



SPECIAL COUNCIL MEETING MINUTES

JULY 10, 12 AND 19, 2012

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 10, 2012, at 7:35 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, heritage, official development and sign by-laws related to the locations listed in the agenda. Subsequently, the meeting reconvened on Thursday, July 12, 2012, at 6:00 pm, and Thursday, July 19, 2012, at 6:00 pm. The minutes are consolidated for ease of reference.

PRESENT: Deputy Mayor Elizabeth Ball
Councillor George Affleck
Councillor Adriane Carr
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Tony Tang

ABSENT: Mayor Gregor Robertson (Leave of Absence)
Councillor George Affleck (July 19, 2012)
Councillor Tim Stevenson (July 19, 2012)

CITY CLERK'S OFFICE: Janice MacKenzie, Acting City Clerk (July 12, 2012)
Nicole Ludwig, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Ball in the Chair, to consider proposed amendments to the zoning, heritage, official development and sign by-laws related to the locations listed in the public hearing agenda.

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Miscellaneous Text Amendments to CD-1 By-laws #363, #448, #521, #525 and #529

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

Summary: To amend the following CD-1 (Comprehensive Development) District By-laws: CD-1 #363 (By-law No. 7679) for 1055 Canada Place (Vancouver Convention Centre West); CD-1 #448 (By law No. 9193) for 3158 Celtic Avenue; CD-1 #521 (By-law No. 10413) for 7299 Granville Street (Shannon Mews); CD-1 #525 (By-law No. 10433) for 555 Robson Street, 775 Richards Street, and 520 West Georgia Street (Telus Block); and CD-1 #529 (By-law No. 10472) for 2667-2703 Kingsway.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this item since referral to Public Hearing and prior to the close of the speakers list.

Speakers

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

Council Decision

MOVED by Councillor Deal

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

- (a) CD-1 #363 (By-law No. 7679) for 1055 Canada Place (Vancouver Convention Centre West);
- (b) CD-1 #448 (By-law No. 9193) for 3158 Celtic Avenue;
- (c) CD-1 #521 (By-law No. 10413) for 7299 Granville Street (Shannon Mews);
- (d) CD-1 #525 (By-law No. 10433) for 555 Robson Street, 775 Richards Street, and 520 West Georgia Street (Telus Block); and
- (e) CD-1 #529 (By-law No. 10472) for 2667-2703 Kingsway;

generally as presented in Appendix A of the Policy Report dated May 4, 2012, entitled "Miscellaneous Text Amendments: CD-1 By-laws #363, #448, #521, #525, and #529", be approved.

CARRIED UNANIMOUSLY

2. HERITAGE DESIGNATION: 1927 West 17th Avenue (The Hawkins House)

An application by James Emery, Iredale Group Architecture, was considered as follows:

Summary: To designate the existing heritage building at 1927 West 17th Avenue (The Hawkins House) as protected heritage property in exchange for additional floor area consisting of an addition to the rear of the house and expansion of the existing garage.

The Director of Planning recommended approval subject to the 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 prior to the close of the speakers list.

Speakers

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

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter* a by-law to designate as a protected heritage property the residential building known as the Hawkins House (the “heritage building”) at 1927 West 17th Avenue in the City of Vancouver (legal description: *PID: 011-521-309; Lot 7, Block 486, District Lot 526, Plan 4502*) (the “Lands”).
- B. THAT Council determine for purposes of Section 3.2.5 of the *Zoning & Development By-law* that the development of the Lands as proposed under Development Permit Application No. 410564 will make a contribution to conserving the heritage building.
- C. THAT Council approve the granting, pursuant to Section 3.2.5 of the *Zoning & Development By-law* and the *Heritage Policies and Guidelines*, in connection with the proposed heritage designation and a proposed rehabilitation of the heritage building, of a 10.2% increase to the floor space ratio permitted for the Lands under applicable zoning.

- D. THAT A, B and C above, be adopted on the following conditions:
- (a) THAT the passage of the above resolution creates no legal rights for the applicant or any other person nor any obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (b) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

3. HERITAGE DESIGNATION: 3350 West 37th Avenue (The Black House)

An application by Carolyn Johnson and John Gilbert was considered as follows:

Summary: To designate the existing heritage building at 3350 West 37th Avenue (The Black House) as protected heritage property.

The Director of Planning recommended approval subject to the 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 prior to the close of the speakers list.

Speakers

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

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter* a by-law to designate as a protected heritage property the residential building at 3350 West 37th Avenue (legal description: *PID: 013-110-705; Lot 11 of Lot A, Block 24, District Lot 2027, Plan 3136*) (the “Lands”) known as the Stanley and Anna Black House (the “heritage building”).

- B. THAT A above be adopted on the following conditions:
- (a) THAT the passage of the above resolution creates no legal rights for the applicant or any other person nor any obligation on the part of the City, and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (b) THAT the passage of the above resolution does not and will not in any way limit or restrict the authority or discretion of Council, regardless of when they might be called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

4. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
334 West 14th Avenue (The Lawrence Residence)

An application by Paul Phillips, EDG Design, was considered as follows:

Summary: To designate the heritage building at 334 West 14th Avenue (The Lawrence Residence), listed in the “B” evaluation category, as protected heritage property and to restore and rehabilitate the building in exchange for increased density on the site, including conversion of the building to a multiple conversion dwelling containing three dwelling units and construction of a new infill one-family dwelling at the rear of the site.

The Director of Planning recommended approval subject to the conditions as set out in the summary and recommendation of the public hearing agenda.

Summary of Correspondence

One letter opposed to the application had been received prior to the close of the speakers list.

Speakers

The Deputy Mayor called for speakers for and against the application.

William Godolphin spoke in opposition to the infill portion of the application, noting it was not in line with the character of the neighbourhood.

Applicant Closing Comments

Paul Phillips, EDG Design, responded to comments by the speaker, noting that infill buildings are permitted under RT-6 zoning, which is what is before Council at this meeting, and responded to questions.

Staff Closing Comments

James Boldt, Heritage Group, Current Planning, responded to questions.

Council Decision

MOVED by Councillor Deal

- A. THAT Council add to the Vancouver Heritage Register, in the “B” evaluation category thereof, the residential building at 334 West 14th Avenue known as “The Lawrence Residence”.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate as a protected heritage property the residential building at 334 West 14th Avenue (legal description: *PID: 014-568-250; Lot 5, Block G, District Lot 526, Plan 1530*) (the “Lands”), known as “The Lawrence Residence”.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law for the City to enter into a Heritage Revitalization Agreement in respect of the heritage building at 334 West 14th Avenue (The Lawrence Residence) to:
 - (a) secure the rehabilitation and long-term preservation of the heritage building; and
 - (b) vary the Zoning and Development By-law in respect of the Lands to permit the construction of a new Infill One-Family Dwelling thereon as proposed under Development Permit Application DE415503 and as more particularly described in the Policy Report dated June 6, 2012, entitled, “334 West 14th Avenue - ‘The Lawrence Residence’ - Heritage Designation and Heritage Revitalization Agreement”.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and noted, registered, and given priority on title to the Lands to the satisfaction of the Director of Legal Services and the Director of Planning.
- E. THAT A to D 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 any obligation on the part of the City, and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the costs; and
 - (b) THAT the City and all its officials shall not in any way be limited or restricted 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):
1720 Waterloo Street (The Gables)

An application by Jim Bussey, Formwerks Architectural Inc., was considered as follows:

Summary: To designate the heritage building at 1720 Waterloo Street (The Gables), listed in the “B” evaluation category, as protected heritage property and to relocate, restore, and rehabilitate the building in exchange for increased density on the site, including additions to the building

The Director of Planning recommended approval subject to the conditions as set out in the summary and recommendation of the public hearing agenda.

Summary of Correspondence

One letter opposed to this item had been received prior to the close of the speakers list.

Speakers

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

Council Decision

MOVED by Councillor Carr

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate as a protected heritage property the residential building at 1720 Waterloo Street known as “The Gables” (the “heritage building”) (legal description: *PID: 027-512-622; Lot 1, Block 12, Plan BCP 36337 District Lot 540 NWD Group 1*) (the “Lands”).
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 592 of the *Vancouver Charter*, a by-law to authorize the City to enter into a Heritage Revitalization Agreement for the heritage building at 1720 Waterloo Street (The Gables) to:
 - (a) secure the rehabilitation and long-term preservation of the proposed heritage building; and
 - (b) vary the Zoning and Development By-law in respect of the Lands to permit the development of the Lands as proposed under Development Permit Application Number DE414961 and more particularly described in the Policy Report dated June 7, 2012, entitled “1720 Waterloo Street - ‘The Gables’ - Heritage Designation and Heritage Revitalization Agreement”..

- C. THAT the Heritage Revitalization Agreement shall be prepared, completed, and registered, noted and given priority on title to the Lands to the satisfaction of the Director of Legal Services and the Director of Planning.
- 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 nor any obligation on the part of the City, and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (b) THAT the City and its Council and officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

6. HERITAGE REVITALIZATION AGREEMENT (HRA) AMENDMENT: 658 Keefer Street
(The Chan House)

An application by Stephen Brouwers, Stephen Brouwers Design + Research, was considered as follows:

Summary: To modify the existing Heritage Revitalization Agreement registered on title to the lands, to restore and rehabilitate the heritage building at 658 Keefer Street (The Chan House) as a multiple conversion dwelling with two dwelling units, and to permit construction of an infill, one-family dwelling on the site.

The Director of Planning recommended approval subject to the 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 prior to the close of the speakers list.

Speakers

The Deputy Mayor called for speakers for and against the application.

Shirley Chan and Patricia Canning spoke in support of the application.

Council Decision

MOVED by Councillor Jang

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 592 of the *Vancouver Charter* a by-law to amend the Heritage Revitalization Agreement applicable to the heritage building, known as the “Chan House”, and the lands at 658 Keefer Street (legal description: *PID: 028-091-027; Lot A, Block 84, District Lot 196 NWD Group 1, Plan BCP42970*) (the “Lands”), and noted on title to the Lands under number BB311256, to permit the development of the Lands as proposed under Development Permit Application DE415218 and more particularly described in the Administrative Report dated June 11, 2012, entitled, “658 Keefer Street - The ‘Chan House’ - Heritage Revitalization Agreement Amendments”.
- B. THAT the amendments to Heritage Revitalization Agreement shall be completed and noted on title to the Lands to the satisfaction of the Director of Legal Services and the Director of Planning.
- C. THAT A to B 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 nor any obligation on the part of the City, and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (b) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

7. REZONING: 1388 Continental Street (formerly 1349 Granville Street)

An application by David Evans, Cressey (Drake) Development LLP, was considered as follows:

Summary: To rezone the site at 1388 Continental Street (formerly 1349 Granville Street) from DD (Downtown) District to CD-1 (Comprehensive Development) District to permit a 10-storey, mixed-use commercial and residential building with 89 affordable market rental residential units. This rezoning application is being considered under the Short Term Incentives for Rental (STIR) Program. The proposed floor space ratio (FSR) is 6.99 and the building height is 30 metres (98.4 feet).

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

Summary of Correspondence

One letter in support of the application had been received since referral to Public Hearing and prior to the close of the speakers list.

Staff Opening Comments

Ian Cooper, Senior Rezoning Planner, Rezoning Centre, Current Planning, presented the application, and along with Michael Flanigan, Director, Real Estate Services, Business Planning and Services, Dan Garrison, Housing Policy Planner, Housing Policy, Social Development, and Richard Johnson, Planner, Central Area Planning, responded to questions.

Speakers

The Deputy Mayor called for speakers for and against the application.

Amin Shahbaz spoke in opposition to the application, noting that condominiums would provide the amount of rental housing as the proposed project, and the building is not high enough.

Applicant Closing Comments

Hani Lammam, Vice-President, Development and Acquisitions, Cressey Development Group, noted the proposed rents are projected out 3 years and communicated to tenants.

Council Decision

MOVED by Councillor Jang

- A. THAT the application by Cressey Drake Holdings Ltd, to rezone 1388 Continental Street (*PID: 009-655-883; Lot C, Block 112, District Lot 541, Plan 9442*) from DD (Downtown District) to CD-1 (Comprehensive Development) District, to permit a 10-storey mixed-use commercial and residential building with 89 residential units secured as affordable market rental under the Short Term Incentives for Rental (STIR) Program, generally as presented in Appendix A of the Policy Report dated May 22, 2012, entitled “CD-1 Rezoning and Development Permit: 1388 Continental Street (formerly 725 Neon Street and 1349 Granville 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 IBI/HB Architects and stamped “Received City Planning Department, January 16, 2012”, 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. Design development to incorporate landscape treatments contributing to both the amenity of the roof deck as well as improving the overlook from nearby adjacent buildings.
2. Design development to provide an indoor amenity room adjacent to the outdoor amenity area provided on level 9.
3. Design development to improve and enhance the profile of the parapet, particularly at the corner of Granville Street and Neon Street.
4. Design development to enhance the quality of the weather protection with improved materials of glazing and steel.
Note to Applicant: Opportunities to incorporate color into the glazed canopy system is encouraged.
5. Design development to improve privacy between the private residential roof deck and the shared amenity roof deck area.
Note to Applicant: This should be achieved with enhanced landscaped treatments. The shared amenity should be maximized by reducing the private roof area.
6. Design development to minimize the visual impact of exposed mechanical vents.

Crime Prevention Through Environmental Design (CPTED)

7. Design development to consider the principles of CPTED having particular regard for reducing opportunities for theft in the underground parking.

Sustainability

8. 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.

Engineering

9. Revised Parking plans to show 3 additional disability spaces and location of the 3 shared vehicles/spaces.
10. Revised building grades should be applied for as soon as possible to reflect the final lot configuration. Note: there is an identified grade issue at the north property lines intersection with the lot to the north. Please ensure the grading at this location is reviewed with staff to ensure the proposed parkade ramp elevation is compatible with the entry ramp to the north and both entries will meet City building grades.
11. Provision of a conceptual landscape plan (final) which will show the streetscape, the number, location and species of street trees, the final curb location and the future public open space area (parkette) as well as lamp standards and other street furniture.
12. Provision of widened stairs and walkway connecting Neon Street to Granville Street (minimum 6 feet wide, inside dimension) complete with bicycle wheel ramp on the stair to improve accessibility.
13. Provision of pedestrian lighting along the widened stairs and walkway connecting Neon Street to Granville Street.
14. Clarification of the use and function of the area between the building and the planter under the walkway and stairs.

Note to Applicant:

- (i) Please consult with Engineering Sewers Design branch early to confirm sewer connection locations and elevations.
- (ii) The building foundations are to be designed to withstand the loads of the future streets to be constructed adjacent the site and backfilling of the Granville Street bridge gap.

Urban Agriculture

15. Design development to the common outdoor amenity area on level 9 to include planters with edible landscaping and/or garden plots, with compost bins, and the necessary infrastructure to support urban agricultural activity such as tool storage, a potting bench and hose bibs.

Landscape

16. Notation on Landscape Plan confirming the location of all existing trees, 20 cm caliper or greater, that are proposed to be removed or retained, as noted on the survey plan.

Note to Applicant: Revise the survey plan to include tree locations and complete the Landscape Plan.
17. Provision of a large scale $\frac{1}{4}'' = 1' - 0''$ or 1:50 scale of section/elevation details illustrating the detailed landscape treatment of the project's public realm interface at the street to show the future public open space at the intersection of Continental Street and Neon Street and triangle of landscaping at Neon Street (east property line).

Note to Applicant: The detail drawings will need to include planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios and privacy screens.
18. Provision of a large scale $\frac{1}{4}'' = 1' - 0''$ or 1:50 scale of section/elevation details illustrating the roof decks at Level 2 and Level 9 to show the planter depth edge and separation between the common and private terraces.

Note to Applicant: Refer to Design Condition 15.
19. Provision of hose bibs for hand watering landscape planters at all building locations and note on the Site Plan and Landscape Plan.

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

Engineering

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

1. Subdivision of Lot C, Block 112, DL 541, Plan 9442 to result in dedication for road purposes of the westerly 0.9 metres of the site, and that portion of the site lying south of a line drawn parallel to and south of the north property line by 22.4 metres.

Note to Applicant: The land surveyor involved should contact the City's Land Survey Branch for detailed property line dimensions.

2. Provision of an encroachment agreement for the stairs and ramp connecting Continental Street/Neon Street to the Granville Street bridge. This connection will be over the road right-of-way following the land dedications.

Note: the applicant is to provide a letter of commitment at the rezoning enactment stage with the encroachment agreement finalized and registered in Land Titles Office prior to building occupancy.

3. Execution of a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. Without limiting the discretion of the General Manager of Engineering Services and the Director of Legal Services, this agreement shall include provisions that:

- (i) no Development Permit in respect of any improvements to be constructed on the Rezoning Site pursuant to this rezoning will be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services and security for the services is provided;
- (ii) the design of all Services will be completed to the satisfaction of the General Manager of Engineering Services prior to; tendering for the construction of any of the Services; or any construction of the Services if the Owner decides not to tender the construction;
- (iii) no occupancy of any building or improvements constructed pursuant to the rezoning will be permitted until all the Services are completed to the satisfaction of the General Manager of Engineering Services; and
- (iv) in addition to standard utilities and utility extensions, necessary Services will include:
 - a. Interim widening of Neon Street and Continental Street to accommodate existing road configuration/access to adjacent properties until such time as the Granville bridge loops are removed and the final road design is implemented. The applicant is to fund at 100%, all costs of interim works (sidewalks, pavement,

- utility adjustments or interim utility arrangements) ensuring on-going road function;
- b. Provision of a cash contribution towards the future construction of the proposed parkette. The value is to be determined by provision of an estimate to backfill the parkette area to the future road grades of Neon Street and Continental Street and the value to construct the final parkette features which will included concrete pavement, boulevard, trees and landscaping where space permits, seating for the public and lighting;
 - c. Provision of adequate water services for this site. Currently no water mains serve this location, a new main will have to be constructed to serve the site from Drake Street to the service point for the site for which the developer is to responsible for 100% of the construction costs. The applicant is to provide water demand details for the project including projected fire flow rates to determine the size of water main required;
 - d. Provision of all utility services to be underground from the closest existing suitable service point;

All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property and not on the public road right-of-way. 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.
 - e. Provision of improved street lighting on Continental Street and Neon Street to meet current street lighting standards;
 - f. Provision of improved sidewalks on Granville Street to current commercial standards for the area;
 - g. Provision of street trees adjacent the site where space permits. Note, this will require backfilling of the gap between the east property line of the site and the Granville Street bridge structure such

that adequate growing medium for street trees can be provided for on Granville Street.

4. Make arrangements for:
 - (i) The provision, operation, and maintenance of 3 shared vehicles and the provision and maintenance of 3 parking spaces for use exclusively by such shared vehicles;
 - (ii) The developer to fund \$25,000 toward each required shared vehicle and fund \$11,500 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.
 - (iii) a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
 - (iv) The registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right-of-way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
 - (v) 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 at all times.

Housing

5. Execute a Housing Agreement pursuant to the Short Term Incentives for Rental (STIR) Program to secure all 89 residential units in this development as rental for the life of the building or 60 years, whichever is longer, and to include registrable covenants in respect of all such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such other terms and conditions as are satisfactory to the Director of Legal Services, the Managing Director of Social Development.

Note to Applicant: This Housing Agreement will be entered into by the City by by-law pursuant to Section 565.2 of the Vancouver Charter.

Soils

6. Submit a site profile to the Environmental Protection Branch (EPB).
7. 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.
8. 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 the Sign By-law to establish regulations for this CD-1 and to include this CD-1 in Schedule E of the Sign By-law, generally as set out in Appendix C of the Policy Report dated May 22, 2012, entitled "CD-1 Rezoning and Development Permit: 1388 Continental Street (formerly 725 Neon Street and 1349 Granville Street)", be approved.
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law to include this CD-1 in Schedule A, generally as set out in Appendix C of the Policy Report dated May 22, 2012, entitled "CD-1 Rezoning and Development Permit: 1388 Continental Street (formerly 725 Neon Street and 1349 Granville Street)" for enactment following the approval and enactment of the CD-1 By-law.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 22, 2012, entitled “CD-1 Rezoning and Development Permit: 1388 Continental Street (formerly 725 Neon Street and 1349 Granville Street)”.
- E. THAT Council approve in principle a Housing Agreement pursuant to the Short Term Incentives for Rental (STIR) Program securing all 89 residential units as rental for the life of the building or 60 years, whichever is longer, including no separate sales and a no stratification covenants in respect of such units and such other terms and conditions as are more particularly described in the body of the Policy Report dated May 22, 2012, entitled “CD-1 Rezoning and Development Permit: 1388 Continental Street (formerly 725 Neon Street and 1349 Granville Street) and are to the satisfaction of the Director of Legal Services and Managing Director of Social Development.

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law pursuant to Section 565.2 of the *Vancouver Charter* to authorize such Housing Agreement, and after enactment of the Housing Agreement by-law, to execute and register the Housing Agreement.

CARRIED

(Councillors Affleck and Ball opposed)

8. REZONING: 4837-4861 Cambie Street

An application by Stephanie Bird, Mosaic Homes, was considered as follows:

Summary: To rezone the site at 4837-4861 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit development of a five-storey residential building containing 41 dwelling units at a density of 2.05 FSR and a height of 18.7 metres (61.4 feet).

The Director of Planning recommended approval subject to the conditions as set out in the summary and recommendation of the public hearing agenda.

Staff Comments

Grant Miller, Senior Rezoning Planner, Rezoning Centre, Current Planning, and Sailen Black, Development Planner, Urban Design and Development Planning Centre, Current Planning, presented the application and responded to questions.

Summary of Correspondence

The following correspondence had been received on this application since referral to Public Hearing and prior to the close of the speakers list:

- 2 letters in support
- 8 letters opposed

Speakers

The Deputy Mayor called for speakers for and against the application.

Allan Buium and Bob Gill spoke in support of the application.

The following speakers spoke in opposition to the application, noting concerns with the lack of commercial space, the orphan lot and the potential for invasion of privacy due to the short distance between the proposed building and existing rowhouses:

Monique Choptuik
Werner Adam
Carole Ann Soong
Janice Douglas
Dominique Roebyns
Carey Murphy
Tracey Moir, Oakridge-Langara Area Residents
Therese Soong
Neil White
Matthew Choptuik
Judy Adam
Karen Jackson

* * * * *

At 9:55 pm on Tuesday, July 10, 2012, it was

MOVED by Councillor Louie

THAT under section 2.3(3) of the Procedure By-law, Council extend the length of the meeting by one hour or less.

*LOST
NOT HAVING RECEIVED THE REQUIRED MAJORITY
(Councillors Jang and Stevenson opposed)*

Subsequently, it was

MOVED by Councillor Deal

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 hear from all registered speakers on item 8.

*CARRIED
AND BY THE REQUIRED MAJORITY
(Councillors Jang and Stevenson opposed)*

During the hearing of speakers it was

MOVED by Councillor Louie

THAT Council hear from all registered speakers present on item 8 tonight and then recess until Thursday, July 12, 2012 at 6:00 pm.

*CARRIED
(Councillors Jang and Stevenson opposed)*

* * * * *

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Meggs

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

**MOVED by Councillor Affleck
SECONDED by Councillor Deal**

THAT the report of the Committee of the Whole be adopted for Items 1 to 7 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 Louie
SECONDED by Councillor Jang

THAT Council, enact the by-laws listed on the agenda for this meeting as numbers 1 to 5 inclusive and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend CD-1 By-law No. 7679 (Re: 1055 Canada Place)
(By-law No. 10533)
2. A By-law to amend CD-1 By-law No. 9193 (Re: 3158 Celtic Avenue)
(By-law No. 10534)
3. A By-law to amend CD-1 By-law No. 10413 (Re 7299 Granville Street)
(By-law No. 10535)
4. A By-law to amend CD-1 By-law No. 10472 (Re: 2667-2703 Kingsway)
(By-law No. 10536)
5. A By-law to amend CD-1 By-law No. 10433 (Re: 555 Robson Street, 775 Richards Street and 520 West Georgia Street (Telus Block)) (By-law No. 10537)

* * * * *

The Special Council recessed at 11:10 pm on Tuesday, July 10, 2012, and reconvened at 6:05 pm on Thursday, July 12, 2012, with the same members present.

* * * * *

On Thursday, July 12, 2012, it was

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Ball in the Chair, to consider proposed amendments to the zoning, heritage, official development and sign by-laws related to the locations listed in the public hearing agenda.

CARRIED UNANIMOUSLY

Prior to hearing speakers, Mr. Miller provided a brief presentation regarding issues raised by previous speakers on item 8 regarding the Rezoning of 4837-4861 Cambie Street.

Applicant Closing Comments

Luciano Zago, Mosaic Homes, and Bob Worden, Ramsay Worden Architects, provided closing comments, noting they have met with neighbourhood residents, there may be an opportunity to move the building to the north to address privacy and crowding concerns, and responded to questions regarding building height and massing.

Staff Closing Comments

Mr. Miller noted the adaptation to move the building north proposed by the applicant is workable within the proposed application. Mr. Miller, along with Mr. Black and Dan Garrison, Housing Policy, Social Development, responded to questions regarding the orphaned lot, setbacks, lack of commercial space, and enforcement of rental unit agreement.

Council Decision

MOVED by Councillor Reimer

THAT Council postpone discussion and decision on the application to rezone 4837-4861 Cambie Street to Thursday, July 19, 2012, at 6:00 pm.

CARRIED UNANIMOUSLY

On Thursday, July 19, 2012, it was

MOVED by Councillor Louie

- A. THAT the application, by Mosaic Cambie Holdings Ltd., to rezone 4837-4861 Cambie Street (*PIDs: 010-758-429 and 003-060-110; Lots 7 and 8, Block 819, District Lot 526, Plan 7221*) from RS-1 (Single-Family Residential) District to CD-1 (Comprehensive Development) District to permit development of a five-storey Multiple Dwelling with a total floor space ratio of 2.05, generally as presented in Appendix A of the Policy Report dated May 24, 2012, entitled “CD-1 Rezoning: 4837-4861 Cambie 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 Ramsay Worden Architects and stamped “Received City Planning Department, April 20, 2012”, 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. Design development to mitigate direct overlook from upper floors to the south neighbour.
2. Provision of design alternatives to improve the visual transition between the rowhouse and proposed building.

Note to Applicant: Design alternatives should explore changes to the exterior cladding, colour, detailing, and similar visual effects. Significant changes to massing are not intended. Consultation with the neighbours is recommended. Where design changes are feasible in the opinion of the Director of Planning, they shall be applied to the building.

Landscape

3. Replication of natural systems.

Note to Applicant: This could include the use of native plants, the creation of natural habitat, the retention of soil resources, the elimination of herbicides and/or the recycling of green waste.

4. Provision of urban agriculture in the form of edible landscaping and including some areas (planters or plots) suitable for urban agriculture activity. The necessary supporting infrastructure, such as tool storage, hose bibs and a potting bench should be provided. The design should reference the “Urban Agriculture Guidelines for the Private Realm” and should maximize sunlight, integrate into the overall design and provide universal access.
5. Provision of a second row of trees between the sidewalk and the building.

Note to Applicant: the species and location of these trees will be determined in consultation with the Engineering Department with consideration given to the development of a public realm plan for this area.

6. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Strategies could include high efficiency irrigation, the use of drought tolerant plants and mulching.

7. Provision of adequate planting medium depths within planters on slab to meet the BCSLA latest standard.

8. Compliance for the inside boulevard planting with the COV Engineering Streets' "Guidelines for Planting City Boulevards".

Note to Applicant: Plants should be set back at least 30 cm (12") from a) the sidewalk to avoid overgrowth and b) the curb to allow for car door opening. Plants should be perennials or shrubs that will grow less than one meter (3'-3") in height to ensure good sight lines.

9. Provision of a separate lighting plan at the time of full development permit to ensure pedestrian safety and security.
10. Provision of a full Landscape Plan at the time of development permit application. 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.
11. Provision at the time of full development permit application of large scale sections (1/4"=1' or 1:50) illustrating the lane edge planters, retaining walls and proposed and existing grades. The section should run east to west.
12. Provision at the time of full development permit application of large scale sections (1/4"=1' or 1:50) illustrating the building to public realm interface.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

Crime Prevention Through Environmental Design (CPTED)

13. 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.

Sustainability

14. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezonings, including a minimum of 63 points in the LEED® rating system, 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 the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for Certification of the project are also required under the policy.

15. The building heating and domestic hot water system shall be designed to be easily connectable and compatible with a future District Energy System to supply all heating and domestic hot water requirements. Design provisions related to district energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the District Energy Connectivity Standards for specific design requirements, which include provisions related to the location of the mechanical room, centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for District Energy compatibility are provided for in the mechanical design. A declaration signed by the registered professional of record certifying that the district energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

Engineering

16. Provision of an improved plan showing all utility poles in the lane. The survey plan submitted with the application does not identify these features. Adjustment of the parking entry or relocation of the existing wood poles may be required to ensure adequate access to the site.
17. Indicate all columns within the parking level.

18. Indicate design elevations on both sides of the parkade ramp at all breakpoints and within the parking areas to be able to calculate slopes and cross falls.

19. Provision of elevations on section drawings.

Note to Applicant: The slope must not exceed 10% for the first 20 ft. from the property line and 12.5% thereafter.

20. Provision of a complete tech table with required parking, loading, bicycle space calculations and the number of spaces being provided.

21. Provision of an improved scaled plan with dimensions in imperial or metric units.

Note to Applicant: The drawing does not scale to 1:100 as indicated.

22. Modify the width of the disability parking space to 13'-1 ½" and confirm that a minimum 7'-6 ½" of vertical clearance is being provided to access all disability spaces as per the Parking and Loading Design Supplement.

Note to Applicant: Two adjacent disability spaces can share one access aisle. Please refer to the Parking and Loading Design Guidelines at the following link:
(<http://vancouver.ca/engsvcs/parking/admin/developers.htm>).

23. Provision of additional parking stall width for stalls adjacent to walls or stalls with a reduced maneuvering aisle width. Provide additional stall widths for stalls 18, 20, 44 and 45.

24. Clarify and confirm if the reduced vertical clearance, shown at gridline G on cross-section C on drawing A 4.03, affects any parking spaces.

Note to Applicant: A minimum of 2.0m of vertical clearance is required.

25. Provision of automatic doors on all bike storage rooms to make it comfortable and convenient for people of all ages and abilities to access the bicycle storage areas.

26. Provision of a bicycle wheel ramp for the stairs located between parking space 49 and the bike room.

27. Provision of details of the garbage storage room (bin and recycling container dimensions) clearly showing they fit within the storage room and clarify the pick up operations. Please note

the pick up operations must not rely on public property for storage of the bins for any extended period of time.

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 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 Lots 7 and 8, Block 819, DL 526, Plan 7221 to create a single parcel.
2. Release of Restrictive Covenants P2903 (See 133031L) and GB40848 (See 148295L).
3. Provision of appropriate access agreements to allow vehicular access from this site to the adjacent property to the north at 618 West 32nd Avenue (lot 6, Block 819, DL 526, Plan 7221).
4. Execution of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the Services are provided. No development permit for the site will be issued until the security for the following services are provided.
 - (i) 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 applicant's 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.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted

transformers and kiosks (including non BC Hydro 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.

Housing Agreement

6. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to subdivide by air space subdivision, or at the sole discretion of the Managing Director of Social Development and the Director of Legal Services to otherwise subdivide to create a parcel or parcels for the portion of the development containing at least six market rental housing units occupying at least 3,739 sq. ft. of the development floor space, and once such portion is subdivided to execute a Housing Agreement to secure such units as rental for the life of the building or 60 years, whichever is longer, and to include registrable covenants in respect of such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such rentals being made available as market rental housing units and subject to such other terms and conditions as are satisfactory to the Director of Legal Service, and the Managing Director of Social Development.

Note to Applicant: This Housing Agreement will be entered into by the City by by-law pursuant to section 565.2 of the *Vancouver Charter*.

Neighbourhood Energy Utility

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a low carbon District Energy System, if and when the opportunity is available and in accordance with the City's policy for low carbon district energy, which may include but are not limited to agreements which:
 - (i) require buildings on site to connect to a District Energy System;
 - (ii) grant the operator of the District Energy System access to the building mechanical equipment associated with the connection to and operation of a District Energy System; and

- (iii) provide for adequate and appropriate space to be utilized for an energy transfer station (to be secured either through a long-term lease or through an assignable option to purchase agreement).

Community Amenity Contribution (CAC)

- 8. Pay to the City, prior to the enactment of the rezoning by-law, the Community Amenity Contribution of \$1,020,500.

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, subject to enactment of the CD-1 by-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as presented in Appendix C of the Policy Report dated May 24, 2012, entitled "CD-1 Rezoning: 4837-4861 Cambie Street".
- C. THAT Council approve in principle a Housing Agreement pursuant to section 565.2 of the *Vancouver Charter* securing the six market rental housing units as rental for the life of the building or 60 years, whichever is longer, including no separate sales and no stratification covenants and such other terms and conditions as the Director of legal Services may require in respect of such units, to the satisfaction of the Director of Legal Services and Managing Director of Social Development;

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law to authorize such Housing Agreement, and after by-law enactment, to execute and register the Housing Agreement.

amended

AMENDMENT MOVED by Councillor Carr

THAT the conditions of approval be changed to add item 3 under “Design Development” to require that the building be moved north so that it is equidistant between the two lots.

carried

AMENDMENT TO THE AMENDMENT MOVED by Councillor Louie

THAT the words “so that it is equidistant between the two lots” be struck and substituted with the words “three (3) feet north, to reflect staff’s recommendation as presented at the Public Hearing” so that the amendment would read:

THAT the conditions of approval be amended to add item 3 under “Design Development” that the building be moved north by approximately three (3) feet, to reflect staff’s recommendation as presented at the Public Hearing.

CARRIED
(Councillors Ball and Carr opposed)

The amendments having carried, the motion as amended was put and CARRIED with Councillors Ball and Carr opposed.

9. REZONING: 3212 East Boulevard

An application by Allan Diamond, Allan Diamond Architect, was considered as follows:

Summary: To rezone the site at 3212 East Boulevard from RS-1 District to CD-1 (Comprehensive Development) District to permit a housing demonstration project that proposes a principal multi-family dwelling and a second building at the lane containing parking at grade and residential space above, at a density of 1.2 FSR. The proposed height of the principal building is 11.47 metres (37.63 feet).

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

Karen Hoese, Rezoning Planner, Rezoning Centre, Current Planning, presented the application and responded to questions.

Applicant Comments

Allan Diamond, Allan Diamond Architect, along with Satvinder Lally, the developer, presented the application and responded to questions.

Summary of Correspondence

The following correspondence had been received on this application since referral to Public Hearing and prior to the close of the speakers list:

- 14 letters in support
- 2 letters opposed

Speakers

The Deputy Mayor called for speakers for and against the application.

The following speakers spoke in support of the application:

Graham Catchlove
Katherine Reichert
Sarah Bucharski
Michael Levy
Kerry Grant
Shawn Goyal

David Cuan, Shaughnessy Heights' Property Owners' Association, spoke in opposition to the application, noting the proposal does not comply with Arbutus Ridge-Shaughnessy-Kerrisdale Vision.

* * * * *

On Thursday, July 12, 2012, the Special Council recessed at 7:35 pm and reconvened at 7:55 pm with the same members present.

* * * * *

Applicant Closing Comments

Mr. Lally responded speakers' comments.

Staff Closing Comments

Ms. Hoese responded to questions.

Council Decision

MOVED by Councillor Jang

THAT Council postpone discussion and decision on the application to rezone 3212 East Boulevard to Thursday, July 19, 2012 at 6:00 pm.

CARRIED

(Councillor Affleck opposed)

On Thursday, July 19, 2012, it was

MOVED by Councillor Meggs

- A. THAT the application by Allan Diamond Architect on behalf of Satvinder Lally, to rezone 3212 East Boulevard (PID: 011-523-867, Lot 1, Block 485, District Lot 526, Plan 4502) from RS-1 (Single-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit a six-unit Housing Demonstration Project at a density of 1.18 FSR, generally as presented in Appendix A of the Policy Report dated May 23, 2012, entitled "CD-1 Rezoning: 3212 East Boulevard", 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 Allan Diamond Architect, and stamped "Received City Planning Department, February 11, 2011 and May 1, 2012", 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. Reduction in the lane building to have a north-south dimension no greater than the principal building, a setback of at least 15 feet to the interior property line, and a single dwelling unit
Note to *Applicant*: The site should continue to provide five parking stalls, of which three may be enclosed.
2. Provision of at least 398 sq. ft. (37 m²) in floor area for each dwelling unit.

Sustainability - Green Building

3. Identification on the plans and elevation drawings of the built elements contributing to the building's sustainability

performance in achieving the proposed BuiltGreen BC Gold and a minimum score of Energuide 82, as required by the Green Buildings Policy for Rezonings;

Note to Applicant: Provide an updated checklist confirming the above; a detailed *written* description of how the selected points have been achieved with reference to specific building features in the development; and note those features on the plans and elevation drawings. The checklist and description should be incorporated into the drawing set. Registration of the project is required under the policy, and certification is encouraged.

Crime Prevention Through Environmental Design (CPTED)

4. Design development to respond to CPTED principles, having particular regard for:
 - (i) theft and security in the parking area;
 - (ii) break and enter; and
 - (iii) mischief and vandalism, such as graffiti.

Landscape Design

5. Provision of an arborist report to outline a strategy for the safe and healthy retention of the perimeter laurel hedge and any neighbor trees/landscaping;

Note to Applicant: the laurel hedge retention is integral to the landscape scheme. It preserves the existing character of the streetscape and allows for additional space within the site that would otherwise not be *available* if the amenity were located solely on private property. The arborist will need to review the development proposal to comment on the impacts and setbacks to disturbance for any hardscaping (walls, walkways, garage footings) within or near to the critical root zone. Grades in proximity to the hedge should be blended, where possible, to avoid retaining walls or curbs at the property line. Design development will need to respond to the minimum setbacks. Pruning requirements (refer to Engineering condition 15), tolerances and post-disturbance mitigation should also be discussed. Consideration should be given to improving visibility at the sidewalk/lane interface. Where the hedge cannot be retained in part or whole, the landscape plan will need to be revised significantly to ensure high quality layered planting, walls and fences and functional layout are provided. Design development to new walls, fences or excavation to retain neighbor vegetation in a safe and healthy manner.
6. Provision of a 2-foot-wide landscape strip and columnar hedge (or a combination of trees and hedges) along the south property line to improve privacy between neighbors.

7. Provision of additional small species trees (minimum of four) in the south patio and planter areas.
8. At time of development permit application, provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

Note to Applicant: The Landscape Plan should include a Plant List which includes *all* proposed plant names, sizes, and quantities, and is keyed to the Landscape Plan. The Landscape Plan should also include all surface treatments, site furniture, lighting, hose bibs, retaining walls, at-grade utilities, and public realm details (including street trees, lamp posts, fire hydrants, sidewalks and curbs).

9. Provision of a Tree Plan, including dimensioned tree protection barriers.

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

10. Provision of large scale sections [typical] through the landscaped areas, including the north, south and west interface.

Engineering

11. Provision of adequate garbage and recycling storage for the site and clarification of the garbage pick-up operation.
12. Deletion of portions of the trell is shown encroaching over the north property line.
13. Indication on the landscape plans that the existing hedge that surrounds the site will be trimmed back, so as to be at least 0.30 m (1.0 ft.) behind the back of the City sidewalk, in order to provide adequate width for pedestrians.

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

Engineering

1. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the services

are provided. No development permit for the site will be issued until the security for the services is provided.

- (i) Provision of sewer service to meet the sewage and drainage demands of the project.

Note to Applicant: The rezoning application lacks the level of detail needed to determine if sewer main upgrading is required. Please supply project details including projected flow rates, square footage and fixture counts to determine if sewer 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 upgrades.

- (ii) 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 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.

- (iii) Provision of a standard concrete lane entry at the lane east of East Boulevard on the south side of 16th Avenue.
- (iv) Provision of a concrete pad in the front boulevard adjacent to the existing bus stop on the south side of 16th Avenue adjacent to the site.

- 2. Undergrounding of all new utility services from the closest existing suitable service point.

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

Affordable Housing Reserve

3. Pay the amount of \$25,000 to the City, prior to enactment of the CD-1 By-law, as a contribution to the Affordable Housing Reserve, on terms and conditions satisfactory to the Director of Legal Services.

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

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

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

- B. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as presented in Appendix C of the Policy Report dated May 23, 2012, entitled "CD-1 Rezoning: 3212 East Boulevard".
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law, generally as presented in Appendix C of the Policy Report dated May 23, 2012, entitled "CD-1 Rezoning: 3212 East Boulevard".

CARRIED UNANIMOUSLY

10. TEXT AMENDMENT: 800 Griffiths Way (Rogers Arena)

An application by Riaan De Beer, Aquilini Development and Construction Inc., was considered as follows:

Summary: To amend the existing CD-1 (Comprehensive Development) District #311 (By-law No. 7201) at 800 Griffiths Way (Rogers Arena) to permit the construction of two mixed-use buildings and one residential building. The three new buildings would be 24, 28 and 32 storeys in height. The proposal includes 37 319 m² of residential density (614 secured market rental units) and 20 000 m² of commercial density. Concurrent amendments to the Sign By-law and the False Creek North Official Development Plan are also being considered with this rezoning.

The Director of Planning recommended approval subject to the conditions as set out in the summary and recommendation of the public hearing agenda.

Council also had before it two memorandums, both dated July 10, 2012, from the Assistant Director, Central Area Planning. One memorandum responded to Council questions related to event noise and recommended an additional condition to require the installation of a permanent noise measuring system at Rogers Arena as condition of enactment.

The second memorandum brought forward additional recommendations for the application to allow for Council's initial consideration of a lease of portions of road to accommodate the underground parking structure of the proposed south tower. It also recommended revisions to conditions of approval to the building/parkade design and the future road network, and for a comprehensive pedestrian study of Northeast False Creek. The memorandum also explained a minor change to Map 4 of the False Creek North Official Development Plan.

Staff Opening Comments

Paula Huber, Planner, Northeast False Creek Group, Central Area Planning and Dwayne Drobot, Rezoning Planner, Rezoning Centre, Current Planning, presented the application and along with Kevin McNaney, Assistant Director of Central Area Planning, and Mark Bliss, BLK Consults Ltd., responded to questions regarding noise, heat mitigation, and amenities for children and families

Applicant Comments

David Negrin, Aquilini Development and Construction Inc., Walter Francl, Walter Francl Architects, and Aaron Peterson, Brown Strachan Associates, presented the application and responded to questions.

Summary of Correspondence

The following correspondence had been received on this application since referral to Public Hearing and prior to the close of the speakers list:

- 4 letters in support
- 3 letters opposed
- 2 letters regarding other issues.

Speakers

The Deputy Mayor called for speakers for and against the application.

Patsy McMillan and Daisen Gee-Wing spoke in support of the application.

The following speakers spoke in opposition to the application, noting concerns with height, noise, crowding and impact on views.

Christina Wolf
Alexander Wong
Stella Wong

Applicant Closing Comments

Mr. Negrin responded to concerns raised by the speakers and Mr. Peterson provided additional comments regarding noise implications and mitigation strategies.

Staff Closing Comments

Mr. Drobot, along with Ms. Huber, Michael Flanigan, Director, Real Estate Services, Business Planning and Services, and Dan Garrison, Housing Policy, Social Policy, responded to questions regarding height, the reasons for rentals rather than condos, possible light pollution, and rental housing.

Council Decision

MOVED by Councillor Reimer

THAT Council postpone discussion and decision on the application to rezone 800 Griffiths Way (Rogers Arena) until Thursday, July 19, 2012 at 6:00 pm.

CARRIED UNANIMOUSLY

* * * * *

The Special Council recessed at 9:55 pm on Thursday, July 12, 2012 and reconvened at 6:00 pm on Thursday, July 19, 2012, with the same members present, except for Councillors Affleck and Stevenson.

* * * * *

On Thursday, July 19, 2012, it was

MOVED by Councillor Jang

- A. THAT the application by Walter Francl Architecture, on behalf of Aquilini Development and Construction Inc. to amend CD-1 (311) By-Law No. 7201 for 800 Griffiths Way (PID 018-500-374 Lot 221, Plan LMP 12038) (the "Rezoning Site"), to permit a mixed-use development with 37 319 m² (401 698 sq. ft.) of residential floor area, 25 624 m² (275,814 sq. ft.) of commercial floor area, and 37 735 m² (406,176 sq. ft.) of Arena floor area, generally as presented in Appendix A of the Policy Report dated June 5, 2012, entitled "CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)", 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 Walter Francl Architects and stamped "Received Planning Department, April 13, 2012", provided that the Director of Planning or the Development Permit Board, as the case may be, 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 final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Urban Design

- 1. South Plaza: Design development to improve pedestrian space and desire lines on the south plaza; delete the residential bridge and water feature wrapping the south sides of the lobby adjacent to the street corner, and reduce the width of the water feature on the east side of the lobby. Provide a 3 feet maximum width planter or other privacy buffer outside the lobby glass walls. This results in the hardscape area remaining equal to existing.
- 2. South Plaza: Recess the parking exit stair glass box further north into the proposed planter, to minimize its visual and physical intrusion into the plaza.
- 3. North Plaza: Maintain the amount of integrated seating shown, and revise the new north planter to "capture" the obstructive SkyTrain column, and soften the sharp corner at the sidewalk.
- 4. North Plaza: NOTE regarding "Future Potential Seating" as labeled on some drawings; patio seating in the plaza must be submitted for separate permit and approval. Any mention or drawings that show such patio seating, anywhere in the application, are not to be construed as included in this rezoning application, and endorsement is not implied.
- 5. South Tower: design development to maintain all tower support columns as small and slender as possible, to not increase in number and remain rounded (as shown) to not become pedestrian obstacles. This is critical to allow the plaza function, and the cost of these special columns and other structural implications must be carried throughout the project.
- 6. South Tower: design development to maintain the 9.5 metre minimum clear height to the first soffit above the plaza, to ensure a comfortable scale and adequate sunlight reaches the public plaza.

7. South Tower: design development to maintain and enhance the undulating form, three-part floor plans, and colorful ground plane elements as shown, at this strategic and highly visible location.
8. South Tower: design development to relocate the south tower to accommodate the future road dedications/options to purchase as required by Engineering (see Appendix D).
9. West Tower: design development to maintain the material treatment of the residential floors, including the diagonal struts which add interest to the top 2 floors, and enhance the character, quality and potentially color of the tower top.
10. West Tower: design development to anticipate modifications to the Georgia Viaduct or its replacement, and adjustments needed to create safe, generous and smooth transitions from public sidewalks, ramps and/or concourses.
11. West Tower: design coordination and development of currently designed West Tower columns, to anticipate and accommodate structural beams/elements needed for any future changes to the Georgia Viaduct and connecting Rogers concourses.

Note to Applicant: the tower columns (soon to be under construction) on the south edge along Griffiths Way (approximately 4), should include haunches or similar features at 2 levels to receive future beams that would support the 2 level concourse required of Rogers for arena access/exiting. The objective is to eliminate redundant columns that would encroach on the already minimal pedestrian sidewalks and street widths below. Applicant shall coordinate closely and with due urgency, with City Engineering and planning staff to design a rational column and beam placement that does not compromise pedestrian or vehicle flows at Griffiths way.
12. East Tower: design development to maintain the ground level loading turn-table, the recessed retail at the corner, and the minimal columns that intersect the existing stairs and public walkways.
13. All 3 Towers: design development to maintain the sustainable features conceptually shown (roof gardens, urban agriculture, parapet turbines, full-height green walls, etc.) or equivalent features of same or better value. Integrate these features into the architectural expression so that each tower has a distinct identity and character, even if designed by the same firm(s).
14. All 3 Towers: design development to maintain and enhance the noise mitigation features shown (enclosed balconies, special double glass balconies, etc.), especially on the facades facing the arena noise source. The south and west façade of the south tower must comply with noise criteria towards the noise source of BC Place.

Engineering

15. At the development permit stage, the following charges on title will be required to be modified or replaced:
 - (i) Easement and Indemnity Agreement BG375438: To allow the numerous features proposed upon the two unopened streets (under the viaducts) and at other locations within the easement area.
 - (ii) Statutory Rights-of-Way BG375404 and BG375441: to allow the East and South Towers within the Rights-of-Way areas.
 - (iii) Statutory Right-of-Way BH343593: to allow the South Tower within the Right-of-Way area.
 - (iv) Statutory Right-of-Way BG375404 : to allow the South Tower underground parkade to be located a minimum of 1 metre back from the edge of the adjacent Georgia Viaduct.
16. Provision of Class B loading to the satisfaction of the GMES, including the completion of a loading management plan and shared-use agreement for any loading shared between commercial and residential uses.
17. Parking and loading design must conform to the Engineering Parking and Loading Design Supplement.
18. Make suitable arrangements to the satisfaction of the GMES and DLS for the removal of concrete planters and restoration of pedestrian bridges which are over Expo Boulevard adjacent to the Georgia and Dunsmuir Viaducts, including amendments to any legal agreements.
19. Make arrangements to the satisfaction of the GMES for all off-site parking under Roger's Arena and the South Tower.
20. Provision of a Parking Study outlining how the parking for the site will operate. The study should include a detailed summary of the overall parking for BC Place and Roger's Arena in the surrounding area and the parking plan for Roger's Arena showing the proposed parking breakdown for this rezoning application.
21. Remove loading space on Griffith's Way shown on drawing 5.3.L31.
22. Provision of a maximum slope of 10% for the first 20 ft. (6 m) of the ramp and provision of a transition ramp of 7.5% 10% for at least 13 ft. (4 m) at the bottom of a 15% slope.

23. Provision of a cross section of the parking ramp and loading bay for the south tower showing the required 12' 6" (3.8 m) loading vertical clearance and 7' 6½" (2.3 m) disability clearance.
24. Provision of a Viaduct Deconstruction Plan showing construction vehicle manoeuvring within the proposed right-of-way between the existing Georgia Viaduct and the South Tower.

Note to Applicant: Portions of parkade within this right-of way must be designed to accommodate appropriate vehicular loading.

Sustainability

25. The heating and domestic hot water system for the East and South Towers shall be designed to be compatible with a hot-water distribution district energy system in order to connect to the City of Vancouver's Retail Franchise holder for North East False Creek Low Carbon Heating Services for supply of all heating and domestic hot water requirements of the buildings as required under the North East False Creek Official Development Plan. Design provisions related to district energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *District Energy Connectivity Standards* for specific design requirements, which include provisions related to the location of the mechanical room, centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for District Energy compatibility are provided for in the mechanical design. A declaration signed by the registered professional of record certifying that the district energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.
26. Waste heat recovery and reuse from Rogers Arena's refrigeration equipment shall be incorporated into the HVAC design of the West Tower. Detailed design of the HVAC and mechanical heating system for each building, including the approach to heat recovery, must be reviewed and approved by the General Manager of Engineering Services.
27. Building designs shall include adequate space and design provisions to support connection to the district energy system to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Design shall provide suitable space for the installation of the district energy system equipment with adequate provisions for connection to outside district energy system distribution piping and communications conduit. District energy equipment may include, but is not limited to, energy transfer stations (ETS), a steam to hot water converter station sized for neighbourhood service provision,

and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions, sleeve details, and servicing needs. The developer shall make available use of sewer and potable water piping. The space provided for district energy system equipment shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C. As required, the developer must provide dedicated electrical services required to service the district energy system equipment, to the satisfaction of the General Manager of Engineering Services.

28. No heat producing fireplaces are to be installed within buildings.
29. Provision of a Green Mobility and Clean Vehicles Strategy that includes how more sustainable travel will be achieved and 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.
30. 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.
31. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the development.
32. Identification on the plans and elevation of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming LEED® Gold equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set.

Planning

33. Provide a report prepared by professionals in acoustic and mechanical engineering that demonstrates how using noise isolation design strategies and passive and/or mechanical cooling, the building will meet the following performance criteria:
- (i) mitigate event noise to achieve noise levels between 40 dBC and 50 dBC within the units during event periods; and
 - (ii) ensure summertime internal thermal comfort levels in line with ASHRAE 90.1 V. 2007 (with windows closed).

Note to Applicant: While the preliminary report provided with the rezoning application indicated noise within the units at 50dBC, the applicant should consider additional measures to reduce this noise level at the development permit stage, including but not limited to triple glazed windows.

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

Engineering

1. Clarification is required as to whether it is the applicant's intention to create airspace parcels for the East, South and West towers. If so, Section 143 (1)(b) of the Land Title Act states that "the land of which the air space parcels are part is shown as a single parcel on a subdivision plan or a reference plan deposited under this Act."
2. Registration of a Bridge Proximity Agreement over the Rezoning Site, including permitting the City and any permittee or licensee of the City to gain access to the Rezoning Site and any buildings and improvements located thereon, to conduct any required work including bringing materials on to the Rezoning Site to allow for the future removal of the Dunsmuir and/or Georgia Viaducts (Viaducts). The owner further acknowledges and agrees that if the Viaducts are removed in the future that vehicular and/or pedestrian access to the Rezoning Site from City streets may be restricted.
3. All legal notations, non-financial charges, liens and interests registered on title to the lands which may affect this application must be evaluated to determine whether they impact on the proposed development. The Conditions in this Appendix B(c) may be varied by the

Director of Legal Services based on this determination. The applicant's lawyer must submit to the City a title summary containing the following information:

- (i) copy of the Land Title Office search for all lots involved in the application;
- (ii) a summary of the contents of each notation, non-financial charge, lien or interest on title containing a general description of the issues addressed by the document. The summary must also provide the lawyer's opinion as to whether the notation, charge, lien or interest will impact on the rezoning of the Rezoning Site and if so, how; and
- (iii) a copy of any of the notations, non-financial charges, liens or interests which may impact the rezoning of the Rezoning Site.

Note to Applicant: The letter enclosing the title summary must be addressed to the City of Vancouver.

4. Provide fire flow rates for this development to confirm the fire demands necessary for the site, complete with details for the scenario for which this was calculated. (Maximum GPM to meet fire protection needs as supplied by the applicant's mechanical consultants).

Note to Applicant: Once a review of this information is completed, Engineering Services will determine if water system upgrading is required for the Rezoning Site and if so required, detailed water system upgrading provisions will be included in the Services Agreement. The developer will be responsible for 100% of any water system upgrading that may be required.

5. Registration of a Statutory Right-of-Way and Option to Purchase Agreement for road purposes, at a nominal price, over a portion of the site adjacent to both Pacific Boulevard and Griffiths Way and a further 2.0 m wide Statutory Right-of-Way, all as shown in the plan attached in Appendix D.

Note to Applicant: The purpose of the above is to provide for the redesign of Pacific Boulevard if the Georgia Viaduct is altered as part of the Viaducts Review.

6. Dedication of an approximate 38 m² of the western portion of the site adjacent to Griffiths Way as shown on the plan attached in Appendix D of the Policy Report dated May 31, 2012, entitled "CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)".
7. Provision of Public Plaza Agreement, including Statutory Rights-of-Way, for public access and use over the proposed North Plaza and South Plaza, including 24 hour access, and obligations on the owner to maintain these spaces.

8. Provision of a Pedestrian Bridge Agreement, including a Statutory Right-of-Way for design, construction, public access and use of a grade separated pedestrian connection between the Rezoning Site and the Stadium-Chinatown SkyTrain Station. For those portions of the connection located off-site, the owner shall obtain from TransLink all such rights-of-way necessary for the construction and maintenance of the pedestrian connection.

Note to Applicant: Arrangements will need to be made for any modifications required to the existing Street Use Agreement between TransLink and the City to accommodate the proposed pedestrian connection.

9. Make arrangements for the proposed underground parking structure under City Street, subject to Council approval prior to enactment, to raise title to a portion of Griffiths Way between Expo Boulevard and Pacific Boulevard, and to close, stop up and lease from the City at fair market value, to be paid on an annual basis for the term of the lease, the volumetric portion thereof to contain that portion of the development located herein, including arrangements for any utility relocation or reconstruction required.

Note to Applicant: The lease is to be for the life of the proposed underground parking structure. The volumetric lease parcel configuration must respect public utility requirements. An application to the City Surveyor is required.

10. Execution of a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. Without limiting the discretion of the General Manager of Engineering Services and the Director of Legal Services, this agreement shall include provisions that:

- (i) no Development Permit in respect of any improvements to be constructed on the Rezoning Site pursuant to this rezoning will be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services and security for the services is provided;
- (ii) the design of all Services will be completed to the satisfaction of the General Manager of Engineering Services prior to tendering for the construction of any of the Services or any construction of the Services if the Owner decides not to tender the construction;
- (iii) no occupancy of any building or improvements constructed pursuant to the rezoning will be permitted until all the Services are completed to the satisfaction of the General Manager of Engineering Services; and

- (iv) in addition to standard utilities and utility extensions, necessary Services will include:
 - a. the design and installation of all storm, sanitary and water systems as required by the development (at this time, it has been determined that a sanitary sewer upgrade will be required on Pacific Boulevard from Abbott Street to Griffiths Way);
 - b. design and construction of public realm improvements adjacent to the Rezoning Site in accordance with any required public realm plans or streetscape plans issued or required by the City and any other guidelines issued by the City which such work is to include, but is not limited to, installation of lighting, street trees, soil cells and/or structural soil and specialty paving. All existing utilities, electrical works, street lighting, trolley poles and bases, traffic signals and related infrastructure are to be relocated where curb adjustments are necessary;
 - c. the design and construction of the proposed North Plaza and South Plaza including the installation of three public water fountains (in the North Plaza, South Plaza and near the West Tower);
 - d. the design and construction of the weather protected pedestrian bridge proposed from the west side of the Rogers Arena to BC Place and the future Georgia Steps or Georgia Street;
 - e. the design and construction of a weather protected public pedestrian connection from the Rogers Arena site to the Stadium-Chinatown SkyTrain Station, including, but not limited to, the station entry building, stairs, elevator, covered bridge, and modifications to the existing station, as deemed necessary by the General Manager of Engineering Services; and
 - f. the design and construction of a full two-way Griffiths Way, between Expo Boulevard and Pacific Boulevard, the length of the widening to be determined by the General Manager of Engineering Services.

- 11. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switch gear(vista switches) and pad mounted transformers and kiosks (including non BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features. The development is not to rely on secondary voltage from existing overhead electrical network on 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.

12. Make arrangements for:
 - (i) the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces required by the Parking By-law;
 - (ii) a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
 - (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; and
 - (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 at all times.
13. Enter into a Stadium Parking Agreement with the City, in registerable form, to charge the Rezoning Site with the operation and maintenance of the existing 150 Stadium parking spaces on the rezoning site.

Note to Applicant: Stadium parking stalls under this Agreement must be designated for shorter term (hourly and daily) public parking during daytime hours and will not count toward the minimum parking requirements for the site.
14. Execute a Floodplain Covenant for the rezoning site to the satisfaction of the Chief Building Official.

Planning

15. Execute an Inner-City Local Employment and Procurement Agreement between the applicant and the City for the construction of the project on the Rezoning Site.
16. Enter into a Good Neighbour Agreement with the City regarding liquor hours of operation and noise protocols for Rogers Arena.

Social Development

17. Execute a Housing Agreement to secure 614 residential units (with a total area of 37 319 m²) in this development as rental for the life of the building or 60 years, whichever is longer, and to include registerable covenants in respect of all such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such other terms and conditions as are satisfactory to the Director of Legal Services, the Managing Director of Social Development. Such number of housing units may be varied by the Managing Director of Social Development if the mix of units is varied to provide for more family units.

Note to Applicant: This Housing Agreement will be entered into by the City by by-law pursuant to Section 565.2 of the *Vancouver Charter*.

Sustainability

18. Make arrangements for appropriate agreements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for connection of the South and East Towers within the development to North East False Creek Low Carbon Heating Services to supply all heating and domestic hot water requirements of each building, in accordance with the Northeast False Creek Official Development Plan and the City's policies for low-carbon energy supply.

Note to Applicant: Unless and until the City has selected a retail Franchisee for NEFC low carbon district heating services, the Applicant will be prohibited from entering into any energy supply contract (other than for electricity, or natural gas required for processes not including space heating and domestic hot water) that does not give the Applicant and all future owners of the property the right to cancel such contract in whole or in part without cause or liability. No such energy supply contract will be entered into without the prior written approval of the General Manager of Engineering Services.

19. Provision of an option to purchase in favour of the City (with the right to assign the option to purchase to a utility operator) a minimum 93 m² suitable site on the Rezoning Site to be utilized for a neighbourhood scale steam to hot water converter station and any associated equipment. The site must be agreed upon and be to the satisfaction of the General Manager of Engineering Services.

Public Art Program

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

Note to Applicant: Public art application and fulfillment options can be discussed with the Public Art Program Manager, Bryan Newson (604.871.6002).

Soils

21. Submit a site profile to the Environmental Protection Branch (EPB).
22. 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.
23. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site 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 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 rezoning site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application to amend the False Creek North Official Development Plan, By-law No. 6650, generally as presented in Appendix C of the Policy Report dated June 5, 2012, entitled "CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)", be approved.
- C. THAT the application to amend Schedule E of the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" DD], generally as set out in Appendix C of the Policy Report dated June 5, 2012, entitled "CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)", be approved.

- D. THAT, subject to enactment of the CD-1 by-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated June 5, 2012, entitled “CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)”.
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law, generally as set out in Appendix C of the Policy Report dated June 5, 2012, entitled “CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)”.
- F. THAT Council approve in principle a Housing Agreement pursuant to section 565.2 of the *Vancouver Charter* securing 614 residential units (with a total area of 37 919 m²) as rental for the life of the building or 60 years, whichever is longer, including a no separate sales and a no stratification covenant and such other terms and conditions as the Director of Legal Services may require in respect of such units, to the satisfaction of the Director of Legal Services and Managing Director of Social Development;

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law to authorize such Housing Agreement, and after by-law enactment, to execute and register the Housing Agreement.

- G. THAT the Conditions of Bylaw Enactment as presented in Appendix B of the Policy Report be amended by adding the following condition:
 - “23. Execution of an agreement providing permanent monitoring of the noise levels from events at Rogers Arena ensuring the noise levels within the residential units (excluding enclosed and unenclosed balconies) do not exceed an average of 50 dBC when measured using an approved sound meter for a continuous period of fifteen (15) minutes. The agreement shall be to the satisfaction of the General Manager of Community Services and the Director of Legal Services and shall include the following:
 - a) the provision, operation, and maintenance of a permanent monitoring system installed on the roof of Rogers Arena and the outside wall of each residential building with noise receptor locations determined by the City of Vancouver; system selection, design specifications, reporting and inspection requirements and software/hardware satisfactory to the General Manager of Community Services.
 - b) The obligation of the applicant at its cost to provide initial reporting of noise levels generated from Rogers Arena prior to enactment of the by-law. This initial reporting shall be for a period of three months to demonstrate the actual dBC levels generated by all events at the Arena.
 - c) The obligation of the applicant at its cost to provide ongoing reporting, monitoring and inspecting on noise levels generated from Rogers Arena post-enactment for the life of the residential

buildings, based on records maintained by the applicant (including input from the operator of the monitoring system) and provided to the City upon request.”

- H. That Appendix C be amended by amending Section 14B of the Noise By-law No. 6665 to add a new subsection (d) as follows:
- d) emanates from Rogers Arena during a concert or sporting event, provided that the sound level does not exceed an average of 82 dBC (leq) when measured using an approved sound meter at the point of reception for a continuous period of fifteen (15) minutes
- I. THAT Council approve in principle the proposal to stop up, close and lease volumetric portions of Griffiths Way and the road under the Georgia Viaduct at fair market value to the registered owner of the Rezoning Site to accommodate the underground parking structure proposed to be within the these areas;
- FURTHER THAT the General Manager of Engineering Services be instructed to bring back to Council, prior to the enactment of the rezoning, a report seeking Council approval to stop up, close and lease this volumetric portion of Griffiths Way and the road under the Georgia Viaduct
- J. THAT conditions of approval (c)6 and (c)9 in Appendix B to the Policy Report dated June 5, 2012, entitled “CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)” be replaced with the following:
- 6. Dedication of an approximate 22 m² of the western portion of the site adjacent to Griffiths Way as shown on revised Appendix D attached to this memo. The dedicated area is to be clear of all structures. Provision of a volumetric statutory right of way in favour of the city for approximately 16 m² of the western portion of the site adjacent to Griffiths Way as shown on revised Appendix D attached to this memo.
 - 9. Make arrangements for the proposed underground parking structure under City Street, subject to Council approval prior to enactment, to raise title to a portion of Griffiths Way between Expo Boulevard and Pacific Boulevard and a portion of the road under the Georgia Viaduct, and to close, stop up and lease from the City at fair market value, to be paid on an annual basis for the term of the lease, the volumetric portion thereof to contain that portion of the development located herein, including arrangements for any utility relocation or reconstruction required.
- K. THAT condition of approval (c)10 in Appendix B to the Policy Report dated June 5, 2012, entitled “CD-1 Rezoning: 800 Griffiths Way (Rogers Arena)” be amended to add this further requirement to the Services Agreement after (d)(vi):

“vii) contribution by the owner of up to \$25,000 for a City-led comprehensive study of pedestrian movement in Northeast False Creek.”

carried

AMENDMENT MOVED by Councillor Carr

THAT the conditions of approval be amended to include providing triple glazed windows and an air conditioning system to further mitigate the deep bass noise from events and improve the liveability of the units.

LOST

(Councillors Ball, Deal, Jang, Louie, Meggs, Reimer and Tang opposed)

The amendment having lost, the motion was put and CARRIED with Councillor Ball opposed.

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Jang

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted for Items 8 to 10, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

MOVED by Councillor Carr

SECONDED by Councillor Deal

THAT the Public Hearing be adjourned.

CARRIED UNANIMOUSLY

The Special Council recessed at 11:10 pm on Tuesday, July 10, 2012, 9:55 pm on Thursday July 12, 2012 and adjourned at 7:02 pm on Thursday, July 19, 2012.

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