

SPECIAL COUNCIL MEETING MINUTES

OCTOBER 16 AND 18, 2012

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, October 16, 2012, at 7:44 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, sign and subdivision by-laws. Subsequently, the meeting reconvened on Thursday, October 18, 2012, at 6:07 pm.

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

CITY MANAGER'S OFFICE: Sadhu Johnston, Deputy City Manager (October 16, 2012)

CITY CLERK'S OFFICE: Barbara Pearce, Deputy City Clerk (October 16, 2012)  
Rosemary Hagiwara, Deputy City Clerk (October 18, 2012)  
Tina Hildebrandt, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal  
SECONDED by Councillor Ball

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the zoning, heritage, sign and subdivision by-laws for the locations listed in the public hearing agenda.

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA): 1975 West 15th Avenue (The Macken Residence)

An application by Mr. Hitesh Neb, Formwerks Architectural, was considered as follows:

Summary: To designate the existing building at 1975 West 15<sup>th</sup> Avenue (The Macken Residence) as a protected heritage property and to approve a Heritage Revitalization Agreement (HRA) to rehabilitate the heritage building and to construct an infill building at the rear of the site. Bonus on-site density is proposed to compensate the owner for heritage conservation.

The General Manager of Planning and Development Services recommended approval subject to the conditions as set out in the Summary and Recommendation of the public hearing agenda.

#### Staff Opening Comments

James Boldt, Heritage Planning Analyst, Heritage Group, provided opening comments and responded to questions.

#### Summary of Correspondence

The following correspondence had been received on this application prior to the close of the speakers list:

- two letters and one petition expressing opposition.

#### Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Susan Hall  
Jaclyn Churcher  
Anton Okmianski

#### Applicant Closing Comments

James Bussey, property owner, provided closing comments.

#### Staff Closing Comments

Mr. Boldt responded to concerns raised by the speakers.

#### Council Decision

MOVED by Councillor Deal

- A. THAT Council add to the Vancouver Heritage Register, in the “B” evaluation category, the heritage building located at 1975 West 15th Avenue (PID: 013-265-717; Lot 18, Block 446, District Lot 526, Plan 2983 (the “Lands”)), known as “The Macken 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 “The Macken Residence” as a protected heritage property.
- 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 Macken Residence” to:

- (i) secure its rehabilitation and long-term preservation; and
  - (ii) vary the Zoning and Development By-law in respect of the Lands so to permit the rehabilitation of the heritage building and the construction of a new Infill One-Family Dwelling thereon as proposed under Development Permit Application DE415168 and as more particularly described in the Policy Report dated June 7, 2012, entitled “Heritage Designation/Heritage Revitalization Agreement (HRA): 1975 West 15th Avenue (The Macken Residence)”.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered and given priority on title to the Lands to the satisfaction of the Director of Legal Services and the General Manager of Planning and Development Services.
- E. THAT A to D above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City 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
  - (ii) 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  
(Councillors Affleck and Carr opposed)

## 2. TEXT AMENDMENT: 745 Thurlow Street

An application by Mr. John Cordonier, Bentall Kennedy, was considered as follows:

Summary: To amend the text of CD-1 (Comprehensive Development) District (493) By-law No. 10131 to remove “dwelling uses” as a permitted use.

The General Manager of Planning and Development Services recommended approval.

### Staff Opening Comments

Michael Naylor, Senior Rezoning Planner, Rezoning Centre, responded to questions.

### Summary of Correspondence

No correspondence had been received on this application since referral to public hearing and prior to the close of the speakers list.

## Speakers

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

## Council Decision

MOVED by Councillor Carr

THAT the application by Bentall Kennedy, on behalf of 2748355 Canada Inc., to amend the text of CD-1 (Comprehensive Development) District (493) By-law No. 10131 for 745 Thurlow Street (*PID: 028-194-128; Lot 1 Block 18 District Lot 185 Group 1 New Westminster District Plan BCP44449*) to remove Dwelling Uses as a permitted use, generally as presented in Appendix A of the Policy Report dated September 4, 2012, entitled "CD-1 Text Amendment - 745 Thurlow Street", be approved.

CARRIED UNANIMOUSLY

### 3. TEXT AMENDMENT: 1695 Main Street

An application by Mr. Mike Mackay, Onni Group, was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (534) By-law No. 10543 for 1695 Main Street, to allow an increase in the maximum height from 38.0 metres (124.7 feet) to 44.35 metres (145.5 feet), and to allow an increase in the permitted floor space ratio from 3.50 to 4.08, equalling 2 368 square metres (25,490 square feet) of additional floor space.

The General Manager of Planning and Development Services recommended approval subject to the conditions as set out in the Summary and Recommendation of the public hearing agenda.

## Staff Opening Comments

Grant Miller Rezoning Planner, Rezoning Centre, provided opening comments and noted that typographical errors identified in Appendix C of the Policy Report dated September 4, 2012, entitled "CD-1 Text Amendment - 1695 Main Street", were corrected in the posted by-law. Mr. Miller also responded to questions.

## Summary of Correspondence

One letter providing other comments in relation to the application was received since referral to public hearing and prior to the close of the speakers list.

## Speakers

The Mayor called for speakers for and against the application.

Francis Jameson spoke neither in support of, nor in opposition to the application, but provided comments related to parking issues.

Stephen Bohus spoke in opposition to the application, noting concerns in relation to the FSR, public consultation and protection of the view cone.

#### Staff Closing Comments

Mr. Miller, along with Kevin McNaney, Assistant Director, Central Area Planning, responded to questions.

#### Council Decision

MOVED by Councillor Louie

- A. THAT the application by Onni 1695 Main Street Holding Corp. to amend CD-1 (Comprehensive Development) District (534) By-law No. 10543 for 1695 Main Street (*PID: 028-867-424, Lot 1 Block E District Lot 200A and 2037 Group 1 New Westminster District Plan BCP50944*), to allow an increase in the maximum height from 38.00 m (124.7 ft.) to 44.35 m (145.5 ft.) and an increase in the permitted floor space ratio of 3.50 to 4.08, equalling 2,368 m<sup>2</sup> (25,490 sf.) of additional floor space, generally as presented in Appendix A of the Policy Report dated September 4, 2012, entitled “CD-1 Text Amendment - 1695 Main Street”, be approved subject to the following conditions:

#### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the revised form of development be approved by Council in principle, generally as prepared by Chris Dikeakos Architects, and stamped “Received City Planning Department, April 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. Clarification on the drawings indicating the statutory right-of-way (SRW) pathway through the site between Building “B” and Building “C”.
2. Confirmation on the drawings of the hard landscape treatment of the rail spur.

Note to Applicant: Development of this rail spur as a vehicular and pedestrian access route is a shared responsibility between the applicant and the development at 1650 Main Street, north side of the rail spur. Treatment of the rail spur should invoke historic use of this important character defining part of the Rail Yards. Provide details.

3. Design development to the setback, massing and expression, north elevation, Building “C” in the following manner:

- (i) provide a minimum sidewalk width of seven feet along the rail spur, as measured from the curb to the face of the building;

Note to Applicant: As commented on by the Urban Design Panel, increase the building setback on the north property line by approximately three feet to achieve a wider sidewalk and more generous public realm. Loading bay and recycling area to be reconfigured to accommodate a wider sidewalk.

- (ii) reshape the massing of the north elevation to emphasize and strengthen the arc of the rail spur with a continuous curving exterior wall parallel to the rail spur, extending up the 8th floor level;

Note to Applicant: As commented on by the Urban Design Panel, the proposed straight wall narrows the sidewalk and weakens the effect of the sweeping curve of the rail spur.

- (iii) further extend the commercial storefront around the corner of Main Street and the rail spur the full depth of the commercial space, providing continuous storefront glazing and weather protection;

- (iv) improved integration of the upper massing with the base treatment, providing continuity and quality of expression, pedestrian interest and scale.

Note to Applicant: Through material treatment and architectural elements, further knit the expression of the higher massing into the base, to achieve a greater consistency of appearance.

### Landscape

- 4. Further design development of the public realm landscape expression to strengthen the historic shoreline treatment in keeping with the character-defining elements outlined for Area 3C Southeast False Creek Public Realm Plan.

Note to Applicant: The shoreline element should connect with the outline [L2.0] as it crosses the lane [rail spur] from 1650 Quebec Street and winds through the south to 1st Avenue in an organic flow of combined materials.

- 5. Improved alignment of the proposed lane-edge tree planting with the adjacent property to the north to create a double-row effect.

Note to Applicant: Shift proposed trees as needed. Coordinate tree species with the trees proposed for 1650 Quebec Street approved under DE414744 and in accordance with the Southeast False Creek Public Realm Plan. Confirm the tree species for this location on the Plant List, and to be confirmed prior to issuance of the related Building Permit.

6. Provision of a secure at-grade common outdoor amenity space located between Building A and B illustrated on the Landscape Plan and coordinated with the architectural drawings.  
Note to Applicant: Gates have been provided at the north of the space, but are missing from the drawings at the south end.
7. Expansion of the common amenity deck on Level 6 of Building B to allow more space for building residents to practice urban agriculture.  
Note to Applicant: The size of the adjacent private roof deck may need to be minimized.
8. Confirmation that the proposed buildings meet “Roof-Mounted Energy Technologies and Green Roofs - Discretionary Height Increases” Administrative Bulletin.  
Note to Applicant: The CD-1 By-law regulates building height to top of roof slab with a provision to allow certain projections beyond the height limit. For projections to be considered, clarify the extent of extensive and/or intensive green roofs.

#### Sustainability

9. Clarification of the proposed sustainable features on the drawings.  
Note to Applicant: The intent is to define on the final approved permit drawings those features referred to on the LEED® checklist to attain minimum Silver level or equivalency. Consideration to include providing a cistern, water-efficient landscaping, additional solar shading panels, heat recovery systems and energy modeling studies prior to further design development.

#### Engineering

10. Removal of all items (raised terraces, stairs, gates, concrete walls, etc.) located within the required southerly 1.5 metre SRW.  
Note to Applicant: Also delete the café tables shown within this SRW.
11. Completion of a lane lighting and street lighting plan to the satisfaction of the General Manager of Engineering Services.  
Note to Applicant: The servicing agreement calls for an electrical design for lane and street lighting. Past experience suggests this should be completed as soon as possible.
12. Provision of a streetscape design plan to the satisfaction of the General Manager of Engineering Services and the Director of Planning, in keeping with the SEFC Public Realm Enhancement

Guidelines and 1st Avenue Central Valley Greenway requirements and including lane and street lighting information.

#### CONDITIONS OF BY-LAW ENACTMENT

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

##### Engineering Services

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for a surface statutory Right-of-Way over the north 1.5 metres of the site for landscaping and lighting purposes.
2. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the release of Easement and Indemnity Agreement 501555M (3 commercial crossings) prior to occupancy of any new development on this site.

Note to Applicant: Arrangements are to be secured prior to issuance of the development permit with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment is required to address this condition at the development permit stage.

3. Arrangements are to be made to the satisfaction of Director of Planning, the General Manager of Engineering Services and the Director of Legal Services for the SRW pathway through the site between Building B and Building C.

##### Community Amenity Contribution

4. The agreed Community Amenity Contribution of \$3,109,780 is to be paid to the City and such payment is to be made prior to enactment of the by-law to amend CD-1 (534), at no cost to the City and 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 sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.



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

- B. THAT consequential amendments to the Southeast False Creek Official Development Plan (By-law No. 9073) to increase by 2 368 m<sup>2</sup> (25,490 sq. ft.) the floor area limits for maximum total floor area and for maximum residential floor area for the whole of the Southeast False Creek area and for Area 3C, as set out in Appendix C of the Policy Report dated September 4, 2012, entitled “CD-1 Text Amendment - 1695 Main Street”, be approved.

CARRIED UNANIMOUSLY  
(Councillor Stevenson absent for the vote)

4. TEXT AMENDMENT: By-law amendments to support a Public Bike Share program

An application by the General Manager of Engineering Services was considered as follows:

Summary: To amend the Zoning and Development By-law, the Sign By-law, and various CD-1 (Comprehensive Development) District By-laws to facilitate the implementation of a public bike share program in Vancouver. CD-1 by-laws to be amended are:

- 1003 Pacific Street, CD-1 (169) By-law No. 5852;
- 955 Burrard Street, CD-1 (444) By-law No. 9190;
- 901 West Hastings Street, CD-1 (278) By-law No. 6885;
- 757 West Hastings Street (Sinclair Centre), CD-1 (243) By-law No. 6577;
- 1144-1152 Mainland Street, CD-1 (272) By-law No. 6819;
- 34 West Pender Street, CD-1 (348) By-law No. 7556;
- Vancouver General Hospital, CD-1 (59) By-law No. 4472;
- 1899 West 1st Avenue (Seaforth Place), CD-1 (305) By-law No. 7174;
- and
- 453 West 12th Avenue (City Hall), CD-1 (46) By-law No. 4356.

The General Manager of Planning and Development Services recommended approval.

Also before Council was a memorandum dated October 15, 2012, from the General Manager of Engineering Services, which informed Council of differences between the draft by-laws posted for this item and the by-law provisions indicated in the appendices of the Policy Report dated September 11, 2012, entitled “Implementation of a Public Bike Share Program - By-law amendments”. The memorandum also provided responses to questions of Council members from September 18, 2012, when this item was referred to public hearing.

Summary of Correspondence

One email expressing opposition to the application had been received since referral to public hearing and prior to the close of the speakers list.

## Speakers

The Mayor called for speakers for and against the application.

William Gibbens, Inluency, spoke in opposition to the application.

Erin O'Melinn, HUB, spoke in support of the application.

## Staff Closing Comments

Sadhu Johnston, Deputy City Manager, responded to questions.

## Council Decision

MOVED by Councillor Deal

THAT, to facilitate the implementation of a public bike share program in Vancouver, amendments to the Zoning and Development By-law and to the Sign By-law, generally as presented in Appendix A of the Policy Report dated September 11, 2012, entitled "Implementation of a Public Bike Share program - By-law amendments", and amendments to various CD-1 District By-laws, generally as presented in Appendix B of the above-noted Policy Report, be approved.

CARRIED UNANIMOUSLY  
(Councillor Reimer absent for the vote)

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*At 9:50 pm on Tuesday, October 16, 2012, it was*

*MOVED by Councillor Tang*

*THAT, under Section 6.8 of the Procedure By-law, Council suspend Section 2.3 (e) of the Procedure By-law in order to begin hearing from speakers on Item 5.*

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY*

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## 5. REZONING: 955 East Hastings Street

An application by Mr. Daniel Eisenberg, GBL Architects, was considered as follows:

Summary: To rezone 955 East Hastings Street from M-1 (Industrial) District to CD-1 (Comprehensive Development) District to permit a 12-storey mixed-use development, including industrial flex space and commercial uses at grade and residential units above. The proposed height is 36.6 metres (120 feet) and the proposed total floor space ratio is 6.15. The proposed residential component includes 282 market (strata) units and 70 non-market (social housing) units.

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

#### Staff Opening Comments

Grant Miller, Rezoning Planner, Rezoning Centre, provided opening comments and, along with Kevin McNaney, Assistant Director, Central Area Planning, Abi Bond, Assistant Director, Housing Policy, and Dennis Carr, Assistant Director, Social Infrastructure, responded to questions.

#### Applicant Comments

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

#### Summary of Correspondence

Council received the following correspondence on the application since referral to public hearing and prior to the close of the speakers list.

- one letter, three emails and one petition expressing support;
- three letters, three emails and one petition expressing opposition; and
- one letter and two emails providing other comments in relation to the application.

#### RISE FROM COMMITTEE OF THE WHOLE

On Tuesday, October 16, 2012, it was

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, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments for Items 1 to 4 on the public hearing agenda.

CARRIED UNANIMOUSLY

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*The Special Council recessed at 11:02 pm on Tuesday, October 16, 2012, and reconvened at 6:07 pm on Thursday, October 18, 2012, with the same members present.*

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## COMMITTEE OF THE WHOLE

On Thursday, October 18, 2012, it was

MOVED by Councillor Deal  
SECONDED by Councillor Ball

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the zoning, heritage, sign and subdivision by-laws for the locations listed in the public hearing agenda.

CARRIED UNANIMOUSLY

Mr. Miller responded to questions of Council from October 16, 2012.

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Joji Kumagai, Strathcona Business Improvement Area  
Judy McGuire  
Fern Jeffries  
Jeffrey Boone, Eastside Culture Crawl  
Chris Ball, Promosa Management Inc.  
Hendrik Hoekema, Inner City Economic Strategy  
Bob Laurie, Community Affairs Committee, Vancouver Board of Trade  
Scott Clark, Aboriginal Life in Vancouver Enhancement Society  
Marcia Nozick, EMBERS  
Doug Aason, EMBERS  
Norma-Jean McLaren  
Marilyn McKee  
Nancy Steele  
Eugene Lee

The following spoke in opposition to the application:

Tristan Markle, COPE  
Joseph Jones  
Ivan Drury, Carnegie Community Action Project  
Jean Swanson, Carnegie Community Action Project  
Harold Lavender, Downtown Eastside Resident's Association  
Isabel Minty  
Victoria Bull, DTES Local Area Planning Process

Tami Starlight  
Dave Diewert  
Homeless Dave  
Herb Varley, Co-Chair, DTES Local Area Planning Process  
Michael Clague, Co-Chair, DTES Local Area Planning Process  
Leslie Madison  
Terry Martin  
Tracey Morrison, WAHRS  
Rod Russell  
Nathan Crompton  
Louise Boilevin  
Grant Fraser  
Rick Labrin  
Kathy Shimizu  
Britta Fluevog

Francis Jameson spoke neither in support of, nor in opposition to the application, but provided comments related to parking issues.

#### Applicant Closing Comments

Mr. Lyon responded to questions.

#### Staff Closing Comments

Mr. Miller, along with Mr. McNaney and Mr. Carr, responded to concerns raised by some of the foregoing speakers.

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*At 10:00 pm on Thursday, October 18, 2012, it was*

*MOVED by Councillor Deal*

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

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY*

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#### Council Decision

MOVED by Councillor Deal

THAT Council refer discussion and decision on the application to rezone 955 East Hastings Street, to the Regular Council meeting on October 30, 2012, as Unfinished Business.

CARRIED UNANIMOUSLY

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 Jang  
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Louie  
SECONDED by Councillor Stevenson

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:35 pm on Thursday, October 18, 2012.

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