

SPECIAL COUNCIL MEETING MINUTES



NOVEMBER 1, 2011

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, November 1, 2011, at 7:37 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to zoning, 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 Tim Stevenson*
Councillor Ellen Woodsworth

ABSENT: Councillor George Chow (Leave of Absence)
Councillor Andrea Reimer (Leave of Absence)

CITY MANAGER'S OFFICE: Brent Toderian, Director of Planning

CITY CLERK'S OFFICE: 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 zoning, heritage and sign by-laws.

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION: 1237 East 14th Avenue (The Lee Residence)

An application by Greg Barron was considered as follows:

Summary: To add the existing house to the Vancouver Heritage Register and designate it as a protected heritage property.

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

Summary of Correspondence

No correspondence had been received on this application.

Speakers

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

Council Decision

MOVED by Councillor Deal

- A. THAT the existing building at 1237 East 14th Avenue (the "Lands") which have the legal description of Lot C of Lots 57 and 58, Block 172, District Lot 264A , Plan 2807; PID: 013-425-749, known as "The Lee Residence" (the "proposed heritage building"), be added to the Vancouver Heritage Register in the "C" evaluation category.
- B. THAT "The Lee Residence" at 1237 East 14th Avenue be designated as a protected heritage property pursuant to the provisions of Section 593 of the *Vancouver Charter*.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to designate the proposed heritage building as a protected heritage property under Section 593 of the *Vancouver Charter*.
- D. THAT A to C above 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

2. TEXT AMENDMENT: 999 Seymour Street

An application by Mark Ostry, Acton Ostry Architects Inc., was considered as follows:

Summary: To amend the CD-1 (Comprehensive Development) District (515) By-law to allow an increase in the floor area exclusion for balconies from 8 to 12 percent. This would allow larger open balconies as a passive design feature in a 22-storey, mixed residential-commercial building.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this application.

Speakers

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

Council Decision

MOVED by Councillor Deal

THAT the application by Acton Ostry Architects, on behalf of Townline 999 Seymour Ltd., to amend CD-1 (515) By-law No. 10349 for 999 Seymour Street to allow an increase in the floor area exclusion for balconies from 8 to 12 percent to permit larger open balconies as a passive design feature in a 22-storey mixed residential-commercial building, be approved.

CARRIED UNANIMOUSLY

3. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA): 564 Beatty Street (The R.A. Welsh Building)

An application by Jon Stovell, Rossmore Enterprises Ltd., was considered as follows:

Summary: To designate the existing heritage building as protected heritage property; approve a Heritage Revitalization Agreement which would permit density and height in excess of that permitted by the Downtown Official Development Plan, and approve Heritage Building Rehabilitation Program incentives and a Development Cost Levy exemption, in exchange for heritage protection and conservation.

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

Staff Opening Comments

Zlatan Jankovic, Heritage Planner, Heritage Group, reviewed the application and, along with Brent Toderian, Director of Planning, and Anita Molaro, Development Planner, Urban Design and Development Planning Centre, responded to questions.

Applicant Opening Comments

Jon Stovell, Rossmore Enterprises, provided opening comments.

Summary of Correspondence

The following correspondence was received on this application since it was scheduled for Public Hearing:

- 15 letters expressing opposition.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Blake Cowan, Cowan Properties Ltd.
David Bauman
Karri Schuermans, Co-Owner, Chambar Restaurant

The following spoke in opposition to the application:

Tony Penikett
Muriel Richards, 550 Beatty Street Strata Council
Su-Laine Yeo
Dima Brodsky
Stephen Atkins

Applicant Closing Comments

Mr. Stovell provided closing comments.

Staff Closing Comments

Mr. Toderian provided closing comments and, along with Mr. Jankovic, responded to questions.

Council Decision

MOVED by Councillor Anton

- A. THAT the heritage building at 564 Beatty Street, which is made up of two parcels of land with the legal descriptions Lot 1 (PID: 016-535-286) and Lot 2

(PID: 016-535-294) both of Block 39, District Lot 541, Plan 23019 (the "Lands"), and listed in the "C" category of the Vancouver Heritage Register, 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 heritage building at 564 Beatty Street as a protected heritage property under section 593 of the *Vancouver Charter*.
- C. THAT Council authorize the City entering into, pursuant to section 592 of the *Vancouver Charter*, on terms and conditions satisfactory to the Director of Legal Services and the Director of Planning, a Heritage Revitalization Agreement in respect of the heritage building at 564 Beatty Street to, among other things:
 - (a) secure the rehabilitation and long-term preservation of the heritage building at 564 Beatty Street;
 - (b) vary provisions of the Downtown District Official Development plan to permit an on-site total floor space ratio (FSR) increase from 5.00 FSR to 9.23 FSR, and a maximum building height increase from 70.00 feet to 125.06 feet; and
 - (c) vary the Vancouver Development Cost Levy By-law No. 9755 to waive requirement of payment of the development cost levy otherwise payable in connection with the project proposed under development permit application no. DE414716.
- D. THAT Council instruct the Director of Legal Services to bring forward for enactment under section 592 of the *Vancouver Charter* a by-law for the City to enter into a Heritage Revitalization Agreement as described in C above for the heritage building at 564 Beatty Street.
- E. THAT the Heritage Revitalization Agreement shall be prepared, completed, registered and given priority on the title of the Lands to the satisfaction of the Director of Legal Services and the Director of Planning.
- F. THAT, subject to the approval of A and B above and to terms, conditions and agreements satisfactory to the Director of Legal Services and to the Director of Planning, Council authorize three façade grants of up to \$50,000 each (\$150,000 in total) for the 564 Beatty Street heritage building, with funding to be provided from the 2009 Capital Budget.
- G. THAT, subject to approval of A to D above, and after the heritage building has been designated as a protected heritage building and a heritage revitalization agreement as described in A to F above has been duly entered into, and registered and noted on title to the Lands, and the heritage rehabilitation contemplated thereunder has been completed in accordance therewith, all to the satisfaction of the Director of Legal Services and the Director of Planning, Council instruct the Director of Legal Services to prepare and bring forward for

enactment, pursuant to Section 396A of the *Vancouver Charter*, a Tax Exemption By-law for 564 Beatty Street to exempt it from real property taxation under Part XX (Real-Property Taxation) of the *Vancouver Charter* in an amount up to a maximum total cumulative exemption of \$3,019,986 or for a period of 10 years, whichever is reached first.

H. THAT A to G above 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 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 BY THE
REQUIRED MAJORITY
(Councillor Woodsworth opposed)
(Councillor Stevenson absent for the vote)

4. REZONING: 5515-5665 Boundary Road, 5448-5666 Ormidale Street and 3690 Vanness Avenue

An application by Stuart Lyon, GBL Architects Inc., was considered as follows:

Summary: To rezone 33 individual parcels in this block from CD-1 (220) and CD-1 (224) to a new CD-1 District for the purpose of developing a project comprised of: three residential towers being 29, 30 and 28 storeys in height on Boundary Road and Vanness Avenue, with a density of 5.50 floor space ratio (FSR); a 6-storey, stepped building on Ormidale Street; 1,114 dwelling units; underground parking for 1,329 vehicles with access from Ormidale Street and Boundary Road; 33,000 square feet of community amenity space; a limited amount of local-serving commercial space; and publicly accessible open space.

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

Staff Opening Comments

Alison Higginson, Rezoning Planner, Rezoning Centre, reviewed the application and, along with Anita Molaro, Development Planner, Urban Design and Development Planning Centre,

and Paul Pinsker, Community Transportation Engineer, Neighbourhood Parking and Transportation, responded to questions.

Applicant Opening Comments

Stuart Lyon, GBL Architects, and Bruno Wall, Wall Financial Corporation, provided opening comments.

Summary of Correspondence

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

- 7 letters expressing support
- 3 letters expressing opposition.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Julie Linkletter, Collingwood Neighbourhood House
Christina Taulu, Collingwood Community Policing Centre
Ernie Culley, Collingwood Business Improvement Association
Karimah Es Sabar, MOSAIC
Eyob Naizghi, MOSAIC
Nathan Edelson, 42nd Street Consulting
Richard Cook

Ian Mass spoke in general support but expressed concerns in relation to the absence of a homelessness strategy and social housing.

The following spoke in opposition to the application:

Rino Righela
Stephen Bohus
Bob Salisbury
Terry Martin
William Truong

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At 10:00 pm, during the hearing of speakers, 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 Item 4 on the Public Hearing agenda.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

* * * * *

Staff Closing Comments

Brent Toderian, Director of Planning, provided closing comments and, along with Mr. Pinsker, and Vickie Morris, Senior Social Planner, Social Infrastructure, responded to questions.

Council Decision

MOVED by Councillor Jang

- A. THAT the application, by GBL Architects on behalf of Wall Financial Corporation, to rezone the 33 legal parcels addressed as 5515-5665 Boundary Road, 5448-5666 Ormidale Street and 3690 Vanness Avenue, all as legally described in Appendix D of the Policy Report dated September 20, 2011, entitled "CD-1 Rezoning: 5515-5665 Boundary Road, 5448-5666 Ormidale Street and 3690 Vanness Avenue", from CD-1 (220) and CD-1 (224) to a new CD-1 by-law, to permit development of a mixed-use multi-family project containing 1,114 dwelling units at a density of 5.50 FSR, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects, and stamped "Received City Planning Department, September 16, 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:

Urban Design

1. Design development to the general massing strategy to reduce the apparent scale of the tower and podium components.

Note to Applicant: Design development should incorporate measures to articulate the slenderness of the towers and reduce the apparent size of the floor plates. Above the podium levels, the tower floor plates are to be consistent with the Collingwood Village floor plate size of 625 m² (6,727 sq. ft.) for Towers 1 and 2 and 675 m² (7,264 sq. ft.) for Tower 3.

2. Design development to the architectural expression of the towers to enhance their individual identity while still maintaining a strong relationship to each other.

Note to Applicant: A high quality development that establishes a robust, compatible character with the existing neighbourhood fabric is required.

3. Design development to provide variety and interest to the architectural expression of the buildings with high-quality, durable materials that will contribute to the character and quality of the area.

Note to Applicant: The use of masonry on the street-level façades of the mid-rise and podium portions of buildings is strongly encouraged.

4. Design development to Tower 3 to facilitate a more legible and direct pedestrian movement between the intersection of Vanness Avenue and Boundary Road and the proposed open space and plaza area.

5. Design development to maximize the width of the courtyard between Towers 1 and 2 and the mid-rise form on Ormidale Street.

Note to Applicant: A minimum width of 40 ft. should be provided.

6. Design development to the public realm interface through the provision of the following building setbacks:

- (i) Ormidale Street - 4.57 m (15 ft.);
- (ii) Vanness Avenue - 4.57 m (15 ft.); and
- (iii) Boundary Road - 6.10 m (20 ft.) for residential uses and 4.57 m (15 ft.) for commercial or amenity uses.

7. Design development to the mid-rise form on Ormidale Street to define the street and open space pattern by separating the singular massing form into two components.

Note to Applicant: Pedestrian access and views through from Ormidale Street into the centre of the site should be provided.

8. Design development to the mid-rise form on Ormidale Street to incorporate grade-oriented townhouses and garden apartments.
Note to Applicant: Raised entries, private open space, and layered planting should be provided within the 15 ft. setback.
9. Design development to the upper massing (above 4 storeys) of the mid-rise form on Ormidale Street to ensure compatibility of scale with the new and existing context.
Note to Applicant: Consider setbacks and/or integrating floor areas within sloped roof forms for the upper massing.
10. Design development to provide a conceptual lighting plan that incorporates mid-level pedestrian and low-level lighting in localized areas such as the plaza, open spaces, stairways, paths and seating areas.
Note to Applicant: See also condition (b)17.
11. Design development to provide weather protection for amenity and commercial frontages and primary residential entrances.

Crime Prevention Through Environmental Design (CPTED)

12. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcove and vandalism, such as graffiti.Note to Applicant: As with any large development, the applicant must consider and design against uncommon but potential risks such as break and enter to property or vehicles, mail theft, the perceived safety of underground parking areas, mischief and vandalism. Provide a strategy that identifies the particular risks that may arise on this site and proposes specific features to mitigate them. Show on the plans where these features should be located, and provide an indicative design for them.

Landscape

13. Provision of a fully developed Landscape Plan.
Note to Applicant: The Landscape Plan should incorporate the concepts outlined in the Landscape Design Rationale and Preliminary Sustainable Design Strategy submitted as part of the rezoning application.

14. Maximize planting medium depth within planters which are on slab conditions to promote sustainable planting systems and to meet the BC Society of Landscape Architects (BCSLA) latest standard.
15. 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.
16. Provision of new street trees adjacent to the development site.

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Brad Etheridge, Park Board, ph: 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, phone: 311".
17. 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. See also condition (b)10.
18. Proposed plantings to be consistent with the City of Vancouver Waterwise Planting Guidelines.
19. Provision of a legal survey.
20. Provision of large scale sections (1/4"=1' or 1:50) illustrating the transition between the private residential areas and the public realm - from the building façade to the curbed street edge.

Note to Applicant: The sections should include details of changes in grade, retaining walls, guardrails, stairs and planters.
21. Illustration on the Landscape Plan and the Site Plan of all above-grade utilities including underground parking exhaust vents, gas meters and hydro transformer pads.

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 open space and public realm.

22. Provision of a complete and detailed Landscape Management Schedule of the proposed landscape forms, including planters and greenery on slab condition, roofs and walls, and irrigation systems to ensure follow-up maintenance for long-term care at all locations.
23. Provision of a large scale section (1/4"=1' or 1:50) illustrating the location and root ball circumference of proposed trees located above or immediately beside underground parking structures.

Note to Applicant: The section should detail the tree root ball contained within a depressed parking garage roof slab or within a raised planter to accommodate 3 to 4 feet of growing medium depth. In addition, provide dashed lines on the architectural plans saying "Proposed tree above: refer to Ground Floor Plan and Landscape Plan and Section."
24. 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. Hose bibs should be located in private patios measuring 100 sq. ft. or larger, at green roof plantings and in urban agriculture plots. Notation to this affect should be added to the drawings.

Social Infrastructure

25. Design, finish, furnish and equip no less than 2 137 m² (23,000 sq. ft.) (gross) of office, classroom and associated support spaces suitable for use as education, training and otherwise supporting adult learners to the satisfaction of the Managing Director of Social Development and Director of Facilities Design and Management.

Note to Applicant: All spaces require durable finishes to anticipate maximum use, and integrated utilities such as voice, data and power to accommodate a variety of multimedia presentations and tele- and video-conferences.
26. Design, finish, furnish and equip no less than 952 m² (10,250 sq. ft.) (gross) of multi-functional gathering spaces and associated support spaces designed to support a variety of large and small events and community celebrations.

Note to Applicant: The multi-functional gathering spaces must include portable, knock-down type seating for up to 250, a commercial grade kitchen adjacent to or functionally accessible to a large gathering hall, washrooms, storage, and licensable

childminding space with some adjacent outdoor play area, to the satisfaction of the Managing Director of Social Development and the Director of Facilities Design and Management.

Cultural Services

27. Design development to the plaza area fronting Ormidale Street to provide approximately 464.5 m² (5,000 sq. ft.) of open area, to be centrally located and to form the core of an "event/celebration" space.

Note to Applicant: The project must provide all services necessary to support the functionality of the plaza space, including electricity, water, areas for portable washrooms for events, storage, structural load capacity, etc., at no cost to the City and to the satisfaction of the Managing Director of Cultural Services. The estimated cost of the services and infrastructure required is \$130,000-\$150,000.

Sustainability

28. Identification on the plans and elevations of the built elements contributing to the development's sustainability performance in achieving LEED® Gold with 63 points, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming LEED® Gold status 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.

Sustainable Larger Sites

29. An approach to Sustainable Site Design shall be taken and where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, incorporate urban agricultural opportunities, and replicate natural systems where feasible.
30. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

Note to Applicant: The Green Mobility and Clean Vehicles Strategy should be coordinated with the Transportation Demand Management Plan [condition (b) 33].

31. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site.

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated and integrated with the required Landscape Plan [condition (b) 17].

32. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the development.

Note to Applicant: The strategy must provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream; and, minimize the vehicle trips required for collection, all to the satisfaction of the General Manager of Engineering Services; and, prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

Engineering

33. Provision of a Transportation Demand Management Plan (TDMP) which promotes sustainable modes of travel while reducing reliance on the private auto.

Note to Applicant: The TDMP should contemplate techniques such as unbundling of parking, car-sharing, bicycle and transit support and should be coordinated with the Green Mobility and Clean Vehicles Strategy [condition (b) 30].

34. Interconnect the two parkades to provide access to both Boundary Road and Ormidale Street, or confirm that this access is already being provided.

Note to Applicant: The drawings do not clearly show a linkage. This is to service northbound movements to and from the site. This issue should be explored and settled upon so that zoning enactment conditions seeking Metro Vancouver approvals regarding changes to the existing right-of-ways can be properly incorporated into any legal agreements prior-to enactment of the CD-1 by-law. Should a crossing of the Metro Vancouver right-of-way not be practical then an additional point of egress will be necessary for the southerly building.

35. Release of the following legal agreements prior to occupancy of the first building on the site:
 - (i) Easement & Indemnity (support) Agreements 559078M (Lot D), 469247M - see 570684L (Lot 20), 469248M - see 570685L (Lot 21), 469249M - see 570687L (Lot 18), and BA552918 - see 652778L, & affiliated charges (Lot C);
 - (ii) Indemnity (support) Agreement 466685M - see 568900L (Lot 17);
 - (iii) Indemnity (crossing) Agreement 85897H (Lots 15 & 16);
 - (iv) Easement (encroachment) Agreement BJ354842 (Lot 33); and
 - (v) any other redundant charges.
36. Provision of improved plans showing the parking levels for Tower 3 and showing the location of the six (6) Class B loading spaces.

Note to Applicant: The parking layout shown for Tower 3 does not align with the driveway crossing on Ormidale Street and seems to be missing levels. It appears that only a portion of the loading spaces are located off the access aisle on Level 1 from Boundary Road.
37. Provision of correct loading bay throats.
38. Provision of a minimum vertical clearance of 2.3 m (7 ft. 6.5 in) for access to disability parking spaces and for all related manoeuvring aisles.
39. Provision of a 3 m x 3 m (9.84 ft. x 9.84 ft.) corner-cut at the bottom of the ramp in Tower 2.
40. Provision of a minimum 7.3 m (24 ft.) - wide separation between the ramp and the easterly drive aisle in Tower 2.

Note to Applicant: This is required for the proper internal circulation of vehicles ramping down.
41. Number all parking spaces.
42. Provision of a 6.6 m (21.66 ft.) maneuvering aisle width for standard parking stalls.

Note to Applicant: The parking spaces adjacent to the elevator core of the mid-rise do not work.
43. Provide improved access from the bike rooms to the street.

Note to Applicant: A direct ramp out to street level would achieve this.

44. Clarify garbage pick-up operations.

Note to Applicant: Please 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.

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 satisfaction of the Director of Planning, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Managing Director of Facilities Design and Development, the Managing Director of Social Development, the Director of Real Estate Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

Create the Rezoning Site

1. Purchase from the City of Vancouver, on terms and conditions satisfactory to the Director of Real Estate Services, the parcel addressed as 3690 Vanness Avenue (Lot C Except: Part in Plan LMP47050, Block 6, District Lot 36, Group 1, NWD Plan 13894, PID: 003-541-002) as shown generally crosshatched on the sketch attached hereto as Map 1 (Appendix D, page 3 of 3).
2. Make arrangements, subject to Council approval, for the closure and acquisition of a portion of City lane, as shown generally hatched on the sketch attached as Map 1 (Appendix D, page 3 of 3).

Note to Applicant: Engineering Services supports the closure and sale of the lane. Further Council authority, to be addressed in a separate report to Council, is required for the closure and sale of the lane. The removal or relocation of any services located in the lane will be at the sole cost of the owner.
3. Subject to conditions 1 and 2 above, a subdivision is required to result in:
 - (i) consolidation of Lot C and the closed lane with the Remaining Parcels* which comprise the rezoning site (Appendix D, page 3 of 3) to create a single parcel;
 - (ii) dedication of a 1 m by 1 m corner-cut for road purposes at the northeast corner of Lot 24;
 - (iii) dedication of a portion of the site along Vanness Avenue to accommodate a lengthened left turn bay and standard boulevard widths on the south side of Vanness Avenue.

Note to Applicant: An estimated 5.5 m (18 ft.)-wide boulevard is intended.

*The "Remaining Parcels" are more precisely described as: Lot A, Plan 8825, and Lot D, Plan 13894; All of Block 6, DL 36; And Lots 10 to 24, 29 to 33, Amended Lot 34 (See 546231L), Amended Lot 36 (See 410358L), Lots 37 to 43, and Amended Lot 44 (See 166787L); All of Block 6, DL 36 & 49, Plan 2889.

Site Servicing

4. Confirmation that the development does not encroach upon the existing GVS&DD (Metro Vancouver) Statutory Rights-of-Ways (SRWs) that pass through the site, and that if required, arrangements are made for any modifications to the SRWs, or for new or widened SRWs, or for relocation of the services as required by Metro Vancouver all to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: A further review by Engineering Services of the ultimate right-of-way widths and locations is required following consultation and confirmations from Metro Vancouver. Provision of appropriate legal agreements will be required following final assessment.

5. Confirmation that the Metro Vancouver sewer line has the capacity to accept storm and sanitary discharges from the project.

Note to Applicant: In this regard Engineering Services will make the initial contact with Metro on your behalf.

6. Provision of adequate water service to meet the fire flow demands of the project.

Note to Applicant: The rezoning 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.

7. Undergrounding of all utility services from the closest existing suitable service point.

Note to Applicant: All electrical services to the site must be primary with all electrical plants, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks, including City of Vancouver street

lighting and traffic control 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 overhead/underground utility network to accommodate this development will require 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.

Note to Applicant: All improvements to public property, service relocations or upgrades are to be at 100% developers' expense.

Servicing Agreement

8. Execution of a Services Agreement, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 - (i) Upgrading of the existing sanitary sewer on Ormidale Street from the Metro Vancouver sanitary trunk to the site's new service connection points.
 - (ii) Provision of new storm connections for the existing catch basins on Boundary Road impacted by removal of the storm line in the lane to be closed.
 - (iii) Removal and/or relocation of the storm sewer line on Lot 17 (SRW 466642M).
 - (iv) Provision of storm water storage and management for the site.

Note to Applicant: Consultation with Engineering Services, Sewer Design Branch is required to determine the extent and method of storm water storage required. A storm water storage agreement may be necessary.
 - (v) Construction of improvements to the proposed corner plaza at Ormidale Street and Vanness Avenue to incorporate a drinking fountain, bicycle racks and a bicycle pump station to serve the cycling community.
 - (vi) Construction of a new bus stop landing for the eastbound Route 28 bus at the intersection of Ormidale Street and Vanness Avenue.
 - (vii) Replacement of the existing gravel sidewalk on the north side of Vanness Avenue from Boundary Road to Ormidale Street with a new concrete sidewalk.
 - (viii) Construction of new stairs and a bike ramp on the north side of Vanness Avenue linking Ormidale Street with the BC Parkway corridor, providing a direct link between the site and the regional bike/pedestrian corridor.

- (ix) Provision of a lengthened left-turn bay on Vanness Avenue at Boundary Road, including all road modifications such as curb, gutter, pavement and utility relocations necessary to accommodate the works.
- (x) Provision of up to \$200,000.00 for traffic calming within five (5) years of final occupancy of the last phase of the development, as may be determined following consultation with the neighbourhood.
- (xi) Provision of upgrades to the semi-actuated signal and related signal infrastructure at the intersection of Boundary and Vanness Avenue to provide for a north-to-west-bound, left-turn phase in the light sequence.
- (xii) Installation of new sidewalks around the site in keeping with public realm treatment standards for the area with final sidewalk design and locations to be to the satisfaction of the General Manager of Engineering Services.
- (xiii) Provision of street trees around the site where space permits.
- (xiv) Provision of standard concrete lane crossings at the Boundary Road and Ormidale Street lane entries to the site.
- (xv) Removal of the Vanness Avenue lane entry and reconstruction of the curb, gutter and pavement.

Note to Applicant: This results from the proposed lane closure and sale.

Car Share

9. Unless alternate arrangements to the satisfaction of the General Manager of Engineering Services are concluded, provision, operation and maintenance of five (5) shared vehicles and five (5) shared vehicle parking spaces on-site in locations to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services, and in addition to the minimum parking spaces required by the Parking By-law on the following conditions:

- (i) The developer will be required to fund \$25,000 for the purchase of each required shared vehicle and fund \$11,560 for operating costs for each required shared vehicle.

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to occupancy.

- (ii) Management services are to be provided by a professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City.
- (iii) The registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right-of-way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development.
- (iv) The provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.

Note to Applicant: Car share vehicles are to be parked in an accessible location outside of residential security gates and easily accessible to car share members.

Public Access

- 10. Execute an agreement to secure public access over the proposed walkways and open spaces, generally as highlighted in Figure 4 on page 9 of this report, for pedestrian purposes, on terms satisfactory to the Director of Planning.

Community Use Agreement

- 11. Execute an agreement to secure access to an outdoor plaza having an open area of approximately 464.5 m² (5,000 sq. ft.) for public use no more than two days per month upon such other terms and conditions satisfactory to the satisfaction of the Director of Legal Services and Managing Director of Cultural Services.

Note to Applicant: The plaza is anticipated to be programmed by the not-for-profit user group which will occupy the community amenity space, in consultation with the strata corporations which will exist on site. Ongoing maintenance and repair of the plaza will be the responsibility of the strata corporations. Services, clean-up and repairs related directly to public events would be the responsibility of the programmer or event sponsor.

Public Art

12. Execute an agreement satisfactory to the Director of Legal Services and 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; and provide development details to the satisfaction of the Public Art Program Manager.

Note to Applicant: To discuss your public art application and fulfillment options, please call Mr. Bryan Newson, Public Art Program Manager (604.871.6002). A checklist of program requirements will be provided.

Community Amenity Contribution (CAC) - In Kind

Social Infrastructure

13. Provision of two mixed-use amenity spaces in the form of no less than 3 066 m² (33,000 sq. ft.) (gross total area) of fully fit, finished furnished and equipped spaces to include office, classrooms, multi-functional gathering space including a commercial grade kitchen, and licensable child minding area as part of the proposed development at Boundary Road and Vanness Avenue, having an estimated value of \$11,416,000.
14. Transfer to the City at a nominal cost air space parcels containing these amenity spaces together with the appropriate rights and obligations applicable to the ownership and operation of these legal parcels including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations.
15. Grant a perpetual right in favour of the City and the users of this amenity space, in the form of a statutory right-of-way, for access to and use of four parking spaces and access and use of the loading spaces in the underground parkade of the residential complex on this site, at no cost.

Community Amenity Contribution (CAC)

16. Pay to the City, prior to enactment of the by-law, \$1,500,000 to create a Facility Reserve Fund in the amount to be held by the City in an interest-bearing account and used to offset the facility operating costs of the amenity spaces.

Note to Applicant: All of the above rights and obligations are to be effected and implemented prior to occupancy of any part of the development on this site other than this community amenity space.

Neighbourhood Park Upgrading

17. Pay to the City, prior to enactment of the rezoning by-law, the \$1,000,000 which the developer has offered, to be allocated to a neighbourhood park upgrade.

Affordable Housing Fund

18. Pay to the City, prior to enactment of the rezoning by-law, the \$1,000,000 cash contribution which the developer has offered, to be allocated to the Affordable Housing Fund.

BC Parkway Overpass Contribution

19. Pay to the City, prior to enactment of the rezoning by-law, the \$1,000,000 cash contribution which the developer has offered to the City, to be directed to a contribution to a partnership project to construct a pedestrian and bicycle overpass over Boundary Road as part of the BC Parkway.

Soils

20. The property owner shall submit a site profile for all of the parcels in the rezoning site, to the Environmental Protection Branch (EPB).
21. 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*.
22. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom 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 Environment, 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 registered charges 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 the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E [assigned Schedule "B" (C-1)], generally as set out in Appendix C of the Policy Report dated September 20, 2011, entitled "CD-1 Rezoning: 5515-5665 Boundary Road, 5448-5666 Ormidale Street and 3690 Vanness Avenue", be approved.

CARRIED
(Councillors Cadman and Woodsworth opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Cadman

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

BY-LAWS

MOVED by Councillor Stevenson
SECONDED by Councillor Cadman

THAT Council enact the by-law listed on the agenda for this meeting as number 1, and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

1. **A By-law to amend CD-1 By-law No. 10349 (re: 999 Seymour Street)
(By-law No. 10384)**

The Special Council adjourned at 11:33 pm.

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