



SPECIAL COUNCIL MEETING MINUTES

OCTOBER 19, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, October 19, 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, sign and heritage by-laws.

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

ABSENT: Councillor George Chow (Leave of Absence - Civic Business)
Councillor Heather Deal

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

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, sign and heritage by-laws.

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION: 795 East Pender Street

An application by Michael Lemon, Birmingham and Wood Architects, was considered as follows:

Summary: To designate the existing building at 795 East Pender Street as protected heritage property.

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

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 Woodsworth

- A. THAT the building at 795 East Pender Street, listed in the 'C' evaluation category on the Vancouver Heritage Register, be designated as protected heritage property.
- B. THAT Council instruct the Director of Legal services to bring forward for enactment a by-law to designate the building located at 795 East Pender Street as protected heritage property.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: Miscellaneous Text Amendments to Zoning and Development By-laws - 6708-6776 Granville Street and 538-560 West Broadway

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

Summary: To amend the Zoning and Development By-law for Farmers' Markets, Comprehensive Development By-laws for 6708-6766 Granville Street, CD-1 (485), and for 538-560 West Broadway, CD-1 (494), for miscellaneous text amendments.

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

- A. THAT the application to amend the Zoning and Development By-law with regard to Farmers' Markets and Comprehensive Development (CD-1) (485) By-law No. 10088 for 6708-6776 Granville Street with regard to floor space exclusions, for miscellaneous text amendments generally as presented in Appendix A of the Policy Report dated September 7, 2010, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law and to CD-1 By-laws for 6708-6776 Granville Street and for 538-560 West Broadway", be approved.

- B. THAT the application to amend Comprehensive Development (CD-1) (494) By-law for 538-560 West Broadway to increase the amount of amenity space which may be excluded from floor space ratio computation, generally as presented in Appendix A of the Policy Report dated September 7, 2010, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law and to CD-1 By-laws for 6708-6776 Granville Street and for 538-560 West Broadway", be approved.

CARRIED UNANIMOUSLY

3. CD-1 TEXT AMENDMENT: 745 Thurlow Street

An application by Mark Thompson, Musson Cattell Mackey Partnership, was considered as follows:

Summary: To amend CD-1 By-law (493) for 745 Thurlow Street to increase the maximum allowable floor space ratio (FSR) from 15.4 FSR to 16.1 FSR.

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

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Anton

- A. THAT the application from Musson Cattell Mackey Partnership to amend the CD-1 By-law (493) 745 Thurlow Street to increase the maximum allowable floor space ratio from 15.4 FSR to 16.1 FSR, generally as presented in Appendix A, to the Policy Report dated September 7, 2010, entitled "CD-1 Text Amendment - 745 Thurlow Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) 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

1. Design development to reduce the height of the building to ensure that there is no penetration into the "Heather Bay to Lions" View Cone;

(Note to applicant: Building height must not exceed 300 ft., as per the CD-1 By-law.)

Sustainability

2. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold; and

(Note to applicant: The LEED® checklist and written description of how the Gold level will be achieved should be incorporated into your development application drawing set.)

Engineering

3. One percent (1%) of the total number of required parking spaces must be designated as "Shared Vehicle Parking" spaces.

CONDITIONS OF BY-LAW ENACTMENT

- (b) That, prior to enactment of the CD-1 By-law amendments, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manager of Engineering Services and the Approving Officer as necessary, make arrangements for the following:

Public Art

1. Amend the Public Art Agreement registered in the Land Title Office under number BB1169637 to secure payment of additional public art fees in the amount of \$32,902 based on the new public art rate of \$1.81 per square foot.

B. THAT A above be adopted on the following conditions:

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

CARRIED UNANIMOUSLY

4. REZONING: 605-645 West 41st Avenue

An application by Eileen Albang, GBL Architects, was considered as follows:

Summary: To rezone 605-645 West 41st Avenue from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District, to permit the development of a 6-storey Seniors Supportive and Assisted Housing project.

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

Council also had before it a memorandum dated September 29, 2010, from Grant Miller, Rezoning Planner, Rezoning Centre which noted that information was received following the completion of the Policy Report dated September 7, 2010, entitled "CD-1 Rezoning of 604-645 West 41st Avenue", and recommended that Appendix B of the above-noted policy report be amended by adding the following conditions:

"Soils

- (c) 9. 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) 10. 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."

Staff Comments

Grant Miller, Rezoning Planner, Rezoning Centre, responded to questions.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

- Opposed - 2 emails

Speakers

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

Council Decision

MOVED by Councillor Anton

- A. THAT the application by GBL Architects on behalf of Wertman Development Corp, to rezone 605-645 West 41st Avenue (Lots 1-5, all of Blk 873, DL 526, Grp 1 NWD Plan 8313; PID:010-165-975; PID:010-165-983, PID:010-165-991, PID:010-166-017, PID:010-166-025) from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District, to permit the development of a 6-storey Seniors Supportive and Assisted Housing project, generally as presented in Appendix A, of the Policy Report dated September 7, 2010, entitled "CD-1 Rezoning of 605-645 West 41st Avenue", dated September 7, 2010, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects and stamped "Received City Planning Department, October 5, 2009", subject to the following conditions, 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

1. design development to provide a larger and more sheltered south-facing patio off the dining area;

Note to applicant: Intent is to augment this sunny location with direct access to planted area by increasing its depth, weather protection, and acoustic buffering from 41st Avenue. This can be accomplished through a combination of measures including extending the patio south, extending weather protection above, providing a glass enclosure, and moving the dining area wall north to enlarge the patio. If enclosed, the patio should provide direct access to the outdoors and have large openable windows. The number of trees on the site should be maintained.

2. relocation of planters to the north edge of rooftop patios to help limit overlook to the neighbours and provide wider open spaces for residents;

Note to applicant: In doing so, the size and number of trees provided should not be lost. See also Landscape conditions.

3. consideration to provide indoor amenity space next to a rooftop patio, and direct access to the rooftop area at the lobby of the second floor;

Note to Applicant: Intent is to extend the usefulness of these raised areas, especially the east and west ones that provide the main multi-use outdoor spaces. Consider providing a small common room with direct view and access to the patio.

4. refinement of the on-grade open spaces on the north side of the building to improve their visual amenity for residents and reduce their vehicle-oriented appearance;

Note to Applicant: This can be accomplished by moving the driveway closer to the lane, providing more permeable surfaces and planted areas, wheel tracks in place of driveways, and screening of the loading doors. Consider providing weather protection next to the lounge to extend the usable months of this area.

5. provision of sun shades or other solar control features to reduce solar gain and develop the expression of the south wall including the central glazed bay;
6. notation on the elevation drawings of all finishes, materials, dimensions and colours;

Note to Applicant: Attach colour samples to the elevation drawings.

7. maintenance in the extent of masonry finishes;

Note to Applicant: Intent is to preserve the aesthetic and durability benefits of brick and stone cladding;

8. notation on the plans and elevations of all significant sustainable design features; inclusion in the drawing set of the LEED® checklist as a full-size sheet; and provision of a written description referenced on the drawings by a LEED® accredited professional which explains how the features noted will achieve the LEED® credits in the checklist;
9. enlarged drawings at $\frac{1}{4}'' = 1'-0''$ scale or better showing the public realm interface from the first storey of the building to the curb at the dining patio, main entry, and side elevations, including landscape;
10. enlarged details at $\frac{1}{2}'' = 1'-0''$ scale or better for all significant exterior features, noting finish, material and dimensions if not already shown on the elevations;

Crime Prevention Through Environmental Design (CPTED)

11. design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for theft in the underground parking, mischief in alcoves, etc;

12. design development to reduce opportunities for graffiti particularly on the lane;

Note to Applicant: Opportunities for graffiti can be mitigated by reducing areas of exposed wall, by covering these walls with vines in pockets on lane property, hedges, rough finish material such as brick or by using a protective coating material.

Landscape

13. provision of a high quality private/ public realm interface treatment, including street trees, paving, outdoor furniture and planting, to the satisfaction of General Manager of Engineering Services and Director of Planning;

Note to Applicant: special attention should be paid to the pedestrian experience at the entrance/lobby areas.

14. improvements to the rooftop terrace design;

Note to Applicant: currently a single tree in a planter is proposed at two accessible patio locations. The planting should be increased and the program should be expanded. The design should incorporate, but not be limited to, urban agriculture, permanent seating, overhead weather protection, healing garden principles and universal design;

15. maximize planting in the lane setback, including adding a row of fastigiated trees;

Note to Applicant: staff note that planting has been proposed in the lane on the schematic landscape plan. Any required alterations to manoeuvring in the lane should not result in a net loss in planting.

16. 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).

17. design development to include waterwise design principles and 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;

18. at time of development permit application, provision of 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).

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

20. at time of development permit application, satisfaction of the requirements of a Tree Plan, including dimensioned tree protection barriers;

Note to applicant: refer to Protection of Trees Bylaw (sec. 4.0, 4.3).

21. at time of development permit application, provision of large scale sections [typical] through landscaped areas, including the slab-patio-planter relationship, the lane interface and common areas;
22. at time of development permit application, 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);

Engineering

23. Provision of an improved plan showing the design elevations within the loading bay clearly showing slopes and crossfalls;

24. Excessive slope on the inside curve of the parking ramp;

Note to Applicant: the inside curve has a slope of 17.6% from elevations shown, not 15% as indicated.

25. Provision of a 9'x9' corner cut to improve the two-way flow and visibility on the main ramp;
26. Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay;

27. Modify driveway design at gridline B10 to provide a straight curb rather than a curved bulge;

Note to Applicant: this would make it easier for drop off vehicles to access the underground parking spaces. Please ensure the 22 ft. width is maintained.

28. Number all parking spaces;

29. Remove parallel parking space at gridline G8 from the plan;

Note to applicant: this space cannot be counted as a parking space due to the adjacent column restricting access in and out of the stall.

30. Provision of measures to improve visibility of oncoming traffic for parking spaces between gridlines E6 and E9;

Note to applicant: the curve in the drive aisle, especially for the disability spaces and the small car space restricts visibility and parabolic mirrors are recommended.

31. Provision of additional stall width for all parking spaces with columns located more than 4 ft. (1.2 m) from the end of the stall;

32. Minimum parking space requirement should not be less than:

- one parking space per four units, where the unit is less than 70 m² in size; and
- one space per 100 m² (1,076.0 sq. ft.) where the unit is 70 m² (753.5 sq. ft.) in size or greater;

Note to applicant: this project qualifies for the reduced parking standard as stated in section 8 of the "Seniors Supportive and Assisted Housing Guidelines" (2004) since this project is located close to frequent public transit, shopping and community services.

33. Scooter parking for seniors housing shall be provided to the satisfaction of the Director of Planning in consultation with the GMES;

34. Clarification that a waste hauler can access the garbage compactor and pick up from the location shown;

Sustainability

35. compliance with and 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 checklist and description should be incorporated into the drawing set. Consider providing an extensive green roof on the top levels.

36. provide compatible, energy efficient design and details of the heating and domestic hot water designed to be easily connectable to a future Neighbourhood Energy Utility to the satisfaction of General Manager of Engineering Services;

Universal Design

37. applicant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria".

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of lots 1 thru 5 into a single parcel;
2. Dedication of the south 1.8 m of the site as road for future public realm improvements;
3. Provision of a cash contribution of \$200,000 is sought to be put towards construction of localized public realm improvements;
4. Provision of one shared vehicle and one shared vehicle space. Shared vehicles must be managed by a professional shared vehicle organization and must be located in an area accessible to all members of that shared vehicle organization, who do not reside in the development;
5. 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;
6. 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;

7. Provision of street trees adjacent the site where space permits;
8. Provision of concrete lane crossings at the Ash Street and Manson Street lane entries to the site.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as 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 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 as set out in Appendix C of the Policy Report dated September 7, 2010, entitled "CD-1 Rezoning of 605-645 West 41st Avenue".
- C. THAT A and B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.
- D. THAT Appendix B of the Policy Report dated September 7, 2010, entitled "CD-1 Rezoning of 605-645 West 41st Avenue" be amended by adding the following conditions:

"Soils

- (c) 9. 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) 10. 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."

CARRIED UNANIMOUSLY
(Councillor Meggs absent for the vote)

5. REZONING: 1304 Hornby Street

An application by Farouk Babul, Concert Properties Ltd., was considered as follows:

Summary: To rezone 1304 Hornby Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the density from 5.00 to 12.44 FSR to permit construction of a 31-storey residential building with commercial uses at grade.

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

Staff Comments

Karen Hoese, Rezoning Planner, Rezoning Centre, provided a presentation and with Planning staff responded to questions.

Applicant Comments

Brian McCauley, Concert Properties, provided a presentation.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

- Support - 2 emails
- Opposition - 1 email

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Ted Mildon
Craig Marcyniuk
Hassan Moayeri

The following spoke in opposition to the application:

Bill McCreery
Gretchen Dulmagh

Staff Closing Comments

Brent Toderian, Director, Central Area Planning, provided closing comments, and with Real Estate Services staff, responded to questions.

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Concert Properties Ltd., to rezone 1304 Hornby Street (Lot 1, Amended Lots 2 and 3, and Lot 4, Block 111, DL 541, Plan 210, PID: 007-735-561, 007-735-596, 007-735-634, 007-735-651) from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the density from 5.00 to 12.44 FSR to permit construction of a 31-storey residential building with commercial uses at grade, generally as presented in Appendix A, of the Policy Report dated September 1, 2010, entitled, "CD-1 Rezoning - 1304 Hornby Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Bingham + Hill Architects, and stamped "Received City Planning Department, February 2, 2010", 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:

Urban Design

1. design development to shadow boxes to enhance and strengthen their overall architectural expression;

Note to applicant: Design development should consider increasing the size of the shadow boxes along with further color refinements; consider roof level refinement including giving consideration to enhancement of translucent shroud and making the green roof plate horizontal;

2. design development to improve livability of the dwelling units to provide usable private outdoor space;

Note to applicant: Balcony dimensions should be increased to accommodate some outdoor seating.

3. consideration should be given to relocating the amenity space from the main floor to the second floor or to the roof in conjunction with green roof treatments;
4. design development to extend the commercial uses fronting Drake Street to the corner;
5. design development to the proposed exterior building materials and detailing to confirm the overall building character;

Note to applicant: Provision of detail sections and elevations (1/2" = 1'-0") of the building and public realm interface is required.

6. 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 three optimize energy performance points, one water efficiency point, and one 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 with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged.

Crime Prevention Through Environmental Design (CPTED)

7. design development to consider the principles of CPTED having particular regard for reducing opportunities for theft in the underground parking;

Landscape

8. provision of urban agriculture garden plots in some of the planters on the second floor;

Note to applicant: The garden plots should be considered as one of the programmed uses of the common amenity deck and should be integrated into the overall landscape design. See the Urban Agriculture Guidelines.

9. reduction in the height of the 3.1 m (10 ft.) high green wall proposed for the lane edge parapet of the second floor terrace, in order to allow more light into the space;
10. provision of a sidewalk public realm treatment with details for tree grates, pavement stamping, scoring lines and other details consistent with the Downtown South Design Guidelines;

11. provision at the time of development permit application of a full Landscape Plan;

Note to applicant: 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. All proposed planters, including the lane edge planter, the fourth floor patio planters and the front entrance planters, should be included. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

12. provision at the time of full development permit application of large scale sections (1/4"=1' or 1:50) illustrating the planters on the 2nd floor terrace and the lane edge planter. Elevation drawings of the entrance planters should also be provided;

Engineering

13. provision of a detailed turning swath for access to the parkade ramp from the lane to ensure vehicles do not conflict with the card reader location or relocation of the car reader to allow for improved access;

Note to Applicant: the reader and vehicle must be on a maximum 10% grade.

14. provision of a direct connection from the commercial loading space to all retail units;
15. provision of an improved connection/route from the residential loading space to the residential lobby;
16. provision of a parking ramp slope not to exceed 10% for the first 6.1 m (20 ft.) from the property line;

Note to Applicant: the northerly side of the ramp (el. 91.92') calculates at 11.2%. Also see #13 above.

17. clearly indicate the provision of bicycle lockers and duplex receptacles for each two Class A bicycle spaces as per the Parking By-law; and
18. provision of wheel ramps on staircases which provide egress for cyclists.

Note to Applicant: the nine riser stairs leading from the elevator lobby to the parkade exit corridor to the lane should have a wheel ramp.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the Managing Director of Social Development, the General

Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. consolidation of lots 1, amended lots 2 and 3, and lot 4 is required;
2. release of Easement & indemnity Agreement 205416M (crossing agreement) prior to issuance of building occupancy is required;
3. 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;
4. 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;
5. upgrading of the sanitary sewers to serve the development (in the lane south of Hornby Street, the lane north of Beach Avenue, and in Hornby Street);

Note to Applicant: The existing sewers are at capacity and must be upgraded to handle the flows from this development.

6. arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a public bench and bicycle racks to be located adjacent the site, including any adjustments to the sidewalks to accommodate the bench and bicycle rack installation. Maintenance of the bench and bicycle is to be provided by the building owners through a legal agreement;
7. provision of a standard concrete lane entry at the Drake Street entry to the lane;
8. provision of Downtown South sidewalk treatments adjacent the site;
9. make arrangements for:
 - i) the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use

- exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
- ii) a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
 - iii) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
 - iv) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

at the rate of 0.01 shared vehicles and shared vehicle parking spaces per dwelling unit in each development application and any number equal to or greater than 0.5 is to count as one shared vehicle and one shared vehicle parking space;

Heritage Density Transfer

10. that the owner secure the purchase and transfer of 8 292.5 m² (89,260 sq. ft.) of heritage density (which has a value of \$6,131,680) from a suitable donor site;

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable sq. ft. as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable sq. ft. unless bona fide market conditions demonstrate transactional evidence to the contrary).

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

Community Amenity Contribution (CAC)

11. deliver prior to enactment of the rezoning by-law the Community Amenity Contribution of \$1,500,000 which the developer has offered to the City, to be allocated as follows:

- \$1,265,000 to advance public realm and greenway improvements in the vicinity; and
- \$235,000 to capital repairs to Quayside and Dorothy Lam childcare centres; and

Public Art

12. provide public art according to the provisions of the Public Art Policies and Guidelines.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act. The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

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

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C, of the Policy Report dated September 1, 2010, entitled "CD-1 Rezoning - 1304 Hornby Street", 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 include this CD-1 in Schedule A, generally as set out in Appendix C, of the Policy Report dated September 1, 2010, entitled "CD-1 Rezoning - 1304 Hornby Street", be approved;
- D. THAT A through C above be adopted on the following conditions:
 - i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED
(Councillor Woodsworth opposed)

6. REZONING: 1569 West 6th Avenue

An application by Gregory Henriquez, Henriquez Partners Architects, was considered as follows:

Summary: To rezone 1569 West 6th Avenue from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to increase the density from 3.00 to 4.95 FSR to permit construction of a 15-storey primarily residential building.

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

Council also had before it a memorandum dated October 19, 2010, from Kent Munro, Assistant Director, Current Planning, which reported on a community amenity contribution (CAC), which had not yet concluded when staff completed the report on the application and when Council referred the application to Public Hearing on September 21, 2010.

The memorandum recommended that Appendix B of the Policy Report dated September 13, 2010, entitled "CD-1 Rezoning - 1569 West 6th Avenue" be amended to add the following conditions under section (c) Conditions of By-law Enactment:

"THAT prior to the enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the General Manager of Engineering Services, the Managing Director of Cultural Services, the General Manager of the Park Board, the Director of Real Estate Services, the Director of Facility Design and Management, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Community Amenity Contribution - Park Development

1. deliver, prior to enactment of the rezoning by-law the Community Amenity Contribution of \$244,000 which the developer has offered to the City, to be provided for public open space in the local area;

Community Amenity Contribution (CAC) - Artist Studios

2. provision of a cultural amenity space in the form of two artist studios, with a total area of not less than 800 sq. ft., as part of the development at 1569 West 6th Avenue;

3. design, construction, equipping and finishing of the proposed cultural amenity space, and for the sustainable operation of the studios as part of the Mayor's Arts Awards, Artist Studio Award Program;
4. transfer to the City at a nominal cost an air space parcel or strata lot containing this cultural amenity together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations;
5. grant a perpetual right in favour of the City and the users of this cultural amenity space, in the form of a statutory right of way, for access to and use of two parking spaces and to the loading spaces in the underground parkade of the residential complex on this site, at no cost; and
6. provide a facility operating reserve in the amount of \$170,000 to be held by the City in an interest-bearing account and used to offset the operating costs of the amenity space for a period of approximately 21 years;

all of which secured rights and obligations are to be effected and implemented prior to occupancy of any part of the development on this site other than this cultural amenity space."

FURTHER THAT Appendix B of the Policy Report dated September 13, 2010, entitled "CD-1 Rezoning - 1569 West 6th Avenue", be amended by adding the following conditions under section (b) Conditions of Approval of the Form of Development:

"Artist Studios

1. design and finish Artist Studios for Class B purposes (inclusive of Class A and B use);

Note to Applicant: See guidelines for Class B Artist Studios. A higher degree of ventilation for artists working with more toxic substances, slightly higher degree of sound proofing for possible use of amplified music, and industrial fittings.

2. design development to the Artist Studio uses to maximize interaction and pedestrian amenity through the use of display windows."

Staff Comments

Karen Hoesel, Rezoning Planner, Rezoning Centre, provided a presentation and along with Planning and Engineering staff, responded to questions.

Applicant Comments

Gregory Henriquez, Henriquez Partners Architects provided opening comments.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

- Support - 2 emails and 22 form letters
- Opposition - 1 email

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Jim Desroches

The following spoke in opposition to the application or expressed concerns regarding building height, impact of views, density or traffic:

Gareth Sirotnik
Jim McKay, Terraces on 7th
Stephen Bohus
Mike Kliman, President, Strata #1127 for 1453 West 6th and 1148 West 7th Avenues
Randy Helten
Phyllis Margolick, Terraces on 7th
Ian Adam
Uno Langmann
Tony Podlecki
Phil Stringer
Michael Sims
Jeff Gould
Richard Bass
Shahnaz Alai-Amanat
Ivar Fossen
Kathy Hochachka
Meredith Arnold

* * * * *

During the hearing of speakers, it was

MOVED by Councillor Louie

THAT the Public Hearing be extended in order to complete hearing from speakers on Item 6.

*CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)*

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Applicant Closing Comments

Gregory Henriquez, Henriquez Partners Architects provided closing comments.

Staff Closing Comments

Brent Toderian, Director, Central Area Planning, provided closing comments.

Council Decision

MOVED by Councillor Meggs

THAT, due to time constraints, questions to staff, debate and decision regarding the application by Gregory Henriquez, Henriquez Partners Architects, to rezone the site at 1569 West 6th Avenue from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to increase the density from 3.00 to 4.95 FSR to permit construction of a 15-storey primarily residential building, be referred to the Regular Council meeting following the Standing Committee on City Services and Budgets meeting on Thursday, October 21, 2010, as Unfinished Business.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Jang

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
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.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

The Special Council adjourned at 11:37 pm

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