



## PUBLIC HEARING MINUTES

NOVEMBER 19, 2013

A Public Hearing was held on Tuesday, November 19, 2013, at 6:10 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to zoning by-laws.

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

**CITY MANAGER'S OFFICE:** Mukhtar Latif, Chief Housing Officer

**CITY CLERK'S OFFICE:** Tina Hildebrandt, Meeting Coordinator

### COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson  
SECONDED by Councillor Tang

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

#### 1. REZONING: 720 - 730 East Hastings Street

An application by Cityspaces Consulting Ltd., on behalf of the City of Vancouver, was considered as follows:

**Summary:** To rezone 720 - 730 East Hastings Street from M-1 (Industrial) District to CD-1 (Comprehensive Development) District to permit a six-storey mixed use building, with a public library at grade and on part of the second floor, and 21 units of social housing on the upper floors. A height of 22.9 m (75.1 ft.), a floor space ratio (FSR) of 3.35 and a floor area of 3,795 m<sup>2</sup> (40,849 sq. ft.) are proposed. This is a concurrent rezoning and development permit (DE416884) 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.

Council also had before it a memorandum dated November 12, 2013, from the Assistant Director, Central Area Planning, which provided Council with 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

Cynthia Lau, Rezoning Planner, Rezoning Centre, reviewed the application.

### Applicant Comments

The applicant team, comprised of: Andy Hiscox, Managing Associate, CitySpaces Consulting Ltd., Sandra Singh, Chief Librarian, Vancouver Public Library, Janet Austin, CEO, Metro Vancouver YWCA, and Bruce Haden, Principal, Dialog, provided opening comments and responded to questions.

### Summary of Correspondence

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

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Menard Caissy, STOP Party  
Michelle Jankovich, Director, Cause We Care Foundation  
Erfan Kazemi, Vice-Chair, Vancouver Public Library Board  
Vaughan Evans

The speakers list closed at 6:42 pm.

### Applicant Closing Comments

Ms. Singh provided closing comments and, along with Ms. Austin, responded to questions.

### Council Decision

MOVED by Councillor Reimer

- A. THAT the application by Cityspaces Consulting Ltd., on behalf of the City of Vancouver, to rezone 720 - 730 East Hastings Street [*PID: 028-859-022; Lot E Block 67 District Lot 181 Group 1 New Westminster District Plan BCP50916*] from M-1 (Industrial) District to CD-1 (Comprehensive Development) District to permit Library and Dwelling uses to allow construction of a mixed-use six-storey building with a public library at grade and on part of the second floor and with social housing (residential uses and programming space to be operated by the Young Women's Christian Association, operating as YWCA Metro Vancouver) on the upper floors, at a density of 3.35 FSR and a height of

22.9 m (75.1 feet), generally as presented in Appendix A of the Policy Report dated October 8, 2013, entitled "CD-1 Rezoning: 720/730 East Hastings Street (VPL Strathcona Branch and YWCA Housing)" 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 Dialog Architecture, and stamped "Received City Planning Department, May 29, 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:

#### Design Development

- 1. Design development to maintain the high quality materials indicated for the building (glazed brick, capless curtain-wall glazing and glazed balustrades) and the level of detailing implied and necessary to accomplish and construct the proposed design aesthetic with exceptional detailing.
- 2. A reduction in the proposed encroachment over the property line to a maximum depth of 30.5 cm (12 inches).

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

- 3. Provision of continuous night-lighting for the alcoves that are introduced off the front and rear property lines at grade.
- 4. Design development to respond to CPTED principles, having particular regard 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 – Green Building

- 5. 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 Rezoning, 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 stormwater 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.

### Engineering Services

6. Confirmation that the proposed encroachment does not include habitable floor area beyond the property line.

Note to Applicant: A building encroachment that meets the Building By-law and does not include habitable floor space would be supported by the General Manager of Engineering Services.

7. Deletion of reference on the drawings of the Class B loading in the lane.

### 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, 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 253568M (See 369899L), for support of the lands, prior to occupancy.

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

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 as regulator and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.

- (a) Provision of improved sidewalks on Hastings Street adjacent to the site to current commercial standards for the area.

Note to Applicant: Sidewalks should consist of typical exposed aggregate utility strip, four-piece exposed aggregate tree surrounds if existing tree roots allow for installing and broomed-finished sidewalk with saw cut score marks.

- 3. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for all encroachments.
- 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.

#### Soils Agreement

- 5. 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.

## Housing

6. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Section 219 Covenant, Housing Agreement pursuant to section 565.2 of the Vancouver Charter, or other security, to secure the social housing units for the life of the building for use as "social housing" as defined in the Vancouver Development Cost Levy By-law.

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 Parking By-law, generally as set out in Appendix C of the Policy Report dated October 8, 2013, entitled "CD-1 Rezoning: 720/730 East Hastings Street (VPL Strathcona Branch and YWCA Housing)".
- 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 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 Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Louie

SECONDED by Councillor Stevenson

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 Ball

SECONDED by Councillor Louie

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:03 pm.

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