



SPECIAL COUNCIL MEETING MINUTES

NOVEMBER 16, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, November 16, 2010, at 7:35 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: Deputy Mayor Kerry Jang
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Ellen Woodsworth

ABSENT: Mayor Gregor Robertson
Councillor Heather Deal (Leave of Absence - Civic Business)
Councillor Raymond Louie (Leave of Absence - Civic Business)
Councillor Tim Stevenson (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Pat Boomhower, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Jang in the Chair, to consider proposed amendments to the Zoning, Sign, and Heritage By-laws.

CARRIED UNANIMOUSLY

1. CD-1 REZONING: 1553-1577 Main Street

An application by Trevor Thimm, Hotson Bakker Boniface Haden Architects (HBBH), was considered as follows:

Summary: To rezone 1553-1577 Main Street from FC-1 (False Creek) District to CD-1 (Comprehensive Development) District, to permit a mixed-use building with 31 659 m² (340,785 sq. ft.) of floor area, including 22 500 m² (242,195 sq. ft.) of residential and 9 159 m² (98,590 sq. ft.) of office and retail on Main Street. The design proposes an 8-storey commercial building on Main Street, a 10-storey residential building on Quebec Street and an 8-storey "skybridge" spanning both buildings, for a total height of 18 floors or 56 m (183.7 ft.).

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

Council also had before it a Memorandum dated November 1, 2010, from the Assistant Director of Planning, Current Planning Division, which recommended amendments to Appendices A and B of the Policy Report dated October 13, 2010, entitled "CD-1 Rezoning: 1553 - 1577 Main Street", related to floor space exclusions within the density provisions of the proposed By-law and to the Community Amenity Contributions.

Staff Opening Comments

Ian Cooper, Rezoning Planner, Rezoning Centre, explained the application, reviewed the public consultation process and responded to questions.

Applicant Comments

Bruce Haden, HBBH, provided opening remarks and responded to questions.

Summary of Correspondence

The following correspondence was received since referral to Public Hearing:

- Support - 2 emails

Speakers

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

Staff Closing Comments

Staff provided closing comments and clarified recommendations contained in the staff memorandum dated November 1, 2010.

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Hotson Bakker Boniface Haden Architects on behalf of Onni Group of Companies to rezone 1553-1577 Main Street (Lots 7 & 8 Plan 17093, Lot A Plan 15792, Lots 38 & 39 Plan 5568, Lots 24, 25 & 26 Plan 197 (PID Nos. 003-047-083, 003-049-884, 007-626-347, 012-711-535, 012-711-543, 012-711-501, 012-711-519 and 012-711-705) and part of 1615 Main Street (Lot F Plan 12966, PID No. 008-758-158) from FC-1 (False Creek) District to CD-1 (Comprehensive Development) District, to increase the maximum residential density from 3.00 FSR to 3.40 FSR and permit the construction of a mixed office, residential and retail development with a maximum density of 4.81 FSR, generally as presented in Appendix A of the Policy Report dated October 13, 2010, entitled "CD-1 Rezoning: 1553-1577 Main Street" and as amended below in the Memorandum dated November 1, 2010 from Kent Munro, Assistant Director of Planning:

THAT the Appendices to the referral report dated October 13, 2010, entitled "CD-1 Rezoning: 1553-1577 Main Street" be amended as follows:

- a) Appendix A, Draft CD-1 By-law Provisions, Section 2. Density, be amended to
 - delete sub-section 2.2, and re-number the subsequent sub-sections accordingly;
 - add to the end of sub-section 2.4 "(h) elevator shafts and entrance lobbies."
- b) Appendix B, Proposed Conditions of Approval, Section (c)(14) Community Amenity Contribution, be amended by deleting the amount "\$560,750" and substituting the amount "\$686,525".

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, September 3, 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

1. Design development to bring further clarity and resolution to the structure and architectural expression of the long span and support of the higher massing;

Note to Applicant: Staff support for the proposed form of development is subject to the successful resolution of this critical element. In collaboration with the engineer of record, provide detail analysis of the proposed structure and its architectural expression. Investigate a bridging structure that is a clear span without need for or minimal mid span support, expressing and further emphasizing the bridge like quality of the building, while maintaining openness and transparency through the centre of the site.

2. Design development to address livability issues of the dwelling units located directly underneath and near the skybridge;

Note to Applicant: Mitigate issues associated with lack of sky view, natural light and shadowing, either through substantial increases in floor height to achieve a double height loft space (without increasing overall building height) or relocating dwelling units and substituting other uses such as amenity spaces,

or vertical circulation. Indicate on the drawings the proposed soffit treatment of the underside of the upper massing, providing detail sections.

3. Design development to the open plaza to address the following:

- greater intensity and detail development of landscape treatment;

Note to Applicant: Given the size and volume of the space, the proposed landscape treatment appears under-developed requiring further resolution, detail and embellishment. Consider adding larger trees to fill the high volume of the open plaza.

- compatibility and resolution between private and public uses, including the retail frontage that face onto the open plaza;

Note to Applicant: Spatial layering, that separate and zone different uses should be subtle and gradual, avoiding hard edges and boundaries that divide the large central space into two disjointed halves, instead of a unified whole.

- improved interconnectivity between the public realm of the surrounding streets and the central open space;

Note to Applicant: The public realm along the new side streets should be expanded where it interfaces with the open plaza, providing further landscape amenity and seating.

- provide an opportunity for a children's play area;
- provide a CPTED analysis;

4. Design development to ensure that the pedestrian walkways are public oriented and visual connections are made to adjacent mews/lanes through surface treatment, bollards, lighting, scale, trees, landscape cues and way finding;

5. Provision of semi-public and semi-private spaces that complement the design of the public realm. Aspects to consider at the time of rezoning include special paving, lighting, planting, driveway crossings, pedestrian entrances and safety, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities;

6. Clarification of the proposed sustainable features on the drawings;

Note to Applicant: The intent is to define on the final approved permit drawings those features referred to on the LEED® checklist to attain minimum Silver level or equivalency. Consideration to provide a cistern, water efficient landscaping, additional solar shading panels, heat recovery systems and energy modeling studies.

Landscape Design

7. Final coordination of the public realm treatment to be consistent with the Southeast False Creek Public Realm Plan;
8. Design development to maximize percentage vegetative cover;

Note to Applicant: Pursue an overall goal of 40% vegetative area surface cover. The calculation should include tree canopy area, but not include surfaces that cannot be planted or parking ramps. Provide visually interesting and durable urban agriculture garden plots and amenities (onsite composting, hose bibs, water collection opportunities) to be located in proximity to common patio areas and to maximize sunlight exposure. Grow plots should contain an appropriate growing medium, and be an adequate size and number to be appropriate for the size of the development. Integrate edible planting throughout the landscape. Other opportunities for planting include 'green walls', planted roofs, permanent patio planters, and vine pockets at the base of structures. Mitigate blank walls by locating continuous linear planters and climbing plants at their base. Refer to Urban Agriculture Design Guidelines.

9. Provision of best current practices for reducing potable water use and managing storm water conservation, including high efficiency irrigation, waterwise design and the use of captured storm water for irrigation. Any water storage cisterns should be noted (size and location) on the rezoning plans. Where practical, water features are to use storm water or other non-potable alternatives. At the time of development permit application, provide functional notations and drawings in order that storm water recycling systems can be understood. Refer to Waterwise Landscape Guidelines;
10. Provision at time of development permit application of a detailed rationale outlining intent for the specific programming of individual outdoor spaces and landscape structures, including overall use, pedestrian capacity, storage (for example, compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat);
11. Maximize opportunities for 'green walls', planted roofs and patios. Mitigate blank walls by locating continuous linear planters and climbing plants at their base;
12. Provision at time of development permit application of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities, paving, walls, fences, light fixtures and other landscape elements, including site grading. Proposed plant materials should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1'-0");
13. Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Where applicable, underground parking design should increase soil depth for planting. Planted areas adjacent to structures and on slab to contain continuous soil volumes. The underground parking slab to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting depth for inner boulevard trees and planters;

14. At time of development permit application, provision of large scale partial plans, elevations, sections, specifications illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, semi-private patios and privacy screens;
15. At time of development permit application, provision of a lighting plan;
16. Provide hose bibs for all patios greater or equal to 100 sq. ft.;

Social Infrastructure

17. Design development to provide a fully accessible washroom, kitchenette and storage closet in at least one of the proposed multi-purpose amenity rooms;
18. Design development to provide a tool storage closet or compartment on the east rooftop;
19. Design development to achieve universal access to the outdoor patios on the west rooftop;
20. Design development to provide a secure area which provides an opportunity for informal children's play activity, located to maximize visual surveillance from and access to indoor amenity space;

Note to applicant: Consideration should be given to locating the play area adjacent to and with direct access from an indoor amenity space. 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 (such as soft surface play area and/or, lawn, balancing logs and boulders, a small/tangible water stream or feature, creative motor-skills developing features etc.) which can accommodate a range of creative play opportunities is encouraged.

Engineering

21. Design development to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services to relocate the driveway crossing and parking entry ramp to the new road to be constructed on the southerly side of the site, and where possible to eliminate the jog in the main parking ramp. Relocation of the ramp allows for construction of the future extension of the Central Valley Greenway on the south side of the proposed northerly street to be uninterrupted by driveway crossings;

Note to Applicant: Generic footings shown on pages A501, 502 & 503 encroach beyond property lines.

22. Final footing design is to be contained within the final site property lines;

Note to Applicant: Generic footings shown on pages A501, 502 & 503 encroach beyond property lines.

23. Confirm the intended length, width and height of trucks that the underground loading spaces are designed to accommodate and ensure that a minimum 3.8 m unobstructed vertical clearance is provided or greater where the truck dimensions require it;

Note to Applicant: No intrusion by sprinkler heads, pipes or structure shall be permitted into the clearance.

24. Provision of plans clearly showing truck turning swaths which demonstrates the ability for the intended size of truck to enter and exit the loading spaces in one or two manoeuvres or turns;

25. Provision of the correct ratio of vertical and horizontal bicycle spaces;

Note to Applicant: Provision of only vertical bicycle spaces is not supported.

26. Provision of improved access to the main residential elevator core from the residential loading spaces;

Note to Applicant: A double door to enable entry with large pieces of furniture or equivalent is recommended.

27. Provision of concrete wheel stops in parking stalls which are perpendicular to another;

Note to Applicant: Parking stalls 123 and 125 on P2 and 427, 428, 470 and 471 etc. are examples.

28. Provide wheel ramps on the stairwell adjacent parking space 36 on parking level P1.

Note to Applicant: This stair provides direct access to outside.

29. Design development to conform to the Engineering Parking and Loading Design Supplement;

30. Provision of three streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate three streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system;

31. The building design to include designs to allow for connection to the Neighbourhood Energy Utility (NEU);

Notes to applicant: At the building permit stage the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer

where necessary, for review by Engineering Services to confirm final room dimensions, sleeve details, and servicing needs. Provide suitable space for the installation of the NEU system and ETS equipment, with adequate provision for connection to outside NEU distribution piping and communications conduit. The developer shall make available use of sewer and potable water piping in each ETS room. The ETS room shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C. The developer must provide a dedicated 15 amp 120V, 60 Hz, single-phase electrical service for operation of the ETS, to the satisfaction of the General Manager of Engineering Services. Please contact Kieran McConnell, Project Engineer at 604-871-6981 for further details.

The Applicant is to provide confirmation that all road dedications are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads meet residential land use numerical standards for the top 3 meters and commercial land use numerical standards below 3 meters and that the groundwater in the roads meets the most restrictive standards for marine aquatic life, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and

If the Applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem 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 dedications have been remediated to the standards described in paragraph (1) above.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) 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 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:

Engineering

1. Subdivision of Lots 7, 8, A, 38, 39, 24, 25, 26 and portion of City-owned Lot F to result in:
 - Dedication of the north 13.5 m of the site.
 - Dedication of the east 1.5 m of the site. Note delete all portions of the building above and below grade shown within the 1.5 metre dedication area.
 - Consolidation of the remainder of the privately-held site and the portion of Lot F that will be acquired from the City of Vancouver;

2. Provision for the City to grant a 20 m wide Statutory Right of Way for road purposes over the north 20 m of the remainder of Lot F;
3. The release of Indemnity Agreements C15239, 37262M & 37269M (all relate to commercial crossings);
4. Upgrading of the existing storm and sanitary sewers from the site to the pump station east of Main Street on Terminal Avenue;
5. Provision of new curb and gutter, pavement, sidewalks, street furniture, street trees and plantings, street bulges, street lighting, specialty paving and other features on-site and on the new streets and lanes adjacent the site consistent with the Southeast False Creek (SEFC) Public Realm Plan and SEFC Private Lands Public Realm Enrichment Guidelines (PREG);
6. Pay to the City 50% of the cost of a new pedestrian traffic signal at the intersection of Quebec Street and the new southerly street;
7. Make arrangements for:
 - a. 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, 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 or 3 vehicles and 3 parking spaces, whichever is less;
 - b. a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
 - c. 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
 - d. 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;
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

Soils

10. 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;
11. 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;

Flood Plain Covenant

12. Execute a Flood Plain Covenant to the satisfaction of the Director of Legal Services and the Chief Building Official;

Public Art

13. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided);

Note to Applicant: To discuss your public art application and fulfilment options please call Bryan Newson, Program Manager, at 604.871.6002.

Community Amenity Contribution

14. The agreed Community Amenity Contribution of \$686,525 is to be paid to the City and such payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as 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 consequential amendments to the Southeast False Creek Official Development Plan to increase the height limit for 1553-1577 Main Street and part of 1615 Main Street from 50 m to 56 m, as set out in Appendix C of the Policy Report dated October 13, 2010, entitled "CD-1 Rezoning: 1553-1577 Main Street", be approved;
- C. THAT the application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B (DD) and to include this CD-1 in Schedule E of the Sign By-law, generally as set out in Appendix C of the Policy Report dated October 13, 2010, entitled "CD-1 Rezoning: 1553-1577 Main Street", be approved;
- D. 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 B, generally as set out in Appendix C of the Policy Report dated October 13, 2010, entitled "CD-1 Rezoning: 1553-1577 Main Street";
- E. THAT, if adequate Southeast False Creek Development Cost Levy funding is not available for the required sewer upgrade, the City will prioritize the project for inclusion in the 2011 Capital Budget as an interim funding source until additional Development Cost Levies are collected; and
- F. THAT Recommendations A through E 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 or a by-law amending the Southeast False Creek Official Development Plan, 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

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 Cadman

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.

CARRIED UNANIMOUSLY

The Special Council adjourned at 8:01 pm

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