



PUBLIC HEARING MINUTES

APRIL 9, 2013

A Public Hearing of the City of Vancouver was held on Tuesday, April 9, 2013, at 6:04 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to heritage and zoning by-laws.

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 Tony Tang

ABSENT: Councillor Tim Stevenson (Sick Leave)

CITY CLERK'S OFFICE: Rosemary Hagiwara, Deputy City Clerk
Tina Hildebrandt, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Louie

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

CARRIED UNANIMOUSLY

1. **REZONING: Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules - RT 11/RT-11N and RM-7/RM-7N**

An application by the General Manager of Planning and Development was considered as follows:

Summary: To amend the Zoning and Development By-law to implement part of the Norquay Village Neighbourhood Centre Plan by rezoning certain RS-1 (One-Family Dwelling) and RT-1 (Two-Family Dwelling) Districts in the plan area to RT-11/RT-11N (multiple small houses/duplexes) and RM-7/RM-7N (rowhouses/stacked townhouses).

Council also had before it a memorandum dated April 3, 2013, from the Assistant Director of Planning, Community Planning Division, which recommended amendments to Appendix A and Appendix B of the Policy Report dated March 4, 2013, entitled "Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)", which would add a provision

concerning dedication of land for lane purposes to the district schedules of the proposed new zoning districts.

Staff Opening Comments

Matt Shillito, Assistant Director, Community Planning Division, explained the application and, along with Kirsten Behler, Planner, Community Planning Division, and Paul Cheng, Planner, Urban Design and Development Planning Centre, responded to questions.

Summary of Correspondence

Council received the following correspondence since the application was referred to public hearing and prior to the close of the speakers list:

- 4 emails and letters in support;
- 27 emails and letters in opposition; and
- 3 emails and letters regarding other matters in relation to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Anju Parmar
Devinder Parmar
Joe Lousa
Jean Wong

The following spoke in opposition to the application; many requested Council delay approval of the application until a proper public consultation process has taken place to ensure it meets the directives of the Norquay Plan:

Joseph Jones
Jeanette Jones
Elizabeth Murphy
Lewis Villegas
Mike Andruff
Stephen Bohus
Carole Walker
Larry Deschner
Randy Helten
Linda MacAdam
Rita Gastaldello-Close
Richard Nantel
Jen Pearson
Claude Martin
Linda Light
Tracey Moir
Noel Roy

The speakers list closed at 8:45 pm.

Staff Closing Comments

Mr. Shillito provided closing comments and, along with the following staff, responded to questions in regard to concerns raised by the foregoing speakers:

- Brian Jackson, General Manager, Planning and Development Services
- Harv Weidner, Senior Planner, Community Planning Division
- Kirsten Behler, Planner, Community Planning Division
- Paul Cheng, Planner, Urban Design and Development Planning Centre

Council Decision

MOVED by Councillor Louie

- A. THAT the following by-law amendments, regarding the introduction of new zoning districts into the area of the Norquay Village Neighbourhood Centre Plan, be approved:
- amend the Zoning and Development By-law to create a new RT-11 and RT-11N Districts Schedule, generally in accordance with Appendix A of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”;
 - amend the Zoning and Development By-law to create a new RM-7 and RM-7N Districts Schedule, generally in accordance with Appendix B of the above-noted Policy report;
 - rezone the Norquay Village Neighbourhood Centre Plan areas from RS-1 and RT-1 to RT-11 and RT-11N, generally as shaded in Figure 4 of the above-noted Policy Report;
 - rezone the Norquay Village Neighbourhood Centre Plan areas from RS-1 to RM-7 and RM-7N, generally as shaded in Figure 4 of the above-noted Policy Report;
 - amend the Zoning and Development By-law for consequential amendments generally in accordance with Appendix C of the above-noted Policy Report; and
 - amend the Sign By-law for a consequential amendment generally in accordance with Appendix D of the above-noted Policy Report.
- B. THAT, subject to approval of the by-law amendments at public hearing, the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Parking By-law generally in accordance with Appendix E of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”.

- C. THAT, subject to approval of the by-law amendments at public hearing, the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Subdivision By-law, generally in accordance with Appendix F of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”.
- D. THAT, subject to approval of the by-law amendments at public hearing, the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Zoning and Development Fee By-law generally in accordance with Appendix G of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”.
- E. THAT, subject to approval of the by-law amendments at public hearing, the Director of Legal Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the License By-law generally in accordance with Appendix H of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”.
- F. THAT, subject to approval of the by-law amendments at public hearing, the General Manager of Planning and Development Services be instructed to bring forward, at the time of enactment of the amending by-law, new RT-11 and RT-11N Guidelines, generally in accordance with Appendix I of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, to be adopted by resolution of Council.
- G. THAT, subject to approval of the by-law amendments at public hearing, the General Manager of Planning and Development Services be instructed to bring forward, at the time of enactment of the amending by-law, new RM-7 and RM-7N Guidelines, generally in accordance with Appendix J of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, to be adopted by resolution of Council.
- H. THAT, subject to approval of the by-law amendments at public hearing, the General Manager of Planning and Development Services be instructed to bring forward, at the time of enactment of the amending by-law, new Norquay Village Character House and Retention Guidelines, generally in accordance with Appendix K of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, to be adopted by resolution of Council.

- I. THAT, subject to approval of the by-law amendments at public hearing, the General Manager of Planning and Development Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Strata Title Policies for RS, RT and RM Zones, generally in accordance with Appendix L of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, to be adopted by resolution of Council.
- J. THAT, subject to approval of the by-law amendments at public hearing, the General Manager of Planning and Development Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Enhanced Accessibility Guidelines, generally in accordance with Appendix M of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, to be adopted by resolution of Council.
- K. THAT, subject to approval of the by-law amendments at public hearing, the General Manager of Planning and Development Services be instructed to bring forward, at the time of enactment of the amending by-law, related amendments to the Principal Dwelling Unit Combined with a Secondary Dwelling Unit Guidelines, generally in accordance with Appendix N of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, to be adopted by resolution of Council.
- L. THAT Appendix A and Appendix B of the Policy Report dated March 4, 2013, entitled “Norquay Village Neighbourhood Centre Plan Implementation - New Zoning District Schedules (multiple small houses/duplexes and rowhouses/stacked townhouses)”, be amended to include the following:
- 4.11 Dedication of Land for Lane Purposes
- 4.11.1 Where a site does not abut a lane, or abuts a lane which is less than 6.1 m in width, a portion of the site, as determined by the City Engineer, to a maximum of 3.1 m, shall be dedicated for lane purposes.
- 4.11.2 Where land is dedicated pursuant to section 4.11.1, it shall be deemed not to reduce the site area for the purpose of calculating floor space ratio.”

CARRIED
(Councillor Carr opposed)

* * * * *

At 9:47 pm it was

MOVED by Councillor Deal

THAT Council extend the length of the meeting to 11:00 pm.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

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2. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
3091 West 3rd Avenue (Muller House)

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

Summary: To add the existing building at 3091 West 3rd Avenue to the Vancouver Heritage Register, designate it as a protected heritage property, and approve a Heritage Revitalization Agreement (HRA) to permit the conversion of the heritage building to a Multiple Conversion Dwelling containing two dwelling units and the construction of a new infill one-family dwelling on the site. The application proposes variances to the Zoning and Development By-law.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the Public Hearing Agenda.

Staff Opening Comments

James Boldt, Heritage Planner, Heritage Group, was available to respond to questions.

Summary of Correspondence

No correspondence had been received on this application since it was scheduled for 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 Deal

- A. THAT Council add to the Vancouver Heritage Register in the 'B' evaluation category the residential building at 3091 West 3rd Avenue [*PID: 011-100-371; Lot 18 of Lot 1, Block 25, District Lot 192, Plan 5673* (the "site")], known as the Muller House (the "heritage building").

- 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 Muller House 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 Muller House to:
 - i. secure its rehabilitation and long-term preservation; and
 - ii. vary the *Zoning and Development By-law* in respect of the site to permit the conversion of the heritage building to a Multiple Conversion Dwelling containing two Dwelling Units and to permit the construction of a new Infill One-Family Dwelling on the site as proposed under Development Permit Application DE416162 and as more particularly described in the Policy Report dated March 7, 2013, entitled “3091 West 3rd Avenue - Muller House - Heritage Designation and Heritage Revitalization Agreement”.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered and given priority on title to the site 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:
 - 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 UNANIMOUSLY

3. TEXT AMENDMENT: 749 West 33rd Avenue (St. Vincent’s Site)
(John Paul II Pastoral Centre)

An application by Tom Fletcher, Fletcher & Company Municipal Consulting Inc., was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (82) By-law No. 4671, to add General Office and Dwelling Uses as permitted uses in sub-area C, to enable development of a 6-storey, 6,438 m² (69,299 sq. ft.) pastoral centre on the west side of the St. Vincent’s site. The centre would include offices, a chapel, archives and meeting space for the Catholic Charities of the Archdiocese of Vancouver, and nine one-bedroom apartments as housing for retired clergy.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the Public Hearing Agenda.

Council also had before it a memorandum from the Assistant Director of Planning, Current Planning Division, which provided the following additional recommendation:

THAT Appendix A of the Policy Report dated February 26, 2013, entitled “CD-1 Text Amendment: 749 West 33rd Avenue”, be amended to add the following:

- In re-numbered section 6.1, Council strikes out “3 019 hectares” and substitutes “30 190 m²”.

Summary of Correspondence

No correspondence had been received on the application since it was referred to public hearing.

Speakers

The Mayor called for speakers for and against the application.

Hugh Fraser expressed concerns regarding the potential for traffic congestion, in particular on Willow Street and requested more details on traffic implications.

Tracey Moir, Oakridge/Langara Residents Association, spoke in support of the application but requested the association be involved in the selection of the public art. Ms. Moir also expressed concerns regarding traffic congestion.

The speakers list closed at 9:59 pm.

Staff Closing Comments

Mr. Naylor, along with Paul Storer, Engineer, Neighbourhood Parking & Transportation, responded to questions regarding concerns raised by the foregoing speakers.

Council Decision

MOVED by Councillor Jang

- A. THAT the application by Catholic Charities of the Archdiocese of Vancouver (“Catholic Charities”) to amend the text of CD-1 (82) By-law No. 4671 for 749 West 33rd Avenue [*PID: 007-755-414; Block 1170 District Lot 526 Plan 14699*] (the “St. Vincent’s site”) to add General Office and Dwelling Uses as permitted uses in subarea C, to enable development of a six-storey, 6,438 m² (69,299 sq. ft.) pastoral centre, including clergy housing, generally as presented in Appendix A of the Policy Report dated February 26, 2013, entitled “CD-1 Text Amendment: 749 West 33rd Avenue (St. Vincent’s Site) (John Paul II Pastoral Centre)”, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by John Clark Architects, on behalf of Catholic Charities of the Archdiocese of Vancouver, and stamped “Received City Planning Department, September 14, 2012”, provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Provision of a greener and more active use for a substantial portion of the residential roof deck.

Note to Applicant: This can be accomplished by providing intensive planting, such as full depth planters or urban agriculture plots over 25% of the area; an extensive green roof over 50% of the area, or some combination thereof. Greening a substantial portion of the roof could also qualify for a LEED credit under the Sustainable Sites section. The edge of the roof deck facing west toward Willow Street should be designed to mitigate overlook to the residential neighbours nearby. Establish a program for the roof area that will ensure its active use by residents. Consider whether rain water management could be a visible feature in this area, connected to the storm water facility at grade.

2. Design development to the north end of the project to create a more pedestrian friendly interface to adjacent open spaces.

Note to Applicant: The site plan established for St. Vincent’s indicates that the major public open space for the campus is to be located immediately north of the new building with a pedestrian and vehicles route to the east. Further design work on the new building and landscape is needed to preserve the quality of these spaces in adding the new Willow Street access. Provide an indicative design to show how the grade changes will be appropriately treated with green landscaping and attractive retaining structures when sub-areas B and D are developed. Consider how to carry the wood elements and other distinctive features of the east elevation around to the north side to improve its pedestrian interest.

3. Design development to clarify and create a more unified exterior expression around the building that responds to each section of the design guidelines.

Note to Applicant: Material and compositional choices should be more consistent around the building, such as continuation of the distinctive wood elements and horizontal bands established on some elevations. Consider enclosing the open colonnade on the west side roof deck to avoid a blank-wall condition or unprogrammed space. Where feasible, show how the advice of the Urban Design Panel on materials such as imitation wood grain has been addressed as well.

4. Confirmation that exterior electrical fixtures will not be required, or if required, drawings showing how the fixtures will be integrated into the landscape and building.

Sustainability

5. Identification on the plans and elevations of the built elements contributing to the project's sustainability performance in achieving as required by the Green Buildings Policy for Rezoning and the Greener Larger Sites policy, including at least 63 LEED® points in total, six optimize energy performance points, one water efficiency point, and one storm water point under the 2009 rating system for new construction.

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. Provide a summary of preliminary energy modeling if possible.

Crime Prevention Through Environmental Design (CPTED)

6. Design development to consider the principles of CPTED, having particular regard for the treed and landscaped areas around the perimeter of the building on all sides.

Note to Applicant: Note the lighting and glazing that will be used to improve perceived safety in underground areas. Local institutional operations should be consulted to determine the typical risks that exist in the area. Provide a brief rationale with reference to the forgoing and note any design measures taken. Design features that address CPTED principles should be labeled on the development permit application.

Landscape

7. Design development to maximize the retention of existing trees on the site, especially along the site periphery.

Note to Applicant: The grove of Sequoias at the corner of Willow Street and 33rd Avenue should be retained and this area should be developed as a resident and neighbourhood pedestrian amenity (including walking paths and permanent seating).

8. Design development to the clergy housing roof deck of the pastoral centre to provide areas for social and recreational activities, for extensive and intensive green roofs and/or for urban agriculture. Consideration should be given to using plant materials on the roof deck that provide habitat and forage for birds.
9. Provision of a significant amount of seating along the pedestrian walkways within the site.
10. Provision of a Rainwater Management Plan for sub-area C 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.

11. Replication of natural systems for sub-area C in the Landscape Plan.

Note to Applicant: This could include the use of native plants, the protection of natural habitat from construction, the retention of soil resources, the elimination of lawn chemical use and/or the recycling of green waste.

12. Provide a detailed Landscape Plan illustrating proposed plant material, existing trees to be removed or retained, paving, retaining walls, fences, light fixtures, site grading and other landscape elements. A Plant List is required listing the common and botanical plant names as well as plant sizes and quantities. The Plan List should be keyed to the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale.

District Energy

13. The building(s) 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 and must meet the specific design requirements outlined in the City of Vancouver District Energy Connectivity Standards, 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, all to the satisfaction of the General Manager of Engineering Services. Confirmation that building design conforms to these standards must be provided prior to issuance of Stage 3 building permit through completion and certification by the design

engineer of record of the Confirmation of District Energy Connectivity Requirements letter of assurance.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the 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, the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Managing Director of Social Development and the Approving Officer, as necessary, make arrangements for the following:

Engineering

1. Provision of dedications along the south property line of the site to accommodate the final geometric design of 33rd Avenue. The agreed upon geometric changes to 33rd Avenue may require a small portion of the site to accommodate the final sidewalk location along 33rd Avenue.
2. Provision of a statutory right of way over the northwest corner of the St. Vincent's site to allow a continuation of the wellness walkway to be constructed on the Children's and Women's Health Centre site to the north, which statutory right of way will be in favour of the City and will allow for: (a) access by the public; and (b) access by the Children's and Women's Health Centre in order that it may construct and maintain the portion of the wellness walkway on the St. Vincent's site.
3. Modification of the existing Services Agreement, to include the following Owner's Works, 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 will be issued for a building until the design of the services required for that particular phase of development are completed. No occupancy of any new buildings until the services required for that particular phase of development are completed. The agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:

- i) Provision of improvements to the Heather Street vehicular point of access to manage exiting vehicles and direct them toward 33rd Avenue, as well as ensuring cyclist and pedestrians are fully considered in the proposed street work.

Note: The work is expected to include a diverter at the driveway exit from the site to protect the neighborhood north and east of Heather Street at 32nd Avenue and improving the cycling facility between 33rd Avenue and this access point.

- ii) Provision of a full traffic signal at the intersection of Willow Street and 33rd Avenue. Signal installation is to include all related road geometric changes, utility relocations, adjustments, and related works. All work is to be 100% the applicant's expense. Should a benefiting development proceed along with this project then costs may be reduced by up to 50% at the discretion of the General Manager of Engineering Services.
- iii) Provision of wellness walkway on Heather Street adjacent the site to be delivered with project phasing of adjacent buildings and provision of internal pedestrian connections to external (public) sidewalks.
- iv) Provision of temporary traffic-calming measures at 32nd Avenue and Willow Street should this project receive occupancy in advance of the permanent calming measures intended for this intersection be installed, subject to the discretion of the General Manager of Engineering Services.

District Energy

- 4. Make arrangements (including a statutory right of way and covenants in favour of the City and an approved operator of a district energy utility ("DEU") for the applicant to complete a DEU connection assessment) to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for connection to a low-carbon DEU if and when the British Columbia Utilities Commission approves a DEU operator to provide, and such DEU operator does provide, DEU services in the neighbourhood of the site, all in accordance with the City's policy from time to time for low-carbon DEU systems.

Soils

- 5. Submit a site profile to the Environmental Protection Branch (EPB).
- 6. 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*.
- 7. If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, 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.

Social Infrastructure

8. Make arrangements to the satisfaction of the Director of Legal Services and the Managing Director of Social Development to enter into a Housing Agreement securing all nine residential units in the development for 60 years or the life of the building, whichever is greater, as rental housing, and subject to the following additional conditions in respect of those units:
 - that lands and building may not be subdivided by deposit of a strata plan;
 - that none of those residential units may be separately sold;
 - that all such residential units will be rented only to retired seniors, with preference being given to retired priests from within the Archdiocese of Vancouver who have attained the age of 75;
 - that at least 30% of the residential units (the “social housing units”) will have rents affordable to priests whose incomes are below the applicable CMHC Housing Income Limits;
 - that the social housing units will comply with the definition of “social housing” in the applicable City development cost levy by-law;
 - that none of the residential units will be rented for less than one month at a time; and
 - such other terms and conditions as the Director of Legal Services and the Managing Director of Social Development may in their sole discretion require.

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

Public Art

9. Modify the public art agreement to update, for sub-area C only, the rate of the public art contribution to the current rate of \$1.81 per sq. ft. of building floor area.

Note to Applicant: The former rate of \$0.95 would continue to apply to the other sub-areas, as provided for under the 2008 Amendments.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, 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 a consequential amendment to the CD-1 Guidelines for 749 West 33rd Avenue, to update the Figure 1 site plan to show the pastoral centre building in sub-area C and associated road and landscape changes in the northwest corner of the St. Vincent's site, be approved.
- C. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated February 26, 2013, entitled "CD-1 Text Amendment: 749 West 33rd Avenue (St. Vincent's Site) (John Paul II Pastoral Centre)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, prior to enactment of the amending by-law contemplated by the above-noted Policy Report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- D. THAT A, B and C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolution 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 is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law and that any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

E. THAT Appendix A of the Policy Report dated February 26, 2013, entitled “CD-1 Text Amendment: 749 West 33rd Avenue”, be amended to add the following:

- In re-numbered section 6.1, Council strikes out “3 019 hectares” and substitutes “30 190 m2”.

CARRIED UNANIMOUSLY

4. REZONING: 2220 Kingsway

An application by Brock Cheadle, Henriquez Partners Architects, was considered as follows:

Summary: To rezone 2220 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District. The proposal is for a mixed-use development comprised of a commercial podium and three 14-storey residential towers containing a total of 404 dwelling units. A floor space ratio (FSR) of 3.8 and a building height of 45.1 m (148 ft.) are proposed.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the Public Hearing Agenda.

Staff Opening Comments

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

Applicant Comments

Gregory Henriquez and Brock Cheadle, Henriquez Partners Architects, were available to respond to questions.

Summary of Correspondence

Council received the following correspondence since the application was referred to public hearing and prior to the close of the speakers list:

- 16 emails and letters in support; and
- 25 emails and letters in opposition.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Manuel Yatco
Jojo Quimpo
Joe Lousa
Chris Taraviras

The following spoke in opposition to the application and raised concerns which included the public consultation process, inconsistencies with the Norquay Plan, traffic implications, building height and density:

Joseph Jones
Curtis Rock
Jeanette Jones
Claude Martins
Lewis Villegas
Jenny Pearson
Stephen Bohus

Anthony Shinkawa spoke neither in support of nor in opposition to the application but spoke to issues regarding the public consultation process and increased density in the neighbourhood.

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At 10:58 pm, during the hearing of speakers it was

MOVED by Councillor Deal

THAT Council extend the length of the meeting to hear from all speakers.

CARRIED UNANIMOUSLY

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The speakers list closed at 11:14 pm.

Applicant Closing Comments

Mr. Henriquez provided closing comments.

Staff Closing Comments

Mr. Miller provided closing comments and, along with Harv Weidner, Senior Planner, Community Planning Division, responded to questions.

Council Decision

MOVED by Councillor Jang

THAT Council refer decision on the application to rezone 2220 Kingsway to the Council meeting immediately following the Standing Committee on City Finance and Services on April 10, 2013, 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 Carr
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 3.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Ball
SECONDED by Councillor Jang

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 11:46 pm.

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