



## PUBLIC HEARING MINUTES

MAY 15, 2013

A Public Hearing was held on Wednesday, May 15, 2013, at 6:05 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning and development and sign 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 Tim Stevenson  
Councillor Tony Tang

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson  
SECONDED by Councillor Reimer

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

CARRIED UNANIMOUSLY  
(Councillors Deal, Jang and Louie absent for the vote)

#### 1. REZONING - 3002-3036 West Broadway

An application by Tim Orr, Orr Development Corporation, was considered as follows:

Summary: To rezone 3002-3036 West Broadway from C-2C (Commercial) District to CD-1 (Comprehensive Development) District. The proposal is for a 5-storey mixed-use commercial and residential building, containing 83 units of for-profit affordable rental housing. A floor space ratio (FSR) of 3.37 and maximum height of 18.5 m (60.7 ft.) are proposed.

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

#### Staff Opening Comments

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

#### Applicant Comments

Tim Orr, Orr Development Corporation, also explained aspects of the application.

#### 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; and
- 7 emails and letters in opposition.

#### Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Russ Batstone  
Christine Baudry  
David Conder  
Jackie Hu  
Carol Smith

The speakers list closed at 6:55 pm.

#### Staff Closing Comments

Grant Miller, Rezoning Planner, Rezoning Centre, along with Brian Jackson, General Manager of Planning and Development, Paul Storer, Neighbourhood Parking and Transportation, and Sailen Black, Senior Development Planner, responded to questions.

## Council Decision

MOVED by Councillor Louie

- A. THAT the application by Yamamoto Architecture on behalf of Orr Development Corporation to rezone:
- a. 3002 West Broadway [PID: 015-063-194; Lot 4A, except (a) part in Plan 4166 (b) part in Reference Plan 1101 and (c) the south 8 feet now lane, Block 33 District Lot 192 Plan 1003];
  - b. 3010 West Broadway [PID: 015-063-186; Lot 4, except (a) part in Plan 4166 and (b) the south 8 feet now lane, Block 33 District Lot 192 Plan 1003];
  - c. 3024 West Broadway [PID: 015-965-104; Lot 3A, except (a) the south 10 feet now lane and (b) part in Plan 4166, Block 33 District Lot 192 Plan 1003]; and
  - d. 3036 West Broadway [PID: 015-063-178; Lot 3, except (a) part in plan 4166 and (b) the south 10 feet now lane, Block 33 District Lot 192 Plan 1003];

from C-2C (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 3.0 to 3.37 to permit the development of a five-storey mixed-use commercial and residential building with a maximum height of 18.5 m (60.7 ft.) and accommodating 83 residential units secured as for-profit affordable rental housing, generally as presented in Appendix A of the Policy Report dated April 9, 2013, entitled "CD-1 Rezoning - 3002-3036 West Broadway", 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 Yamamoto Architecture and stamped "Received City Planning Department, October 12, 2012", subject to the following conditions, 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:

#### Design Development

1. Design development to improve the interface between this development's residential levels and the existing detached houses to the south.

Note to Applicant: The intent is to mitigate some of the effects of the proposed height and massing to nearby detached housing while accommodating new residential and commercial development. This can be accomplished by increasing the setback to the rear elevation; varying the façade with steps in plan and elevation; setting the fifth floor farther back than the lower levels; and reducing roof overhangs. Consider a setback of at least 9.7 m (32 ft.) for the majority of the rear elevation. Balconies should not extend into the setback more than about 2 ft., be lightweight in appearance and use translucent glazing or other privacy measures. A portion of the rear elevation, closest to Carnarvon Street and parallel to the south corner lot, may extend toward the lane, but should not be closer than permitted in the C-2C District Schedule. Show how the building massing can be adjusted to achieve view or daylight effects comparable to a four-storey building, as allowed under existing zoning.

2. Design development to the main commercial space to be more consistent with the rhythm of nearby commercial frontages and to offer more pedestrian amenity.

Note to Applicant: This can be accomplished by reducing the frontage of this space, increasing the number of entryways and retail spaces along Broadway, providing larger setback spaces to increase the pedestrian area, adding benches and planting, and/or other changes in plan and elevation to better reflect the local pattern of store fronts that are typically 50 ft. or less in width. Store design should provide an unobstructed visual connection between active shopping areas and the public realm.

3. Design development to the massing and length of the north façade to better respond to the variety of local building forms.

Note to Applicant: Consider stepping the roof line back or down for some portions to reduce the apparent horizontal length at the fifth floor roof line and other measures.

4. Design development to the west elevation to increase its visual interest in the interim condition as an exposed side wall.

Note to Applicant: Consider using the patterning, colour and materials of the east elevation facing Carnarvon Street.

5. Design development to improve access to natural light for new residences.

Note to Applicant: This can be accomplished by relocating small units to the south side, increasing window sizes, reducing unit depths, or some combination thereof.

6. Greater visual prominence for the residential entry.

Note to Applicant: This can be accomplished by increasing the residential frontage on Carnarvon Street and by the size and distinctiveness of the residential entryway and canopy.

7. Specification of high quality and durable exterior finishes that are compatible with nearby development.

#### Crime Prevention Through Environmental Design (CPTED)

8. Explore opportunities to mitigate blank walls.

Note to Applicant: in consideration of CPTED principles, exposed walls should be textured to discourage graffiti. In addition, “vine pockets” can be located to establish plants on walls.

#### Landscape Design

9. Provision of a high quality open space treatment.

Note to Applicant: The public realm treatment should be informed by street design in the Broadway corridor, including street trees, paving, outdoor furniture and planting (where applicable). Special attention should be paid to the pedestrian experience at the main entrance and lobby areas. The upper story amenity areas and private patios should be further detailed to reflect an appropriate program for users, where space permits, including a children’s play area and exploration of opportunities for urban agriculture/edible planting and other gathering activities.

10. Design development to maximize planting in the lane setback.

Note to Applicant: Wherever space permits, provide landscape planting to improve the lane environment.

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

Note to Applicant: Where applicable, the structural slab should angle down to accommodate soil and planting at grade. For any planting area, soil depths should meet or exceed BCLNA Landscape Standards (latest edition).

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

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan: "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

13. Provision of an efficient irrigation system for all common outdoor planters and individual hose bibs for all patio areas of 100 sq. ft. or greater. Notations and irrigation symbols to this affect should be added to the drawings.
14. Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

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

15. Provision of large-scale sections [typical] through the landscaped areas, including the townhouse interface, the slab-patio-planter relationship, the lane interface and common areas.
16. Illustration of spot elevations to all outdoor areas (both top and bottom of walls), including offsite context spot elevations in proximity (in the lane, for example).

#### Sustainability

17. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

Note to Applicant: Provide a LEED® checklist confirming the above and 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 of the project is also required under the policy.

#### Engineering

18. Clarify garbage pick-up operations. Provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pick up operations should not rely on bins being stored on the street or lane for pick up; bins are to be returned to storage areas immediately after emptying.

19. A canopy application is required.

Note to Applicant: Canopies must be fully demountable and drained to the building's internal drainage system.

20. Clarify small encroachment shown below the canopy on the south lane elevation (Dwg. A3.2).

#### 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, the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural 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. Consolidation of Lots 3, 3A, 4 and 4A to create a single parcel and subdivision of that site to result in dedication of the south 2 feet of Lots 4 and 4A for lane purposes.
2. 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. The agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
  - (a) Provision of widened sidewalks on Broadway where space permits. This may include adjustment to the concrete utility strip, replacement of portions or all of the existing sidewalk to allow for widened pedestrian spaces;

- (b) Provision of a standard concrete lane entry on the west side of Carnarvon Street at the lane south of Broadway;
  - (c) Provision of street trees adjacent the site where space permits; and
  - (d) Provision of asphalt lane paving of the lane south of Broadway from Carnarvon Street west for the length of the site.
3. Provision of all utility services to be underground for this development. All electrical services to the site must be primary with all electrical plant, which includes but is not limited to, junction boxes, switchgear, kiosks, other utility kiosks and pad mounted transformers, 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. Please contact Utilities Services at 604.873.7373 for further information.
4. 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.

### Housing

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all housing units as for-profit affordable rental housing pursuant to the Secured Market Rental Housing Policy (Rental 100) for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant, and subject to all such units being made available as rental housing for a term not less than one month at a time, and on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require.

## Soils

6. If applicable:
  - (a) Submit a site profile to the Environmental Protection Branch (EPB);
  - (b) 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; and
  - (c) 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 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 approval in principle of the rezoning and the Housing Agreement described in Section (c) of Appendix B of the Policy Report dated April 9, 2013, entitled "CD-1 Rezoning - 3002-3036 West Broadway", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By law for enactment, prior to enactment of the CD-1 By-law contemplated by the same 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.

- C. 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 April 9, 2013, entitled “CD-1 Rezoning - 3002-3036 West Broadway”.
- D. 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 [assigning Schedule “B” (C-2C)], generally as set out in Appendix C of the Policy Report dated April 9, 2013, entitled “CD-1 Rezoning - 3002-3036 West Broadway”, be approved.
- E. 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 April 9, 2013, entitled “CD-1 Rezoning - 3002-3036 West Broadway”.
- F. THAT A through E 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 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 rezoning the property, and 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.

CARRIED  
(Councillors Affleck, Ball and Carr opposed)

## 2. REZONING - 1300-1320 Richards Street

An application by Norm Hotson, DIALOG, was considered as follows:

Summary: To rezone 1300-1320 Richards Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposal is for a 43-storey residential tower containing 258 units, and commercial uses at grade. A floor space ratio (FSR) of 12.32, total floor area of 20,009 m<sup>2</sup> (215,375 sq. ft.), and maximum height of 126.5 m (415 ft.) are proposed.

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

Council also had before it a memorandum dated May 13, 2013, from the Assistant Director, Central Area Planning, which provided the following additional recommendation with a correction regarding the funding for the social housing and social service centre at 1107 Seymour Street, which is the subject of the Community Amenity Contribution recommendation:

THAT Appendix B of the Policy Report dated April 15, 2013, titled “CD-1 Rezoning - 1300-1320 Richards Street” be amended to replace condition (c)7(a) with the following:

- (a) payment by the City of \$4,900,660 on the completion of the purchase of the Seymour Street Site.

### Staff Opening Comments

Karen Hoese, Senior Rezoning Planner, Rezoning Centre, provided a presentation on the application, and along with Brian Jackson, General Manager of Planning and Development Services, Anita Molaro, Assistant Director, Urban Design and Development Planning Centre, and Kevin McNaney, Assistant Director, Central Area Planning, responded to questions.

### Applicant Comments

Bruno Wall, Wall Financial Corporation, explained additional aspects of the application.

### 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:

- 1 email in support;
- 8 emails and letters in opposition; and
- 1 email regarding other matters in relation to the application.

### Speakers

The Mayor called for speakers for and against the application.

Alex Renn spoke in support of the application.

The following spoke in opposition to the application:

Ernie Malone  
James Schouw  
Annie Soronow  
Morris Soronow  
Don Talbot

Lisa Martella, Executive Director, A Loving Spoonful, spoke neither in support nor opposition to the application, but advised A Loving Spoonful has been a tenant of the existing building for 19 years and will be seeking to relocate, if the application is approved.

The speakers list closed at 8:01 pm.

#### Staff Closing Comments

Ms. Hoese, along with Planning and Engineering staff, responded to questions.

#### Applicant Closing Comments

Mr. Wall responded to questions.

#### Council Decision

MOVED by Councillor Louie

- A. THAT the application by DIALOG, on behalf of 0888189 B.C. Ltd. (Wall Financial Corporation), to rezone 1300-1320 Richards Street [Lots A and B, Block 115, District Lot 541, Plan 5210, PIDs: 011-207-931 and 008-236-267 respectively] from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor area from 3.0 FSR to 12.32 FSR to allow for a 43-storey residential tower with commercial uses at grade, generally as presented in Appendix A of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street", be approved subject to the conditions set out below.

Note: Condition (c)7(a) reflects a correction noted in the memorandum dated May 13, 2013, from the Assistant Director, Central Area Planning, to change the amount of the payment by the City upon completion of the purchase of the Seymour Street Site from \$4,640,250 to \$4,900,660.

#### CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by DIALOG, and stamped "Received City Planning Department, December 8, 2011", 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 high quality architectural material treatments that will contribute to the character and quality of the building and local area.

Note to Applicant: Provision of detailed sections and elevations of typical building components is required.

2. Design development to provide weather protection for commercial frontages, amenity and primary residential entrances.

### Sustainability

3. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

Note to Applicant: Provide a LEED® checklist confirming the above and 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 certification of the project is also required under the policy.

### Crime Prevention Through Environmental Design (CPTED)

4. Design development to respond to CPTED principles, having particular regards for:
  - (a) theft in the underground parking;
  - (b) residential break and enter;
  - (c) mail theft; and
  - (d) mischief in alcove and vandalism, such as graffiti.

### Landscape

5. Design development to expand opportunities for pedestrian engagement and project identity at grade.

Note to Applicant: This could be achieved by providing more pedestrian scale articulation at street level, including soft landscape elements. This would promote the "green" image of the project, as well as enhance connectivity between public and private realm, and between indoor and outdoor spaces at grade.

6. Design development to showcase the principles of sustainability by the allowing the upper terraces to provide more visual impact from the street.

Note to Applicant: It is not apparent from the elevations provided, whether and how much green landscape will be seen.

7. Design development to ensure there is adequate depth of soil available to carry out proposed design intent of planting over structures.

Note to Applicant: Provision of a section through the planted areas at the time of development permit application, to show adequate depth of soil for the type of trees proposed, in order to allow for better root development and therefore healthier trees in the future.

8. Provision requirements at the time of Development Permit application:

- (a) A full Landscape Plan to be submitted. It should include grading, layout, materials and planting. The Planting Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities). Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. Paving, walls, railings, light fixtures, site grading and other landscape features to be keyed and referenced. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (b) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures.
- (c) A high-efficiency automatic irrigation system to be provided on all planted rooftops (illustrated on the Landscape Plan).
- (d) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Amit Gandha (604-257-8587) of Park Board regarding tree species.
- (e) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

- (f) Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.

#### Engineering

- 9. Delete the portions of exterior stairway landings shown beyond the southerly building face, on the southeast and northwest elevations, which would place them over the neighbouring property. Note: These encroachments do not exist on the plan views.
- 10. Provision of automatic door openers on all bike storage areas.
- 11. Updating of the landscape plan to reflect the downtown south sidewalk treatments, improved curb ramp at the corner of Richards and Drake and the concrete lane entry.

#### 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 General Manger of Planning and Development Services, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facilities Design and Management and 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 A and B, Block 115, DL 541, Plan 5210 to create a single parcel.
- 2. Release of Easement and Indemnity Agreement GC17607 (canopy agreement) prior to building occupancy. Note: a letter of undertaking will be required at rezoning enactment with discharge prior to building occupancy.
- 3. Provision of a public right of way (SRW) over the 3.7 m (12 ft.) setback along the Drake Street frontage of the site. Drake Street is a proposed route for the downtown streetcar, securing the 3.7 m (12 ft.) setback with a public right of way ensures that adequate pedestrian/sidewalk space will be available should the streetcar project proceed.

4. 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 are provided.

(a) Provision of a sanitary sewer main extension to serve the site. The existing Richards Street sewer is at capacity. The site is to be served off the sewer main located in the lane east of Richards Street; the existing 200 mm sanitary sewer main is to be extended approximately 50 meters to serve the site.

Note to Applicant: The sewer connections will be to the lane east of Richards and will have depth restrictions (elevation to be determined). Please contact Sewer Design branch directly to discuss sewer connection locations.

(b) Provision of an on-street cycling facility for people of all ages and abilities (separated cycling facility) on Drake Street between Richards Street and the lane east of Richards Street. In addition the cycle facility improvements are to include upgrades to a maximum of \$300,000.00, to the traffic signal at Richards and Drake to accommodate cycle movements for the separated bike lane, countdown timers and improved intersection lighting.

(c) Provision of Downtown South sidewalk treatments adjacent the site on Drake Street and Richards Street, including additional greenways treatments adjacent the Richards Street frontage of the site. Greenways treatments are to include improved street lighting, additional pedestrian level lighting and post top acorn lighting where space permits, seating, a public drinking fountain, air pump to serve cyclists, and structural soil in sidewalk and paved boulevard areas.

(d) Provision of a standard concrete lane entry at the lane east of Richards Street on the south side of Drake Street.

(e) Provision of street trees adjacent the site where space permits.

(f) Provision of improved curb ramps at the south east corner of Drake and Richards Streets.

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 with no reliance on public property for placement of these features. 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.

#### Heritage Density Transfer

6. Secure the purchase and transfer of 487.7 m<sup>2</sup> (5,250 sq. ft.) of heritage density (which has a value of \$341,250) from a suitable donor site.

Note to Applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to Applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### Housing and Social Service Centre (at 1107 Seymour Street)

7. Grant an Option to Purchase in favour of the City for 1107 Seymour Street (the "Seymour Street Site") including a stand-alone building comprised of eleven storeys containing 81 units of social housing and four storeys of social service space, for a total floor area of 7,711 m<sup>2</sup> (83,000 sq. ft.) and two levels of below grade parking, all to be designed, constructed and finished by the applicant in turn key condition, which Option to Purchase will provide for, among other things, the following:
  - (a) payment by the City of \$4,900,660 on the completion of the purchase of the Seymour Street Site; and

- (b) to ensure that construction of the building at the Seymour Street Site proceeds concurrently with the construction of the building at this rezoning site (the "Richards Street Site"), the applicant will agree and covenant that:
  - (i) no permit for the Richards Street Site will be issued until such time as the same permit has been issued for work on the Seymour Street Site, including but not limited to permits for excavation, foundation and completion of shell; and
  - (ii) no permit for the Richards Street Site will be issued subsequent to completion of the shell until such time as a final occupancy permit has been issued for the Seymour Street Site and the title to the Seymour Street Site has been transferred to the City upon payment by the City of the consideration set out in paragraph (a) above.

If the City should in any of the circumstances in Appendix B, Section C, Condition 8, of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street", cash the \$23,643,750 Letter of Credit, the provisions of Appendix B, Section (c), Condition 7, shall terminate and the applicant may develop the Richard Street Site and the Seymour Street Site without these restrictions, and the City's option to purchase the Seymour Street Site shall expire.

#### Community Amenity Contribution

8. Make arrangements prior to enactment of the CD-1 By-law to provide a letter of credit to the City to secure the payment by the applicant of the value of the in-kind Community Amenity Contribution in the amount of \$23,643,750 which the applicant has offered to the City, which payment must be made on the earlier of (i) the day before the date of expiry of the Option to Purchase provided for in Appendix B, Section C, Condition 8 of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street", and (ii) five years from the date of enactment of the rezoning by-law for the Richards Street Site, provided that:
  - (a) the Community Amenity Contribution and therefore the value of the Letter of Credit will be adjusted according to inflation as per the Statistics Canada non-residential construction price index for Vancouver on an annual basis;
  - (b) the City may forthwith cash the Letter of Credit five years from the date of enactment of the rezoning by-law for the Richards Street Site or in the event of the following:

- (i) if, after public hearing for the rezoning of the Seymour Street Site, Council does not approve in principle the rezoning of the Seymour Street Site; or
  - (ii) if, after Council approves in principle the rezoning of the Seymour Street Site, the applicant does not proceed to satisfy the conditions for enactment of the rezoning by-law within five years of the anniversary of the date of approval in principle by Council of the rezoning of the Seymour Street Site; and
- (c) on the completion by the parties of the purchase and sale of the land and improvements at the Seymour Street Site constructed by the applicant in Appendix B, Section (c), Condition 7, of of the Policy Report dated April 15, 2013, entitled “CD-1 Rezoning - 1300-1320 Richards Street”, the City will return such letter of credit to the applicant and no further amount will be owed by the applicant towards such Community Amenity Contribution.

#### Public Art

9. 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: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss the application.

#### Soils Agreement

10. If applicable:
- (a) Submit a site profile to the Environmental Protection Branch (EPB).
  - (b) 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.
  - (c) Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any of the new 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 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 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 April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street", be approved.
- C. 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 April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street".
- 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 April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street".
- E. THAT A through 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; 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 bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner.

- (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.

CARRIED  
(Councillor Carr opposed)

### 3. REZONING: 1107 Seymour Street

An application by Malcolm Elliot, Endall Elliot Associates, was considered as follows:

Summary: To rezone 1107 Seymour Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposal is for a 15-storey building providing 81 units of social housing and social service centre space. A floor space ratio (FSR) of 9.22, total floor area of 7,711 m<sup>2</sup> (83,000 sq. ft.), and maximum height of 50.3 m (165 ft.) are proposed.

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

Council also had before it a memorandum dated May 13, 2013, from the Assistant Director, Central Area Planning, which provided the following additional recommendation with a correction regarding the proposed funding for the development:

THAT Appendix B of the Policy Report dated April 15, 2013, titled "CD-1 Rezoning - 1107 Seymour Street" be amended to replace condition (c)6(a) with the following:

- (a) payment by the City of \$4,900,660 on the completion of the purchase of the Seymour Street Site.

### Staff Opening Comments

Karen Hoese, Senior Rezoning Planner, Rezoning Centre, provided a presentation, and along with Vickie Morris, Senior Social Planner, Social Infrastructure, and Kevin McNaney, Assistant Director, Central Area Planning, 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:

- 1 email in support; and
- 3 emails in opposition.

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Joss de Wet  
Jackie Haywood  
Mahmoud Virani  
Valerie Nicholson  
Brian Chittock, Executive Director, AIDS Vancouver

The following spoke in opposition to the application, the majority of whom expressed concern regarding the impacts of increased social housing in the neighbourhood:

Jon Green  
Ronel Samis  
Mark Chiasson

The speakers list closed at 9:11 pm.

## Staff Closing Comments

Ms. Hoese, along with Social Infrastructure staff, responded to questions.

## Council Decision

MOVED by Councillor Jang

- A. THAT the application by Endall Elliot Associates, on behalf of 0920346 B.C. Ltd. (Wall Financial Corporation), to rezone 1107 Seymour Street [Lots 36, 37 and 38, Block 93, District Lot 541, Plan 210, PIDs: 015-482-839, 015-482-855 and 015-482-880 respectively] from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor area from 5.00 FSR to 9.22 FSR and the height from 36.6 m (120 ft.) to 50.3 m (165 ft.) to allow for a 15-storey building providing 81 units of social housing and social service centre space, generally as presented in Appendix A of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1107 Seymour Street", be approved subject to the conditions set out below.

Note: Condition (c)6(a) reflects a correction noted in the memorandum dated May 13, 2013, from the Assistant Director, Central Area Planning, to change the amount of the payment by the City upon completion of the purchase of the Seymour Street Site from \$4,640,250 to \$4,900,660.

## CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Endall Elliott Associates, and stamped "Received City Planning Department, August 10, 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 high quality architectural material treatments that will contribute to the character and quality of the building and local area.

Note to Applicant: Provision of the building's architectural material treatment along the interior property line is required. Provision of detailed sections and elevations of typical building components is required.

2. Design development to improve the livability of the north facing units (levels 5 and 6) through increased windows.
3. Design development to provide weather protection for commercial frontages, amenity and primary residential entrances.

### Sustainability

4. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

Note to Applicant: Provide a LEED® checklist confirming the above and 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 certification of the project is also required under the policy.

### Crime Prevention Through Environmental Design (CPTED)

5. Design development to respond to CPTED principles, having particular regards for:
  - (a) theft in the underground parking;
  - (b) residential break and enter;
  - (c) mail theft; and
  - (d) mischief in alcove and vandalism, such as graffiti.

### Landscape

6. Design development to the enhancements of the public realm treatment to provide high-quality landscaped open spaces with substantial greenery and amenities to enhance the pedestrian experience and to encourage positive social interaction.
7. Provision of a diversity of high-quality landscape types incorporating all season greenery to create vibrant interior and exterior environments to improve the livability of building occupants.
8. Provision of opportunities and infrastructure for urban agriculture on roof decks.
9. Provision of hose bibs for all patios greater than 9.29 m<sup>2</sup> (100 sq. ft.) in area, including green roof.
10. Provision of maximum plant growing medium depth (to exceed BCLNA standards) for all planted areas on structures.
11. Provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching (illustrated on the Landscape Plan).

Note to Applicant: Where the deletion of irrigation for all slab planters is a strategy to earn a LEED point, provide a written rationale for the choice of plants, the amount of sun exposure, and the soil volumes. In addition, a maintenance schedule for watering the plantings during the first year following installation to ensure proper establishment; this may be hand watering. Proposed plantings should be consistent with the City of Vancouver Waterwise Planting Guidelines.

12. Provision of a fully labelled landscape plan, sections and details at the Complete Development Permit submission stage.

## Engineering

13. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the parking and loading design supplement:

- (a) Provision of a maximum ramp slope to the satisfaction of the General Manager of Engineering Services in consultation with the Director of Planning.

Note to Applicant: Provision of a 10 percent ramp grade for the first 6.1 m (20 ft.) of the parkade ramp measured from the property line and an intermediate ramp grade that minimizes the ramps slope to below 20 percent where possible. Transition ramps will be required to land the parkade ramp at the internal maneuvering aisles, the grades of which are to be acceptable to the General Manager of Engineering Services and the Director of Planning. The design is to be supplied by the applicant's traffic consultant.

- (b) Provision of a traffic warning light system for this proposed narrow ramp design.

Note to Applicant: A qualified transportation engineer whose engineering firm specializes in signal design should provide details of the warning system and note the location of all lights and detection devices on the plans.

- (c) Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints and within the parking and loading areas to be able to calculate slopes and cross falls.

- (d) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bays.

Note to Applicant: Please ensure the required overhead clearances are provided for all disability parking spaces and associated manoeuvring areas and for all loading areas.

- (e) Modify the Class B loading space to permit loading access and egress without trucks needing to cross the mouth of the lane on Helmcken Street.

Note to Applicant: Ensure that 8.5 m (28 ft.) of length for the Class B loading space is being provided.

- (f) Modify the slope of the residential loading space to a maximum of 5% slope and crossfall.
- (g) Stair connections between the residential loading and the elevator lobby should be removed and replaced with ramps.
- (h) Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

14. Please provide the following note on the landscape plan.

“This plan is Not for Construction of any public property facilities. Prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services and be issued as “For Construction”; 8 weeks’ notice is requested. No work on public property may begin until plans receive “for construction” approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details.”

#### 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, the General Manager of Planning and Development Services, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facility Design and Management 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 36, 37 and 38, Block 93, DL 541, Plan 210 to create a single parcel.
2. Provision of a Statutory Right of Way along the Seymour Street and Helmcken Street frontages to achieve a 5.5 m (18 ft.) public sidewalk dimension (curb to building face). The Statutory Right of Way is to be free and clear of obstructions.

3. 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 are provided.
  - (a) Provision of improved sidewalks on Helmcken Street adjacent the site to greenways standards.
  - (b) Provision of pedestrian scale lighting on Helmcken Street adjacent the site.
  - (c) Provision of downtown south sidewalk treatments on Seymour Street adjacent the site.
  - (d) Provision of standard concrete lane crossing on the south side of Helmcken Street at the lane entry adjacent the site.
4. 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 with no reliance on public property for placement of these features. 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.
5. 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.

### Housing and Social Service Centre

6. Grant an Option to Purchase in favour of the City for 1107 Seymour Street (the "Seymour Street Site") including a stand-alone building comprised of eleven storeys containing 81 units of social housing and four storeys of social service space, for a total floor area of 7,711 m<sup>2</sup> (83,000 sq. ft.) and two levels of below grade parking, all to be designed, constructed and finished by the applicant in turn key condition, which Option to Purchase will provide for, among other things, the following:
  - (a) payment by the City of \$4,900,660 on the completion of the purchase of the Seymour Street Site; and
  - (b) to ensure that construction of the building at the Seymour Street Site proceeds concurrently with the construction of the building at this rezoning site (the "Richards Street Site"), the applicant will agree and covenant that:
    - (i) no permit for the Richards Street Site will be issued until such time as the same permit has been issued for work on the Seymour Street Site, including but not limited to permits for excavation, foundation and completion of shell; and
    - (ii) no permit for the Richards Street Site will be issued subsequent to completion of the shell until such time as a final occupancy permit has been issued for the Seymour Street Site and the title to the Seymour Street Site has been transferred to the City upon payment by the City of the consideration set out in paragraph (a) above.

If the City should in any of the circumstances in Appendix B, Section (c), Condition 8, of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1107 Seymour Street", cash the \$23,643,750 Letter of Credit, the provisions of Appendix B, Section C, Condition 6, shall terminate and this Option to Purchase the Seymour Street Site shall expire.

### Soils Agreement

7. If applicable:
  - (a) Submit a site profile to the Environmental Protection Branch (EPB).
  - (b) 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.

- (c) Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any of the new 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 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 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 April 15, 2013, entitled "CD-1 Rezoning - 1107 Seymour Street", be approved.
- C. 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 April 15, 2013, entitled "CD-1 Rezoning - 1107 Seymour Street".
- 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 April 15, 2013, entitled "CD-1 Rezoning - 1107 Seymour Street".
- E. THAT Recommendations A through D 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; 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 bylaw rezoning the property, and 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.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Jang  
SECONDED by Councillor Ball

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

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:44 pm.

\* \* \* \* \*