



SPECIAL COUNCIL MEETING MINUTES

JULY 12 AND 13, 2011

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 12, 2011, 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 and sign by-laws for the locations listed in the Public Hearing Agenda. Subsequently, the Special Council reconvened at 6:07 pm on Wednesday, July 13, 2011. 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: Nicole Ludwig, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Stevenson

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. TEXT AMENDMENT: Miscellaneous Text Amendments to CD-1 By-laws - Olympic Village, East Fraser Lands Non-High Street, and 1304 Howe Street

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

Summary: To amend Comprehensive Development (CD-1) By-laws: CD-1 (454) By-law No. 9454 for Olympic Village, CD-1 (473) By-law No. 9733 for East Fraser Lands Non-High Street, and CD-1 (503) By-law No. 10249 for 1304 Howe Street, for miscellaneous text amendments.

Summary of Correspondence

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

Speakers

The Mayor called for speakers in support of and opposed to the application and none were present.

Council Decision

MOVED by Councillor Deal

THAT the application to amend the following CD-1 (Comprehensive Development) District By-laws:

- (a) CD-1 #454 (By-law No. 9454) for Olympic Village;
- (b) CD-1 #473 (By-law No. 9733) for East Fraser Lands Non-High Street;
- (c) CD-1 #503 (By-law No. 10249) for 1304 Howe Street;

for miscellaneous text amendments generally as presented in Appendix A of the Policy Report dated May 31, 2011, entitled "Miscellaneous Text Amendments: CD-1 By-laws #454, #473 and #503", be approved.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: 1700 Manitoba Street

An application by John Bingham, Bingham Hill Architects was considered as follows:

Summary: To amend the existing CD-1 (Comprehensive Development) District (464) to permit the addition of two floors to the residential towers previously approved for sub-area 1 and one floor to the residential mid-rise building. The total additional floor area would be 26,661 square feet, which would increase the total permitted floor area by 16.6 per cent. The height of the west tower would increase from 9 to 11 storeys, the east tower from 10 to 12 storeys and the height of the mid-rise would increase from 4 to 5 storeys. The maximum permitted density would increase from floor space ratio (FSR) 3.33 to 3.88.

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

Staff Opening Comments

Michael Naylor, Senior Rezoning Planner, Rezoning Centre, presented the application.

Summary of Correspondence

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

Speakers

The Mayor called for speakers in support of and opposed to the application.

Stephen Bohus noted concerns with the application pertaining to the additional height.

Staff Closing Comments

Mr. Naylor responded to questions from Council.

Council Decision

MOVED by Councillor Louie

- A. THAT the application, by Pinnacle International (West First) Plaza Inc. to amend CD-1 (Comprehensive Development) District (464) (By-law No. 9600) for 1700 Manitoba Street (sub-area 1), to allow an increase in the maximum height permitted from 30.48 m (100 ft.) to 36.58 m (120 ft.) and a 2 477 m² (26,661 sq. ft.) increase in the maximum permitted floor area, generally as presented in Appendix A of the Policy Report dated May 31, 2011, entitled "CD-1 Text Amendment: 1700 Manitoba Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the revised form of development be approved by Council in principle, generally as prepared by Bingham Hill Architects, and stamped "Received City Planning Department, March 10, 2011", 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 lower the apparent height and scale of the mid-rise building (Building 'B'), as seen from the street, reducing the floor area of the proposed additional 5th floor and substantially stepping back the massing from the street facing façade (north elevation).

Note to Applicant: The design intent of the additional partial floor is to maintain the original scale of a 4-storey building as envisaged in the SEFC ODP.

Reference: Southeast False Creek Design Guidelines for Additional Penthouse Storeys.

2. Design development to address numerous non-conforming enclosed balconies, west and east tower, (Buildings 'A' and 'C'), either modifying or eliminating enclosed balconies that do not meet the intent or the design considerations of the Balcony Enclosure Guidelines.

Note to Applicant: Many of the enclosed balconies do not meet the criteria set out on the guidelines and add additional bulk to the massing.

Reference: Balcony Enclosure Guidelines.

3. Design development to meet minimum standards of livability in the following manner:

- (i) modifying unit configuration to meet horizontal angle of daylight (HAD) requirements.

Note to Applicant: Units that have a direct and close orientation towards other units and/or building elements do not meet the HAD requirements. The HAD may be relaxed, provided a minimum distance of 12 ft. of unobstructed distance can be achieved and privacy issues are satisfactorily addressed.

- (ii) provide direct natural light access to all inhabitable rooms.

Note to Applicant: Modify plans or eliminate inhabitable rooms that do not have direct access to natural light.

- (iii) increase the depth of all exterior balconies to a minimum clear 4 ft. dimension.

4. Design development to enhance the material expression in the following manner:

- (i) greater consistency of material quality, treatment and expression on all building elevations.

Note to Applicant: Lane elevations, in particular the lower massing, lack the quality and richness of material treatment as found elsewhere.

- (ii) stronger definition between floors 10 and 11, north elevation, east tower (Building 'C').

Note to Applicant: A more distinctive break, emphasized with material changes to better delineate the shift to the partial floors of the upper massing is advised.

- 5. Design development to improve visual connectivity and transparency through the site in the following manner:

- (i) better integration of the swimming pool with the terminus of the ground-level breezeway and its relationship with the lane edge.

Note to Applicant: The pedestrian connection, from the street between the mid-rise and east tower (Building's 'B' and 'C'), ends abruptly with no logical termination. Reconcile various elements at the ground plane to improve the spatial flow.

- (ii) address the height, scale, material treatment and blank expression of the lower wall at the lane edge.

Note to Applicant: The building edges adjacent to the lane need to be softened and humanized in scale for an enhanced pedestrian experience.

Landscape

- 6. Clarify the location of the children's play area or provision of a written rationale for its deletion.

Note to applicant: The original application drawings had a children's play area on the level 6 amenity deck.

- 7. Design development to provide a deeper notch in the parking slab along the lane to provide an adequate root-ball zone for the street trees along the lane edge.

Note to applicant: A minimum 36" clear is required to provide adequate root-ball growth and long term viability. The root-ball zone show in the Landscape sections is inadequate.

- 8. Design development to locate integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impact on the building's open space and the public realm, including the lane edge.

9. Provision at the time of a development permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
10. Provision of material details for the retaining walls and guard rails of the ground-oriented patios facing the street. This can be provided by adding notations to the architectural elevation.
11. Provision at the time of development permit application of a separate Lighting Plan.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering Services

1. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (i) Updating of the existing car share agreement to provide:
 - a. Car share vehicles and spaces as follows: one vehicle and designated parking space are to be provided for 50 to 149 dwelling units per site, two vehicles and designated parking spaces are to be provided for 150 or more dwelling units per site.
 - b. For future car sharing, at least one additional designated car share parking space must be provided per 100 dwelling units per site (but no less than one for the site)

Note to Applicant: Car share spaces must be provided on-site in an area with 24-hour accessibility (e.g. within visitor parking).

Note to Applicant: The current CD-1 By-law allows for relaxations and reductions in the Parking By-law. The provision of less than the minimum parking may occur, subject to approval by the Director of Planning in consultation with the General Manager of Engineering Services and of a site-specific Transportation Demand Management (TDM) plan that restricts

residents' car ownership and supports other means of mobility. Guarantee of zero-based unbundled parking assignment shall result in a 10% reduction in the minimum requirement.

Flood Plain Covenant

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

Public Art

3. Revise the public art agreement to increase the public art contribution by \$48,256, satisfactory to the Directors of Legal Services and the Managing Director of Cultural Services.

Community Amenity Contribution

4. Pay to the City the agreed community amenity contribution of \$2,958,038 prior to enactment of the CD-1 By-law, with such payment to be allocated as follows:
 - (i) \$306,602 to affordable housing in SEFC as per the SEFC Public Benefits and Compatible Housing Strategy, and
 - (ii) \$2,651,436 to other public benefits in SEFC with specific allocation recommendations to be brought forward by staff after review of public benefits in SEFC.

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 Director of Planning be instructed to make application to bring forward consequential amendments to the Southeast False Creek Official Development Plan (By-law No. 9073) to increase by 2 477 m² the maximum total floor area and the maximum residential floor area for Area 2B and for the whole of the Southeast False Creek area, as set out in Appendix C of the Policy Report dated May 31, 2011, entitled "CD-1 Text Amendment: 1700 Manitoba

Street", and that, before of enactment of the CD-1 By-law amendments, the Southeast False Creek Official Development Plan amendment be referred to another public hearing, with the recommendation of the Director of Planning that it be approved.

CARRIED
(Councillor Woodsworth opposed)

3. REZONING: 2667-2703 Kingsway

An application by Daljit Thind, Thind Holdings Ltd. was considered as follows:

Summary: To rezone from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a mixed-use commercial and residential project. The project would contain a 12-storey building on the west portion of the site and a four-storey building on the east portion of the site. Both buildings would have commercial uses at grade and residential units on the floors above. A total of 129 dwelling units are proposed. The proposed floor space ratio (FSR) is 3.80. Underground parking for 151 vehicles, accessed from the lane, is proposed. The rezoning application will be considered in the context of the Norquay Community Plan.

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

Council also had before it a memorandum dated July 5, 2011, in which Kent Munro, Assistant Director of Planning, Current Planning Division, responded to a request from Council for the comment forms completed at a community open house held for this application.

Staff Opening Comments

Alison Higginson, Planner, Rezoning Centre, presented the application, and along with Brent Toderian, Director of Planning, Vickie Morris, Senior Social Planner, Social Infrastructure, and Paul Cheng, Development Planner, Urban Design and Development Centre responded to questions.

Applicant Comments

W.T. Leung, W.T. Leung Architects, presented the application and responded to questions.

Summary of Correspondence

Council received the following correspondence related to the application since referral to Public Hearing:

- 25 letters in opposition
- 1 letter related to other issues

Speakers

The Mayor called for speakers in support of and opposed to the application.

The following spoke in favour of the application:

Fred (Ka-Ming) Moy
Yu Shu
Peter Muker
Christy Li
Jaspal Kullar
Bonnie Leung
G.V. Gopal
Richie Leung
Rajbir Bains
Craig Haziza
Jagmeet Mangat
Chris Taraveras

The following spoke in opposition to the application:

Jeannette Jones
Joseph Jones
Patrick Mah
Larry Deschner
Xinxin Deschner
Elizabeth Murphy, Neighbourhoods for a Sustainable Vancouver

Bill McCreery spoke to other issues related to the application.

* * * * *

At approximately 10:00 pm on July 12, 2011, it was

MOVED by Councillor Stevenson

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

CARRIED UNANIMOUSLY

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Following the hearing of speakers, the aforementioned staff, along with Paul Pinsker, Community Transportation Engineer, Engineering Services, Neal LaMontagne, City-Wide and Regional Planning, and the applicant responded to questions.

Applicant Closing Comments

The applicant noted he was confident they can meet the conditions of the application.

Staff Closing Comments

Staff provided closing comments and responded to additional questions.

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Following the hearing of speakers, on July 12, 2011, at approximately 10:52 pm, it was

MOVED by Councillor Deal

THAT Council suspend section 2.3(e) of the Procedure By-law in order to extend the length of the meeting to deal with this item.

*CARRIED UNANIMOUSLY
AND BY THE REQUIRED MAJORITY*

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Council Decision

MOVED by Councillor Louie

- A. THAT the application by Thind Holdings Ltd. to rezone 2667-2703 Kingsway (Lot D [Ex. Plan 10195] of Lot A, Blocks 1-4, D.L. 37, Plan 2421 PID: 013-823-230; and Lots 35, 36, 37, 40, 41, 42 and 43, all except the north 10 ft. and Part in Ref. Plan 2407, Now Highways, all of Lot A, Blocks I-4, D.L. 37, Plan 2402 PID: 013-822-659, PID: 013-822-802, PID: 013-822-811, PID: 013-822-845, PID: 013-822-861, PID: 013-822-888, PID: 013-823-043, respectively) from C-2 (Commercial) to CD-1 (Comprehensive Development), to permit development of this site with a 12- and 4-storey mixed commercial-residential project at a density of 3.80 FSR, generally as presented in Appendix A of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning: 2667-2703 Kingsway", 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 W.T. Leung Architects Inc. and stamped "Received City Planning Department, November 18, 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:

Design Development

1. design development to the sustainability features in the project necessary to attain the equivalent of LEED® Gold and confirmation that the project has been registered with the CaGBC;

Note to Applicant: Further elaboration on these features should be provided particularly with respect to energy and water conservation measures. A minimum of 63 points must be attained. (See also Condition (b) 9)

2. provision of ground floor commercial floor area to a minimum 0.35 FSR of the total permissible 3.8 FSR;

Note to Applicant: In the interest of ensuring future flexibility for a variety of commercial retail uses, the minimum amount of ground floor space commercial space should be commensurate with the requirement in the existing C-2 zoning. Replacing a portion of the at-grade commercial parking with a commercial floor area is recommended.

3. design development to improve the visibility of the proposed mid-block plaza from the adjacent sidewalk, thereby creating a clear visual link between the plaza and the future location of the pedestrian-actuated signal crossing;

Note to Applicant: The applicant may meet this condition through a combination of design features including redefining the dimensions and shape of the plaza, hard and soft landscaping and discrete lighting features. (See also Condition (b) 10)

4. design development to fully animate the entire depth of the proposed mid-block plaza with active uses on the ground level of the proposed buildings;

Note to Applicant: The proposal shows active uses in the form of residential lobby and retail entries facing the south half of the plaza. The north half of the plaza should receive a similar treatment to help denote this space as the entrance to the future Ravine Way linear park system. Locating a glazed wall and entrance to a residential amenity area or a commercial retail unit is suggested.

5. design development to the façades to increase visual interest and variety within the regularity of the proposed brick framework;

Note to Applicant: While the regularity and simplicity of the grid pattern in brick provides a sense of solidity, a finer-grained attention to detailing is necessary to avoid an excess in visual repetition. This additional layer of interest can be provided while still respecting the basic geometric framework. Suggestions include varying the location of balconies into an irregular pattern, detailing a depth to the brick surround to produce shadows on the façade, adding solar shading devices to the southwest-facing façade and varying the colour treatment of the glass and spandrel panel systems within the grid framework.

6. design development to relocate all exhausts resulting from the commercial retail units;

Note to Applicant: The exhaust units should not be on the roof of the buildings.

7. design development to insulate the sound from any generators or electric transformers located at the rear of the buildings from the residents located across the lane;

Note to Applicant: See also Condition (b) 12.

8. design development to provide opaque doors and garage doors at the lane that will mitigate any noises or odours emitting from the proposed garbage and loading areas;

Landscape Design

9. design development to provide an extensive green roof for Building B;

Note to Applicant: The green roof will enhance the sustainability of the project and provide a visual amenity for the occupants of the upper floors of Building A.

10. realignment of the concrete seating wall at the entrance of the central plaza;

Note to Applicant: The seating wall should be turned 90 degrees so as to allow easy access to the plaza.

11. design development to provide safe access for planter maintenance and greater amenity to the second floor patios;

Note to Applicant: This can be achieved by raising the planters currently located mid-way up the north façade (see Sections B-B and C-C on drawing A-4.1) to the level of the 2nd floor patios. These planters should include some trailing plants capable of draping over the planter edge and down the exposed face of the building.

12. design development to integrate and fully screen any lane-edge utilities, such as hydro transformers and gas meters, in a manner which minimizes their impact on the at-grade planters at the lane edge;

Note to Applicant: Lane edge utilities should be illustrated on the Landscape Plan.

13. provision of a complete Landscape Plan;

Note to Applicant: The Landscape Plan must illustrate the proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees (to be removed and retained), paving, walls, fences, light fixtures and other landscape elements. The Plan should be at 1:100 or 1/8" scale.

14. provision of large scale sections illustrating the planters at the lane edge, on the amenity deck and on all private patios.

Note to Applicant: The sections should be at 1:50 or 1/4" scale.

Engineering

General:

15. provision of a plan showing the design elevations on both sides of the parking ramps at all breakpoints and within the parking areas and loading bays;

Note to Applicant: The plan is required to be able to calculate slopes and crossfalls. Also provide elevations on the sectional drawings.

16. provision of a minimum vertical clearance of 7 ft. 6.5 in. from the lane to all required manoeuvring aisles and access to all disability parking spaces in Building A and Building B;

Note to Applicant: The vertical clearance at gridline E on Section A-A for Building A (drawing A-4.1) measures 7 ft.

17. provision of bicycle parking, in accordance with Section 6 of the Parking By-law;

Note to Applicant: Six [6] Class B bicycle spaces are required for each building. Also the Class A - Bicycle spaces are to have a minimum of 20 percent [8] in horizontal lockers and a maximum of 30 percent [12] in vertical bike spaces. Label spaces on plans.

Building A:

18. provision of one residential Class B loading space (105 units);
19. provision of one Class B loading space for the 502 m² of commercial space;

Note to Applicant: Engineering Services supports this reduced Class B loading provision.

20. redesign the Class B loading bay shown on drawing A-2.5 to include the following:
 - (i) remove the corner protruding out into the main ramp by angling the westerly wall to align with gridline 2; and
 - (ii) relocate the loading doors to provide a minimum of 28 ft. depth when the doors are closed;
21. provision of five disability spaces (4 residential and 1 commercial);

Note to Applicant: See also Condition (b) 25 for Building B

22. provision of a 9 ft. by 9 ft. corner-cut to improve the two-way flow and visibility on the main ramp at gridline E/2 on drawing A-2.4;
23. relocate parking spaces 6, 7, 13 and 14 on level P1; spaces 1 and 2 on levels P2 - P5; and spaces 16 and 17 on levels P2 - P4, by 6 in. to the north to eliminate the column encroachment into the stalls;
24. provide bicycle wheel ramps for the stairs located at gridline C1/8 on drawing A-2.3;

Building B:

25. provide three disability spaces (2 residential and 1 commercial);

Note to Applicant: See also Condition (b) 25 for Building A. This will result in a total of eight disability spaces being provided in the project. Space 3 on drawing A-2.15 can be designated as a disability space with the additional width shown.

26. provision of one shared Class B loading space for 292 m² of commercial space and 24 residential units;

Note to Applicant: See also Condition (c) 5.

27. provide 9 ft. stall widths for parking spaces 3, 4 and 5 on levels P1 and P2;

Note to Applicant: Additional stall width is required for a reduced manoeuvring aisle width.

28. provide bicycle wheel ramps for stairs located at gridline C2/12 and B2/15a;

29. provision of measures to improve visibility of oncoming traffic on the curved portion of the ramp and in the corners;

Note to Applicant: Parabolic mirrors are recommended.

30. provision of a view portal in the bicycle room along gridline 13 to see oncoming traffic in the drive aisle on drawing A-2.14;

31. label all commercial parking spaces and indicate on the plans the overhead gate separating the residential and commercial parking;

32. provide a cross-section drawing for the main ramp along gridline 14 to show the required 2.3 m clearance;

33. Clarify garbage pick-up operations;

Note to Applicant: Provide written confirmation that a waste hauler can access and pick-up from the location shown. Note: Pick-up operations should not rely on bins being stored on the street or lane for pick-up. bins are to be returned to storage areas immediately after emptying.

34. Add the following note to the landscape plan:

"This plan is *Not for Construction* of any public property facilities. Prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services and be issues as "*for Construction*"; 8 weeks notice is requested. No work on public property may begin until plans received "*for construction*" approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 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 Social Development, 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. consolidation of the lots that comprise the site into a single parcel;
2. provision of written confirmation from Metro Vancouver that there are is support for the use of the right-of-way area as indicated on the landscape plans;

Note to Applicant: Support for the placement of planters, pavers, seating, etc. within the right-of-way should be confirmed, or for such alternate plans to the satisfaction of the Director of Planning and the General Manager of Engineering Services. Metro Vancouver will require an updated statutory right-of-way agreement to replace their existing GVS&DD right-of-way agreement (127448M). The new agreement will reflect agreed upon uses within the right-of-way.

3. make arrangements for the public use of the Metro Vancouver right-of-way;

Note to Applicant: Public access is in support of the development of a linear park system envisioned for this right-of-way and surrounding areas. Satisfaction of this condition may involve legal arrangements to the satisfaction of Metro Vancouver authorities in addition to City of Vancouver authorities.

4. enter into a Servicing Agreement to secure the following:
 - (i) Release of the four Easement and Indemnity Agreements on title, prior to issuance of an Occupancy Permit for any new development;

Note to Applicant: 195106M & 547743M are both Bulkhead Agreements and 182126M & 138171M are both Commercial Crossing Agreements.

- (ii) Provision of a pedestrian-actuated signal at the intersection of Kingsway and Rhodes Street with the

developer paying 100% of the cost, to a maximum of \$300,000 (2011 dollars);

- (iii) Provision of lane paving for the lane north of Kingsway, adjacent to the site, with the developer paying 100% of the cost;

Note to Applicant: The lane paving will include a pavement design to highlight the proposed future crossing point for the envisioned linear park system. The estimate for the lane paving is \$30,000 (2011 dollars).

- (iv) Provision of Norquay Village sidewalk treatments and public realm features adjacent to the site, with the developer paying 100% of the cost; and

Note to Applicant: This will include a new sidewalk, street trees where space permits and improved street lighting, including Norquay Village decorative lamps. The estimate for this work ranges from \$50,000 to \$90,000 (2011 dollars) and will be dependent on further review of lighting levels.

- (v) Provision of a standard concrete lane crossing at the lane north of Kingsway and at the Duchess Street lane entry to the block, with the developer paying 100% of the cost;

Note to Applicant: The cost of the lane crossing is estimated at \$5,000 (2011 dollars).

- 5. provision of a shared-use loading agreement for the proposed loading bays which are proposed to be shared among the users;
- 6. 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 as determined by a mechanical consultant 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 to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- 7. undergrounding of all new utility services from the closest existing suitable service point;

Note to Applicant: All electrical services to the site must be primary with all electrical plant, which include but are not limited to junction boxes, switch gear, pad-mounted transformers and kiosks are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground. Early contact with the Branch is encouraged.

Planning

8. provision of a surface right-of-way over the south portion of the site between the building face and the property line (widened sidewalk), for pedestrian purposes;

Community Amenity Contribution

9. pay to the City, prior to enactment of the rezoning by-law, the agreed upon Community Amenity Contribution of \$105,846 to be allocated to ensuring that the childcare facility at 2708 Duke Street meets the City's Childcare Design Guidelines with respect to shadowing on the outdoor play areas.

Public Art

10. 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, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials;

Note to Applicant: Development details should be provided to the Public Art Program Manager. Please contact Mr. Bryan Newson at 604.871.6002. A checklist will be provided. The Public Art budget for this project is \$186,669.

Soils

11. 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 including without limitation a section 219 covenant, that there be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance issued by the Ministry of

Environment, which is satisfactory to the City, has been provided to the City with respect to the remediation of the site and all contaminants that have migrated therefrom onto any road or other City property.

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 application to amend Schedule C of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (C-2), generally as presented in Appendix C of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning: 2667-2703 Kingsway", be approved.
- C. THAT, following the approval and enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for enactment the amendment to the Noise Control By-law to include this CD-1 in Schedule B, generally as set out in Appendix C of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning: 2667-2703 Kingsway".
- D. THAT the following be added to page 2 of Appendix B of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning: 2667-2703 Kingsway" as number 9 under "design development":

"Design development to screen the mechanical penthouse and other roof-top equipment, including potential telecommunications equipment if allowed, to be visually masked from views from the adjacent public realm."

CARRIED
(Councillor Woodsworth opposed)

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 Deal

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

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Council recessed at 11:14 pm, on July 12, 2011, and reconvened at 6:07 pm on July 13, 2011.

* * * * *

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

(Councillors Chow and Deal absent for the vote)

4. REZONING: 4255 Arbutus Street (Arbutus Centre)

An application by Art Phillips, Larco Investments Ltd. was considered as follows:

Summary: To rezone the Arbutus Village Shopping Centre from its current CD-1 (Comprehensive Development) District to a new CD-1 District. The application proposes a phased redevelopment of the existing seven-acre shopping centre site. Proposed are four new building blocks including two new streets. Included within the development are 500 residential dwellings (including 100 units of affordable housing), a food store, liquor store, retail

and restaurant uses, offices, a financial institution, an underground self-storage, and community space.

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

Council also had before it a memorandum dated July 6, 2011, in which Kent Munro, Assistant Director of Planning reported to Council on the proposed conditions of approval regarding district and renewable energy, and offered the following additional recommendation:

THAT the conditions of approval of the form of development, as presented in Appendix B of the Policy Report dated May 31, 2011 entitled "CD-1 Rezoning - 4255 Arbutus Street (Arbutus Centre)", be amended to add the following conditions:

In (c) "Conditions of By-law Enactment" add the following conditions under the heading of "Sustainability":

21. Undertake and complete further testing and analysis as may be required to confirm whether a vertical closed-loop geo-exchange system is viable for the site and deliver a report to the General Manager of Engineering Services which summarizes such testing and analysis, all of which must be to the satisfaction of the General Manager of Engineering Services.
22. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary to implement and operate the Renewable Energy System which may include but are not limited to agreements which:
 - (a) require the development and operation of the Renewable Energy System;
 - (b) require buildings to connect to the Renewable Energy System;
 - (c) grant the operator access to the Renewable Energy System; and
 - (d) require the delivery to the City of detailed performance reporting on the Renewable Energy System on a schedule and containing information required by the General Manager of Engineering Services.

In (b) "Conditions of Approval of the Form of Development", under the heading "Renewable Energy", delete conditions 45 to 53 and replace with the following:

45. An intrusive test drilling and loop installation program, followed by Formation Thermal Conductivity testing, shall be performed by a qualified professional to confirm a vertical closed-loop geo-exchange system is viable for the site and for the purpose of developing a detailed ground loop design, all to the satisfaction of the General Manager of Engineering Services. If results of the testing program support geo-exchange system development, such a system shall be

required for the development. If results of the testing program and further analysis do not support geo-exchange system development, then a suitable alternative will be selected from screened technologies and shall be implemented prior to full build-out of the site, all to the satisfaction of the General Manager of Engineering Services.

46. The renewable energy sources (i.e., geo-exchange or alternative) shall provide a minimum of 70% of total annual space heating and domestic hot water energy requirements delivered as part of the renewable energy system to buildings within the development. Remaining energy demands shall be provided by high efficiency gas boilers for peaking and backup.
47. Mechanical heating and domestic hot water systems of all buildings shall be designed to be easily serviced by the Renewable Energy System that provides a minimum supply temperature of 65 degrees Celsius and maximum return temperature of 50 degrees Celsius.
48. Locate all heat pumps and required boilers in one centralized mechanical room to service the development. Equipment location and centralization must be to the satisfaction of the General Manager of Engineering Services.
49. Building design must provide for connectivity of all mechanical systems (for heating and cooling) and domestic hot water systems to the Renewable Energy System to the satisfaction of the General Manager of Engineering Services.
50. The energy system shall be designed in such a way as to enable the monitoring of performance metrics during system operation for the purpose of preparing system performance reports, which shall include items such as: actual measurements of peak and annual cooling/heating loads (including DHW and make-up air, separated into commercial and residential components), heat recovery from cooling on an annualized basis, coefficients of performance of heat pumps in cooling and heating mode, boiler use, and, if applicable, long-term expected performance of any geo-exchange fields or changes in their performance.
51. Final detailed design of the Renewable Energy System must be to the satisfaction of the General Manager of Engineering Services.
52. Space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters.
53. No heat producing fireplaces are to be installed within residential suites.

Note to Applicant: All fireplaces are discouraged. A letter from a professional Engineering outlining any provision for ornamental

fireplaces is to be submitted at the time of application for Building Permit to state that the fireplaces installed are not heat producing.

Staff Opening Comments

Dwayne Drobot, Rezoning Planner, Rezoning Centre, introduced the application, and along with Dennis Carr, Assistant Director, Social Infrastructure, Vickie Morris, Senior Social Planner, Social Infrastructure, Paul Pinsker, Community Transportation Engineer, Engineering Services, and Brent Toderian, Director of Planning responded to questions.

Applicant Comments

Art Phillips, Larco Investments Ltd., presented the application and responded to questions.

Summary of Correspondence

Council received the following correspondence related to the application since referral to Public Hearing:

- 6 letters in support
- 10 letters in opposition
- 2 letters related to other issues

Speakers

The Mayor called for speakers in support of and opposed to the application.

The following spoke in support of the application:

Christine Stardom, Arbutus Shaughnessy Kerrisdale (ASK) Friendship Society
Shawn Goyal
Michael Levy
Walter Herring, Arbutus Shaughnessy Kerrisdale Friendship Society
Phyllis Bernez, ASK Friendship Society
Terry Stanway, Association of Neighbourhood Houses
Natalie Taylor
Drew McArthur, ASK Friendship Society
Jim McCardle
Charles Hardy
Lisette Torres, Association of Neighbourhood Houses
Margaret Fraser
Ursula Bell

The following spoke in opposition to the application:

Doreen Braverman
Margaret Hanson, ARKS Visison Group

Marion Boyle, ARCCA Arbutus Ridge Concerned Citizens Assoc. (ARCCA)
Josephine Timewell
Kary McGavin
Marie, Clarke, ARCCA Arbutus Ridge Concerned Citizens Assoc. (ARCCA)
Emiie, Sion, ARCCA Arbutus Ridge Concerned Citizens Assoc. (ARCCA)
Katherine, Reichert
Patricia and Jacqueline Robbins
Sharon Urton
Janice Pickerill
Elizabeth Thomas
Gunther Schrack
Georgina Spilos
Ruth Hamilton
Gary Hewitt
Elizabeth Murphy, Neighbourhoods for a Sustainable Vancouver
Rebecca Fraser, ARCCA & Quilchena Strata
Maurice Sion

Applicant Closing Comments

The Applicant responded to issues raised by speakers.

Staff Closing Comments

Mr. Drobot and Mr. Toderian provided closing comments and responded to issues raised by speakers.

* * * * *

At approximately 10:00 pm on July 13, 2011, it was

MOVED by Councillor Deal

THAT, under section 2.3(e) of the Procedure By-law Council extend the length of the meeting by one hour or less in order to allow Council to ask questions of staff and the applicant.

*CARRIED UNANIMOUSLY
AND BY THE REQUIRED MAJORITY*

* * * * *

Staff and the applicant responded to additional questions asked by Council.

Council Decision

MOVED by Councillor Louie

THAT discussion and decision on the rezoning of 4255 Arbutus Street (Arbutus Centre) be referred to the Regular Council Meeting immediately following the Standing Committee on City Services and Budgets meeting on Thursday, July 14, 2011.

CARRIED
(Councillor Anton opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

The Special Council recessed at 11:14 pm on July 12, 2011, and adjourned at 10:45 pm on July 13, 2011.

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