

SPECIAL COUNCIL MEETING MINUTES**SEPTEMBER 19, 2011**

A Special Meeting of the Council of the City of Vancouver was held on Monday, September 19, 2011, at 6:10 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, building, heritage and sign by-laws.

PRESENT:

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

ABSENT: Councillor George Chow (Sick Leave)

CITY CLERK'S OFFICE: Bonnie Kennett, Meeting Coordinator (Minutes)
Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

1. **TEXT AMENDMENT: Advancing Deconstruction in Vancouver and Supporting By-law Amendments**

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

Summary: To amend Section 5.7 and Section 10.12 of the Zoning and Development By-law to allow, in the case of deconstruction of one- and two-family dwellings, a building permit to deconstruct to be issued in advance of a development permit; and to make consequential amendments to the Vancouver Building By-law to support deconstruction and support compliance with existing waste disposal regulations.

Also before Council was a Memorandum dated September 8, 2011, from the Director of Sustainability, informing Council of minor changes and refinements to the proposed amendments to the Zoning and Development By-law that arose since referral of the application to public hearing, and put forth the following recommendation:

THAT Appendix A of the Policy Report dated July 18, 2011, entitled "Advancing Deconstruction in Vancouver and Supporting By-Law Amendments" be amended as follows:

[deleted text is struck-through and added text is bold-italic]

- Amend section 5.7(g) as follows:
 - "(g) used for residential accommodation in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), ***not listed on the Heritage Register*** and for which a building permit has been issued to demolish by deconstruction."
- Re-number 5.7(d) to (g) as (i) to (iv).
- Delete the proposed amendment to section 10.12.5, leaving that section unchanged from how it currently is in the by-law.
- Amend section 10.12.8 as follows:
 - "10.12.8 A building which is a one-family dwelling, one-family dwelling with secondary suite or two-family dwelling, in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), which is not listed on the Heritage Register, and for which a building permit has been issued to demolish by deconstruction, is exempted from the provisions of sections 10.12.4 ~~and 10.12.5.~~"

Staff Opening Comments

David Ramslie, Senior Sustainability Program Manager, along with Brent Toderian, Director of Planning, responded to questions.

Summary of Correspondence

Council received the following correspondence since the application was referred to Public Hearing:

- 4 letters in opposition
- 6 letters related to other issues

Speakers

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

Council Decision

MOVED by Councillor Louie

- A. THAT the application to amend Section 5.7 and Section 10.12 of the Zoning and Development By-law to allow, in the case of deconstruction of one - and two-family dwellings, a building permit to deconstruct to be issued in advance of a development permit, generally as presented in Appendix A of the Policy Report dated July 18, 2011, entitled "Advancing Deconstruction in Vancouver and Supporting By-Law Amendments", be approved.
- B. THAT, at the time of enactment of the amendments to the Zoning and Development By-law, the Director of Legal Services be instructed to bring forward the consequential amendments to the Vancouver Building By-law to support deconstruction and support compliance with existing waste disposal regulations, generally as presented in Appendix B of the Policy Report dated July 18, 2011, entitled "Advancing Deconstruction in Vancouver and Supporting By-Law Amendments".
- C. THAT Council instruct staff to explore with partners the development of a resale facility (deconstruction centre) for salvaged materials.
- D. THAT Council instruct staff to use deconstruction practices in City operations where practical and appropriate.
- E. THAT Appendix A of the Policy Report dated July 18, 2011, entitled "Advancing Deconstruction in Vancouver and Supporting By-Law Amendments" be amended as follows:

[deleted text is struck-through and added text is bold-italic]

- Amend section 5.7(g) as follows:
 - "(g) used for residential accommodation in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), **not listed on the Heritage Register** and for which a building permit has been issued to demolish by deconstruction."

- Re-number 5.7(d) to (g) as (i) to (iv).
- Delete the proposed amendment to section 10.12.5, leaving that section unchanged from how it currently is in the by-law.
- Amend section 10.12.8 as follows:
 - “10.12.8 A building which is a one-family dwelling, one-family dwelling with secondary suite or two-family dwelling, in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), which is not listed on the Heritage Register, and for which a building permit has been issued to demolish by deconstruction, is exempted from the provisions of sections 10.12.4 and ~~10.12.5.~~”

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

2. REZONING: 1880 Renfrew Street (Renfrew Care Centre)

An application by Shehzad Somji, Retirement Concepts Developments Ltd., was considered as follows:

Summary: To rezone from C-2C1 (Commercial) District to a CD-1 (Comprehensive Development) District to retain the existing residential long-term care facility and allow the construction of a one-storey addition to the west wing of the existing building, fronting Renfrew Street. The east wing of the facility would remain unchanged. The new addition would allow for an additional 18 care beds. The proposed addition would result in an increase of 982 m² (10,576 sq. ft.) of floor space for a total of 5 353 m² (57,603 sq. ft.), an increase in floor space ratio (FSR) from 3.0 to 3.55, and an increase in the building height of the west wing from four storeys to five storeys.

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

Also before Council was a Memorandum dated September 9, 2011, from the Assistant Director of Planning, in which staff recommended an allocation for the community amenity contribution (CAC) offered for the rezoning application. Staff also recommended one additional rezoning condition to ensure indoor and outdoor amenity spaces are designed to meet the needs of residents. Also brought forward were minor changes and refinements to the draft CD-1 By-law and clarifications of minor inconsistencies in the staff report as follows:

- D. THAT the \$26,883 CAC from the proposed rezoning of 1880 Renfrew Street, an existing seniors' care facility, be allocated to Frog Hollow Neighbourhood House to support renovations to the Seniors' Room.
- E. THAT the following condition be added after condition (b) 8. in Appendix B of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)":

- "9. Design Development, to the satisfaction of the Managing Director of Social Development in consultation with Vancouver Coastal Health, to ensure that the proposed reconfiguration of dining facilities does not diminish residents' access to indoor and outdoor lounge areas.

Note to applicant: The proposed elimination of the ground-floor dining area and the resident lounges on each floor, to be replaced with dining areas on each floor, and the elimination of the rooftop outdoor lounge to enable the addition of added floor area, must all be done in a way that meets the intent of the licensing regulations calling for dedicated, accessible indoor and outdoor lounge areas, and that meets the social and physical accessibility needs of the resident population."

- F. THAT the section entitled "Horizontal Angle of Daylight" of the draft CD-1 By-law, shown in Appendix A of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)", be amended as follows:

[deleted text is struck-through and added text is bold-italic]

Horizontal Angle of Daylight

- All habitable rooms must have at least one window on an exterior wall which complies with the following:
 - the window shall be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, shall be unobstructed over a distance of ~~24.4~~ **24.0** m; and
 - the plane or planes shall be measured horizontally from the centre of the bottom of the window.
- The Development Permit Board or the Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement of this section provided he first considers all the applicable policies and guidelines adopted by Council and providing that a minimum distance of 3.7 m of unobstructed view is maintained.
- For the purpose of calculation of the horizontal angle of daylight, the following are considered as obstructions:
 - the largest building permitted under the zoning on any adjoining sites; and
 - part of the same building including permitted projections.

- A habitable room referred to in this section does not include:
 - a bathroom; or
 - a kitchen whose floor area is the lesser of:
 - less than 10% of the total floor area of the dwelling unit, or
 - less than ~~9.29~~ 9.3 m².

Staff Opening Comments

Nicky Hood, Planning Analyst, Rezoning Centre, reviewed the application and responded to questions.

Summary of Correspondence

Council received the following correspondence since the application was referred to Public Hearing:

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

Speakers

The Mayor called for speakers for and against the application.

John Chow spoke in opposition to the application.

Diane Siu spoke in general support of the application and noted concerns.

Applicant Closing Comments

Lynda Callioux, Regional Manager, Retirement Concepts Seniors Services, provided closing comments and responded to questions.

Staff Closing Comments

Vickie Morris, Senior Social Planner, Social Infrastructure, and Nicky Hood, Planning Analyst, Rezoning Centre, responded to questions.

Council Decision

MOVED by Councillor Woodsworth

- A. THAT the application by Retirement Concepts Seniors Services Ltd., to rezone 1880 Renfrew Street (PID: 018-699-928; Lot F, Block 58, Section 31, New Westminster Plan LMP 15649) from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the expansion of a Community Care Facility - Class B, generally as presented in Appendix A of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)", 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 represented by plans prepared by Derek Crawford Architect, and stamped "Received City Planning Department, March 9, 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 consider the following:

Design Development

- 1. Clarification of exterior finish and materials on the elevation drawings.

Note to Applicant: Finishes should be consistent in quality with the existing building.

- 2. Interior layout and size of resident rooms and common amenity spaces to be designed in accordance with Residential Care Regulations and to the satisfaction of the Vancouver Coastal Health Authority.

Sustainability

- 3. Clarification on the plans and drawings of any sustainable design features.

Note to Applicant: Features should be noted on the plans and elevations where relevant. Designs which reduce building energy consumption in particular are encouraged.

Crime Prevention Through Environmental Design (CPTED)

- 4. Design development to take into consideration the principles of CPTED.

Landscape Design

- 5. Provision of a Landscape Plan illustrating existing and proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees and plants to be retained); paving, walls, fences, and other landscape elements. The landscape plan should be at 1:100 (1/8" = 1'-0") minimum scale.

Note to applicant: Except for architectural changes proposed in this rezoning, the Landscape Plan should match the approved Landscape Plan of development permit DE402120.

6. Provision of a full Landscape Plan.

Engineering

7. Arrangements to the satisfaction of the General Manager of Engineering Services for the correction of the north property line dimension which appears as 1 foot greater on the application drawings than that indicated on the subdivision plan (Plan LMP15649).

Social Policy

8. Provision of a Tenant Relocation Plan, approved by Vancouver Coastal Health Authority, prior to issuance of the Development Permit.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Provision of two new street trees on Renfrew Street either side of the existing bus stop.
2. Provision of improved curb ramps at the northeast corner of 3rd Avenue and Renfrew Street.
3. Confirmation that no new electrical services (BC Hydro) are required for the project or undergrounding of any additional or upgraded services necessary to serve the site.

Social Policy

4. Applicant to establish and/or consult with a Family Council for the facility prior to enactment to the satisfaction of the Director of Social Policy.

Note to applicant: Advice and assistance on establishing and supporting Family Councils can be provided by Advocates for Care Reform at <http://www.acrbc.ca/contact.html> or by phone at 604.732.7734, or email at: info@acrbc.ca.

Community Amenity Contribution

5. The agreed Community Amenity Contribution of \$26,883 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.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letter of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments if any shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (C-2C1), as set out in Appendix C of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)", be approved.
- C. THAT, subject to 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 July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)".
- D. THAT the \$26,883 CAC from the proposed rezoning of 1880 Renfrew Street, an existing seniors' care facility, be allocated to Frog Hollow Neighbourhood House to support renovations to the Seniors' Room.
- E. THAT the following condition be added after condition (b) 8. in Appendix B of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)":
 - "9. Design Development, to the satisfaction of the Managing Director of Social Development in consultation with Vancouver Coastal Health, to ensure that the proposed reconfiguration of dining facilities does not diminish residents' access to indoor and outdoor lounge areas.

Note to applicant: The proposed elimination of the ground-floor dining area and the resident lounges on each floor, to be replaced with dining areas on each floor, and the elimination of the rooftop outdoor lounge to enable the addition of added floor area, must all be done in a way that meets the intent of the licensing regulations calling for dedicated, accessible indoor and outdoor lounge areas, and that meets the social and physical accessibility needs of the resident population."

- F. THAT the section entitled "Horizontal Angle of Daylight" of the draft CD-1 By-law, shown in Appendix A of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning - 1880 Renfrew Street (Renfrew Care Centre)", be amended as follows:

[deleted text is struck-through and added text is bold-italic]

Horizontal Angle of Daylight

- All habitable rooms must have at least one window on an exterior wall which complies with the following:
 - the window shall be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, shall be unobstructed over a distance of ~~24.4~~ **24.0** m; and
 - the plane or planes shall be measured horizontally from the centre of the bottom of the window.
- The Development Permit Board or the Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement of this section provided he first considers all the applicable policies and guidelines adopted by Council and providing that a minimum distance of 3.7 m of unobstructed view is maintained.
- For the purpose of calculation of the horizontal angle of daylight, the following are considered as obstructions:
 - the largest building permitted under the zoning on any adjoining sites; and
 - part of the same building including permitted projections.
- A habitable room referred to in this section does not include:
 - a bathroom; or
 - a kitchen whose floor area is the lesser of:
 - less than 10% of the total floor area of the dwelling unit, or
 - less than ~~9.29~~ **9.3** m².

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

3. REZONING: 2730 East 41st Avenue (5711 Rhodes Street)

An application by Rajwantjit Sandhu, West Fraser Collingwood Development, was considered as follows:

Summary: To rezone from C-1 (Commercial) District to a CD-1 (Comprehensive Development) District to permit the development of a four-storey, mixed-use building consisting of commercial/retail space on the ground floor and 40 rental residential units on floors two through four. A maximum floor space ratio of 2.41 and a maximum height of 15.4 m (50.5 ft.) are proposed. Parking would include six commercial spaces, 29 residential spaces, and one loading space. This concurrent rezoning and development application is being considered under the Short Term Incentives for Rental (STIR) Program approved by City Council on June 18, 2009.

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

Staff Opening Comments

Grant Miller, Rezoning Planner, Rezoning Centre, reviewed the application and responded to questions.

Mr. Miller also noted a typographical error in Appendix A of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning: 2730 East 41st Avenue (5711 Rhodes Street)". In the section referring to the horizontal angle of daylight, 24.4 m is incorrect. The corrected value of 24.0 m has been corrected in the draft by-law posted for this item.

Summary of Correspondence

Council received the following correspondence since the application was referred to Public Hearing:

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

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Mae Spitzer
Esmeralda Abalos
Jose Batista
Lena Chu

Applicant Closing Comments

Michael Jaszczewski, W G Architecture, responded to questions.

Staff Closing Comments

Paul Pinkser, Community Transportation Engineer, Neighbourhood Parking & Transportation, Jerry Evans, Associate Director, Real Estate Services, Grant Miller, Rezoning Planner, Rezoning Centre, and Sailen Black, Development Planner, Urban Design and Development Planning Centre, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by West Fraser Collingwood Developments Ltd., to rezone 2730 East 41st Avenue (Lots 19 to 22 of Lot A, Block 2, DL 50, Plan 2509; PID: 013-702-785, 013-702-793, 013-702-807, 013-702-815) from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 4-storey mixed-use commercial and residential building with all 40 residential units secured as for-profit affordable market rental under the Short Term Incentives for Rental (STIR) Program, generally as presented in Appendix A of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning at 2730 East 41st Avenue (5711 Rhodes Street)", 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 G Architecture Inc. and stamped "Received City Planning Department, January 13, 2011", subject to the following conditions, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

1. Revision to the massing and expression of the west façade to improve the transition to the residential area to the west.

Note to Applicant: This can be accomplished by stepping back the fourth floor and by improving the articulation and variety of the wall, especially on upper levels, comparable to the treatment of the east façade facing Rhodes. Improved landscaping should be provided at grade, and some degree of the East 41st Avenue treatment from the ground floor wrapped

around the corner, especially for those portions that are visible from the street.

2. Provision of higher quality materials on the ground floor façade.

Note to Applicant: This can be accomplished through the use of brick or other masonry consistently along the ground floor.

3. Provision of substantial landscaping throughout the public realm interface.

Note to Applicant: Trees, shrubs, and ground cover should be employed on both public and private property wherever possible, minimizing concrete and lawn area. Confirm with Engineering and Parks staff the permitted plant species in this area.

4. Provide an evaluation of the feasibility of improving the lane dedication.

Note to Applicant: Consider how this area can be developed to improve the transition to the single-family lot to the south and provide a local amenity such as more attractive landscaping or urban agriculture opportunities. Where feasible in the opinion of the Director of Planning, these improvements should be provided. Coordinate with Engineering staff, especially regarding surface treatments and plant choices.

5. Notation on the elevation drawings of all colours, finishes, and materials.

Note to Applicant: Attach colour samples to the drawings.

6. Provision of enlarged details at 1/2" = 1'-0" scale or similar for significant exterior features.

Note to Applicant: Include trim, rails, guards, masonry work, wall caps, lighting, soffits and similar features. Materials should be durable, high quality choices.

Crime Prevention Through Environmental Design (CPTED)

7. Design development to consider the principles of CPTED, having particular regard for security in the underground parking.

Note to Applicant: Show how lighting and glazing will be used to improve perceived safety in underground areas. Residents and operators should be consulted to determine whether any other risks exist in the area, and specific design response noted on the plans. Design features that address CPTED principles should be noted in the development permit application.

Landscape Design

8. Design development to provide sufficient soil depth and volume to ensure long term plant health.

Note to Applicant: Soils should meet or exceed the latest edition of the BCLNA Landscape Standards.

9. Provision of high efficiency irrigation for all common and permanent planter areas; and, hose bibs for all private patios greater than 100 sq. ft., including common areas with urban agriculture component.

10. Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

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

11. Design development to provide a detailed Landscape Plan that satisfies the requirements of a Tree Plan, including required tree removal quantities, and dimensioned tree protection barriers, and/or arborist supervision assurances where applicable.

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

12. Illustration of spot elevations to all outdoor areas (including top/bottom walls), including off-site context spot elevations in proximity (such as the lane, for example).

13. Provision of new street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan, "Final spacing, quantities 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 inches. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion."

Engineering

14. Provision of a minimum 22 ft. wide parking ramp entry between the property line and the drain grate due to the proposed car reader and an additional widening or flare of the driveway at Porter Street to improve turning access and conflicts between entering and exiting vehicles.
15. Provision of garbage storage space to accommodate a minimum of 4 (5'x8') spaces for garbage bins and multiple totters' for recycling purposes or confirmation of the provision of a low-profile garbage compactor and recycling space designed to meet the site's needs. (Confirmation is required from a waste hauler of the compactor's adequacy and that the hauler can and will pick up from the location shown without reliance on the lane for storage of bins or containers).
16. Some of the units appear to propose entries that lead into the back of the existing bus shelter on Victoria Diversion. Please review access points to ensure adequate access is available to affected units.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That prior to enactment of the CD-1 By-law, arrangements on terms and conditions satisfactory to the Director of Planning, General Manager of Engineering Services, the Managing Director of Social Development and the Director of Legal Services be made for the following:

Engineering

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:
 - (i) Consolidation of Lots 19 to 22 of Lot A, Block 2, DL 50, Plan 2509 to create a single parcel and subdivision of that site to result in:
 - a. Dedication of the northerly portion of the site on 41st Avenue for road purposes;

Note to Applicant: the ultimate northerly property line of the site shall be determined by producing a

straight line from the northeast corner of the property at 5710 Wales Street to the northwest corner of the property at 2750 East 41st Avenue.

- b. Dedication of a 10'x10' corner-cut in the southwest corner of the site for road purposes;
- (ii) Release of Easement & Indemnity Agreement 314942M (for 4 commercial crossings);
- (iii) Provision of a standard concrete lane entry at the lane west of Rhodes on the south side of 41st Avenue;
- (iv) Provision of improved sidewalks to standard commercial treatments on 41st Avenue adjacent the site;
- (v) Provision of street trees adjacent the site where space permits;
- (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants 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.

Undergrounding of all new utility services from the closest existing suitable service point. All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

Housing

- 2. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all 40 housing units as for profit affordable rental housing pursuant to the Short Term Incentives for Rental Housing (STIR)

Program for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant through a STIR housing agreement, and subject to such rentals being made available as rental housing units.

Sustainability

3. Registration for LEED® certification and identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, including at least 6 optimize energy performance points, 1 water efficiency point and 1 storm water point to the satisfaction of the Director of Planning.

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. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated there from on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Water, Land and Air Protection, has been provided to the City.

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 E of the Sign By-law to add the CD-1 and to assign regulations in accordance with Schedule "B" (C-2), generally as presented in Appendix C of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning at 2730 East 41st Avenue (5711 Rhodes Street)", be approved.
- C. THAT, subject to 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 Comprehensive Development District in Schedule A, generally as presented in Appendix C of the Policy Report dated July 12, 2011, entitled "CD-1 Rezoning at 2730 East 41st Avenue (5711 Rhodes Street)".

CARRIED UNANIMOUSLY

**4. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
1250 Salsbury Drive (The Jeffs Residence)**

An application by James Evans, 0877671 BC Ltd., was considered as follows:

Summary: To add the existing building to the Vancouver Heritage Register, designate it as protected heritage property, and to seek Council's approval of a Heritage Revitalization Agreement which will permit a repositioning thereon of and modifications to the proposed heritage building, and the construction thereon of three new Multiple Dwellings (townhouses) as proposed under development permit application DE414450.

The Director of Planning recommended approval.

Staff Opening Comments

James Boldt, Heritage Planner, Heritage Group, reviewed the application and responded to questions.

Mr. Boldt also noted an error on page 7 of the Policy Report dated August 9, 2011, entitled "Heritage Designation and Heritage Revitalization Agreement - 1250 Salsbury Drive - 'The Jeffs Residence' ". In the second table entitled, "Grandview-Woodlands - Development Activity (January 2001 - June 1, 2011)", the data in the second column (Demolition of Rental) and third column (Loss of Rental Through Conversion) should be switched. He also noted the Grandview-Woodlands Area Council was incorrectly referred to as the Grandview-Woodlands Advisory Committee in the report.

Summary of Correspondence

Council received the following correspondence since the application was scheduled for a Public Hearing:

- 4 letters in support
- 2 letters in opposition

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Eileen Mosa, Grandview-Woodlands Area Council
Michael Kluckner
Monica Morgan
Doug MacKay, Heritage Vancouver
Kam Sukul
Cecily Evans
Chris Bardon
James Buonassisi
Andrea Lipsett
Craig Ollenberger

The following spoke in general support of the application and noted concerns:

Dan Fass
Bruce MacDonald

The following spoke in opposition to the application and expressed concerns on other aspects of the application:

Kathy Thompson
Soledad Ariana
Romhan Galacher

Applicant Closing Comments

Tim Ankenman, Ankeman Marchand Architects, and James Evans, 0877671 BC Ltd., provided closing comments and responded to questions.

Staff Closing Comments

James Boldt, Heritage Planner, Heritage Group, provided closing comments and, along with Edna Cho, Planner, Housing Policy, responded to questions.

Council Decision

MOVED by Councillor Deal

- A. THAT the building at 1250 Salisbury Drive, known as "The Jeffs Residence", which have the legal description of Lot 21, Except the East 22 Feet, Block 45, District Lot 264A, Plans 1510 and 1771; PID: 006-744-443; Lots 22 to 24, Block 45, District Lot 264A, Plans 1510 and 1771; PID: 006-744-672, PID: 006-745-547; PID: 006-745-598; Lot 20, Except the East 10 Feet, Block 45, District Lot 264A, Plans 1510 and 1771; PID: 006-744-141; The East 22 Feet of Lot 21, Block 45, District Lot 264A, Plans 1510 and 1771; PID: 006-744-281, be added to the

Vancouver Heritage Register in the 'B' evaluation category and be designated as protected heritage property pursuant to the provisions of Section 593 of the *Vancouver Charter*.

- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to designate the proposed heritage building at 1250 Salsbury Drive as a protected heritage property under Section 593 of the *Vancouver Charter*.
- C. THAT Council authorize the Director of Legal Services to prepare, negotiate, and conclude on the City's behalf, in respect of the proposed heritage building, a Heritage Revitalization Agreement under Section 592 of the *Vancouver Charter* to:
 - (i) secure the rehabilitation and long-term preservation of "The Jeffs Residence" at 1250 Salsbury Drive; and
 - (ii) vary the Zoning and Development By-law, in respect of the Lands, to permit a repositioning thereon of and modifications to "The Jeffs Residence" and the construction thereon of three new Multiple Dwelling (townhouse) buildings as proposed under Development Permit Application Number DE414450 and as more particularly described in this report.
- D. THAT Council instruct the Director of Legal Services to bring forward for enactment under Section 592 of the *Vancouver Charter* a by-law authorizing the City entering into the Heritage Revitalization Agreement for the proposed heritage building at 1250 Salsbury Drive, known as "The Jeffs Residence".
- E. THAT the Heritage Revitalization Agreement shall be prepared, completed, registered on title to the Lands, and given priority on title, to the satisfaction of the Director of Legal Services and the Director of Planning.

- F. THAT A to E be adopted on the following conditions:
- a) 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;
 - b) THAT any approval that may be granted following the public hearing shall not obligate the City to enact the proposed by-laws, and any costs incurred in fulfilling requirements imposed as a condition of the Heritage Revitalization Agreement are at the risk of the property owner; and
 - c) THAT the City and all its officials, including the Approving Authority, 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

**5. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
1795 Napier Street (Robertson Memorial Presbyterian Church)**

An application by Sandra Moore, Birmingham and Wood Architects and Planners, was considered as follows:

Summary: To designate the existing heritage building as protected heritage property and to seek Council's approval of a Heritage Revitalization Agreement which will permit modifications proposed for the heritage building and construction of a new multiple dwelling (townhouse) and a new one-family dwelling, as proposed under development permit application DE414529.

The Director of Planning recommended approval.

Staff Opening Comments

James Boldt, Heritage Planner, Heritage Group, reviewed the application and responded to questions.

Summary of Correspondence

Council received the following correspondence since the application was scheduled for a Public Hearing:

- 3 letters in opposition

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Penny Street
Dan Fass
Michael Kluckner
Bruce McDonald
Steve Holmes
Ben Coli
Binny Van Bergen
Erin Miller

* * * * *

At 9:59 pm, it was

MOVED by Councillor Cadman

THAT, under Section 6.8 of the Procedure By-law, Council suspend section 2.3(e) of the Procedure By-law with regard to meeting end time in order to complete all items on the Public Hearing agenda.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

* * * * *

Applicant Closing Comments

Sandra Moore, Birmingham and Wood Architects and Planners, provided closing comments and responded to questions.

Staff Closing Comments

James Boldt, Heritage Planner, Heritage Group, provided closing comments and, along with Brent Toderian, Director of Planning, and Jerry Evans, Associate Director, Real Estate Services, responded to questions.

Council Decision

MOVED by Councillor Reimer

THAT Council conclude the Public Hearing on item 5 regarding the Heritage Designation/Heritage Revitalization Agreement (HRA) at 1795 Napier Street (Robertson Memorial Presbyterian Church), and refer discussion and decision to the Regular Council meeting to be held on Tuesday, September 20, 2011, at 2:00 pm, as Unfinished Business.

CARRIED UNANIMOUSLY
(Councillor Anton opposed)

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 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 10:31 pm.

* * * * *