



PUBLIC HEARING MINUTES

SEPTEMBER 24, 2013

A Public Hearing was held on Tuesday, September 24, 2013, at 6:08 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to zoning and heritage 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 Andrea Reimer*
Councillor Tim Stevenson
Councillor Tony Tang

ABSENT: Councillor Geoff Meggs (Sick Leave)

CITY MANAGER'S OFFICE: Penny Ballem, City Manager (Items 2 to 5)

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT:
623 Atlantic Street (Peneway House)

An application by Blake Alexander MacLeod and Bronwyn Jane Masson was considered as follows:

Summary: To add the existing building at 623 Atlantic Street (Peneway House) 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, converting it to two dwelling units and adding an accessory building at the rear of the site. The application proposes variances to the Zoning and Development By-law.

The General Manager of Planning and Development Services recommended approval.

Summary of Correspondence

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

Speakers

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

The speakers list closed at 6:23 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT Council add the existing building at 623 Atlantic Street [PID: 015-553-311, Lot 25, Block 108, District Lot 196, Plan 196], known as the Peneway House (the “heritage building”), to the Vancouver Heritage Register in the ‘C’ evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the Vancouver Charter, a by-law to designate as a protected heritage property the heritage building at 623 Atlantic Street.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the Vancouver Charter, a by-law authorizing the City to enter into a Heritage Revitalization Agreement:
 - (i) to secure the rehabilitation and preservation of the heritage building; and
 - (ii) to vary the Zoning and Development By-law to permit additions to the heritage building and its conversion to two Dwelling Units, and construction of a new Accessory Building, as proposed under Development Permit Application No. DE416572 and as more particularly described in the Policy Report dated September 3, 2013, entitled “623 Atlantic Street - Peneway House - Heritage Revitalization Agreement and Heritage Designation”.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site to the satisfaction of the Director of Legal Services and the Director of Planning.
- E. THAT A to D above be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
- (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: 970 Union Street (Villa Cathay Care Home)

An application by Joe Y. Wai Architect Inc. was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (505) By-law No. 10306, for 970 Union Street (Villa Cathay Care Home) to increase the floor space ratio (FSR) from 1.7 to 3.0 and increase the maximum height from 11.7 m (38 ft.) to 33.0 m (108 ft.). This would permit expansion of the existing seniors care facility through an 11-storey addition, increasing the total number of care beds from 188 to 225.

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

Council also had before it a Memorandum dated September 24, 2013, from the Assistant Director, Central Area Planning, which provided an update on all rezoning applications under active consideration in the Downtown Eastside (DTES), per the *Interim Rezoning Policy during the Preparation of the Downtown Eastside Local Area Planning Program (LAPP)*.

Staff Opening Comments

Yan Zeng, Planner, Rezoning Centre, reviewed the application and, along with Kent Munro, Assistant Director, Current Planning Division, and Michael Naylor, Planner, Rezoning Centre, responded to questions.

Applicant Comments

Joe Wai, Joe Y. Wai Architect Inc., provided opening comments and responded to questions.

Summary of Correspondence

Council received three emails in opposition to 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.

The following spoke in support of the application:

Mr. Ngok Chung Yong
Mrs. Twu Chii Bin (Mary) Yeh
Ms. Stephanie Yau
Ms. Catherine Yau
Szuchi Lee
Chris Lee
Joanne Yau

The speakers list closed at 7:05 pm.

Applicant Closing Comments

Mr. Wai provided closing comments.

Council Decision

MOVED by Councillor Tang

- A. THAT the application, by Joe Y. Wai Architect Inc. on behalf of Villa Cathay Care Home Society to amend the text of CD-1 (505) By-law No. 10306 for 970 Union Street [*PID 007-584-415; Block 125, District Lots 181 and 2037, Plan 16060*] to increase the floor space ratio from 1.7 to 3.0 and to increase the height from 11.7 m (38 ft.) to 33.0 m (108 ft.) to permit an 11-storey addition to the existing community care facility, generally as presented in Appendix A of the Policy Report dated June 10, 2013, entitled “CD-1 Text Amendment: 970 Union Street (Villa Cathay Community Care Facility)”, 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 Joe Y. Wai Architect Inc., and stamped “Received City Planning Department, November 9, 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. Clarification of exterior finishes and materials on the elevation drawings.

Note to Applicant: Finishes should be consistent in quality with the existing building and nearby development.

2. An increase in the rear yard setback for the tower element from the Venables Street property line to a minimum distance of 3.6 m, and an enhanced landscaping treatment in the resulting front yard to improve walkability on the Venables Street sidewalk.
3. Relocation of the parking ramp entrance to be accessed directly off Raymur Avenue.

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

Landscape

5. Design development to retain healthy trees not impacted by construction.

Note to Applicant: Trees to be noted on a legal survey and to be assessed in an arborist report for retention/protection viability. Consideration should be given to relocation possibility of any site trees. For trees that cannot be retained or relocated, replacement with a specimen of equal or greater quality as originally approved will be required.

6. Design development to expand programming to include opportunities for shared and/or therapeutic gardening in the common outdoor open spaces.

Note to Applicant: Shared gardening areas should be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

7. Provision of a comprehensive and detailed Arborist Report by an ISA-certified arborist to assess all site trees for viability of retention. Report to include risk assessment and methods for the safe retention of as many existing trees as possible. The report must also contain methods of safe protection of trees on City property and any adjacent properties.

Note to Applicant: The report must include specific details about the method of protecting the trees listed as being retained. Also included should be a dimensioned plan of the tree protection barriers, in context of the Site Plan.

8. Provision of a Construction Management Plan confirming safe tree retention.

Note to Applicant: The plan should consider excavation and building materials storage, construction access and vehicle maneuvering during the construction process. For more details refer to Section 7, Protection of Trees By-law.

9. Provision of a Tree Management Plan clearly showing all trees to be retained, removed and replaced, in coordination with the Arborist Report.

10. Provision of a complete Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and details of other proposed landscape features. Landscape Plan to clearly distinguish existing vs. proposed elements. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

11. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbors and trellises, and other features. Planter section details must confirm depth of proposed planting on structures.

12. A high-efficiency automatic irrigation system to be provided on all planted rooftops.

13. 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.

14. 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

15. 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 an improved site plan showing the north curb line of Union Street and the north leg of Raymur Avenue.

Note to Applicant: The plan should include the location of all curb ramps, trees and all street furniture. Depending on this additional information, the location of the porte-cochere crossings may need to be adjusted to be clear of pedestrians crossing Union Street.

- (b) Deletion of the proposed Raymur Avenue loading access.
- (c) Provision of Class B loading and all required maneuvering to be provided on site.

Note to Applicant: Loading from the porte-cochère would achieve this.

- (d) 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. Provide elevations on sections drawings.

Note to applicant: The slope must not exceed 10% for the first 20' from the property line.

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

Note to Applicant: Disability parking spaces require 7.5' (2.3 m) of vertical clearance and Class B loading requires 12.5' (3.8 m) of vertical clearance.

- (f) Provision of an improved plan showing the maneuvering for the largest vehicle accessing the Class B loading space.
- (g) Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown. Note; 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.

Social Development

16. Provision of a copy of the signed Tenant Relocation Plan as required and approved by Vancouver Coastal Health Authority.

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, make arrangements for the following:

Engineering

1. Provision of a 7 m x 1 m statutory right of way on Prior Street/ Venables Street at the approximate location of the existing bus shelter to enable this bus stop to be made wheelchair accessible.
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. No development permit for the site will be issued until the security for the services are provided.
 - (a) Provision of upgraded street lighting to LED standards along Union Street, adjacent to the subject site.
 - (b) Provision of concrete sidewalk a minimum of 1.8 m wide, grass boulevard a minimum 1.2 m wide, concrete curb and gutter, concrete sidewalk and asphalt pavement to centerline on Raymur Avenue adjacent the site.
 - (c) Provision of a corner bulge at the corner of Raymur Avenue and Union Street adjacent the site should the street design allow for its installation. (A review of the road geometric at this corner is required to determine if space is available for a bulge installation.)
 - (d) Provision of street trees adjacent the site where space permits.

3. 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.
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 applicants' 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.

Community Amenity Contribution (CAC)

5. In recognition of the community's use of the facility's multi-purpose room, make arrangements to the satisfaction of the Director of Social Development and the Director of Legal Services to secure continued public access to the multi-purpose room.

Soils Agreement

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.
 - (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 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-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, at the time of enactment of the amending 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 June 10, 2013, entitled "CD-1 Text Amendment: 970 Union Street (Villa Cathay Community Care Facility)".
- C. THAT A and B 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

3. REZONING: 3068 Kingsway (3058 Kingsway)

An application by Matthew Cheng Architect Inc. was considered as follows:

Summary: To rezone 3068 Kingsway (3058 Kingsway) from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a six storey commercial and residential building, with 30 units of secured market rental housing. A floor space ratio (FSR) of 3.65 and a building height of 18.73 m (61.5 ft.) are proposed.

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

Staff Opening Comments

Grant Miller, Planner, Rezoning Centre, along with Jim de Hoop, Managing Director, Social Development, responded to questions.

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 7:24 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Matthew Cheng Architect Inc., on behalf of Pawa Holdings Ltd., to rezone 3058 Kingsway [*PID 008-782-741; Lot 2 Block 16 District Lot 37 Plan 12817*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.65 to permit the development of a six-storey mixed-use commercial and residential building with an increase in height from 13.8 m (45 ft.) to 18.73 m (61.5 ft.) with all 30 residential units secured as market rental housing, generally as presented in Appendix A of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)" 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 Matthew Cheng Architect Inc. and stamped "Received City Planning Department, July 13, 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 the exposed side walls to improve their appearance from the public realm.

Note to Applicant: This can be accomplished by the following changes.

- (a) Revision of the composition to better align changes in material with changes in the wall plane;
- (b) Provision of reflected outlines of the adjacent buildings on the elevation drawings;
- (c) Removal of concrete block from areas visible from the street, which can be accomplished by continuing the brick veneer from the east and west elevations further down the side walls at grade; and
- (d) Reduction in the number of different cladding materials to a maximum of three.
- (e) The vertical panel of brick on the left of the east elevation should be extended to match the other panels in width. See also Condition 3.

2. Design development to the top floor to reduce the visual scale of the side walls and avoid a truncated roof edge.

Note to Applicant: This can be accomplished by stepping the top floor back from the side property line by eight feet.

3. Design development of architectural expression of elevations visible from the public realm to use high quality durable materials and refined details.

Note to Applicant: The extent of brick in this revised application is recognized as assisting in the above condition. Consideration should be given to increasing its extent.

4. Examination of the feasibility of relocating the elevator to the west.

Note to Applicant: Intent is to avoid extending the sidewall higher than necessary and to offer residents a direct route to the stairway, rather than the elevator. Consideration should also be given to improving the stairwell with glazing to add natural light.

Limited amounts of glazing on the side wall may be possible if appropriately designed to meet the building code, and would help add variety to the interior side wall. A skylight at the top of the stairs in combination with a 12 to 18 inch opening between flights of stairs would also improve the attractiveness of the stair for users. Where feasible in the opinion of the Director of Planning, these changes should be made.

5. Provision of more planted areas facing the lane to green the rear elevation.

Note to Applicant: This can be accomplished by lowering the upper deck planter to be closer to the lane where higher ceilings are not required for loading. This would also reduce the scale of this wall relative to neighbours across the lane.

6. Design development to mitigate direct overlook from upper floors to nearby residential neighbours.

Note to Applicant: This can be accomplished with the use of translucent glazing to a 36 inch height at the balcony guard rail and windows, or similar measures.

7. Provision of an enclosure for all service and access areas at the lane, to deter unintended access and mischief, and notation of anti-vandal coating on accessible walls.

Note to Applicant: Enclosure should be of rigid metal pickets, rather than chain link or similar materials. The parkade gate should be close to the property line.

8. Provision of enlarged drawings showing lighting design that avoids glare to neighbouring properties.

Note to Applicant: Full cutoff fixtures and down lights should be specified.

9. Consideration to provide rectangular balconies on levels two to five, consistent with the orthogonal layout of the residential levels noted in the design rationale.

Note to Applicant: The depth of the balcony should be reduced to improve access to daylight.

10. Provision of high quality materials for exterior surfaces.

11. Design development to provide required visitor parking spaces;

Note to Applicant: this can be achieved by reassigning two residential parking spaces as visitor parking spaces.

Crime Prevention Through Environmental Design (CPTED)

12. Design development to respond to CPTED principles, having particular regard for:
 - (a) Theft and security in the parking area;
 - (b) Break and enter; and
 - (c) Mischief and vandalism, such as graffiti.

Landscape Design

13. Provision of adequate soil depths for planting trees on slabs.
14. Provision of new street trees on Kingsway to the satisfaction of the General Manager of Engineering Services, and to be confirmed prior to 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".

Sustainability

15. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver, including a minimum of 36 points in the LEED® rating system, three optimize energy performance points, one water efficiency point and one storm water point.

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.

Engineering

16. Arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the canopy encroachment over City property.

Note to Applicant: Canopies must be fully demountable and meet the requirements of the Vancouver Building By-law No. 9419. Submission of a canopy application to Engineering is required.

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

Engineering

1. Release of Easement & indemnity Agreement 536743M (crossing agreement). (A letter of commitment prior to enactment and discharge of the agreement prior to occupancy will be required).
2. 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 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.
3. 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

4. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all residential units as for-profit affordable rental housing units pursuant to the City's Short Term Incentives for Rental Housing (STIR) Program 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.

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.

Soils

5. 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 July 9, 2013, entitled “CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)”, 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 in 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 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-2)], generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled “CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)”, be approved.
- D. THAT, at the time of 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 July 9, 2013, entitled “CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)”.
- 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 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)

4. REZONING: 5650 Victoria Drive (5648-5658 Victoria Drive)

An application by Matthew Cheng Architect Inc. was considered as follows:

Summary: To rezone 5650 Victoria Drive (5648-5658 Victoria Drive) from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a six-storey commercial and residential building, with 30 units of secured market rental housing. A floor space ratio (FSR) of 3.65 and a building height of 18.9 m (62 ft.) are proposed.

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

Staff Opening Comments

Grant Miller, Planner, Rezoning Centre, reviewed the application and advised Council that a typographical error in Appendix A of the referral report in section 2.2 (b) refers to the north wall but has been corrected to the west wall in the draft by-law posted for this item and that no Council action is required.

Mr. Miller, along with Colin King, Planner, Urban Design and Development Planning Centre, and Brent Dozzi, Neighbourhood Parking & Transportation, responded to questions.

Summary of Correspondence

Council received five emails in opposition to 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.

The following spoke in opposition to the application and expressed concerns in relation to affordability, building height and shadowing:

Hubert Culham
Isabel Minty
Mona Heppner
Randy Helten. Director, West End Neighbours
Richard Nantel
David Huanwei Chen

The speakers list closed at 8:34 pm.

Staff Closing Comments

Mr. Miller provided closing comments and, along with Mr. King, Jerry Evans, Associate Director of Development, Real Estate Services, and Jim de Hoop, Managing Director, Social Development, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Matthew Cheng Architect Inc., on behalf of Bhandal Homes Ltd., to rezone 5648-5658 Victoria Drive [*Lots 45 and 46, except the west 7 feet, now road, Block 16 District Lot 394 Plan 2501; PIDs 008-796-203 and 010-852-441 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.65 and the height from 13.8 m (45 ft.) to 18.9 m (62 ft.) to permit the development of a six-storey mixed-use commercial and residential building with all 30 residential units secured as market rental housing, generally as presented in Appendix A of the Policy Report dated July 9, 2013, entitled “CD-1 Rezoning: 5650 Victoria Drive (5648-5658 Victoria Drive)”, 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 Matthew Cheng Architect Inc. and stamped “Received City Planning Department, November 14, 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 architectural expression, with particular regard to street facing elevations, employing a palette of high quality durable materials and a refined detail finish.

Note to Applicant: Subject to advice in condition 3 below, the materials as proposed in the current submission satisfy this condition.

2. Design development to the rooftop amenity space to address the following:
- (a) Provision of direct barrier-free access to the communal space by means of stairs and elevator;
- (b) Minimization of the height of the elevator structure overrun;

- (c) Substantive enlargement of the intensive green roof to occupy a minimum of 25% of the roof area;
- (d) Minimization of the amount of over-height elements required to maintain the planted area and with consideration for views, overlook and shadowing to be given to the siting and sizing of such elements as required; and
- (e) Consideration to provide shading and weather protection to at least part of the amenity space through the development of a modest canopy structure.

Note to Applicant: Access to the rooftop common area as currently proposed is by means of stairs only. Common amenity areas should be open and accessible to all residents, so design development of an elevator to serve the rooftop amenity space is required. The discretionary height increases required to achieve barrier-free access to the roof top amenity space will be considered as per the City of Vancouver bulletin on 'Roof Mounted Energy Technologies and Green Roofs- Discretionary Height Increases' subject to design development as outlined above.

3. Design development of the architectural expression to refine detail and material palette of the following elements.

- (a) Residential entry canopy;

Note to Applicant: Consideration should be given to further design development of the residential entrance canopy to Victoria Drive to achieve a more refined detail to the structure and to provide a less aggressive colour than currently proposed.

- (b) Base to mid-rise expression;

Note to Applicant: Consideration should be given to refining the proposed material expression to Victoria Drive from second floor to fifth floor levels by softening the colour palette proposed to provide a less dark brick and less strident colours for other materials.

- (c) Interface between materials;

Note to Applicant: Detailing of the interface between materials on both the Victoria Drive and laneway elevations is likely to be problematic, especially between the narrow bands of yellow HardiePanel and brick as currently proposed. Consideration should be given to

resolving the difficulty of the interface in this location by developing a window wall solution with coloured panels to replace the detail as currently proposed.

- (d) Landscape design to laneway at ground floor level;

Note to Applicant: Consideration should be given to providing increased planting in the laneway by developing a trellis detail along the ground floor.

- 4. Design development to provide required visitor parking spaces;

Note to Applicant: this can be achieved by reassigning two residential parking spaces as visitor parking spaces.

Crime Prevention Through Environmental Design (CPTED)

- 5. Design development to respond to CPTED principles, having particular regard for:

- (a) Theft and security in the parking area;
- (b) Break and enter; and
- (c) Mischief and vandalism, such as graffiti.

Landscape Design

- 6. Provision of a continuous landscape planter along the east edge of the middle patio as a green buffer adjacent to the single family residential properties to the east.

- 7. Provision of a substantial landscape buffer in the planters located between the second floor private patios for privacy screening purposes.

Note to Applicant: This can be achieved by using taller shrubs, such as yew hedging.

- 8. Provision of hardy broad-leaf evergreen shrubs at the lane edge planter.

Note to Applicant: Consider locating a hardy vine to climb the concrete wall and low- growing plants such as *Arctostaphylos uva-ursi* and/or long grasses to cover the growing medium.

- 9. Provision of new street trees on Victoria Drive to the satisfaction of the General Manager of Engineering Services, and to be confirmed prior to 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".

Sustainability

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold as required by the Green Buildings Policy for Rezonings, including a minimum of 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 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 application for certification of the project is also required under the policy.

Engineering

11. Written confirmation is required from BC Hydro, and any other affected utility company that the guy wire attached to the wood pole in the lane can be relocated to avoid impacting the proposed commercial parking entry.

Note to Applicant: Guy wire and utility relocations are to be fully at the applicant's expense.

12. Arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the canopy encroachment over City property.

Note to Applicant: Canopies must be fully demountable and meet the requirements of the Vancouver Building By-law No. 9419. Submission of a canopy application to Engineering is required.

13. Modification of the main parking ramp to provide the required transition slopes of 7.5% to 10% through the right-angled turn on the parking ramp, and at the top and bottom of any parking ramp with a slope in excess of 12.5%.

Note to Applicant: Consider an elevated curved section through the right-angled turn at Levels P1 and P2.

14. Provision of a 3.0 m x 3.0 m (10.0 ft. x 10.0 ft.) corner cut at the bend in the main and Level P1 parking ramps to enable vehicle passage through this section the parking ramp.
15. Design development to provide all required Class A bicycle spaces on Parking Level P1, and provision of wheel ramps on the stairs located closest to the lane to facilitate bicycle egress.

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

Engineering

1. Consolidation of Lots 45 and 46, both except the West 7 Feet, Block 16, DL 394, Plan 2501 into a single parcel.
2. Provision of surface statutory right of way of 2.808 m to achieve a 4.5 m public sidewalk width measured from the existing curb face to the building face.

Note to Applicant: A minimum of 15 feet of overhead clearance should be provided for any projections over/above the proposed statutory right of way.

3. 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 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.

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 residential units as for-profit affordable rental housing units pursuant to the City's Short Term Incentives for Rental Housing (STIR) Program 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.

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.

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 July 9, 2013, entitled "CD-1 Rezoning: 5650 Victoria Drive (5648-5658 Victoria Drive)", 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 in 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 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-2)], generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning: 5650 Victoria Drive (5648-5658 Victoria Drive)", be approved.
- D. THAT, at the time of 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 July 9, 2013, entitled "CD-1 Rezoning: 5650 Victoria Drive (5648-5658 Victoria Drive)".
- 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 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)
(Councillor Reimer absent for the vote)

5. REZONING: 755-795 West 41st Avenue

An application by Arno Matis Architecture Inc. was considered as follows:

Summary: To rezone 755-795 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit two six-storey apartment buildings and two-storey townhouses with a total of 74 residential units. A floor space ratio (FSR) of 2.87 and a building height of 19.5 m (64 ft.) are proposed.

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

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.

The following spoke in general support of the application but expressed concerns regarding the number of parking spaces, the building material, increased density and safety:

Allan Buium, Riley Park/South Cambie Community Visions Group
Tracy Moir, Oakridge Area Residents

The speakers list closed at 9:35 pm.

Applicant's Closing Comments

Arno Matis, Architect, AMA, responded to questions.

Staff Closing Comments

Michelle McGuire, Rezoning Planner, Rezoning Centre, along with Kent Munro, Assistant Director, Current Planning Division, and Brent Dozzi, Neighbourhood Parking & Transportation, responded to questions.

Council Decision

MOVED by Councillor Tang

- A. THAT the application by Arno Matis Architecture Inc., on behalf of Buffalo Investment (Canada) Ltd., to rezone 755-795 West 41st Avenue [*Lots 1 to 5 of Lot 2, Block 998, District Lot 526, Plan 8455; PIDs: 010-074-759, 010-074-783, 010-074-821, 010-074-864 and 010-074-881 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.87 and the height from 10.60 m (35 ft.) to 19.50 m (64 ft.) to permit the development of two six-storey residential buildings and two-storey townhouses containing a total of 74 residential units, generally as presented in Appendix A of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 755-795 West 41st Avenue", 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 Arno Matis Architecture Inc., on behalf of Buffalo Investment (Canada), and stamped "Received City Planning Department, September 21, 2012", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Provision of a rear yard of at least 0.6 m (2 ft.) to accommodate landscaping and a transition to the residential lane.

Note to Applicant: The setback from the lane should be increased around building entries to accommodate hand rails, steps, landings, and similar features.

2. Design development to dwelling units to accommodate a more usable entrance area and patio, and to reduce blank wall conditions at the rear of the site.

Note to Applicant: The intent is to provide a safe, active and green interface around unit entries and townhouses. In particular, avoid designs that create an abbreviated or abrupt transition from the suite into the public realm. In some cases this can be improved by reorienting outdoor stairs, by providing more landing or patio area, or by providing more buffer space in the form of planted setbacks. See also Landscape Conditions.

3. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit submission to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.

4. Design development to create more distinctive and visually notable common entryways for the two main buildings.

Note to Applicant: Some creativity will be needed to distinguish the public entries within each street-facing façade, given the variety of exterior treatments proposed. See Section 5 of the *Cambie Corridor Plan* for more information.

5. Design development to mitigate privacy and overlook issues for new and existing residents.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features needed to balance access to natural light with privacy concerns.

6. Provision of a universally accessible ramp connection between West 41st Avenue and the children's play space in the Amenity Terrace.

7. Design development to create open spaces suitable for children's play with adjacent common amenity rooms.

Note to Applicant: Staff commend the applicant for providing a wide range of units, and recommend that the various amenity areas and open spaces be rearranged to improve the functionality of these common areas for families with children. See the *High-Density Housing for Families with Children Guidelines* for more information.

8. Consideration to provide a better visual connection through the site from south to north.

Note to Applicant: Intent is to augment the visual and physical openness of the site created by building separation. This can be accomplished by reducing or relocating the structure over the parkade ramp, by providing through pathways, or other measures.

9. Provision of enlarged building details at $\frac{1}{2}$ " = 1'-0" scale or better for the various positions and intersections of the exterior fins and frames.

Note to Applicant: Staff commend the architect for the distinctive expression and solar shading created by these elements. Intent is to show how the quality and variety of the exterior design proposed at rezoning will be achieved in detail. Drawings should be in plan and section.

10. Provision of high quality and durable exterior finishes.

Note to Applicant: Intent is to maintain the proposed architectural quality, including the material palette of wood veneer, metal frames, white concrete and glass.

11. Revision of the plans to remove habitable rooms from the underground parkade level;

Note to Applicant: Direct access to the suite, including stairways and elevators, and storage rooms up to 3.7 m², may be retained and excluded from floor area.

12. Confirmation that:
 - (i) the courtyard width between the main buildings and the townhouse buildings, and
 - (ii) the setbacks (at ground level and above the 4th level) and building separation for the two six-storey buildings,

as shown on Drawing Numbers A.202 and A.206 (submitted as part of the rezoning application on September 21, 2012), have been maintained;

Note to Applicant: Intent is to ensure consistency of the development permit with the upper floor step back and open spaces around the proposed buildings that were proposed at rezoning.

Crime Prevention Through Environmental Design (CPTED)

13. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

14. Provision of a deconstruction strategy for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.

Note to Applicant: The deconstruction strategy should be provided at the time of development permit application.

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

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

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

Note to Applicant: The applicant shall refer to the *District Energy Connectivity Standards* for specific design requirements, which include provisions related to the location of the mechanical room, centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for District Energy compatibility are

provided for in the mechanical design. A declaration signed by the registered professional of record certifying that the district energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

17. 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.
18. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape Review

19. Provision of urban agriculture in the form of edible landscaping and including some areas (planters or plots) suitable for urban agriculture activity. The necessary supporting infrastructure, such as tool storage, hose bibs and a potting bench should be provided. The design should reference the *Urban Agriculture Guidelines for the Private Realm* and should maximize sunlight, integrate into the overall design and provide universal access.
20. Provision of a high quality public realm adjacent the site, including a double row of street trees along the West 41st Avenue frontage.
21. Design development to improve the edge condition at the site perimeter, within semi-private patio spaces and between buildings.

Note to Applicant: Attention will be needed to ensure that common areas (walkways, breezeway, patios, corridors) are pedestrian friendly and visually clear, avoiding dead ends and ambiguous way finding. Ground oriented semi-private residential patios and areas between buildings should be more clearly delineated, respecting CPTED principles (security, ownership, safety). Grade resolution at the lane should be resolved on private property (unit access stairs are shown to encroach into the lane). Self-supporting architectural walls exposed to the public realm should be surfaced or screened with landscaping to mitigate opportunities for graffiti.

22. Design development to provide substantial greening of the roof deck, including permanent planters, seasonal tree canopy cover and adequate soil volumes/ irrigation.

23. Design development to locate site utilities and vents on private property and integrate them discreetly into the building, avoiding landscaped and common areas.
24. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.
25. At time of development permit application:
 - (i) Provision of a detailed Landscape Plan illustrating common and botanical names and the size and quantity of all existing and proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements, the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/grades and public utilities such as lamp posts, hydro poles, fire hydrants.
 - (ii) Provision of a detailed “Tree Removal/ Protection/ Replacement Plan” (refer to Protection of Tree by-law, sec.4.3).

Engineering

26. 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*:

- (i) Engage the services of a Transportation Consultant to review and modify the Class B loading.
Note to Applicant: The Class B loading space does not appear to have adequate maneuvering to turn around and exit up the parking ramp.
- (ii) Modify the parking ramp design to provide a smooth transition through the inside radius at the bottom of the main parking ramp that does not exceed 12.5% slope.
Note to Applicant: The current design appears to show a 2 ft. drop at this inside corner.
- (iii) The provision of parallel visitor parking spaces is not supported.

Note to Applicant: It is almost impossible to back into visitor space #2 because of the distance between the

drive aisle in front of parking spaces 3 to 7 and the position of this space.

27. Correct the legal description on page A.101. It should be corrected to read “Lots 1 to 5 of Lot 2, Block 998, District Lot 526, Plan 8455”.
28. Clarify if steps or pavers are proposed over the property line in the lane. Delete those portions of steps or pavers that encroach onto public property.
29. Modify the landscape plan to reflect the agreed upon improvements on public property and submit a copy of the revised plan directly to Engineering for review.
30. Please add the followings notes to the landscape plan.
 - (i) Note: Should construction damage to the City sidewalks result in greater than 50% of the sidewalks needing repairs they are to be reconstructed to the standard in place at the time of sidewalk repairs and will likely be wider than currently shown on the plans.
 - (ii) Note: 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.
 - (iii) Note: This site will require an interconnected water services (2 connection points) please contact water design branch for details.
 - (iv) Note: Please confirm with water design branch that the water meter room is located correctly.
31. Please clarify garbage pickup operations. Confirmation that a waste hauler can access the garbage area and pick up from the location shown is required.

Soils

32. A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media that may be contaminated and may be encountered during any subsurface work at the site.

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 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 1 to 5 of Lot 2, Block 998, District Lot 526, Plan 8455 to create a single parcel.
2. Dedication of the south 1.8 m along West 41st Avenue of the site for road purposes.

Note to Applicant: A Subdivision application will be required.

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.
 - (i) Provision of standard concrete lane entries at the lane north of West 41st Avenue on the west side of Baillie Street and the east side of Willow Street.
 - (ii) Provision of 1.8 m standard concrete sidewalk on Baillie Street adjacent the site.
 - (iii) Provision of improved curb ramps on West 41st Avenue at the Baillie and Willow Street corners of 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.

Sustainability

5. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a District Energy System, if and when the opportunity is available and in accordance with the City's policy for *District Energy Connectivity Standards* and the *Cambie Corridor Plan*, which may include but are not limited to agreements which:
 - (i) require buildings on site to connect to a District Energy System, once available;
 - (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling District Energy System connection and operation; and
 - (iii) grant access to and use of suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

Soils

6. If applicable:
 - (i) Submit a site profile to the Environmental Protection Branch (EPB);
 - (ii) 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
 - (iii) 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.

Community Amenity Contribution (CAC)

7. Pay to the City the Community Amenity Contribution of \$4,080,000 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$4,080,000 CAC is to be allocated as follows:
 - (i) \$2,040,000 to the affordable housing fund;
 - (ii) \$1,790,000 to childcare facilities in the Cambie Corridor area; and
 - (iii) \$250,000 to construct a portion of the future walking and cycling infrastructure on West 41st Avenue.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as 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, 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, 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 July 9, 2013, entitled "CD-1 Rezoning - 755-795 West 41st Avenue".
- C. THAT, at the time of enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 755-795 West 41st Avenue".
- 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; 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 9:55 pm it was

MOVED by Councillor Deal

THAT Council extend the meeting to finish the agenda of the Public Hearing tonight.

CARRIED UNANIMOUSLY

* * * * *

6. REZONING: 7249 Cypress Street

An application by The Airey Group was considered as follows:

Summary: To rezone 7249 Cypress Street from RS-6 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit five three-storey townhouses and one commercial-retail unit with a residential unit above. A floor space ratio (FSR) of 1.2 and a building height of 10.7 m (35.1 ft.) are proposed.

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

Staff Opening Comments

Michelle McGuire, Rezoning Planner, Rezoning Centre, reviewed the application.

Applicant Comments

Howard Airey, The Airey Group, provided opening comments and 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:

- Three emails in support;
- Four emails in opposition.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Isabel Minty, Arbutus Ridge Kerrisdale Shaughnessy Vision Implementation Committee
Jim Hall, Chair, Arbutus Ridge Kerrisdale Shaughnessy Vision Implementation Committee
Rob McCarthy

The following spoke in opposition to the application and expressed concerns with the scale of the building, increased traffic and lack of parking:

Phil Wong
Elsa Hubatka
George Hubatka

The speakers list closed at 10:42 pm.

Applicant Closing Comments

In response to questions, Mr. Airey provided clarification on the number of parking spaces proposed.

Staff Closing Comments

Ms. McGuire provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Deal

- A. THAT the application by The Airey Group, on behalf of 7249 Cypress Development Corp., to rezone 7249 Cypress Street [*PID 011-076-241; Lot 10 of Lot M, Block 11, District Lot 325A, Plan 5761*], from RS-6 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 0.7 to 1.2 to permit development of a three-storey building containing five townhouses and one commercial retail unit with a residential unit above, generally as presented in Appendix A of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 7249 Cypress 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 Matrix Architecture, on behalf of the Airey Group, and stamped "Received City Planning Department, February 18, 2013", 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 the townhouse building to create a more compatible relationship to the existing residential streetscape.

Note to Applicant: This can be achieved by reducing the height or massing of the north unit and treating the north wall to minimize exposed concrete and create architectural interest. The central townhouses can be shifted to create a more significant step to the south unit, similar to that to the north unit.

2. Design development to the west elevation to create a softer transition to East Boulevard.

Note to Applicant: This can be achieved by ensuring retaining walls do not exceed 1 m in height, and are located so that there is adequate space on site for layered planting in front of the retaining walls. Retaining walls should be treated with a high quality finish such as stone or brick.

3. Design development to better integrate pedestrian and vehicular access to the underground parking.

Note to Applicant: The stairs would ideally be enclosed within the buildings structure. The north stair must be located at least 1.5 m from the north property line. Concrete walls around the vehicle access should be minimized and where required be treated with high quality material and screened with landscape. The parking access visible from East Boulevard should be treated with high quality paving such as brick or concrete pavers.

4. Provision of additional information on the elevation drawings, indicating window size and location on the reflected elevations of the neighbouring building.

5. Design development to integrate utilities into the building, wherever possible. Identification on the site plan of building servicing requirements, including BC Hydro requirements.

Note to Applicant: Any required BC Hydro servicing box should be located on the East Boulevard side and within the subject site,

and be well integrated into the site plan, and screened with landscape where possible.

Note to Applicant: Advanced planning will be needed to integrate utilities and access into structures and behind lockable, decorative gates or screened with landscaping. Avoid the awkward placement of utilities (pad-mounted transformers, Vista junctions boxes, underground venting) in the public realm or visible to primary walkways and entrances.

6. Provision of high quality windows and exterior finish materials compatible with the residential context.

Note to Applicant: The proposed brick and wood exterior cladding, and wood, and steel trims must be listed on the elevations and keyed to the drawings.

Crime Prevention Through Environmental Design (CPTED)

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

Note to Applicant: As with any development, the applicant must consider and design against uncommon but potential risks such as the perceived safety of underground parking areas, mischief and vandalism.

Provide a strategy that identifies the particular risks that may arise on this site and proposes specific features to mitigate them. Show on the plans where these features should be located, and provide an indicative design for them. Of particular interest are the underground parking ramp and breezeway areas. Any lighting strategy should ensure appropriate lighting levels and CPTED performance, while minimizing glare for nearby residents.

Landscape

8. Design development to maximize the retention of trees.

Note to Applicant: The arborist report submitted with the rezoning application indicates the retention of existing street trees along Cypress Street and the 1.9' Hemlock tree located on the neighbouring site to the north. Detailed plans at the development permit stage will need to demonstrate due care and attention to avoid encroachments into the critical root zones. Any tree on a shared property line will need to be safely

retained. Where a 'shared tree' is in conflict with an excavation, a neighbour consent letter should accompany the application.

9. Design development to explore opportunities for enhancing the public realm treatment at street level to provide high-quality landscaping and amenities to encourage positive social interaction in consultation with the General Manager of Planning and Development Services and to the satisfaction of the General Manager of Engineering Services by incorporating street furnishings such as permanent benches, waste receptacles and bike racks for public use.
10. Design development of the commercial patio at the southernmost tip of the site to provide a simplified open space to feature a large caliper deciduous tree located on private property within a permeable paving surround.
11. Provision of separate gated entries to the rear private patios on East Boulevard.
12. Provision of best current practices for managing water conservation including high-efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching (to be illustrated on the Landscape Plan).

Note to Applicant: Proposed plantings should be consistent with the City of Vancouver Water Wise Landscape Guidelines.

13. Provision of hose bibs for all private patios greater than 9.29 m² (100 sq. ft.), for hand watering.
14. Provision of maximum plant growing medium depth (to exceed British Columbia Landscaping and Nursery Association (BCLNA) standards) for all planted areas on structures.
15. At time of development permit application, provision of:
 - (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, 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 of 1:100 metric or 1/8" imperial scale.
 - (ii) Large scale (1:50 metric or 1/4" imperial scale) partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane edges; include planter walls, stairs,

landscaping, soil depth (indicated by underground structures), and other landscape features, as applicable.

Engineering

16. The following are to be addressed at the development application stage.
 - (i) A canopy application is required. Canopies must be fully demountable and drained to the building's internal drainage system. Canopies are defined as a rigid roof-like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (VBBL section 1A.9.8).
 - (ii) Correct the legal description on page A1.1 to read "Lot 10 of Lot M, Block 11, DL 325A, Plan 5761".
 - (iii) Clarify garbage pick-up operations for both residential and commercial uses. Pick-up operations should not rely on use of public property for storage of garbage bins. Confirmation that a waste hauler can access and pick up from the location shown on the plans is required.
 - (iv) Any landscaping proposed on public property is to meet the Boulevard Gardening Guidelines. Please amend the landscape plan to reflect the guidelines and submit a copy to Engineering for review.

Sustainability - Green Building

17. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving Gold certification under LEED® Canada for Homes with a minimum of twelve energy and atmosphere points.

Note to Applicant: Provide a LEED® Canada for Homes checklist confirming that the project will achieve Gold level and a detailed written description of how the minimum target points will be achieved. Both checklist and description should be incorporated into the drawing set and significant LEED® features detailed on the plans.

18. Applicants are strongly encouraged to provide a deconstruction strategy for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill. A deconstruction strategy may be submitted at the time of development permit application.

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

Engineering

1. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of concrete curb and gutter, widened sidewalk to 1.8 m and pavement to centerline on East Boulevard adjacent the site.
 - (ii) Provision of widened sidewalk to 1.8 m on Cypress Street adjacent the site.
 - (iii) Provision of street trees adjacent to the site where space permits.
 - (iv) Provision of improved curb ramps at the Cypress Street, West 57th Avenue, East Boulevard intersection (three curb ramps will be required).
2. 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 applicants’ 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.
3. 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.

Contribution toward Community Gardens

4. Pay the amount of \$48,000 to the City, prior to enactment of the CD-1 By-law, as a contribution toward community garden improvements and/or new community gardens within the Arbutus Ridge/Kerrisdale/Shaugnessy (ARKS) area, to the satisfaction of the Director of Social Policy, and on terms and conditions satisfactory to the Director of Legal Services.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as 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, 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 assign regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B"(C-1)], generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 7249 Cypress Street", be approved.
- C. THAT, at the time of 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 July 9, 2013, entitled "CD-1 Rezoning - 7249 Cypress Street".
- D. THAT A through 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 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 UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Tang

SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:49 pm.

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