

Rezoning Centre staff reviewed the application and with Parking Policy staff responded to questions.

Also before Council was a memorandum dated May 6, 2010, from Michael Naylor, Acting Assistant Director, Current Planning Division, which reported on a Community Amenity Contribution and recommended amendments to the draft-by law and an addition to Appendix B of the Policy Report "CD-1 Rezoning - 3333 Main Street" dated April 20, 2010.

Applicant Comments

Brady Dunlop, Hotson Bakker Boniface and Haden Architects, provided a presentation and with Kim Maust, Bastion Development Corporation, responded to questions.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

Support - 6
Other - 3

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application, some of whom provided additional comments and some of whom expressed concerns regarding traffic in the area:

Harvey Des Roches
Brian Hamilton
Lisa Schwabe
Ned Jacobs
Peter Cawsey
Christopher Richardson
Daniel Ouellet
Jennifer Sweeney
John Wong, Wong's Insurance
Anne Pearson
Frank Huynh
Mike Jackson
Peter Hildebrand
George Kyriakelis
John Nichols
Reid Kaufman
Ian Granville

Applicant Closing Comments

Mr. Dunlop provided closing comments.

Staff Closing Comments

Planning staff responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Bastion Development Corporation, to rezone 3333 Main Street (Lots 6-12, Block 61, D.L. 302, Plan 198 PID: 005-019-648, PID:005-019-656, PID:005-019-664, PID:005-019-672, PID:005-019-681, PID:005-019-699, PID:005-019-711) from C-2 to CD-1, to permit development of a five-storey mixed-use commercial and residential building, generally as presented in Appendix A, to Policy Report, "*CD-1 Rezoning - 3333 Main Street*", dated April 8, 2010, be approved, subject to the following conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Hotson Bakker Boniface Haden Architects, and stamped "Received City Planning Department, December 4, 2009", 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:
- (i) design development to provide a fourteen (14.0) ft. floor-to-floor dimension for the retail spaces, in order to improve the viability and amenity of the commercial activity;
- (Note to Applicant: An increase in building height of approximately one (1.0) ft, may be considered as a part of meeting this condition.)
- (ii) design development to provide an eight (8.0) ft. landscaped setback from the north property line at grade for the townhouse units;
- (Note to Applicant: The intent is to create a larger open space to benefit occupants, and provide more of a transition to residential front yards located to the west along 17th Avenue.)
- (iii) design development to provide a two (2.0) ft. setback from the property line for all retail spaces;
- (Note to Applicant: The intent is to provide an optimum pedestrian width. This setback need not be provided where the

upgraded open space long Main Street provides an increased width.)

- (iv) design development to provide a minimum two (2.0) ft. setback from the lane to preserve lane clearance and accommodate landscaping entirely on the site;
- (v) design development to improve the separation of adjoining residential and loading uses on the lane in terms of noise, safety and privacy;

(Note to Applicant: Consider a complete enclosure for the east loading facility, in accordance with Section 3.1 [c] of the C-2 Guidelines.)

- (vi) location of all rooftop equipment, including communications receivers and mechanical vents, on the plans and elevations, and details of the screening that will be provided to ensure visual and acoustic separation from residential units;

(Note to Applicant: Notation shall be indicated on plans confirming that: "Communication Receivers and Antennae are shown for reference only and are not approved under this Development Permit. A separate permit is required for the installation of antennae, including satellite dishes used for the transmission or reception of radio, television, satellite, microwave, cellular or related communications together with related masts, mechanical equipment and mechanical rooms.")

- (vii) details of a design for residential lighting that provides a secure night-time environment, without causing glare toward nearby properties, to be shown on the submitted plans and elevation drawings;

(Note to Applicant: This is especially important around the residential portion at grade. For more information, refer to Section 2.10 - Safety and Security, and Section 5.7 - Lights, of the C-2 Guidelines.)

- (viii) proposed finishes, materials, colours and dimensions for all exterior features on the elevation and section drawings, including soffits and wall returns;
- (ix) enlarged drawings for significant exterior features, especially at the public realm interface, keyed to the plans and/or elevations;
- (x) identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least 3 optimize energy performance points, 1 water efficiency point and 1 storm water point;

(Note to applicant: Provide a LEED® checklist confirming LEED® silver equivalency and a detailed written description of how the above noted points have been achieved. Both the checklist and description should be incorporated into the drawing set.)

- (xi) conceptual drawings showing how the signage integrates architecturally in terms of finish and materials;

(Note to Applicant: A separate Sign Permit application will be required for signage. Notation shall be indicated on plans confirming that: "All signage is shown for reference only and is not approved under this Development Permit. Signage is regulated by the Sign By-law and requires separate approvals. The owner[s] assumes responsibility to achieve compliance with the Sign By-law and obtain the required sign permits." The Sign By-law Coordinator should be contacted at 604.871.6714 for further information. Ensure also that there is a clearance of a least nine [9.0] ft. under the sign band, unless the sign bands are recessed and flushed with storefront glazing.)

Landscape

- (xii) design development to angle the parking level slab downward, as needed, to accommodate soil depth and trees inside the property line;

(Note to Applicant: The objective should be 3.0 ft. depth of soil for trees in a continuous soil volume. Respecting code and ceiling height requirements, this is typically resolved by angling the slab down 3.0 ft. by 4.0 ft., or adding a right angled "elbow".)

- (xiii) design development to garden plot planters to specify high quality, durable materials consistent with the material palette of the building;

(Note to Applicant: The planters should be designed to last the full lifespan of the project.)

- (xiv) a revised Landscape Plan/Site Plan at a more detailed, larger scale format (minimum 1/8" = 1 foot);

- (xv) adequate soil volumes and planter depth;

(Note to Applicant: Where further design development reveals a conflict, landscape amenities [trees] as proposed, should not be deleted.)

- (xvi) large scale section drawings (typical) through planted areas;

(Note to Applicant: Special attention should be paid to any planting proposed above slab such as the second floor permanent

planters, trees in the lane and the feature tree at the entrance courtyard off of Main Street, and the townhouse interface. Sections should include the soil profile, root ball and slab/retaining walls. Planting conditions should meet or exceed the latest British Columbia Landscape & Nursery Association [BCLNA] Standards.)

- (xvii) a large-scale, detailed Landscape/Planting Plan(s) for the proposed "Community Garden Area" on the second floor;

(Note to Applicant: Further design development and programming should include: starter plant list, work station, compost, irrigation, benches, vertical landscaping and additional trees and/or structures. Provide a detailed section drawing through the garden plot area to indicate materials, grading, soil depth and function.)

- (xviii) large-scale detailed section/elevation drawings of proposed "green walls";

- (xix) specification of a high-efficiency irrigation system for all common planters, and hose bibs for garden plot areas and private patios of areas equal to, or greater than 9.3 m² (100.00 sq. ft.), illustrated with symbols and noted on the Landscape Plans;

- (xx) clarification of materials/patterning on public and private walkways and streetscape design;

- (xxi) design development to provide foundation planting (shrubs/groundcover) on the "inside" boulevard along East 17th and East 18th Avenues;

(Note to Applicant: Boulevard landscaping must meet the Guidelines for Planting City Boulevards, including the provision of a 1.0 ft. wide grass strip between the public sidewalk and the plants. Plants should not exceed 1.0 m height at maturity.)

Social Infrastructure

- (xxii) design development to provide opportunities for creative play for children with a range of ages, in a location that optimizes casual surveillance from the indoor amenity area;

(Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around common outdoor amenity areas. Edible landscaping is encouraged. Play equipment is not required, and creative landscape/play features [creative motor-skills developing features such as balancing logs and boulders, a small/tangible water stream or feature, cat-proofed sandbox, etc.] which provide a myriad of creative play opportunities are encouraged.)

- (xxiii) design development to the "Community Garden Plots" on the west side of the podium roof to include on-site composting, tool storage, hose bibs and potting benches which support urban agriculture activity.

(Note to Applicant: Some garden plots should be universally accessible as per the "Urban Agriculture Guidelines for the Private Realm". Consideration should be given to a rainwater collection system to assist with irrigation.)

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

- (i) consolidate Lots 6 to 12, Except the West 20 Feet now Lane, Block 61, D.L. 302, Plan 198, into a single parcel;
- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for provision of:
- Traffic calming measures at the 17th and 18th Avenues lane entries to prevent westbound turns from the lane, at no cost to the City;
 - Closure of the slip-lane and completion of all resultant curb and sidewalk work;
 - Street trees adjacent to the site, where space permits; and
 - Standard concrete lane crossings at the 17th and 18th Avenue lane intersections.
- (iii) undergrounding of all utility services 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 Branch. Early contact with the Utilities Branch is recommended.)

- (iv) execute a Pedestrian Walkway Agreement satisfactory to the Director of Legal Services and the Director of Planning to provide public access through the development site, to connect the mid-block entry to the lane on the western boundary of the site.

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 are 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 the form and content satisfactory to, the Director of Legal Services.

- 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 (C-2), as set out in Appendix C, to Policy Report, "*CD-1 Rezoning - 3333 Main Street*", dated April 8, 2010, be approved
- C. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B, generally as set out in Appendix C, to Policy Report, "*CD-1 Rezoning - 3333 Main Street*", dated April 8, 2010.
- D. THAT the conditions of zoning by-law enactment, as presented in Appendix B of the Policy Report "*CD-1 Rezoning - 3333 Main Street*" dated April 8, 2010, be amended to add the following conditions:

Community Amenity Contribution

(c)(v) make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, to secure the payment of \$450,000 as a Community Amenity Contribution (CAC) to be allocated toward the design and development of an enlarged open space at the corner of Main Street and 18th Avenue, except that:

1. given that the slip-lane makes up part of the open space, the actual cost of the street works incurred by the developer to remove the slip-lane are to be deducted from the CAC; and
2. the balance is to be allocated toward the design and development of the open space by the City."

Soils

(c)(vi) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as

required by the Manager of Environmental Protection and the Director of Legal Services in their discretion; and

(c)(vii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there 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."

E. THAT Appendix A of the Policy Report "CD-1 Rezoning - 3333 Main Street", dated April 8, 2010, be amended as follows:

- Under "Dwelling Uses", remove:
 - "Principal Dwelling Unit combined with a Secondary Dwelling Unit in a Multiple Dwelling if the Development Permit Board is of the opinion that the site is suitable for residential use; and"
- Under "Density", strike out "1.95" and substitute "1.97".

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

SECONDED by Councillor Woodsworth

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 related to Item 10.

CARRIED UNANIMOUSLY

The Special Council recessed at 12:25 am on Wednesday, May 19, 2010
and adjourned at 9:35 pm on Thursday, May 20, 2010

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