



PUBLIC HEARING MINUTES

OCTOBER 22, 2013

A Public Hearing was held on Tuesday, October 22, 2013, at 6:08 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to zoning by-laws.

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

ABSENT: Councillor George Affleck (Sick Leave)
Councillor Elizabeth Ball (Leave of Absence)

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Tang
SECONDED by Councillor Meggs

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

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

1. REZONING: 33-49 East Hastings Street

An application by Atira Development Society was considered as follows:

Summary: To rezone 33-49 East Hastings Street from Downtown-Eastside/Oppenheimer District (DEOD) to CD-1 (Comprehensive Development) District to permit a mixed-use building with commercial use at grade and in the mezzanine, with 12 storeys of residential use above. The proposal includes 102 units of social/supportive housing (60 per cent of the total) and 67 units of market housing (40 per cent of the total) secured as rental for 15 years. A height of 38.7 m (127 ft.), a floor space ratio (FSR) of 8.28 and a total floor area of 9,190 m² (98,926 sq. ft.) are proposed.

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

Staff Opening Comments

Yan Zeng, Rezoning Planner, Rezoning Centre, reviewed the application and, along with Kevin McNaney, Assistant Director, Central Area Planning Branch, responded to questions.

Summary of Correspondence

Council received three emails expressing opposition to the application since it was referred to public hearing.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application and raised concerns with the impact of the building height on views and shadowing, and the potential that this development could set precedence for future planning in the area:

Marguerite Gapenoux
Michael Geller
Karen Ree

The speakers list closed at 6:47 pm.

Staff Closing Comments

Mr. McNaney, along with Scott Hein, Senior Urban Designer, Urban Design Studio, responded to questions.

Council Decision

MOVED by Councillor Jang

- A. THAT the application by Atira Development Society to rezone 33-49 East Hastings Street [*Lots 25, 26, 27 and 28, Block 8, District Lot 196, Plan 184; PIDs: 015-691-284, 015-691-292, 015-691-314 and 015-691-322 respectively*] from Downtown-Eastside Oppenheimer District (DEOD) to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio from 5.00 to 8.28 and building height from 29.8 m (98 feet) to 38.7 m (127 feet) to allow construction of a 14-storey mixed-use building, with commercial uses at grade and residential uses above, generally as presented in Appendix A of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 33-49 East Hastings Street", 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 Perkins + Will and stamped "Received City Planning Department, April 26, 2013", provided that the Director of Planning may allow minor alterations to this form of

development when approving the detailed scheme of development as outlined in (b) below.

- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to refine the architectural character in response to prevailing context.

Note to Applicant: Contemporary design that interprets and reflects prevailing contextual qualities is supported. Consideration should be given to facade composition with respect to distinguishing ground-oriented uses, reflecting a tripartite expression, greater emphasis and differentiation between vertical bays, upper-level setback(s), flanking elevation quality with respect to materiality and detailing, and overall fenestration proportions. Use of colour for facade features is encouraged. Consideration should also be given to further refining overall massing by re-considering the east and west bays' shoulder heights to better mediate/transition with the respective heights of adjacent developments. Further design development, to improve the appearance of the flanking sidewall elevations, while anticipating future development height and optimizing natural light into the existing adjacent light wells, is also required.

2. Design development to improve the lane interface.

Note to Applicant: Introduction of glazing/screening that reveals internal activity, refinements to lane wall materiality and detailing, soft landscaping associated with podium rooftop planters and lighting is required. Coordination with BC Hydro and the City of Vancouver towards timely undergrounding of existing Hydro Services is encouraged.

3. Design development to reduce rooftop mechanical and elevator penthouse structures to minimize their visual impact and reduce apparent building scale, subject to confirmation of the equipment sizes and system requirements during detailed building design stage.
4. Design development to relocate the proposed mezzanine floor towards the back of the ground-floor tenancy volume, to incorporate glazed openings onto the lane from the relocated mezzanine and to design the fronting volume facing Hastings Street to provide better pedestrian animation, improve CPTED

performance and accommodate a variety of types of retail displays.

5. Provision of a conceptual lighting strategy emphasizing ground-oriented storefront and entry intent, and the lane interface.

Note to Applicant: A lighting strategy that improves CPTED performance for both locations is anticipated.

6. Provision of design development details for storefront, entry, canopies and related architectural features to ensure durability over time given the challenging environment.

Landscape

7. Design development of the 3rd floor common amenity deck open space to provide a variety of spaces for active and passive activities to promote positive social interaction and gathering.

8. Provision of opportunities and infrastructure for urban agriculture on roof decks.

9. Maximize planter depth (to exceed BCLNA standards) for all planted areas on structures.

Note to Applicant: The Landscape Plan submitted with the rezoning documents shows single tree planters on the various roof decks. Consolidate single tree planters to create a more extensive tree-planting trench and increased growing medium volume to ensure the long-term health of potted trees.

10. Provision of best current practices for managing water conservation including high efficiency (drip) irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching (illustrated on the Landscape Plan).

Note to Applicant: Proposed plantings should be consistent with the City of Vancouver Waterwise Planting Guidelines.

11. Provision of hose bibs for all private and common amenity landscaped patios measuring 100 sq. ft. in area, or greater.

12. Provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development Permit submission stage.

13. 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 submitted at a minimum 1:100 metric or 1/8"= 1'-0" imperial scale.

14. Provide large scale ¼"=1'-0" or 1:50 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

15. Provision of improved access to the garbage storage room. Provide written confirmation that a waste hauler can access and pick up from the location shown or relocate the garbage storage to ensure pick up access is possible. Note: consideration to locate the storage area adjacent the loading bay may provide improved operation for the garbage room.
16. Confirmation that the security door apparatus does not encroach into the lane.
17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- Provision of a 10'x 10' (3 m x 3 m) corner cut at the bottom of the ramp as a 9' x 9' (2.7 m x 2.7 m) corner cut is shown.
- Provision of an improved plan showing the design elevations on both sides of the ramp at all the breakpoints and in the loading bay. The percent of slope, the length of the ramp at the specified slope and the design elevations on both sides of the ramp at all break points must be shown on the submitted drawings.
- Provision of a 7.5% to 10% transition ramp at the bottom of the 15% slope. Refer to the Parking and Loading Design Guidelines at the following link:
(<http://former.vancouver.ca/engsvcs/parking/admin/developmenters.htm>)
- Lengthen the 5% slope at the top of the ramp to 6 m (20 ft.), as 5.5 m is shown.
- Provision of a minimum of 3.8 m (12.5 ft.) of vertical clearance for the Class B loading space and provision of a section drawing showing the minimum clearance. Drawing A312 shows 2.3 m of vertical clearance for the loading.

- Provision of widened stall widths to 2.55 m (8.36 ft.) as a reduced maneuvering aisle of 6.5 m (21.3 ft.) is being provided.
- To improve access, relocate the bike room access to the elevator vestibule for the bike rooms at gridline B/3 and D/3.
- Provide a traffic warning-light system to indicate when a vehicle is exiting as a 12 ft. (3.6 m) wide ramp is being provided. A qualified transportation engineer, who's engineering firm specializes in signal design, should provide details of the warning system and note the location of all lights and detection devices on the plans.
- Provide a bicycle wheel-ramp for the stairs from the bicycle room on Level 2 to the lane.
- Clearly locate all hydro poles in the lane and ensure they do not interfere with the parking or loading access operations.

18. A canopy application is required. Note canopies must be fully demountable and drained to the buildings internal drainage systems.

Note to Applicant: An interconnected water service will be required for this development. There is a 300 mm water main available for servicing on Hastings Street.

19. Deletion of the rooftop-level metal sunshade over City street or make arrangements for a standard encroachment agreement.

Note to Applicant: A separate application to the General Manager of Engineering Services is required.

The applicant and owner should be advised that building encroachments onto City street will create obstacles if strata-titling the property is intended [Section 244(1)(f) of the Strata Property Act]. The City of Vancouver may not necessarily support the provision of easements for any part of the building on City streets. If strata-titling is being considered, the applicant is advised to seek independent legal advice on this matter. Care should be taken with the design and construction of the proposed roof projection such that it is lightweight, demountable, and may be considered as an ancillary component of the building that is readily removable.

20. Review party wall agreements registered on title, and modify or remove as appropriate.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning and Development Services, the

Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facility Design and Management and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 25, 26, 27 and 28, Block 8, DL 196, Plan 184 to create a single parcel.
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 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.
 - (b) 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.

Housing

4. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement pursuant to section 565.2 of the Vancouver Charter securing 102 social/supportive residential units in the development for 60 years or the life of the building, whichever is greater, as supportive housing (52 units) and social housing (50 units), and subject to the following additional conditions in respect of those units:
 - (a) that, after subdivision by air space plan, all such social/supportive housing units be contained within a parcel that is separate from the parcel containing the market housing units;
 - (b) that such parcel containing the social/supportive housing units may not be subdivided by deposit of a strata plan;
 - (c) that none of the social/supportive housing units may be separately sold;
 - (d) that 52 of the social/supportive housing units shall be supportive housing units which will be rented at a rate where the tenant contribution to rent is no more than the shelter component of income assistance (currently \$375);
 - (e) that the remaining 50 social/supportive housing units shall be rented at HILs or CMHC market rents, whichever is lower;
 - (f) that all 102 units of the social/supportive housing will comply with the definition of "social housing" in the applicable City development cost levy by-law;
 - (g) that none of the social/supportive housing units will be rented for less than one month at a time;
 - (h) that the operator shall provide a draft Operations Management Plan; and
 - (i) such other terms and conditions as the Director of Legal Services and the Managing Director of Social Development may in their sole discretion require.

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement pursuant to section 565.2 of the Vancouver Charter securing 67 market residential units in the development as rental housing for 15 years and subject to the following additional conditions in respect of those units during the 15 years:
 - (a) that, after subdivision by air space plan, all such market housing units be contained within a parcel that is separate from the parcel containing the social/supportive housing units;

- (b) that none of the market housing units may be separately sold;
- (c) that none of the market housing units will be rented for less than one month at a time; and
- (d) on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

Soils Agreement

6. If applicable:
- (a) Submit a Site Profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team).
 - (b) As required by the Manager of Environmental Planning 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 Planning 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 Planning, the General Manager of Engineering Services and the 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 to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official

having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DEOD)], generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD 1 Rezoning: 33-49 East Hastings Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 33-49 East Hastings Street".
- D. THAT, subject to enactment of the CD-1 by-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD 1 Rezoning: 33-49 East Hastings Street".
- E. THAT, subject to approval in principle of the rezoning and the Housing Agreements described in section (c) of Appendix B of the Policy Report dated September 10, 2013, entitled "CD 1 Rezoning: 33-49 East Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement by-laws, one for the proposed social/supportive housing and one for the proposed market rental housing, prior to enactment of the amending by-law contemplated by the above-noted Policy Report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- F. THAT A through E above be adopted on the following conditions:
 - i. THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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

2. REZONING: 4412-4488 Cambie Street

An application by Dava Developments Ltd. was considered as follows:

Summary: To rezone 4412-4488 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit two six-storey residential buildings and two-storey townhouses with a total of 102 dwelling units. A height of 21.1 m (69.3 ft.), a floor space ratio (FSR) of 2.60 and a residential floor area of 9,467 m² (101,897 sq. ft.) are proposed.

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

Staff Opening Comments

Dwayne Drobot, Rezoning Planner, Rezoning Centre, reviewed the application and, along with Kent Munro, Assistant Director, Current Planning Division, responded to questions.

Summary of Correspondence

Council received one email expressing opposition to this application since it was referred to public hearing.

Speakers

The Mayor called for speakers for and against the application.

Tracey Moir, Oakridge Langara Area Residents (OLAR), spoke in opposition to the application, noting the height of the townhouses on the lane conflict with the Cambie Corridor Plan.

The speakers list closed at 7:22 pm.

Applicant Closing Comments

Wayne Fougere, Fougere Architecture, responded to questions.

Staff Closing Comments

Timothy Potter, Development Planner, Urban Design and Development Planning Centre, along with Messrs. Munro and Drobot, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Fougere Architecture Inc., on behalf of Parc Elise Project Inc., to rezone 4412-4488 Cambie Street [*Lots 1 to 4, Block 741 DL 526 Plan 6539; PIDs 010-864-202, 010-864-229, 010-864-245 and 010-864-253 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.60 to 2.60 FSR

and the height from 10.6 m (35 ft.) to 21.1 m (69.2 ft.) to permit the development of two six-storey residential buildings, as well as lane-fronting two-storey townhouses, containing a total of 102 residential units, generally as presented in Appendix A of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning - 4412-4488 Cambie Street", 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 Fougere Architecture Inc. and stamped "Received City Planning Department, December 24, 2012", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design development to of the laneway townhouse entries to provide sufficient landings and visual access to the lane in order to ensure safe entry to and from the lane relative to passing traffic.

Note to Applicant: The intention of the laneway townhouses is to activate the lane and for the related landscape realm to provide a public amenity to the lane. In light of this condition careful coordination with the landscape design will need to be carried out. Privatization of the 4' 0" setback with high and solid fencing towards the lane should be avoided.

2. 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.

3. Design the development to create ground-oriented open spaces suitable for children's play with adjacent common amenity room. Refer to the High-Density Housing for Families with Children Guidelines for more information.
4. Provision of high quality and durable exterior finishes.

Note to Applicant: As this project continues through the development application process, the overall proposed quality of materials, articulation, and expression is to be maintained.

5. Design development to remove architectural fin features (horizontal and vertical) in all instances where they occur.

Note to Applicant: These features do have an effect on the massing of the building; their removal will reduce the perceived bulk of the building in addition to the space between buildings.

6. Design development to provide a space within the north building to support the function and viability of the rooftop garden amenity of a size ranging between 50 and 100 sq. ft.

Note to Applicant: This space will not be located on the roof; however, it could be located near the elevator elsewhere within the building to facilitate convenience.

7. 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.

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

Sustainability

9. 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.

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezonings, including a minimum of 63 points in the LEED® rating

system, including at least 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.

11. 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.

12. 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.
13. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape

14. Provision of in-ground planting opportunities for new trees within landscape setbacks along street frontages, with direct access to the natural water table, where possible.
15. Maximization of plant growing-medium depth (to exceed BCLNA standards) for tree and shrub planters on structures.

Note to Applicant: Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.

16. Retention of healthy trees on the subject site and on the adjacent City boulevards, where possible.

Note to Applicant: Tree removal so to be reviewed at the development permit stage. City tree removal subject to review by the City Arborist.

17. Provision of intensive and extensive green roof areas on the rooftops of new buildings.

18. Design development of the public realm interface to provide high-quality landscaped open spaces with substantial greenery and amenities to create a safe and interesting pedestrian experience at the street and lane.

19. Design development to integrate utilities into the building, where possible.

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

20. Provision of opportunities and infrastructure for Urban Agriculture on common roof decks.

Note to Applicant: The spaces should include areas for tool storage, composting, and seating. At least two hose bibs should be provided in each Urban Agriculture area.

21. Provision of best current practices for irrigation and managing water conservation including high-efficiency irrigation, aspects of xeriscaping making use of drought tolerant plant selection and mulching.

22. Provision of hose bibs for all patios greater than 100 sq. ft in area.

23. Provision of an external lighting plan consistent with the Cambie Corridor Public Realm Plan.

Note to Applicant: The lighting plan must address all common pedestrian routes, courtyards and the lane edge. Ensure that light levels are achieved for CPTED performance while minimizing glare for residents.

24. Submission of a fully labelled Landscape Plan, Sections and Details at the Development Permit Stage.

25. Provision of large-scale sections (1/4"=1'-0" or 1:50) illustrating the townhouse to public realm interface at the street, lane and common courtyard areas.

Note to Applicant: The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

26. Provision of an ISA Certified Arborist tree assessment report for all tree proposed to be removed and retained, as noted on the survey, to the satisfaction of the General Manager of Planning and Development Services.

Engineering

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

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

- Provision of a minimum 24 ft. (7.3 m) separation between the parking ramp and the maneuvering aisle at section line B.

Note to Applicant: Greater separation is required between the maneuvering aisles at section line A and B on drawing 10 to minimize conflicts between inbound and outbound vehicles.

- Provision of an improved plan showing the design elevations on both sides of the ramp, at all breakpoints and within the parking areas to be able to calculate slopes and cross falls.
- Provide elevations on sections drawings.

Note to Applicant: The ramp slopes on drawings 10 and 13 are different.

- Provision of in-slab heating for any portion of exposed parkade ramp greater than 12.5%.
- Remove the stairs between the loading bay and the elevator lobbies to improve loading access or relocate the loading bay to provide for this.
- Relocate the door for the 20 Class A bicycle room to the access aisle on drawing 10. To avoid conflict with the adjacent parking stall and bike room access.
- Relocate hydro pole in lane as it conflicts with loading access. Confirmation from BC Hydro that the pole can be relocated is required.

28. Provision of on-site garbage and recycling storage and pick-up space. For details, please refer to the City of Vancouver's Garbage and Recycling Facility Storage Supplement.

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 4, Block 741, DL 526, Plan 6539 to create a single parcel.
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 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.
 - (b) Provision of a minimum sidewalk width of 2.1 m (6.9 ft.) on 29th Avenue adjacent to the site.

Note to Applicant: Should the existing sidewalks on Cambie Street and 28th Avenue adjacent the site be significantly damaged during construction activities then the sidewalk is to be replaced to current City standards. Replacement is to be determined at the sole discretion of the General Manager of Engineering Services.
 - (c) Provision of pedestrian-scale lighting along the sidewalk on 29th Avenue consistent with greenway and bikeway standards.
 - (d) Payment to the City of installation costs associated with placement of a bus shelter at the northbound bus stop (#15) on Cambie Street and 29th Avenue.

- (e) Provision of new asphalt paving in the lane east of Cambie Street between 28th and 29th Avenues including provision of speed humps in the lane subject to neighbourhood consultation.
 - (f) Provision of standard concrete lane crossings at the 28th and 29th Avenue lane entries to the site (lane east of Cambie Street at 28th and 29th Avenues) and improved disability ramps at the 29th Avenue lane entry to the site.
 - (g) 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.

Sustainability

4. 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:
- a. require buildings on site to connect to a District Energy System, once available;
 - b. 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
 - c. 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.

Public Art

5. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Public art application and fulfillment options can be discussed with the Public Art Program Manager.

Soils

6. If applicable:
 - (i) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning 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 Planning 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 Planning, the General Manager of Engineering Services 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 \$4,095,466 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, and is allocated as follows:
 - a. \$2,047,733 to the affordable housing fund; and
 - b. \$2,047,733 to new or expanded childcare facilities in the Cambie Corridor area.

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

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

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

- B. THAT, subject to 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 September 10, 2013, entitled "CD-1 Rezoning - 4412-4488 Cambie Street".
- 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
(Councillor Carr opposed)

3. REZONING: 1526-1560 Kingsway

An application by GBL Architects Inc. was considered as follows:

Summary: To rezone 1526-1560 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a six-storey commercial and residential building with all 77 residential units secured as market rental housing. A height of 23.6 m (77.5 ft.), a floor space ratio (FSR) of 3.85, a residential floor area of 4,609 m² (49,608 sq. ft.) and a commercial floor area of 590 m² (6,452 sq. ft.) are proposed. This is a concurrent rezoning and development permit (DE416646) application.

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

Staff Opening Comments

Yan Zeng, Rezoning Planner, Rezoning Centre, responded to questions.

Summary of Correspondence

Council received one email expressing support for this application since it was referred to public hearing.

Speakers

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

The speakers list closed at 7:54 pm.

Staff Closing Comments

Abigail Bond, Assistant Director, Housing Policy, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by GBL Architects Group Inc., on behalf of John and May Wong Holdings Ltd., and Allan and Sylvia Wong Holdings Ltd., to rezone 1526-1560 Kingsway [*Lots A, B, C, D, E, F and G, except part in Reference Plan 2394 of Lots 19 and 20 Block 5 District Lot 352 Plan 3082; PIDs: 003-239-012, 003-239-071, 003-239-144, 003-239-179, 003-239-713, 013-190-903 and 013-190-946 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.85 and the building height from 13.8 m (45.3 ft.) to 23.6 m (77.5 ft.) to permit the development of a six-storey mixed-use development containing commercial space at grade and market rental units on upper levels, generally as presented in Appendix A of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 Kingsway", 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 GBL Architecture and stamped "Received City Planning Department, June 19, 2013", 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. Significant design development to the south-facing roof deck on Level 2 to reduce the amount of soft landscaping in order to provide additional common outdoor amenity area for building residents.
2. Landscape drawings to reflect the Kingsway and Knight Public Realm plan. Refer to link provided:

<http://former.vancouver.ca/commsvcs/planning/neighcentres/kingswayknight/pdf/KKPublicRealm.pdf>

3. Design development to the unit mix to comply with the Rental 100/Secured Market Housing policy requirement for 25% family units.

Note to Applicant: The proposed unit mix is one unit short of this requirement.

Sustainability

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

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

Engineering

5. Provision of parking, loading and bicycle parking in accordance with the requirements of the Vancouver Parking By-Law.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of: Lots A, B and C, Except Parts Included in Parcel 1 (Reference Plan 2328); Lots D,E,F and G, Except Parts in Reference Plan 2394; and all of Lots 19 and 20, Block 5, DL 352, Plan 3082, to create a single parcel.
2. Provision of a surface statutory right of way for public pedestrian use of an expanded sidewalk over a portion of the site adjacent the north property line to achieve a 4.6 m boulevard measured from the curb to the building face.

Note: portions of the upper building and balconies are over the required SRW area from level 2 to 6 and are to be accommodated within the SRW agreement. Delete the portion of the easterly wall of the building shown within this SRW area at grade.

3. Clarification is required as to whether the sewer line indicated in Easement 215267M located in the southwest corner of Lot A and servicing adjacent Lot 4 is still in existence and in use. If it is still active, then arrangements must be made for this pipe through provision of appropriate legal agreements. If it is no longer in service, the applicant should make arrangements to have the easement released prior to issuance of the building permit for the site.
4. Release of Easement & Indemnity Agreement 438213M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.
6. 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 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.
- b) Provision of lane paving of the lane south of Kingsway from the Fleming Street/26th Avenue intersection to the west for the length of the site including a new lane entry with concrete lane crossing and curb returns.
- c) Provision of new sidewalk to commercial standards adjacent the Kingsway portion of the site. Typically consisting of a 1.2 m exposed aggregate front filler and standard broomed finished sidewalks to the property line.
- d) Provision of street trees adjacent the site where space permits.

Soils

7. If applicable:

- a) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
- b) As required by the Manager of Environmental Planning 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 Planning 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 Planning , the General Manager of Engineering Services and the 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.

Housing

8. 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 Secured Market Rental Housing (Rental 100) program for 60 years or the 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

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 is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

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

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 Kingsway", the Director of Legal Services be instructed to prepare the necessary Housing

Agreement By-law for enactment prior to enactment of the amending by-law contemplated by the 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 September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 Kingsway", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 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 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 Stevenson
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:58 pm.

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