



## PUBLIC HEARING MINUTES

JANUARY 21, 2014

A Public Hearing was held on Tuesday, January 21, 2014, at 6:05 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to the Zoning and Development and Sign By-laws.

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

ABSENT: Councillor Raymond Louie (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk  
Lori Isfeld, Meeting Coordinator

\* Denotes absence for a portion of the meeting

### COMMITTEE OF THE WHOLE

MOVED by Councillor Deal  
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Zoning and Development and Sign By-laws.

CARRIED UNANIMOUSLY

#### 1. REZONING: 303 East 8th Avenue (Western Front)

An application by the General Manager of Planning and Development Services was considered as follows:

Summary: To rezone 303 East 8th Avenue from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to accommodate the existing artist-run centre (Western Front) operating on site, including accessory uses and dwellings uses. The existing building would be retained at a floor space ratio (FSR) of 1.98 and height of 10.7 m (35.1 ft.).

The General Manager of Planning and Development Services recommended approval.

### Staff Opening Comments

Planning and Facilities Development staff, along with Planning and Development Services staff, reviewed the application and responded to questions.

### Summary of Correspondence

No correspondence had been received on this 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; some expressed concerns or offered additional suggestions about aspects of the application:

Hank Bull  
Carol Sawyer, Western Front Society  
Stephen Bohus

The speakers list closed at 6:30 pm.

### Staff Closing Comments

Planning and Development Services staff provided closing comments and responded to questions.

### Council Decision

MOVED by Councillor Deal

- A. THAT the application to rezone 303 East 8th Avenue [*PID 015-551-610; Lot 16, Block 42, District Lot 200A, Plan 197*] from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to allow Cultural and Recreational uses in conjunction with Dwelling and Service uses within the existing building on the site, thereby permitting the range of activities occurring in the artist-run centre known as Western Front, generally as presented in Appendix A of the Policy Report dated December 3, 2013, entitled "CD-1 Rezoning: 303 East 8th Avenue (Western Front)", be approved.

- 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" (C-1)], generally as set out in Appendix B of the Policy Report dated December 3, 2013, entitled "CD-1 Rezoning: 303 East 8th Avenue (Western Front)", be approved.
- 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 property owners 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 owners; 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: 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord Street**

An application by Walter Francl Architecture was considered as follows:

Summary: To rezone 8175 Cambie Street, 519 Southwest Marine Drive, 8180-8192 Lord Street, and the adjacent portion of the lane from C-1 (Commercial) District and RS-1 (Residential) District to CD-1 (Comprehensive Development) District. Two residential towers are proposed, at 31 and 12 storeys, with 368 residential market strata units and a two-storey podium containing 1,365 m<sup>2</sup> (14,700 sq. ft.) of commercial space. A 37-space childcare facility and family place are proposed in a separate 3-storey building on the northwest corner of the site. A floor space ratio (FSR) of 6.14 and maximum height of 86.9 m (285 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**

Planning and Development Services staff presented the application and responded to questions.

## Applicant Comments

Deana Grinnell, Wesgroup, and Walter Francl, Walter Francl Architects, presented the application.

## Summary of Correspondence

Council received the following correspondence since it was referred to public hearing and prior to the close of the speakers list:

- 1 email regarding other matters in relation to this application.

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application; some expressed concerns or offered additional suggestions about aspects of the application:

David Dove  
Tracy Beshara  
Andrea Krombein  
Menard Caissy

The following spoke in opposition to the application:

Tracey Moir

The speakers list closed at 7:08 pm.

## Staff Closing Comments

Planning and Development staff provided closing comments and responded to questions.

## Council Decision

MOVED by Councillor Reimer

- A. THAT the application by Walter Francl Architecture, on behalf of Cambie and Marine Investments Ltd., Wesgroup Investments (No. 131) Ltd., Wesgroup Investments (No. 134) Ltd. and Wesgroup Investments (No. 142) Ltd., to rezone:
  - (i) 8175 Cambie Street [PID 010-043-233; Amended Lot 7 (See 264256L) of Lot X, Blocks 1 and 2, District Lot 311, Plan 8548] and 519 Southwest Marine Drive [PID 006-645-283; Lot A, Block X, District Lot 311, Plan 20305] from C-1 (Commercial) District,

- (ii) 8180-8192 Lord Street [*Lots 11 and 12 of Lot X, Blocks 1 and 2, District Lot 311, Plan 8548; PIDs 010-042-636 and 006-190-626 respectively*] from RS-1 (Residential) District, and
- (iii) that portion of lane, adjacent to 8175 Cambie Street and 519 Southwest Marine Drive (if closed and conveyed to the registered owner(s) of the above lands),

all to CD-1 (Comprehensive Development) District, to increase the floor space ratio to 6.14 FSR and the height to 86.9 m (285 feet), to permit a development comprised of 31-storey and 12-storey residential towers with commercial floor space and a childcare/family place, generally as presented in Appendix A of the Policy Report dated December 3, 2013, entitled "CD-1 Rezoning: 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord 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 Walter Francl Architects on behalf of Wesgroup Investments Ltd. and stamped "Received City Planning Department, May 24, 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 provide variety and interest to the architectural expression of the building(s) with high quality durable materials that will contribute to the character and quality of the area.  
  
Note to applicant: A high quality development that establishes a robust compatible character with the existing neighbourhood fabric is required. Above the podium levels the tower floor plates are to be consistent with the Cambie Corridor Plan floor plate size identified for this site of 585 m<sup>2</sup> (6,300 sq. ft.).
2. Design development to the pedestrian/vehicle courtyard and building interfaces to further engage and enhance its environs utilizing high quality materials.
3. Design development to the pedestrian link between Lord Street and the Cambie Street frontage to strengthen its connectivity and pedestrian experience with enhanced hard and soft landscape treatments.

Note to Applicant: Design development should consider seating, substantial low planting, special paving, and lighting treatment.

4. Design development to strengthen the scale and massing of the tower podium oriented to Marine Drive.
5. Provision of weather protection for commercial frontages and primary residential entries.
6. Design development to minimize the impact of mechanical vents.

Note to applicant: Vents servicing the below-grade parking structure should be located to minimize their impact of the pedestrian environment.

7. Design development to provide a conceptual lighting plan that incorporates mid-level pedestrian and low-level lighting in localized areas such as the open spaces and courtyards, and pedestrian links.
8. Design development to provide a conceptual signage strategy to ensure a well-conceived and disciplined approach to announcing tenancy.

Note to applicant: The strategy should confirm general signage hierarchy, location and type. Back-lit signs are not supported.

9. 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.

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

10. 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

11. Provision of a deconstruction strategy for demolition of existing buildings on site to divert at least 75 percent 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.

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in meeting the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, 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 required under the policy. See the Green Rezoning Process bulletin and the Green Buildings Policy for Rezoning for more information.

13. 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.

14. 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.
15. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

## Landscape Review

16. Design development to the residential entrances to provide substantial shrub planting as well as opportunities for seating. The lobby entrances should be designed to be clearly identified and to have distinct style that is greener than the adjacent commercial public realm.
17. Design Development to provide for replication of natural systems.  
  
Note to applicant: This could include the use of native plants, the protection of natural habitat from construction, the retention of soil resources, the elimination of lawn chemical use and/or the recycling of green waste.
18. 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.
19. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.  
  
Note to applicant: Strategies could include high efficiency irrigation, the use of drought tolerant plants, and mulching.
20. Provision of maximized tree growing medium for tree and shrub planters to ensure long term health.  
  
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. Growing mediums should be better than BCSLA standards.
21. Provision of a Landscape Plan consistent with the draft 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.
22. Provision at the time of development permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is



clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

23. Provision at the time of development permit application of large scale sections (1/4"=1' or 1:50) illustrating the grade changes across the site, and the soil depths of on slab planters.
24. Provision of a separate Tree Removal and Retention Plan, including any dimensioned tree barriers, if required.
25. Provide a separate Lighting Plan, with a detailed plan of the central pedestrian walkway. The use of targeted down lighting is advised in the internal walkway space.
26. Design development to locate, integrate, and fully screen any emergency generators, transformers, gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.
27. Provision of a high efficiency irrigation system for all planters, including the upper terrace areas. Hose bibs shall be provided in all private patios that show individual planting pots and small planters. Notations to that effect should be added to the drawings.

Note to applicant: The irrigation system design and installation system shall be in accordance with the Irrigation Industry of BC Standards and Guidelines.

## Engineering

28. A canopy application is required. Canopies must be fully demountable and drained to the buildings 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 0.56mm in thickness (VBBL section 1A.9.8).
29. 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 the required number of Class B loading spaces in the PBL and label on drawings.

Note to Applicant: Engineering supports the loading provision of 4 Class B spaces for the proposed development.

- Provision of an improved plan showing the maneuvering for all Class B loading spaces, especially for the second parallel space when the first space is occupied.

Note to Applicant: Modifications to the planted area may be required to make the maneuvering work.

- Provision of an improved plan showing the loading access from the Class B spaces to the retail and restaurant uses.

Note to Applicant: The route should be free of stairs.

- Remove the southerly 21' of the planter, east of the parking ramp and provide a view portal to improve visibility between vehicles exiting the parking ramp and cyclists and pedestrians on the courtyard roadway, or address visibility through other methods.

Note to Applicant: This would also assist with SU9 truck maneuvering.

- Provision of additional Class B bicycle spaces for the retail use.

Note to Applicant: Providing a total of 18 retail Class B spaces (required plus those asked for) along Cambie Street and Southwest Marine Drive frontages would achieve this.

- Provision of all Class A bicycle spaces on P1.
- Confirmation that the north-south portion of the courtyard roadway is one way northbound. Allowing southbound traffic to enter from the City lane is not recommended due to the offset alignment with the City lane and potential conflicts between southbound vehicles and vehicles exiting from the parking ramp.
- Provision of an improved plan showing the design elevations on the courtyard roadway, on both sides of the ramp at all breakpoints and within the parking areas to be able to calculate slopes and cross-falls.
- Provision of directional signage for Childcare, community centre and retail parking.

30. Place the following note on the landscape plans "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such 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."

Note to Applicant: P1 to P3 drawings are all the same.

### Social Infrastructure

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

Note to applicant: The Guidelines call for a minimum gross indoor area of 4,618 sq. ft. and between 4,252 and 5,597 sq. ft. of outdoor area. Design development is required to ensure that the indoor and outdoor spaces are designed to maximize opportunities for healthy child development while ensuring a financially sustainable facility for the non-profit operator.

32. Sunlight on outdoor play areas must comply with the intent of the City's Childcare Design Guidelines. The Guidelines state that sunlight should penetrate into the outdoor area for a minimum of three hours per day at the winter solstice, two hours of which should occur during the typical playtime of 9:30 to 11:30 am or 1:30 to 4 pm.
33. Design development to ensure that the family place meets functional requirements of a family place to the satisfaction of the Managing Director of Social Development in consultation with the Director of Facility Planning and Development.

### 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. Make arrangements, subject to Council approval, for the stopping up, closure and conveyance of that portion of the lane west of Cambie Street from Lord Street to a point 20 feet southerly from the north property line of Lot 12, Plan 8548. An application to the City Surveyor is required to initiate the lane closure and purchase (as per Figure 3 in Section 4 Parking and Transportation of this Policy Report).

Note to Applicant: Written consents to the proposed lane closure and confirmation of arrangements to address utility needs will be required from all affected utility companies.

2. Dedication for lane purposes of the north 20 feet of Lot 12, Plan 8548.

3. Dedication for road purposes of the south 10 feet of Lot A, Plan 20305, and amended Lot 7, Plan 8548.
4. Consolidation of the closed portion of lane with the remainder of the site to create a single parcel.
5. Provision of a temporary Statutory Right of Way (SRW) over the portion of closed lane for public utility purposes, to be discharged upon abandonment and/or relocation of all existing utilities within this area.
6. Provision of a SRW over the north 10 feet of Amended Lot 7 for sewer purposes. Note: Right of Way 485562M, currently registered on the title of Amended Lot 7, will be released in conjunction with registration of the replacement SRW agreement. Please remove any proposed trees within this SRW area.
7. Provision of a surface SRW over the north 20 feet of Amended Lot 7 and over a northerly portion of the consolidated lot between Lord Street and the north-south lane east of Lord Street for public pedestrian and bicycle use.

Note to Applicant: There is to be a minimum 3.0 m wide smooth multi-use path (for cycling and pedestrians) achieved within this right of way.

8. Provision of a surface SRW for the lane turning bulge along the south side of the new east-west lane for vehicle manoeuvring purposes as shown on the attached sketch plan. Note: Please remove the tree within the proposed lane turning bulge SRW area.

Note to Applicant: Within the turning bulge area a minimum clear height of 25 feet above grade must be provided and the sub-surface structure must meet or exceed loading requirements to CL-625 and BC-625 (higher axle load) as per CHBDC-S6-06 (Canadian Bridge Code) and BC Supplement.

9. Release of Easement & Indemnity Agreement 150359M (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.

10. Provision of a standard form encroachment agreement to secure on-going maintenance of the proposed one foot wide landscaping planting strip that encroaches onto the proposed lane dedication.

Note to Applicant: An application to the City Surveyor is required.

11. Provision of a building setback and statutory right of way (SRW) along the Cambie Street frontage of the site to achieve a minimum 4.5 m curb-to-building-face dimension.
12. Provision of a statutory right-of-way to accommodate a Public Bike Share Station (PBS).

Size: A station with a size of 16 m x 4 m must be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m. The 2 m maneuvering space may be shared with pedestrian space.

Location: The station must be located on private property while still clearly visible to the public with 24/7 public access. The preferred location is near the intersection of Cambie Street and Marine Drive to allow easy access to the street.

Surface treatment: A hard surface is required with no utility access points within 150mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.

Grades: The surface must be leveled with a maximum cross slope of 3 percent and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5 percent. At minimum, spot elevations at the four corners of the station must be provided.

Sun exposure: No vertical obstructions, to maximize sun exposure, as station operates on solar power. Ideally the station should receive five hours of direct sunlight a day.

Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.

13. 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.

14. 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 percent of any water system upgrading that may be required.

Note: An interconnected water service will be required for this development. There are water mains available on Lord Street and Southwest Marine Drive for servicing.

- b. Upgrading of the existing sanitary main and service connection is required. The existing service and main are not adequate for the project. The sanitary main is to drain to the Metro Vancouver's trunk main at approximately Southwest Marine Drive and Lord Street. Upgrade is based on a most easterly service connection point. The extent of upgrading can be significantly reduced the further west the project chooses to access the City main. A review of the site servicing and confirmation of a service connection point will determine the extent of upgrading to the City main and the costs. Please consult with Sewers Design staff to determine the connection points and costs.
- c. Provision of the following sidewalk improvements adjacent the site:
  - i. Marine Drive: Provide a minimum sidewalk width of 5.5 m adjacent to the site.
  - ii. Cambie Street: Provide a minimum sidewalk width of 2.1 m adjacent to the site.
  - iii. Lord Street: Provide a minimum sidewalk width of 2.1 m adjacent to the site.

- d. Provision of improved disability ramps at the Marine Drive and Cambie Street, Marine Drive and Lord Street and Lord Street lane corners of the site.
- e. Removal of the existing Lord Street lane entry and reconstruction of the sidewalk and curb to standard is required.
- f. Installation of a full lane entry at the proposed relocated lane on Lord Street including adjustment, installation and or relocation of all utilities impacted by the proposed new lane entry.
- g. Provision of standard City of Vancouver curb bulges on both sides of Lord Street at the intersection of Marine Drive.
- h. Provision of a raised midblock crosswalk with curb bulges on both sides of Lord Street at the western terminus of the east-west walkway along the north edge of the site. This will improve pedestrian connectivity through the site and to Ash Park for residents and for the daycare.
- i. Provision of speed humps on Lord Street from 65th Avenue to Marine Drive, subject to resident consultation.
- j. Provision of a standard concrete lane crossing at Lord Street and the new lane entry.
- k. Provision of new street trees adjacent the site where space permits.
- l. Payment of up to \$100,000 (at the discretion of the General Manager of Engineering Services) to the City, prior to enactment of the CD-1 By-law, for traffic calming to mitigate impacts of the development's traffic on the neighborhood. Measures are to be determined within 2 years of occupancy of the building and are subject to neighborhood consultation where appropriate.
- m. Provision of pedestrian-scale lighting along the Cambie Street frontage of the site.

### Sustainability

- 15. 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, all to the satisfaction of the General Manager of Engineering Services.

### Soils

16. 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; and
- 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 Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

### Public Art

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

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



### Childcare Facility and Family Place

18. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, Managing Director of Social Development and Director of Facility Planning and Development, for the provision of an air space parcel with improvements of no less than 10,365 sq. ft. of indoor space on three levels, including an adjacent area for outdoor space of approximately 5,209 sq. ft. on all levels, and thirty-one dedicated parking stalls, comprising a fully fit, finished, equipped, and supplied childcare facility and a fully fit, finished, and furnished multi-purpose facility suitable for family programming as part of the development at this site.

### Community Amenity Contribution

19. Make arrangements with the City, to the satisfaction of the Director of Legal Services, to pay to the City prior to enactment of the rezoning by-law a \$2,000,000 cash contribution for facility reserves and start-up costs for the childcare and family place.

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" (C-1)], generally as set out in Appendix C of the Policy Report dated December 3, 2013, entitled "CD-1 Rezoning: 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord 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 December 3, 2013, entitled "CD-1 Rezoning: 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord 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 December 3, 2013, entitled "CD-1 Rezoning: 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord Street".
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law generally as set out in Appendix C of the Policy Report dated December 3, 2013, entitled "CD-1 Rezoning: 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord Street".
- 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

**3. SIGN BY-LAW AMENDMENT: 639 Commercial Drive (York Theatre)**

\* \* \* \* \*

*Prior to the start of Item 3, Councillor Reimer requested that the record reflect her concerns over comments attributed to her in a recent newspaper article, and the potential perception that she did not have an open mind on this matter. Councillor Reimer left the meeting at 7:27 pm, and did not participate in the discussion or vote on this item.*

\* \* \* \* \*

An application by the General Manager of Planning and Development Services was considered as follows:

Summary: To amend the Sign By-law for 639 Commercial Drive (York Theatre) to permit one fascia sign containing reference to their corporate sponsor, and two canopy signs over the main entrance containing automatic changeable copy and reference to their corporate sponsor. The operator of this City-owned facility, Vancouver East Cultural Centre, has requested

amendments to the Sign By-law to address aspects of the signage which the by-law would otherwise not permit, e.g. third party advertising (reference to corporate sponsor), sign location and size, and use of changeable copy.

Council also had before it a memorandum dated January 20, 2014, from the Deputy Director of Planning and Development Services and the Director of Grants, Awards and Support Programs, which provided a summary of the information gathered on practices for naming rights for city-owned facilities in other Canadian and U.S. cities. This was requested by Council on December 21, 2013, when considering the application for a Sign By-law Amendment for signage at the York Theatre. The memorandum also provided results of the survey requested by Council and conducted by Mustel Group, and additional information gathered through Talk Vancouver.

### Staff Opening Comments

Planning and Development Services and Cultural Services staff provided a presentation and responded to questions.

### Summary of Correspondence

Council received the following correspondence since it was referred to public hearing and prior to the close of the speakers list:

- 106 in support; and
- 8 opposed.

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Ralf Joneikies  
Jamie Johnston  
Charles Barber  
Tony Wong  
Tom Durrie  
Ian Forsyth  
Heather Redfern, Executive Director, The Cultch

The following spoke in opposition to the application:

Blair Redlin  
Mike Walkey  
Juliana Drouin  
Michel Drouin  
Tanya Alexson

The speakers list closed at 9:02 pm.

### Council Decision

Council agreed to separate the vote on the components of the motion.

MOVED by Councillor Meggs

- A. THAT the application to amend the Sign By-law to allow signage consisting of one fascia sign containing third party advertising, and two canopy signs containing automatic changeable copy and third party advertising at 639 Commercial Drive (York Theatre), generally as presented in Appendix A of the Policy Report dated December 9, 2013, entitled "639 Commercial Drive - York Theatre - Sign By-law Amendment", be approved subject to the following conditions:

#### CONDITIONS OF BY-LAW ENACTMENT

- (a) That, prior to consideration of enactment of the Sign By-law:
- (i) the Vancouver East Cultural Centre and the West Coast Reduction Ltd. shall enter into an agreement, in a form and substance satisfactory to the Director of Legal Services, by which the Naming Rights to be exercised pursuant to the proposed amendment to the Sign By-law will be established; and
  - (ii) the City and the Vancouver East Cultural Centre shall enter into an agreement, to the satisfaction of the Director of Legal Services by which the signage to be permitted under the amendment to the Sign By-law will be established.

These agreements, and any related agreements shall provide security to the City including, without limitation, indemnities, warranties, equitable charges, and letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services and shall, if required by the Director of Legal Services, be registered on title to the lands.

- B. THAT Council direct staff that no proposals containing signage with third party advertising be brought before Council before the Sign By-Law review is complete.

CARRIED

(Councillors Affleck and Ball opposed to B)

(Councillor Reimer absent for the vote)

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY  
(Councillor Reimer absent for the vote)

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Tang  
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY  
(Councillor Reimer absent for the vote)

**ADJOURNMENT**

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY  
(Councillor Reimer absent for the vote)

The Public Hearing adjourned at 9:57 pm.

\* \* \* \* \*