

SPECIAL COUNCIL MEETING MINUTES

APRIL 21, AND MAY 3, 2011

A Special Meeting of the Council of the City of Vancouver was held on Thursday, April 21, 2011, at 7:40 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning and sign by-laws. Subsequently, the meeting was recessed and reconvened on Tuesday, May 3, 2011, at 7:35 pm. The Minutes are consolidated for ease of reference.

PRESENT:

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

CITY CLERK'S OFFICE:

- Terri Burke, Meeting Coordinator (Minutes)
- Tina Hildebrandt, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
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

1. REZONING: 428 Terminal Avenue

An application by Oskar Winnat, B+H BuntingCoady was considered as follows:

Summary: To rezone from I-3 (Industrial) District to CD-1 (Comprehensive Development) District, to allow for the development of two commercial office buildings with a broader range of uses than is allowed under the current zoning. The proposal would increase the amount of floor area permitted for General Office Use and other compatible uses. The proposed floor space ratio (FSR) would be 3.0 and the proposed height would be 30.5 m (100 ft.).

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

Council also had before it a Memorandum dated April 13, 2011, from the Assistant Director, Current Planning, which provided a correction to the Development Cost Levy (DCL) amount noted in the body of the Policy Report dated February 25, 2011, entitled "CD-1 Rezoning – 428 Terminal Avenue", and shown in Appendix F of the same Report.

Summary of Correspondence

No correspondence had been received regarding 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 by B+H BuntingCoady (formerly Reno C Negrin Architects), on behalf of Rize Alliance Properties Ltd., to rezone 428 Terminal Avenue (PID: 025-097-008, Lot 2, DL 2037, Group 1, New Westminster District, Plan LMP 50601), from I-3 (High-tech Industrial) District to CD-1 (Comprehensive Development) District, to amend the permitted uses to permit development and use of two commercial office buildings, generally as presented in Appendix A, of the Policy Report dated February 25, 2011, entitled "CD-1 Rezoning - 428 Terminal Avenue", 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 B+H BuntingCoady (formerly Reno C Negrin Architects), and stamped "Received City Planning Department, July 30, 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. clarification on the drawings, removing pedestrian ramp structure;

Note to Applicant: The pedestrian ramp is not part of this application. Dimension on the site plan the easement required for a future pedestrian ramp.

2. design development to the building massing, breaking up the long facades through greater articulation and expression of building parts;

Note to Applicant: The I-3 District Guidelines for the False Creek Flats suggest building depths or widths that exceed 30.5 m (100 ft.) should be physically separated into a series of buildings, or be designed to appear so. The aim is to create identity, rhythm and variety. *Reference: I-3 District Guidelines False Creek Flats, Section 4.16 building depth (and width).*

3. design development to improve the architectural expression in the following manner:

- (i) more material variety and colour; and

Note to Applicant: Exterior building design should reflect the industrial character of the precinct by utilizing high-quality, durable materials. *Reference: "I-3 District Guidelines False Creek Flats, Section 5.5 Exterior Walls and Finishing."*

- (ii) consider better quality glazing system, such as frameless, indicating on the drawings and providing sample documentation;

Note to Applicant: The quality of the glazing system should be of a comparable standard to the previous Development Permit application. The use of mirrored or highly reflective glass is discouraged to allow views into building activities.

4. design development to improve the legibility of the main entry of both buildings, providing an extended entry canopy that links the street to the entry doors;

Note to Applicant: The main entry needs greater prominence as seen from the street, improving the visual signifiers that announce and lead to the building entrance. *Reference: "I-3 District Guidelines False Creek Flats, Section 5.5 Entrances, Stairs and Porches."*

5. design development to enhance the public and semi-public realm of the centre mews and street edges for pedestrian uses in the following manner:

- (i) provide weather protection along the Terminal Avenue frontage within the 3 m setback;

Note to Applicant: The canopy should be a minimum depth of 5 feet, clear glazed and located below the crown of adjacent trees. Altering of proposed tree spacing may be required. Provide a hard surface for a pedestrian path, modifying ground landscaping as required.

- (ii) Remove or relocate the open parking ramp;

Note to Applicant: If combining the ramps provide a knock out panel between parking structures. Reference: "I-3 District Guidelines False Creek Flats, Section 2.9 Off-Street Parking and Loading."

- (iii) minimize the visual impact of exposed mechanical vents located in the centre mews, either relocating away from the central court area or transforming them into an attractive feature that is integrated with the landscaping;

- (iv) confirmation on the drawings that the parking ramp access and all loading bays are gated;

Note to Applicant: Reference: "I-3 District Guidelines False Creek Flats, Section 2.9 Off Street Parking and Loading."

- (v) consideration to better animate the buildings at the ground plane to provide opportunities for pedestrian needs, such as small commercial uses, interaction and gathering; and

Note to Applicant: Reference: "I-3 District Guidelines False Creek Flats, Section 2.2 Street Character."

- 6. design development to consider the principles of CPTED, having particular regard for security in the underground parking;

Note to Applicant: Consider how lighting and glazing can be used to improve perceived safety in underground areas. Tenants and operators should be consulted to determine whether any other issues exist on the site. Design features that address CPTED principles should be noted in the development permit application.

- 7. 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. A letter from the Mechanical consultant shall be submitted outlining how the minimum of three energy points will be obtained.

8. consideration to provide increased day light penetration through either modification to the plan, and/or section;

Note to Applicant: As commented on by the Urban Design Panel.

9. design development to the roof level, providing more landscaping to meet sustainability objectives, while maintaining opportunities for active use of the roof level;

Note to Applicant: Reference: "I-3 District Guidelines False Creek Flats, Section 5.1 Roofs and Chimneys."

10. consideration to improve the passive solar strategy on the west elevation;

Note to Applicant: Adding vertical fins to the west elevation will enhance the solar performance.

11. consideration to install hydronic heating systems to be neighbourhood energy utility compatible, as required by the False Creek Flats Rezoning Policy;

Note to Applicant: Council has also identified the west False Creek Flats area as a potential green enterprise zone, indicating a strong desire for a future NEU in the area surrounding this site. Neighbourhood Energy Utilities (NEU) are currently anticipated in South-East False Creek, North-East False Creek and in major projects on the Great Northern Way campus.

Landscape

12. design development to maximize the amount of greenery provided on this site by:
 - (i) incorporating green roof areas on the buildings;

- (ii) providing more trees to increase the green leafy canopy within the mid-block mews (the Courtyard); and

Note to Applicant: Consider a small canopy tree species such as Magnolia or Parrotia.

- (iii) providing soft landscaping within the designated setback area for future pedestrian overpass at Thornton Street;

13. illustration on the Landscape Plan and the Site Plan of all lane edge utilities such as gas meters and transformers;

Note to Applicant: All utilities should be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.

14. design development to provide low-growing soft landscaping adjacent to pedestrian pathways within the public and semi-public realm to maintain clear passage and open views for safety purposes;

15. tree species and locations for the proposed double row of street trees on Terminal Avenue, Scotia Street and Thornton Street to be determined in consultation with the Director of Planning and to the satisfaction of the City Engineer and Park Board;

Note to Applicant: The double row of trees on Terminal Avenue should consist of a large canopy tree species for the first row (City property) and a small canopy tree species for the second row (private property). The tree species provided for the first row should be Beech, to match the tree species approved for planting at 550 Terminal Avenue; consider choosing a Magnolia species or Parrotia for the second row of trees. Early contact with Park Board to confirm tree species for the first row of trees is encouraged; contact Brad Etheridge (tel: 604.257.8587) to confirm tree species.

16. provision of a separate landscape lighting plan to illuminate pedestrian areas for security and safety purposes;

Note to Applicant: Lighting details should be included on the Landscape Plan. Refer to Section 5.7 "Lights", I-3 District Guidelines.

17. provision of written confirmation from the Park Board that the removal of existing street trees on Terminal Avenue (Cottonwoods as noted on the Landscape Plan) has been approved;

18. provision of adequate planting medium depth within planters on slab condition to meet the BCSLA latest standard;
19. provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching (illustrated on the Landscape Plan);

Note to Applicant: Where the deletion of irrigation for all slab planters is a strategy to earn a LEED® point, provide a written rationale for the choice of plants, the amount of sun exposure, and the soil volumes. In addition, a maintenance schedule for watering (this may be hand watering) the plantings during the first year following installation (to ensure proper establishment).

20. proposed plantings to be consistent with the City of Vancouver Waterwise Planting Guidelines;
21. provision of a legal survey;
22. provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development Permit submission stage;
23. a high efficiency irrigation system specified in all landscape areas;

Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Association of BC Standards and Guidelines latest standard. Notation to this affect should be added to the drawings.

24. new street trees to be provided adjacent to the development site and illustrated on the Landscape Plan, to be confirmed prior to issuance of the BU;

Note to Applicant: Contact Eileen Curran, Streets Engineering (Tel.: 604.871.6131) to confirm tree planting locations and Brad Etheridge, Park Board, (Tel.: 604.257.8587) for tree species selection and planting requirements. Provide a notation on the Landscape Plan, " Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services." New trees must be of good standard, minimum 6 cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet in length and 18 inches in depth. Call the Park Board for inspection after tree planting completion (Tel.: 311).

Engineering

25. provide parking, loading, bicycle and passenger spaces in accordance with the Parking By-law, noting that the Director of Planning in consultation with the General Manager of Engineering Services has concluded, after review of this rezoning application, that the following reductions of the By-law minimum parking requirements are supported:
 - (i) a minimum 20% reduction in parking spaces below Parking By-law requirements, due to proximity to rapid transit;
 - (ii) further reduction may be considered upon provision of a shared parking analysis, which is to be provided by a transportation consultant; and
 - (iii) further reduction may be considered upon submission of a Transportation Demand Management Plan;
26. elimination of the jog in the drive aisle between the 2 buildings is required;
27. provision of a corner cut at the top of the parking ramp for the phase 2 building to ensure two vehicles can pass each other when turning to and from the lane onto the ramp;
28. provision of street trees adjacent the site where space permits;

Note to Applicant: Where possible the proposed street trees are to be planted using continuous trench installation practices. The street trees and 2nd row of trees should be installed in an alternating pattern not opposite each other.
29. the proposed tree removal on Terminal Avenue requires the approval of the General Manager of Engineering Services in consultation with the Vancouver Park Board. A separate request to Engineering is required; and
30. this site may be subject to floodplain requirements (see Floodplain Protection Policies). Refer to Chief Building Official for details.

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 General Manager of Engineering Services, the Managing Director of Cultural Services and the Approving

Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (i) provision of improved disability ramps at the Terminal Avenue and Scotia Street intersection to meet current standards;
 - (ii) provision of a Statutory Right-of-Way (SRW) and an Option to Purchase for road for a nominal price, to secure an area 14 m (east-west) by 36 m (north-south) for a pedestrian and bicycle access ramp to a future overpass to be built in the Thornton Street corridor linking Terminal Avenue with Great Northern Way. In the interim, the space may not be used for any required parking or loading but may have non-permanent uses to be maintained by the property owner until such time as the SRW area is need by the City for its intended use or the Option to Purchase is exercised;
 - (iii) 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. All above ground electrical kiosks are also to be accommodated on site. Early contact with the Utilities Management Branch is encouraged;

Public Art

2. execute an agreement, satisfactory to the Director of Legal Services and the Managing Director of Cultural Services for the provision of public art in accordance with the City's Public Art Policy and the SEFC Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and
3. submit a preliminary public art plan to the satisfaction of the Managing Director of Cultural Services setting out the proposed

public art program aims, artist terms of reference, site and artist selection methods, project budget, implementation plan and a schedule consistent with the objectives and intent of the SEFC Public Art Plan;

Soils

4. submit a site profile to the Environmental Protection Branch (EPB);
5. the property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter;
6. execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection;

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 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, 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 District in accordance with Schedule B to the Sign By-law [assigned Schedule "B" I-3], generally as set out in Appendix C, of the Policy Report dated February 25, 2011, entitled "CD-1 Rezoning - 428 Terminal Avenue", be approved.

- C. THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the Noise Control By-law to include this CD-1 District in Schedule B to the Noise Control By-law, generally as set out in Appendix C, of the Policy Report dated February 25, 2011, entitled "CD-1 Rezoning - 428 Terminal Avenue", for enactment following the approval and enactment of the CD-1 By-law.

CARRIED UNANIMOUSLY

2. REZONING: 1030 Denman Street (Coast Plaza Hotel & Suites)

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

Summary: To rezone this site from C-5 (Commercial) District to CD-1 (Comprehensive Development) District to enable conversion of the existing hotel rooms and hotel facilities to residential (rental) and office uses. The existing Denman Place Mall would remain unchanged. 314 rental units would be created. The conversion would not occur until the current hotel operator ceases to operate at this location.

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

Council also had before it the following:

- Memorandum dated April 13, 2011, from the Assistant Director, Current Planning, which informed Council of a minor change that was incorporated into the draft CD-1 By-law for the above application concerning the grandfathering of hotel use on the site. It also clarified amendments to the Sign By-law and to the Noise Control By-law.
- Memorandum dated April 19, 2011, from the Managing Director, Social Development, which responded to a Council request to provide information in relation to the possibility of embedding affordable housing into the development.

Staff Opening Comments

Planning staff reviewed the application and responded to questions.

Summary of Correspondence

The following correspondence was received on this application since referral to Public Hearing:

Support - 3
Opposed - 3

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

MLA Spencer Chandra Herbert
Linda Hagen, General Manager, Coast Plaza Hotel
Philip Waddell, President, West End Seniors Network
Grace Hann, West End Seniors Network
Michelle Morrow

The following expressed concerns regarding the application:

Aman Bains, West End Residents Association
Rusty Kerr

The following spoke in opposition to the application:

Michael Hartford

Council Decision

MOVED by Councillor Stevenson

THAT the application by Brook + Associates Inc. to rezone 1030 Denman Street (PID: 002-982-455 Lot D, Block 59, D.L. 185, Plan 17575) from C-5 (Commercial) to CD-1 (Comprehensive Development), to enable conversion of the existing hotel to residential (rental) and office uses, generally as presented in Appendix A, of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning - 1030 Denman Street (Coast Plaza Hotel)", 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 DA Architects + Planners, and stamped "Received City Planning Department, November 18, 2008", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

1. design development to enhance pedestrian interest at the Comox Street elevation;

Note to Applicant: This can be achieved by introducing a minimum of two windows, of approximately 48 ft. each, to the exterior wall of the grocery store. Further, landscape improvements should be included in the areas where the concrete stairs are to be removed.

2. design development to incorporate high quality weather protection along Denman and Comox Streets;

Note to Applicant: Provide large-scale sections illustrating the complete streetscape condition, including any existing canopies, street fixtures and proposed new canopies, complete with dimensions. At a minimum, weather protection should be proposed at the entry to street-fronting retail. Proposed canopies must be a minimum of 5 ft. in depth and 9 ft. from grade, and of light, high-quality construction.

3. improvement to pedestrian way-finding at the Comox Street elevation that distinguishes retail, service and residential entries;

Note to Applicant: This can be achieved through a variety of measures, including landscape and lighting. Further, the guard rail at the mall and cinema could be more transparent, and paving treatments at the interface of the residential, fitness and parking entries could be introduced to distinguish safe routes for pedestrians.

4. provision of a rationale, referenced to the plans, illustrating a means of circulation and egress for residential and commercial tenants through shared floor that addresses CPTED (Crime Prevention Through Environmental Design) issues;

Note to applicant: The current layout appears to allow for commercial space users to enter elevators and stairs that connect with residential use areas on L2 and parking levels. This may cause conflict between the two different user groups.

5. provision of information on the site plan accurately depicting the streetscape condition including steps, planters, and location of canopies over;

Note to Applicant: The drawing "Commercial Mall L1" submitted does not identify all these items.

6. provision of additional information on the elevations and site plans identifying the exterior finishes, new and existing, and the location of exterior lighting and its specification;

Note to Applicant: Typical exterior finishes, such as wall, railing, and glazing and frame type should be noted on the drawings. Any proposed revisions to these materials, such as paint or replacement should be noted.

7. design development to the lane elevation taking into consideration the principles of CPTED having particular regard for reducing opportunities for nuisances such as graffiti;

Note to Applicant: Large blank walls, especially adjacent to Nelson Street should be treated with landscape that discourages the application of graffiti and enhances pedestrian interest.

8. design development to improve security and visibility in the underground in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white;

Landscape Design

9. upgrades and improvements to the street-level and upper roof deck landscaping;

Note to Applicant: Staff support the general approach to landscape improvements outlined in Appendix F of the Rezoning application. An Arborist should be engaged to provide further analysis with regard to tree removals. Where tree removals are necessary, tree replacements should be provided. Special attention should be given to public/private realm interface improvements, such as refurbishing planters. Weather protection should not conflict with existing trees. Irrigation may be needed to provide water to sustain plants and trees under canopies.

10. design development to provide sufficient soil depth and volume to ensure long-term plant health;

Note to Applicant: Soils should meet or exceed BCLNA Landscape Standards.

11. 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. Differentiate the "existing" and "proposed" landscape work. Plant materials 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).

12. satisfaction of the requirements of a Tree Plan, including dimensioned tree protection barriers, where applicable;

Note to Applicant: Trees to be retained/removed/replaced may be shown on the Landscape Plan. Refer to Protection of Trees By-law (Sections 4.0, 4.3).

13. provision of spot elevations for all outdoor areas (including top/bottom walls), including off-site context spot elevations in proximity (e.g. in the lane);
14. new street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to issuance of the building permit;

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planning locations and Park Board (604.257.8587) for tree species selection and planning 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 calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 ft. long and 18 in. Planting depth of root ball must be below sidewalk grade. Call Park Board staff for inspection after completing tree planting.

Engineering

15. provision of a Loading Management Plan (LMP);

Note to Applicant: The LMP is required to formalize the delivery process to the Denman Place Mall tenants so as to ensure minimal disruption to the neighbouring residents and to formalize a loading arrangement that will meet the needs of both the commercial tenants and the neighbours.

16. provision of a technical table with the number of parking, loading and bicycle parking spaces being required and to be provided;

17. provision of parking plans which clearly number and label all parking spaces as "standard", "small car" or "disabled". Column off-sets and aisle width dimensions should also be provided;
18. eliminate all parking stalls which encroach into the parking ramps and path of on-coming vehicles;
19. modify the 12 ft. opening in the drive aisle to a 21'-8" opening on parking levels B1 and B2 on drawings A-02 and A-03;

Note to Applicant: A 12 ft. opening does not provide adequate access in and out of the first row of parking spaces west of the opening.

20. provision of adequate drive aisle width for parking spaces adjacent to the storage room on parking level B1, on drawing A-03;

Note to Applicant: removal of the storage room opposite the parking spaces will be required.

21. Removal of a Class A loading space from the parking stall count;

Note to Applicant: Required loading spaces cannot be counted as parking spaces. Calculations show that only one Class A loading space is required.

22. clarification and review of the existing crossing widths on Comox Street to determine if they might be reduced;
23. provision of details of existing and proposed garbage storage and pick-up practises for the development;

Note to Applicant: The site must have the capacity to store all of the waste generated on-site and must not rely on any storage of bins on public property.

24. dimension property lines on all plans.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, should this by-law not be enacted by Council within 18 months of any Council approval of the by-law then such approval lapses and shall be of no force and effect.

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 General Manager of Engineering Services, the Managing Director of Social Development and the

Approving Officer as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. provision of adequate water service to meet the fire flow demands of the project;

Note to Applicant: The rezoning application lacks the level of detail needed to determine if watermain 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.

2. confirmation of all existing and proposed encroachments;

Note to Applicant: Clarification of any proposed encroachments is required, including confirmation that existing canopies and awnings are drained to the buildings internal drainage system and are fully demountable at or near the property line. Legal arrangements will be required for all existing or proposed encroachments.

3. undergrounding of all new 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 Management Branch. Early contact with the Branch is encouraged.

4. provision of sidewalk improvements on Comox Street, adjacent the site in keeping with the Central Valley Greenway standards, as follows:

- (i) Reconstruction of the sidewalk with standard broomed-finished and saw-cut panels,
- (ii) street lighting to Greenway standards,
- (iii) on-site water fountain accessible to the public,
- (iv) bike racks where space permits,

- (v) a minimum of two Greenways standards benches, and
- (vi) infill street trees where space permits;

Note to Applicant: A legal agreement securing the payment of \$250,000 for the cost of these works and to secure public access to the fountain and setting out maintenance obligations will be required.

Housing

- 5. make arrangements to secure the dwelling units as rental tenure for 60 years or the life of the building, whichever is greater; subject to a no-separate-sales covenant and a non-stratification covenant, and subject to such rental dwelling units being made available for a term of not less than one month;
- 6. payment of the agreed Community Amenity Contribution of \$596,000, which will be directed to the Affordable Housing Fund for use in the West End neighbourhood, is to be made to the City 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;

Non-Profit Facility

- 7. make arrangements to secure, by way of a lease, approximately 92.9 m² (1,000 sq. ft.) of community amenity for a period of 20 (twenty) years at an amount no greater than the sum of Common Area Maintenance and proportionate property tax and on such other terms and conditions consistent with sustainable operation by a non-profit, community service organization;

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.

CARRIED UNANIMOUSLY

3. REZONING: 8495 Granville Street (Marpole Safeway)

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

Summary: To rezone from C-2 (Commercial) District to CD-1 (Comprehensive Development) District. The purpose of the rezoning is to redevelop the site with four major building elements: relocation of the Safeway grocery store along Granville Street, a 59 m high tower adjacent to Granville Street, a second tower at the corner of 70th Avenue and Cornish Street, and a 9-storey building along Cornish Street. The density would increase from the existing 2.5 FSR (floor space ratio) to a proposed 2.81 FSR.

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

Council also had before it a Memorandum dated April 14, 2011, from the Assistant Director, Current Planning, which informed Council of a minor change which was incorporated into the draft CD-1 By-law for the above application and provided a copy of the community open house comments.

Staff Opening Comments

Planning staff reviewed the application and responded to questions.

Applicant Comments

Gregory Henriquez, Henriquez Partners Architects, reviewed the application.

Summary of Correspondence

The following correspondence was received on this application since referral to Public Hearing:

Support - 8
Opposed - 22
Other - 4

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Michael Tee, Marpole BIA
Susanne Hankin, Marpole BIA
Davie Rae, Marpole BIA
Tony Wang
Andrea Leung

Kerrick Flatt
Howard Li
Diana Leung
Alisha Francella on behalf of Paul Pang
Rossano Francella
Jon Stovell
Ryan Bull
Roxanne Reid
Claudia Laroye

The following spoke neither for nor against the application:

Mary Point
Joanne Pringle, MARA (Marpole Area Residents Alliance)

The following spoke in opposition to the application:

Jerry Tam
Alice Niwinski
Ian Langmann
Peeter Liivamagi
David Young
Don Larson
Alan Kwan
Gwen Ingham
Gudrun Langolf
Eunice Famme on behalf Wilhelm Leung
Isabel Minty
Sam Gopaul
Alegria Imperial
Sarah Jordan
Eunice Famme
Carol Critchley
Peter Cuzzetto
Duncan Minty
Randy Helten
Dianne King
Mark Stevens
Ted Wilson

* * * * *

On April 21, 2011, at 10:00 pm, it was

MOVED by Councillor Cadman

THAT, under Section 2.3 (e) of the Procedure By-law, Council extend the meeting by one hour or less in order to continue hearing from speakers.

*LOST HAVING NOT RECEIVED
THE REQUIRED MAJORITY*

(Councillors Anton, Chow, Deal, Jang, Louie, Meggs, Stevenson and Woodsworth opposed)

MOVED by Councillor Louie

THAT, under Section 2.3 (e) of the Procedure By-law, Council extend the meeting by one hour or less to enable Council to ask questions to staff regarding the rezoning application for 8495 Granville Street (Marpole Safeway).

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

* * * * *

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 Louie
SECONDED by Councillor Stevenson

THAT the report for Items number 1 and 2 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

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The Special Council recessed at 10:05 pm on April 21, 2011, and reconvened on May 3, 2011, at 7:35 pm with the same members present.

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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 and sign by-laws.

CARRIED UNANIMOUSLY

* * * * *

On May 3, 2011, at 10:00 pm, it was

MOVED by Councillor Cadman

THAT, under Section 2.3 (e) of the Procedure By-law, Council extend the meeting by one hour or less in order to continue hearing from speakers.

**CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY**

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Applicant Closing Comments

Gregory Henriquez, Henriquez Partners Architects, provided closing comments.

Staff Closing Comments

Planning staff responded to questions and provided closing comments.

Council Decision

MOVED by Councillor Anton

THAT questions to staff and discussion and decision regarding REZONING: 8495 Granville Street (Marpole Safeway) be referred to the next Regular Council meeting on Tuesday, May 17, 2011, as Unfinished Business.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

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 Stevenson

THAT the report of the Committee of the Whole be adopted for Item 3.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:54 pm on May 3, 2011.

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