



PUBLIC HEARING MINUTES

JUNE 18, 2013

A Public Hearing was held on Tuesday, June 18, 2013, at 6:09 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the heritage, sign and zoning by-laws.

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

ABSENT: Councillor Heather Deal (Leave of Absence)

CITY CLERK'S OFFICE: Wendy Stewart, Deputy City Clerk
Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Carr

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

CARRIED UNANIMOUSLY

1. REZONING: 807 Powell Street

An application by Bill Fisher, W.D. Fisher Architects, was considered as follows:

Summary: To rezone 807 Powell Street from M-2 (Industrial) District to I-2 (Industrial) District to allow for an increase within the existing building in the amount of general office use tenancies permitted, from 25% (M-2) to 33.3% (I-2).

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

Summary of Correspondence

No correspondence had been received on the application since it was referred to public hearing and prior to the close of the speakers list.

Speakers

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

The speakers list closed at 6:18 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by W.D. Fisher Architects on behalf of 122 Hawks Investments Ltd., to rezone 807 Powell Street [Lots 1 to 4 and Lot A (Reference Plan 127) and Lot B (Reference Plan 1456), Block 45, District Lot 181, Plan 993; PIDs 015-008-461, 015-008-487, 015-008-517, 015-008-533, 015-008-690 and 015-008-720 respectively] from M-2 (Industrial) District to I-2 (Industrial) District, to allow an increase in the amount of office use permitted, generally as presented in Appendix A of the Policy Report dated April 30, 2013, entitled "Rezoning - 807 Powell Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF BY-LAW ENACTMENT

That, prior to enactment of the amendment to the Zoning and Development By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of the site into a single parcel is required.
2. Clarification of the demountability and drainage of the existing canopy over City street, and the potential encroachment of the upper-storey corrugated metal cladding onto Hawks Avenue and Powell Street. An encroachment agreement will be required for any portion of the building that may encroach and, if the canopy is not demountable or drained internally, it also must be included in any encroachment agreement.

Note: A BC Land Surveyor building location certificate is required to show all encroachments. The surveyor's site plan appears to predate the installation of the exterior metal cladding. An application to the City Surveyor is required for all encroachments onto City street.

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.

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 A 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; 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

2. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
2322 Ontario Street

An application by Merrick Hunter, Chercover Massie and Associates, was considered as follows:

Summary: To add the existing building at 2322 Ontario Street to the Vancouver Heritage Register, designate it as a protected heritage property, and approve a Heritage Revitalization Agreement (HRA) to permit additions to the heritage building and conversion to a One Family Dwelling with Secondary Suite. The application proposes variances to the Zoning and Development By-law.

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

Summary of Correspondence

No correspondence had been received on the 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.

The speakers list closed at 6:20 pm.

Council Decision

MOVED by Councillor Stevenson

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the Vancouver Charter a by-law to designate as a protected heritage property the heritage building (the “heritage building”) at 2322 Ontario Street [PID: 014-742-144; the south 30 feet of Lot 1, Block 45, Plan 197, District Lot 200A (the “site”)], which is listed in the ‘C’ evaluation category on the Vancouver Heritage Register.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 592 of the Vancouver Charter a by-law for a Heritage Revitalization Agreement:
 - (i) to secure the rehabilitation and long-term preservation of the heritage building; and
 - (ii) to vary the Zoning and Development By-law to permit certain additions to the heritage building and the conversion of it to a One Family Dwelling with Secondary Suite as proposed under Development Permit Application No. DE416106 and as more particularly described in the Policy Report dated May 16, 2013, entitled “2322 Ontario Street - Heritage Designation and Heritage Revitalization Agreement”.
- C. 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 General Manager of Planning and Development Services.

- D. THAT A to C 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: 2678 West Broadway

An application by Paul Romani, Pear Tree Education, was considered as follows:

Summary: To amend the text of CD-1 (158) By-law No. 5705 to add “School - Elementary or Secondary” as a permitted use in an existing building. This would allow Pear Tree Education to share its premises with the Madrona School Society, which would operate a private elementary school for grades 1 through 7. No expansion to the building’s floor area is 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.

Summary of Correspondence

Council received one email in support of the application since referral to public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

Eric O’Donnell spoke in support of the application.

The speakers list closed at 6:24 pm.

Council Decision

MOVED by Councillor Ball

- A. THAT the application by Pear Tree Education, on behalf of D. Bonnis & Sons Ltd., to amend the text of CD-1 (158) By-law No. 5705 for 2678 West Broadway [PID: 006-851-401, Lot C, except part in Air Space Plan 20409, Block 22 District Lot 192 Plan 20165] to add “School - Elementary or Secondary” as a permitted use in an existing building, generally as presented in Appendix A of the Policy Report dated April 30, 2013, entitled “CD-1 Text Amendment: 2678 West Broadway”, be approved.
- B. THAT A 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; 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

4. REZONING: 3030 East Broadway

An application by Hanna Brus, B+H Bunting Coady Architects, was considered as follows:

Summary: To rezone 3030 East Broadway from I-2 (Industrial) District to CD-1 (Comprehensive Development) District, to remove floor space restrictions on General Office Uses and to permit a phased development of five office buildings. The site’s overall density would remain consistent with the existing I-2 zoning at a floor space ratio (FSR) of 3.0 or 89,396 m² (962,287 sq. ft.). A building height of 31.7 m (104 ft.) is 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.

Summary of Correspondence

No correspondence had been received on the application since it was referred to public hearing and prior to the close of the speakers list.

Speakers

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

The speakers list closed at 6:26 pm.

Council Decision

MOVED by Councillor Jang

- A. THAT the application by B+H Bunting Coady Architects on behalf of Broadway - Hebb Property Inc. to rezone 3030 East Broadway [PID: 010-563-199, Lot 1 Except: Firstly; Part in Explanatory Plan 4125 Secondly; Part in Plan LMP 49775 south east 1/4 of Section 36 Town of Hastings Suburban Lands Plan 7576, and PID: 010-563-237, Lot 2 south west 1/4 of Section 37 Town of Hastings Suburban Lands Plan 7576] from I-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit additional office use at 3.0 floor space ratio and building height of 31.7 m (104 ft.), generally as presented in Appendix A of the Policy Report dated April 30, 2013, entitled "CD-1 Rezoning - 3030 East Broadway (Broadway Tech Centre East)", 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 B+H Bunting Coady Architects Inc. and stamped "Received City Planning Department, April 18, 2011", 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 the exterior character and outdoor spaces to create more distinctive and visually engaging buildings with actively used outdoor spaces.

Note to Applicant: Demonstrate how the goals for street and architectural character in the area are met. Provide a design rationale with reference from the relevant sections of the Grandview Boundary Industrial Area guidelines to illustrative plan and elevation drawings in the application. See sections 2 through 5 of the guidelines. At least 75% of the wall area of exterior façades should be clear and transparent glazing where they face into a significant open space, to maintain a visual connection between people inside and outside. Buildings in excess of 200 feet long should be more varied and articulated in plan,

especially the sides of Building C and D that face the public street. Consider the comments of the Urban Design Panel, and how more colour, sustainable design features, and art can be integrated into the exterior design.

2. Clarification on all plans and elevations that proposed canopies will provide continuous and effective weather protection.

Note to Applicant: Some plans appear to show gaps in coverage. The horizontal extension of canopies should be proportional to their height above ground, with at least a 70% width to height ratio. Design should also integrate non-commercial signage, for wayfinding, and safety lighting. See sections 2.7 and 2.11.2 of the guidelines. See also Landscape conditions.

3. Identification on site plans and landscape plans of intended pedestrian routes through the site, coordinated with legal agreements to secure public passage.

Note to Applicant: Routes should be clearly labelled, generous in width, readily legible and direct, and consistent among documents. See section 2.11.2 of the guidelines.

4. Design development to the southwest plaza to better develop the space to create more pedestrian interest, support cyclists, and improve the local environment.

Note to Applicant: See Engineering, Landscape, Sustainability and Parks conditions, and show how the design will build on these requirements and local opportunities like the Central Valley Greenway to create an enhanced plaza. Consider what sustainable design features, such as rainwater management, could be expressed in this highly visible area. See the area guidelines on minimizing hard surfaces, and consider what further improvements on site can support the social and sustainable benefits of Still Creek. Refer to specific built features on the drawings that will reduce surface run-off or contamination of Still Creek. See sections 7.1, 8.2, 10.1, and 10.2 of the guidelines.

5. Provision of detailed designs to reduce to a minimum the height and visual impact of rooftop mechanical, elevator, or other structures relative to residential properties.

Note to Applicant: The width extending from east to west and the vertical height should be minimized through the mechanical and elevator design. Consider the use of more creatively designed enclosures and planted green screening.

6. Consideration to adjust building spacing, heights, and open space sizes to improve sunlight access and permit a wider range of activities for outdoor areas on the site.

Note to Applicant: Site coverage, excluding weather protection and underground floors below the plaza, should not exceed 50 per cent.

7. Confirmation on the plans that all electric transformers shall be located indoors.

Crime Prevention Through Environmental Design (CPTED)

8. Design development to show a detailed response to CPTED principles, with reference to specific design features noted on the plans and elevation.

Note to Applicant: In addition to the typical issues of break and enter, theft from automobiles, and vandalism, consider the particular issues likely to occur on this site due to the creation of internalized outdoor space that will be poorly surveilled from the street, especially after normal office hours. See also section 8.6 of the guidelines.

Landscape Design

9. Design development to retain and protect as many healthy mature trees as possible.
10. A tree retention/removal/replacement plan to be provided to clearly indicate tree types and a schedule of tree type, size and quantity.
11. Design development to allow for adequate depth of soil for all proposed planting over parkade slab, including 2.5' to 3' minimum depth for 25 and 50-year trees.

Note to Applicant: Soils should meet or exceed the latest edition of the BCLNA Landscape Standards.

12. Design development to provide clear site access and wayfinding through the entire open space system.
13. Design development to enhance north-south (transit linked) and east-west (campus linked) connectivity, by clearly delineating paths for pedestrians and bikes at grade, guided by wayfinding signage.
14. Provision of detail or image illustrating proposed entry announcements and presentation to public realm at pedestrian entrances to the site.
15. A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

16. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbours and trellises, posts and walls and water features. Planter section details must confirm and dimension depth of proposed planting on structures.
17. A high-efficiency irrigation system for automatic watering or adequate hose bibs for hand-watering to be provided on all planted rooftops, in all landscape common areas (illustrated on the Landscape Plan).
18. New 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.
19. Suitable screening, such as trellis and vines or similar devise, to be provided over the underground garage access ramps.
20. Large scale sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.
21. A Landscape Lighting Plan to be provided for security purposes.
22. Design development to allow clear visibility, lighting, site usage opportunities and other CPTED related principles, with special attention at Hebb Avenue and Broadway interfaces.
23. 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.

Green Buildings

24. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development; and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and certification of the project is also required under the policy.

Sustainable Larger Sites

25. An approach to Sustainable Site Design shall be taken and where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, incorporate urban agricultural opportunities, and replicate natural systems where feasible.
26. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the development.

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

27. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

Note to Applicant: The Green Mobility and Clean Vehicles Strategy should be coordinated with the Transportation Study and Traffic Management Plan.

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

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan (see condition 15, above).

Low Carbon Energy System

29. Implement a Low Carbon Energy System for the development which reduces greenhouse gas emissions by a minimum of 50% relative to a business as usual approach (where space and domestic hot water heating would otherwise be met through natural gas combustion and through the use of chillers and cooling towers for any space cooling requirements), OR provide for district energy connectable building mechanical design. For the latter, the building heating and domestic hot

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

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

30. Where a Low Carbon Energy System is pursued on-site, provide for any further feasibility studies and technical investigations required to confirm the economic and technical viability of the preferred approach to implementing the Low Carbon Energy technology (i.e. geoexchange or alternative) to the satisfaction of the General Manager of Engineering Services.
31. Where a Low Carbon Energy System is pursued on-site, the energy system shall be designed in such a way as to enable energy metering and the monitoring of performance metrics during system operation for the purpose of optimizing system performance and preparing system performance reports. The applicant shall refer to the *Performance Monitoring and Reporting Requirements for Low Carbon Energy Systems* for a summary of minimum requirements.
32. Detailed design of the Low Carbon Energy System, where applicable, and building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.
33. Space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment including gas-fired make-up air heaters.

Engineering

34. Provision of a revised Traffic and Parking Study to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The study should include information regarding the parking utilization on the adjacent site and a rationale for the number of spaces being provided as this site is in close proximity to rapid transit, bus service and the Central Valley Greenway.

35. Clarify the south property-line dimension. As shown on page A101 it is more than 3 feet longer than either City records or the surveyor's plan submitted in the original application.
36. The design of all driveway crossings into the site will be to the satisfaction of the General Manager of Engineering Services. Delete curb returns and show standard commercial crossings. A crossing application will be required.
37. Number all parking spaces.
38. Confirm that 2.3 m of minimum vertical clearance is provided at the bridge at gridline M/5 on drawing A205.
39. Provide an alcove to recess the bike room access from the drive aisle on gridline A5 on drawing A205.
40. Parking ramps with parking spaces along the slope should have a maximum slope of 5 percent.

Note to applicant: The ramp slopes calculate to 6-9% using the design elevations shown.

41. Provide a minimum 20-ft. wide gate for the entrance into the Loading Area at gridline N/8 on drawing A204.
42. Confirm that all parking access from the street provides a minimum of 7'-6½" (2.3 m) of vertical clearance and all loading access from the street provides a minimum of 12'-6" (3.8 m) of vertical clearance.
43. Modify the hatched markings on P3 and P4 between gridlines E-K and 4-12 that indicate pedestrian space to zebra crosswalk markings where the path crosses a manoeuvring aisle.

Note to applicant: Reduce the area that is being marked, especially by the elevators to focus the pedestrians into one crossing location.

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 satisfactory to 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 the site into a single lot.

2. Release of Easement & Indemnity Agreement 373007M (for 8 commercial crossings) prior to building occupancy. (A letter of undertaking is required).
3. If no longer required by BC Hydro, arrangements must be made with BC Hydro for the release of Statutory Right of Way BR31126. (Confirmation from BC Hydro is required).
4. Provision of statutory rights of way for east-west and north-south public, universally accessible, pedestrian access through the site at proposed primary pedestrian circulation lines generally as shown in red in Diagram 1, below.

Note to Applicant: The use of elevators may be necessary to provide universal accessibility between the lower plaza on Hebb Avenue to the inner courtyard and to the upper plaza on Broadway. Ownership and maintenance of the elevators, and of any other feature necessary to provide this connection, are to be the responsibility of the development. The SRW agreement (BB0833112) used for 2900 East Broadway (Tech Centre West) may be used as a precedent.

Diagram 1 - primary pedestrian circulation



5. Provision of a statutory right of way for space to accommodate a Public Bike Share Station (PBS).

Note to Applicant: The PBS space is to be a minimum of 15 m x 4 m in size and is to be near the intersection of Hebb Avenue and Nootka Street. Placement must consider strong solar exposure and power must be supplied to the PBS.

6. Provision of dedications to achieve the desired Hebb Avenue curb and sidewalk alignments to accommodate the final street design.

7. Provision of a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights of way for the Services are provided. No development permit for the site will be issued until the securities for the services are completed. Further details of what is to be included in the Services Agreement are listed below. The Services Agreement may provide for a phased delivery of the works acceptable to the General Manager of Engineering Services:
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant’s mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary, then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (ii) Provision of features such as curb bulges, signage, landscaping and lighting to identify the mid-block pedestrian connection proposed between this site and the existing development to the west at Virtual Way.

Note to Applicant: A separate application and approval from the General Manager of Engineering Services is required.
 - (iii) Provision of a fully actuated traffic signal and related infrastructure and street works, at the intersection of the south leg of Lillooet Street and Broadway within 10 years of occupancy of the last building of the development, at a time to be determined in the sole discretion of the General Manager of Engineering Services. The developer to be responsible for 100% of the cost of the signal works and installation.
 - (iv) Provision of traffic control measures at Hebb Avenue and Renfrew Street, should it be needed, within 5 years of occupancy of the last building of the development to address increased crossings of the Central Valley Greenway, to the satisfaction of the General Manager of Engineering Services.
 - (v) Provision of improvements to Hebb Avenue from Nootka Street to Lillooet Street in keeping with the Central Valley Greenway standards. The boulevard treatments should be similar to the treatment of Hebb Avenue west of this site and should include the following:

- New sidewalks where necessary, at a minimum of 1.8 m in width;
 - New or adjusted curbs on the north side of Hebb Avenue to match alignments to the west or to include the proposed lay-by/drop-offs should they be acceptable to the General Manager of Engineering Services. (Note: a review will be undertaken to determine an acceptable road design along Hebb Avenue);
 - Upgraded or new street lighting to greenways standards (full cut-off LED); and
 - A separate bike ramp on the south side of Hebb Avenue at the intersection with Nootka Street.
- (vi) Improvements to existing street lighting levels on all frontages of the site to meet current lighting standards.
- (vii) Provision of a minimum of four Central Valley Greenway chairs to be provided on the plaza at the corner of Nootka Street and Hebb Avenue.
- (viii) Provision of a drinking fountain on public property in close proximity to Nootka Street and Hebb Avenue and fully accessible to pedestrians and cyclists. The fountain will require a separate service connection paid for by the developer.
- (ix) Provision of street trees adjacent all frontages of the site where space permits.
8. 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 plants (including but not limited to junction boxes, switchgear, pad mounted transformers and kiosks) are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right of way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Low Carbon Energy System

9. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary to implement and operate a Low Carbon Energy System or connect to a future Low Carbon District Energy System if and when the opportunity is available and in accordance with the City's policy for District Energy Connectivity Standards, which may include but are not limited to agreements which:

- (i) For an on-site Low Carbon Energy System:
 - a. require the implementation and operation of the Low Carbon Energy System for the development that meets the greenhouse gas reduction targets detailed in Condition (b)29;
 - b. require buildings on the site to connect to the Low Carbon Energy System;
 - c. grant the operator access to the Low Carbon Energy System; and
 - d. require the delivery to the City of detailed performance reporting on the Low Carbon Energy System, on a schedule, containing information, and prepared in a form required by the General Manager of Engineering Services.

- (ii) For connection to a future Low Carbon District Energy System:
 - a. Require the buildings on the site to connect to the Low Carbon District Energy System at such time that one becomes available;
 - b. Grant the operator of the District Energy System access to the building mechanical system and thermal energy system - related infrastructure within the development for the purpose of enabling District Energy System connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
 - c. Provide for adequate and appropriate space to be utilized for an energy transfer station (to be secured either through a long-term lease or through an assignable option to purchase agreement).

Soils

If applicable:

- 10. Submit a site profile to the Environmental Protection Branch (EPB).

- 11. 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.

- 12. 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 satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Public Art

13. 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.

Note to Applicant: Please call Bryan Newson, Public Art Program Manager, at 604-871-6002, to discuss your application.

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 District in accordance with Schedule B to the Sign By-law [assigned Schedule "B" 1-2], generally as set out in Appendix C of the Policy Report dated April 30, 2013, entitled "CD-1 Rezoning - 3030 East Broadway (Broadway Tech Centre East)", 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 to include this CD-1 in Schedule B, generally as set out in Appendix C of the Policy Report dated April 30, 2013, entitled "CD-1 Rezoning - 3030 East Broadway (Broadway Tech Centre East)".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law to include this CD-1 and to provide parking regulations, generally as set out in Appendix C of the Policy Report dated April 30, 2013, entitled "CD-1 Rezoning - 3030 East Broadway (Broadway Tech Centre East)".
- 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; 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

* * * * *

At 6:27 pm, after the conclusion of Item 4, Councillor Affleck declared Conflict of Interest regarding Item 5, as he lives across the street from the proposed application at 1396 Richards Street. Councillor Affleck left the Chamber and did not return for the remainder of the meeting.

* * * * *

5. REZONING: 1396 Richards Street

An application by Alan Boniface, DIALOG, was considered as follows:

Summary: To rezone 1396 Richards Street from DD (Downtown) District to a CD-1 (Comprehensive Development) District. The proposal is for a 42-storey mixed-use building with 269 residential units, of which up to 130 would be rental units, and a 37-space childcare facility. A height of 127.4 m (418 ft.), a floor space ratio (FSR) of 8.87, a residential floor area of 24,543 m² (264,192 sq. ft.), and a retail floor area of 163 m² (1,753 sq. 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

Karen Hoese, Rezoning Planner, Rezoning Centre, explained the application and along with Anita Molaro, Assistant Director, 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:

- two emails and letters in support; and
- nine emails and letters in opposition.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Stephen Parsons
Fritz Vaneck
Sylvia Lim
Margaret Slade

The speakers list closed at 7:04 pm.

Staff Closing Comments

Karen Hoesé, Rezoning Planner, Rezoning Centre, Anita Molaro, Assistant Director, Urban Design, Paul Storer, Neighbourhood Parking and Transportation Engineer, and Michelle Vernooy, Social Planner, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Richards Street Management Corp. (Onni Group) to rezone 1396 Richards Street [PID: 006-070-914, Lot C, Block 115, District Lot 541, Plan 5210] from DD (Downtown) District to a CD-1 (Comprehensive Development) District, to increase the floor area from 5.0 to 8.87 to allow for a 42-storey residential tower with a nine-storey podium containing up to 130 secured market rental units with retail use and a 37-space childcare facility at grade, generally as presented in Appendix A of the Policy Report dated May 6, 2013, entitled “CD-1 Rezoning - 1396 Richards Street”, be approved subject to the following conditions:

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, August 23, 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. Design development to reduce the overall height and scale of the podium to better reflect the streetwall scale and massing anticipated within the Downtown South Guidelines by:
 - (a) a reduction in the overall podium height to a maximum height of 25.5 m (84 ft.);
 - (b) an emphasis of the streetwall massing cornice line (level 7) to a maximum height of 22.1 m (72.67 ft.);
 - (c) provision of 3.7 (12 ft.) setback for level 9 (amenity) measured from the Richard Street facing façade of level 8; and
 - (d) a reduction in overall length of level 9 massing (amenity) to a maximum length of 50 % of the Richards Street podium frontage.

2. Design development to improve the podium massing to better transition between the proposed building and the adjacent property to the north.

Note to applicant: This can be achieved by terracing levels 7 and 8 to better respond to the scale of the adjacent podium. A minimum of a 3.1 m (10 ft.) setback at level 7 and a 6.1 m (20 ft.) setback at level 8, measured from the shared property line should be provided.

3. Design development to the upper portion of the building to further refine and enhance its architectural contribution to the city skyline and the public view cone.

Note to applicant: Service equipment including window washing infrastructure and cellular tower and antennae elements are not supportable incursions into the public view cone.

4. Design development to provide variety and interest to the architectural expression of the tower and podium building with high quality durable materials that will contribute to the character and quality of the area.

Note to applicant: A high quality development that establishes a robust, compatible character with the existing neighbourhood fabric is sought. The use of masonry on the street level facades of the mid-rise and podium portions of buildings is strongly encouraged.

5. Design development to provide for a more seamless interface between the Richard's Street public sidewalk and the residential tower entry and lobby.

Note to applicant: This can be achieved by increasing the main floor elevation of the tower residential lobby and eliminating the change of grade and need for stairs.

6. Design development to the ground-oriented storefront, display and weather protection systems to ensure variety and pedestrian interest in the expression of the tenancies along the street frontages.

Note to applicant: Weather protection for commercial and cultural amenity frontages and primary residential entrances should be provided.

7. Design development to the balconies within the podium overlooking the children's play area to minimize opportunities of elements falling.

Note to applicant: This can be achieved by providing high guards and railings that do not support the placement of objects.

8. Design development to minimize the visual impact of exposed mechanical vents.

Note to applicant: Mechanical vents should not be located within the public realm setback along Richards or Pacific Streets.

Crime Prevention Through Environmental Design (CPTED)

9. 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.

Sustainability

10. 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. Confirmation of LEED® registration of the project is also required under the policy.

Landscape

11. Design development to improve accessibility to the corner plaza at Richards Street and Pacific Boulevard. The grade of the plaza should be raised to the level of the adjacent public sidewalk in order to create a seamless transition across the property line between the public realm sidewalk and the plaza.

Note to applicant: The plaza should meet the building grades along Richard and will need to angle downwards to meet the sloping grade of the Pacific Boulevard sidewalk.

12. Provision of additional visual amenity and interest to the corner plaza through the provision of seating and additional low shrub planting.
13. Provision of access for all condominium residents to the 10th floor amenity patio located adjacent to the urban agriculture plots.
14. Provision of adequate solid volumes for all trees planted on slab, in order to ensure good health and longevity. Recommended soil depth for medium to large trees is between 36 and 48 inches.

Note to applicant: The two tree planters located at the pond edge along Richards Street may need to be enlarged in order for the trees to survive.

15. Provision of a new public realm along Richards Street and along Pacific Boulevard. The Richards Street public realm should match the Downtown South Design Guidelines. Details of the public realm must be to the approval of the General Manager of Engineering. Consideration should be given to removing the concrete from the sidewalk bulge on Richards Street and providing a low planting of mixed shrubs.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and public realm details and the Park Board (604.257.8587) for tree species selection and planting requirements.

16. Provide large scale sections ($\frac{1}{4}''=1'$) through illustrating the soil depths for the planters on the amenity decks, the children's play area, the tower roof deck and the lane edge planters.
17. Design development to locate, integrate, and fully screen any lane edge emergency generators, transformers, gas meters and any parking garage vents in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.
18. Provide a detailed Landscape Plan, at the time of full development permit of the street level, the 8th floor, the 9th floor, the 10th floor and the 43rd floor decks. The Landscape Plan should illustrate proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees (to be removed or retained): paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 ($\frac{1}{8}'' = 1'-0''$) minimum scale.

Housing

19. Design development to ensure that a minimum of 25 percent of the proposed rental units be designed to be suitable for families with children, including some three bedroom rental units.

Childcare

20. Design development to address safety issues posed by balconies located directly above the childcare outdoor play area.

Note to applicant: The balconies proposed for the façade located above the outdoor playground pose a potential hazard resulting from objects falling into the outdoor play area. Consider design development to provide for protection from objects falling from the balconies while recognizing the requirement of Community Care Facilities Licensing (CCFL) and the City's Childcare Design Guidelines for a majority of the outdoor space to remain uncovered.

21. Design development to ensure that the childcare is licensable by CCFL and meet the intent of the City's Childcare Design Guidelines and Childcare Technical Guidelines.

Note to applicant: The Guidelines call for a gross indoor area of between 401 m² and 429 m² (4,316 and 4,618 sq. ft.) and between 390.2 m² and 520.2 m² (4,200 and 5,600 sq. ft.) of outdoor area. This proposed facility is approximately 520.2 m² (5,600 sq. ft.) for the gross indoor area and 401.3 m² (4,320 sq. ft.) of outdoor area. Design development is required to ensure that the indoor and outdoor spaces are designed to maximize opportunities for healthy child development while ensuring a financially sustainable facility for the non-profit operator.

Sunlight on outdoor play areas must comply with the intent of the City's Childcare Design Guidelines. The Guidelines state that sunlight should penetrate into the outdoor area for a minimum of three hours per day at the winter solstice, two hours of which should occur during the typical playtimes of 9:30 to 11:30 am or 1:30 to 4:00 pm.

The proposed location of the exit stairs is in the middle of the childcare space. The location of the stairway must not impede supervision of the childcare's program areas, which require clear sight lines.

Engineering

22. 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:

- Provision of a second Class B loading space as required by the Parking By-Law.

- Provision of wheel ramps on the main tower stair for ease of egress by bicyclists.
- Provision of truck turning swaths which demonstrate the ability of an MSU design vehicle to drive into the residential drop-off and to back into the proposed Class B loading space.
- Provision of all bicycle storage to be on the P1 parking level.
- Confirm the provision of a rollover or barrier free access on the southerly edge of the residential drop-off to enable trucks to easily access the Class B loading space.
- Modify the location of the Class B loading space or the structural elements shown within this space to ensure its functionality.

Note to Applicant: the current level 1 plan appears to show a large structural column within the loading space.

- Relocate residential disability parking spaces into the secured residential parking area to the satisfaction of the GMES.

Note to applicant: These are primarily intended for residents as per the Parking By-Law, thus the majority should be located behind the residential security gate.

23. 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: With the exception of waste from the childcare facility, 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. Provision of an on-site alcove or storage area for childcare waste adjacent the lane may offer a solution that avoids on lane storage of the bins.

24. Provision of additional Class B bicycle facilities (bike racks) adjacent the daycare and commercial entries.
25. Show Downtown South sidewalk treatments along the Richards Street frontage of the site (leaf pattern and specialty tree surrounds).

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Subdivision of the site to result in the dedication of the south 0.4 metres of the site plus an additional 3.5 metre by 3.5 metre corner-cut truncation in the southwest corner of the site, both for road purposes.

Note to applicant: Delete all building structures above and below grade from the dedication areas.

2. Provision of on-site space to accommodate a Public Bike Share Station (PBS). The proposed PBS is to be a minimum of 14.0 m x 3.6 m in dimension and should be located such that it is directly accessible to PBS users and is generally graded at five percent crossfall and three percent slope. The location is to have good access to sunlight (units may be solar powered) and should also have electrical power readily available should it be necessary for the operation of the PBS.
3. Provision of a statutory right of way to allow the public access to and from the PBS station and for the development site to supply power for the PBS should it be necessary.
4. Release of Easement & Indemnity Agreements N77482 (for current building encroachments) and 159357M (for commercial crossings).

Note to applicant: A simple letter of commitment is required for rezoning enactment with full discharge prior to issuance of the buildings occupancy permit.

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) Modify the existing curb alignment on Richards Street for the entire length of the site and on Pacific Street in order to provide an improved pedestrian and cycling environment. Work to include modification/adjustment to all pavement markings on Richards Street and Pacific Street, all affected utility poles, lamp standards and related street features to accommodate any curb or sidewalk adjustments;
Note to applicant: The detailed design of the curb adjustments are to be finalized following local area consultation. Detailed designs are expected to be completed in 2013.
- (b) Provision of countdown timers and audible signals at the intersection of Pacific Street and Richards Street;
- (c) Provision of standard concrete lane entry and improved curb ramps at the lane east of Richards Street on the north side of Pacific Avenue; and
- (d) Provision of street trees adjacent the site where space permits.

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.

Note to applicant: Consideration to underground the services attached to the existing wood poles on Richards Street between Pacific Street and the north side of Drake Street. The existing wood poles appear to serve only this development site, as a result of the project these services will likely be discontinued and the wood poles would no longer be necessary. Please give strong consideration to removing these wood poles and undergrounding the associated utilities as part of this project.

6. 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.

Heritage Density Transfer

7. Secure the purchase and transfer of 1,393.5 m² (15,000 sq. ft.) of heritage density (which has a value of \$975,000) 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 prior to enactment together with receipt(s) of heritage density

purchase, including the amount, sale price, and total cost of the heritage density.

Housing

8. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing up to 130 residential units with a minimum total area of 8,604 m² (92,618 sq. ft.) and related parking and other amenity space, 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:
 - (a) That all such units will be contained within a separate air space parcel;
 - (b) That such air space parcel may not be subdivided by deposit of a strata plan;
 - (c) That none of such units may be separately sold;
 - (d) That none of such units will be rented for less than one month at a time; and
 - (e) On such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services 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.

Childcare Facility

9. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, Managing Director of Social Development and Director of Facility Planning and Development, for the provision of an Air Space Parcel comprising a fully fit, finished, equipped and supplied, childcare facility of no less than 520 m² (5,600 sq. ft.) of at-grade indoor space with adjacent outdoor space of approximately 401 m² (4,320 sq. ft.), and seven dedicated parking stalls, all to meet the intent of the City of Vancouver Childcare Design Guidelines and Technical Guidelines, as part of the development at 1396 Richards Street. This childcare facility must also be licensable by meeting Childcare Licensing Regulations of Community Care Facilities Licensing.

The agreement between the City and the owner will include an option to purchase the air space parcel in favour of the City, which may be exercised by the City upon acceptance of the childcare facility by the City in turn-key condition. The City will pay its contribution of \$2,581,116 to the owner upon acceptance of the childcare facility and transfer of the air space parcel to the City.

10. Prior to enactment, provide the City a \$1,174,000 cash contribution, of which \$74,000 shall go to operational start-up costs of the childcare facility, \$550,000 to the Childcare Reserve, and \$550,000 to the Facility Reserve.

Public Art

11. 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 your application

Soils Agreement

12. 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) 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.

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 May 6, 2013, entitled "CD-1 Rezoning - 1396 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 May 6, 2013, entitled "CD-1 Rezoning - 1396 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 May 6, 2013, entitled "CD-1 Rezoning - 1396 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; 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
(Councillor Carr opposed)
(Councillor Affleck absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Affleck absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
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.

CARRIED UNANIMOUSLY
(Councillor Affleck absent for the vote)

ADJOURNMENT

MOVED by Councillor Tang
SECONDED by Councillor Stevenson

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY
(Councillor Affleck absent for the vote)

The Public Hearing adjourned at 7:40 pm.

* * * * *