



## PUBLIC HEARING MINUTES

FEBRUARY 18, 2014

A Public Hearing was held on Tuesday, February 18, 2014, at 6:07 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 Raymond Louie  
Councillor Geoff Meggs  
Councillor Andrea Reimer  
Councillor Tim Stevenson  
Councillor Tony Tang

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk  
Leslie Tuerlings, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### COMMITTEE OF THE WHOLE

MOVED by Councillor Deal  
SECONDED by Councillor Stevenson

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  
(Councillor Ball absent for the vote)

1. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT:  
2856 West 3rd Avenue (Logan House)

This item was withdrawn from the agenda.

## 2. REZONING: 4139-4187 Cambie Street

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

**Summary:** To rezone 4139-4187 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to allow for two six-storey residential buildings with two-storey townhouses along the rear lane, containing a total of 75 dwelling units. A height of 21.8 m (71.5 ft.) and a floor space ratio (FSR) of 2.51 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.

### Summary of Correspondence

Council received the following correspondence related to this application since it was referred to Public Hearing and up to 15 minutes after the close of the speakers list.

- 13 emails opposed

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application and requested that a percentage of the Community Amenity Contributions be allocated to improving and expanding the facilities at Douglas Park Community Centre:

Celeste Munger, Douglas Park Community Centre Association  
Charles Creighton, Douglas Park Community Centre Association  
Saskia Battersby, Douglas Park Community Centre Association

The following spoke in opposition to the application and raised concerns in relation to parking, traffic and Community Amenity Contribution allocations:

Tracey Moir, Oakridge Langara Area Residents  
Carey Murphy

The speakers list closed at 7:47 pm.

### Staff Closing Comments

Planning and Development Services staff responded to questions.

## Council Decision

MOVED by Councillor Louie

- A. THAT the application by F. Adab Architects Inc., on behalf of 0923466 B.C. Ltd. (Dava Developments Ltd.), to rezone 4139-4187 Cambie Street [*Lots 9 to 11, Block 680 DL 526 Plan 6539; PIDs 010-870-920, 010-870-938 and 010-870-946 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.60 to 2.51 FSR and the height from 10.6 m (35 ft.) to 21.8 m (71.5 ft.) to permit the development of two six-storey residential buildings, as well as lane-fronting two-storey townhouses, containing a total of 75 dwelling units, generally as presented in Appendix A of the Policy Report dated January 10, 2014, entitled "CD-1 Rezoning: 4139-4187 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 F. Adab Architects Inc. and stamped "Received City Planning Department, October 15, 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 improve the interface of the proposal to the adjacent site located to the north of the subject site. This could include adjusting the grading on the site and reducing any retaining walls to no greater than 2'-0" in overall height.
2. 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.
3. 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.
4. 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.

5. Design development of the proposed setbacks of the face of building to property line shall remain as proposed within the rezoning drawing submission.

Note to Applicant: proposed setback may be increased through the design development process.

6. 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.

7. 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.

8. Design development to provide a space within the south building to support the function and viability of the rooftop garden amenity, located on level 3, of a size ranging between 50 and 100 sq. ft.

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% 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 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.

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

16. Design development to the mid-block walkway to achieve a pedestrian friendly high quality landscape treatment. Down lighting, seating and substantial planting will encourage the safe use of this entry mews by building unit owners and their visitors.

Note to Applicant: Larger scale drawings of the walkway will be required to demonstrate a fine grained approach to the entry walkway.

17. Provision of a pedestrian friendly experience at the lane edge through the use of down lighting and planting at grade.

Note to Applicant: The lane edge lawn shrub and tree planting should be protected from vehicles by an eight inch high curb.

18. Provision of maximized tree growing medium and planting depths 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 and planting depths should be better than BCSLA standards.

19. Provision of urban agriculture in the form of edible landscaping and including some areas (planters or plots) suitable for urban agriculture activity. The necessary supporting infrastructure, such as tool storage, hose bibs and a potting bench should be provided. The design should reference the Urban Agriculture Guidelines for the Private Realm and should maximize sunlight, integrate into the overall design and provide universal access.

20. Provision of a 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.

21. Provision of a Landscape Plan consistent with Cambie Corridor Public Realm Plan.

22. Provision 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 of large scale sections (1/4"=1' or 1:50) illustrating the soil depths of planters that are on slab, as well as the building to public realm interface at the lane edge and the West 26<sup>th</sup> and Cambie Streets.
24. Design development to locate, integrate, and fully screen lane edge 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.
25. Provision of a separate Lighting Plan.
26. Provision of a separate Tree Removal and Retention Plan with dimensioned tree barriers for the street trees.
27. Provision of a high efficiency irrigation system for all planters, including the upper terrace area. Hose bibs shall be provided on the third floor Amenity Deck in order to provide water for the urban agriculture plots. 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 B.C. Standards and Guidelines.

#### Engineering

28. Clearly identify the proposed knockout panel at the appropriate location along the vehicular entry ramp.
29. All maneuvering aisles and parking stalls are to be designed at a maximum of 5% slope and cross falls, several maneuvering aisles and parking areas exceed 5%.
30. Dimension all parking stalls.
31. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown. Note; pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying. Note: Engineering recommends that the garbage storage area be located closer to the bottom of the parkade ramp.

32. Deletion of the lane surface treatments shown on the landscape and site plan and provision of a separate application to the General Manager of Engineering Services should non-standard surface treatments be desired.
33. Deletion of the trees shown in the back boulevards on Cambie and 26<sup>th</sup> Av. Where a 2nd row of trees is desired they are to be located on private property with appropriate accommodation in the parkade design to provide for the trees.
34. Clarification if bicycle racks are proposed for public property, if so a separate application to the General Manager of Engineering Services is required. Note: class B bicycle parking (bike racks) supplied on public property cannot be counted towards the on-site by-law requirement that would apply to this project.

#### 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 9, 10 and 11, Block 680, DL 526, Plan 6539 to create a single parcel.
2. Registration of a shared access agreement for vehicular traffic onto adjacent Lot 8, Block 680, DL 526, Plan 6539, as indicated on the applicant's plans. Provision of a knockout panel at the appropriate location along the vehicular entry ramp and appropriate arrangements (legal agreements) to secure access to underground parking within the future development on the adjacent property at 512 West King Edward Avenue (Lot 8).
3. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - a. Provision of new minimum 2.1 m wide concrete sidewalks should the existing sidewalks on Cambie



- Street and 26th Avenue adjacent the site be significantly damaged during construction activities. Replacement is to be determined at the sole discretion of the General Manager of Engineering Services.
- b. Provision of a standard concrete lane entry on the north side of 26<sup>th</sup> Avenue at the lane west of Cambie Street.
  - c. Provision of street trees adjacent the site where space permits.
  - d. 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.
4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

#### Sustainability

5. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a District Energy System, if and when the opportunity is available and in accordance with the City's policy for *District Energy Connectivity Standards* and the *Cambie Corridor Plan*, which may include but are not limited to agreements which:

- 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.

### 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.

### Heritage Density Transfer

7. Secure the purchase and transfer of 1,181 m<sup>2</sup> (12,713 sq. ft.) of heritage density (which has a value of \$826,345) from a suitable donor site.

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date,

the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner(s) of the subject site, also referred to as the receiver site, and the owner of the donor(s) site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### Community Amenity Contribution (CAC)

8. Pay to the City the Community Amenity Contribution of \$2,479,045 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. \$1,652,695 to the Affordable Housing Reserve; and
  - b. \$826,350 to community facilities serving the Cambie Corridor Plan 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 Parking By-law, generally as set out in Appendix C of the Policy Report dated January 10, 2014, entitled “CD-1 Rezoning: 4139-4187 Cambie Street”.
- 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 Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 10, 2014, entitled “CD-1 Rezoning: 4139-4187 Cambie Street”.
- D. THAT A to C above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a 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.
- E. THAT Council request the Park Board to consider that the generated DCLs be allocated to Douglas Park and that Douglas Park also be considered for possible inclusion as part of their Capital Plan submission.
- F. THAT, as part of Phase 3 of the Cambie Corridor Planning, Council direct staff to advance the community needs assessment process in order to make early priority CAC allocations within the area.
- G. THAT staff work with neighbours to achieve a mitigation plan for parking, clean sites and other issues during construction.

CARRIED UNANIMOUSLY

### 3. REZONING: 563-571 West King Edward Avenue

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

Summary: To rezone 563-571 West King Edward Avenue from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to allow for one six-storey residential building with two-storey townhouses along the rear lane, containing a total of 70 dwelling units. A height of 21.5 m (70.5 ft.) and a floor space ratio (FSR) of 2.43 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.

#### Summary of Correspondence

Council received the following correspondence related to this application since it was referred to Public Hearing and up to 15 minutes after the close of the speakers list:

- 1 email in support
- 7 emails opposed

#### Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application:

Celeste Munger, Douglas Park Community Centre Association  
Saskia Battersby, Douglas Park Community Centre Association  
Alison Manley  
Bill Hepler  
Abbas Sabur  
Daniel Skarlicki

The following spoke in opposition to the application:

Tracey Moir, Oakridge Langara Area Residents  
Carey Murphy

The speakers list closed at 9:09 pm.

#### Staff Closing Comments

Planning and Development Services staff responded to questions.

## Council Decision

MOVED by Councillor Louie

- A. THAT the application by GBL Architects Inc., on behalf of 0961456 B.C. Ltd.(Regent International Developments Ltd.), to rezone 563-571 West King Edward Avenue [*Lots 25 to 27, Block 660, District Lot 526, Plan 2976; PIDs: 013-272-730, 013-272-748 and 013-272-756 respectively*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.43 and the height from 10.7 m (35 ft.) to 21.6 m (71 ft.) to permit the development of a six-storey residential building and two-storey townhouses fronting the rear lane, containing a total of 70 dwelling units, generally as presented in Appendix A of the Policy Report dated January 7, 2014, entitled “CD-1 Rezoning: 563-571 West King Edward Avenue”, be approved subject to the following conditions:

### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects Inc., on behalf of Regent International Developments Ltd., and stamped “Received City Planning Department, August 9, 2013”, provided that the General Manger 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 remove the access to the rooftop and the roof terraces on the laneway townhouse blocks.

Note to Applicant: This is to address privacy and overlook concerns towards adjacent residential sites as well as a compliant design solution with respect to height.

2. Design development of the proposed setbacks from the property line shall remain consistent with the rezoning application submission unless conditions state otherwise.

Note to Applicant: The proposed building setbacks submitted can be considered as a minimum setback but could be increased if warranted by the design development process.

3. Design development of the sixth storey massing element to remain consistent with the rezoning application submission.

4. Design development of the laneway townhouse units to provide a setback from property line to face of building of a minimum of 1.2 m (4 ft.) in order to accommodate landscaping and/or other opportunities for enhancing the interface at the lane.

Note to Applicant: It is noted that internal on-site pedestrian primary access is provided from King Edward Avenue to the townhomes off the lane so owners need not rely on the City lane for access to the units. Should secondary access be contemplated, provision of landings and gates or other measures will be needed to ensure safe entry and egress of residents to the lane.

5. Design development to create open spaces suitable for children's play, located adjacent to common amenity rooms.

Note to Applicant: Amenity areas and open spaces should be arranged to improve the functionality of these common areas for families with children. See the *High-Density Housing for Families with Children Guidelines* for more information.

6. 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.

7. Provision of high quality and durable exterior finishes proposed through this process will be carried forward to the development permit application process.

#### Crime Prevention Through Environmental (CPTED)

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

## Sustainability

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 Review

14. Provision of a pedestrian-friendly experience at the lane edges by the use of down-lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by a 20 cm (8 inch) high curb.

15. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long-term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BCSLA standards or better.

16. Provision of improved sustainability through the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to meet the *Urban Agriculture Guidelines for the Private Realm* and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

17. Submission of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention and reuse of rainwater.

Note to Applicant: Strategies could include high efficiency irrigation, permeable paving, drought tolerant plants and mulching.

18. At time of development permit application:

- (i) Provision of a full Landscape Plan consistent with Cambie Corridor Public Realm 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.

- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate root balls of proposed trees well into the future.
- (iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

- (iv) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (v) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (vi) A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
- (vii) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

- (viii) Trellis and vines to be provided over the underground garage access ramp.

#### Engineering

- 19. Delete the proposed tree and portion of stepped planter shown on page L-1 within the required corner-cut dedication.
- 20. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick-up, bins are to be returned to storage areas immediately after emptying. The current design appears to require the removal of the garbage bins onto the parkade ramp. Please ensure the bins are removed onto a flat and level surface and do not require the transportation of the bins up or down the parkade ramp.

21. Provision of a signed confirmation letter from a car sharing company that they are interested in placing two car sharing vehicles on this site and shall enter into a car sharing agreement for the two vehicles.

Note to Applicant: Without this letter the car sharing parking reduction cannot be applied to this application.

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

Note to Applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (i) Provision of 2.9 m stall width for the two proposed car share stalls.
- (ii) Provision of Class A bicycle parking on P1.
- (iii) Provision of an improved plan showing the design elevations on both sides of the parkade ramp at all breakpoints and within the parking areas to be able to calculate slopes and cross falls. Provide elevations on section drawings.

Note to Applicant: Please refer to the Parking and Loading Design Guidelines at the following link: (<http://former.vancouver.ca/engsvcs/parking/admin/devlopers.htm>) to ensure correct stall widths and column locations for the parkade design.

- (iv) Provision of a section drawing showing elevations and vertical clearances, for the main ramp (2.3 m) while clearly showing the overhead gate and related clearances for it.

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

## 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 and the Approving Office, 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 and 27, Block 660, DL 526, Plan 2976 to create a single parcel and subdivision of that site to result in the dedication of a 3 m x 3 m (10 ft. x 10 ft.) corner-cut truncation in the northeast corner of the site for lane purposes.
2. Release of Right of Way Agreement 76446H (for sewer/drainage purposes).

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.

3. A statutory right of way to accommodate a Public Bike Share Station (PBS).
  - (i) **Size:** At minimum, the smallest sized station at 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.
  - (ii) **Location:** The station must be located on private property while still clearly visible to the public with 24/7 public access. The preferred location should allow easy access to the street.
  - (iii) **Surface treatment:** A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
  - (iv) **Grades:** The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.

- (v) Sun exposure: No vertical obstructions to maximize sun exposure as the station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
  - (vi) 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.
4. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
- (i) Provision of 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.
  - (ii) Provision of new and relocated concrete sidewalk on King Edward Avenue to provide for a front boulevard and street trees. Sidewalk widths and location to be determined prior to the construction of the adjacent sidewalk.
  - (iii) Provision of street trees adjacent the site where space permits.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management

Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

### Sustainability

6. 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 low carbon district energy, which may include but are not limited to agreements which:
  - (i) require buildings on site to connect to a District Energy System through a deferred services agreement, or otherwise, at such time that one becomes available;
  - (ii) grant the operator of the District Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling District Energy System connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
  - (iii) provide for adequate and appropriate space to be utilized for an energy transfer station.

### Soils

7. If applicable:
  - (i) Submit a site profile to the 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 Protection, 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.

#### Heritage Density Transfer

8. Secure the purchase and transfer of 1,121 m<sup>2</sup> (12,071 sq. ft.) of heritage density (which has a value of \$784,627) from a suitable donor site.

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner(s) of the subject site, also referred to as the receiver site, and the owner of the donor(s) site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### Community Amenity Contribution (CAC)

9. Pay to the City the Community Amenity Contribution of \$1,164,628 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$1,164,628 is to be allocated as follows:

- (i) \$974,628 to the Affordable Housing Reserve;
- (ii) \$40,000 to childcare facilities in the Cambie Corridor area (for restoration of the outdoor play area at 8 Oaks Acorn Childcare); and
- (iii) \$150,000 for traffic calming near Edith Cavell Elementary School.

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 January 7, 2014, entitled “CD-1 Rezoning: 563-571 West King Edward Avenue”.
- 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 Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 7, 2014, entitled “CD-1 Rezoning: 563-571 West King Edward Avenue”.
- D. THAT A to C above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a 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



\* \* \* \* \*

*At 9:34 pm, prior to the start of item 4, it was*

*MOVED by Councillor Reimer*

*THAT the meeting be extended to complete item 4, conclude hearing from speakers on item 5, and that discussion and decision on item 5 be referred to the Regular Council meeting on March 11, 2014, as Unfinished Business.*

*CARRIED UNANIMOUSLY*

\* \* \* \* \*

#### 4. REZONING: 1412-1424 East 41st Avenue

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

Summary: To rezone 1412 East 41st Avenue from C-1 (Commercial) District and 1424 East 41st Avenue from RS-1 (One-Family Dwelling) District, both to a CD-1 (Comprehensive Development) District. The proposal is for a four-storey commercial and residential building, with all 42 dwelling units secured as for-profit affordable rental housing. A height of 14.35 m (47.1 ft.) and a floor space ratio (FSR) of 2.42 are proposed. This is a concurrent rezoning and development permit (DE413542) 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

Planning and Development Services staff presented 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.

Brian Ngan spoke in opposition to the application.

The speakers list closed at 9:40 pm.

#### Staff Closing Comments

Planning and Development Services staff responded to questions.

## Council Decision

MOVED by Councillor Louie

- A. THAT the application, by Matthew Cheng Architect Inc. on behalf of Christa Vina Investment Ltd., to rezone 1412 East 41st Avenue [PID 024-729-604; Parcel 1 Block 1 DL 715 Group 1 NWD Plan LMP45258] from C-1 (Commercial) District and 1424 East 41st Avenue [PID 003-168-590; Lot D Block 1 DL 715 Plan 8370] from RS-1 (One-Family Dwelling) District, both to a CD-1 (Comprehensive Development) District to increase the floor space ratio from 1.20 in C-1 and from 0.70 in RS-1 to an overall floor space ratio of 2.42 FSR and height from 9.2 m (30.1 ft.) to 14.35 m (47.1 ft.) to permit the development of a four-storey mixed-use commercial and residential building, with all 42 dwelling units secured as for-profit affordable rental housing, generally as presented in Appendix A of the Policy Report dated January 14, 2014, entitled "CD-1 Rezoning: 1412-1424 East 41st Avenue", be approved subject to the following conditions:

### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Matthew Cheng Architect Inc. and stamped "Received City Planning Department, July 17, 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. Provision of high quality, durable materials and refined details.

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

2. Provision of more planting along the laneway to green the rear elevation.

Note to Applicant: Intent is to reduce the visual scale of the new building relative to the neighbours across the lane by reducing exposed concrete. This can be accomplished by lowering the upper deck planter to be closer to the lane where higher ceilings are not required for loading.

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

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

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

Note to Applicant: Full cut-off fixtures and down lights should be specified.

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

5. Design development to consider the principles of CPTED, having particular regard for security in the underground parking:

Note to Applicant: Consider how lighting and glazing can be used to improve perceived safety in underground areas. Accessible exterior walls should be noted as having anti-vandal coating. Design features that address CPTED principles should be noted on the development permit application.

#### Landscape Design

6. Provision of large scale (1/4" = 1'-0") sections illustrating the soil depths for all planters, including the east side yard, the second floor deck planter, and the lane edge planter.

Note to Applicant: The sections should include the adjacent building structure.

7. Provision of a report from an arborist certified by the International Society of Arboriculture (ISA) regarding the safe retention of the neighbour's four cedar trees.

8. Clarification of the width of the lane edge planter and the size and location of the 4th floor planters.

Note to Applicant: The architectural plan [Drawing No. A4] shows a 2.0 ft. wide lane edge planter and the Landscape Plan [Drawing No. L1] shows a 4.0 ft. wide planter. The planter width should match the required building setback at the rear property line.

#### Sustainability

9. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver, including a minimum of 36 points in the

LEED® rating system, three optimize energy performance points, one water efficiency point and one storm water point.

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

#### CONDITIONS OF BY-LAW ENACTMENT

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

##### Engineering

1. Dedication of the north 0.61 m of the site for road. Deletion of all building encroachments shown to extend over the dedication line.
2. Dedication of the west 0.61 m of the site for road. Deletion of all building encroachments shown to extend over the dedication.
3. Consolidation of Parcel 1 and Lot D into a single site.
4. Discharge of parking covenant (BP37729). Arrangements are to be made prior to by-law enactment with discharge completed by building occupancy. A letter of commitment will satisfy this condition prior to enactment.
5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and 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. Relocation of the wood utility pole located at the west side of the loading space and in front of the commercial garbage room to the satisfaction of the General Manager of Engineering Services. Provide a letter of confirmation from BC Hydro and any other utility using this pole agreeing to the relocation.

Note to Applicant: the current location will affect the provision of a double loading bay throat, access into the loading space and access to the garbage storage area.

- c. Provision of improved sidewalks adjacent the site to meet the current commercial sidewalk standards.
  - d. Provision of street trees adjacent the site where space permits.
  - e. Provision of a standard concrete lane crossing on the east side of Knight St. at the lane south of 41st Avenue.
6. 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

- 7. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all residential units as for-profit affordable rental housing units pursuant to the City's Short Term Incentives for Rental Housing (STIR) Program for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant, and subject to all such units being made available as rental housing for a term of 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 for such residential units to comply with the requirements of the STIR Program and in particular section 3.1A of the applicable Development Cost Levy By-Law.

The Housing Agreement to secure the rental units will include:

- a. A rent roll indicating the initial monthly rents for each rental unit;
- b. A covenant from the owner to submit, prior to issuance of an occupancy permit, a finalized rent roll to the satisfaction of the Managing Director of Social Development and Director of Legal Services that reflect the rental rates in the Housing Agreement on either a per unit or a per square foot basis in order to address potential changes in unit mix and/or sizes between the rezoning and development permit stage; and
- c. Such other terms and conditions as the Director of Legal Services may require.

Note to Applicant: this condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

#### Soils

8. If applicable:
  - a. Submit a site profile to the 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 Protection, 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.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, if after Public Hearing Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 14, 2014, entitled “CD-1 Rezoning: 1412-1424 East 41st Avenue”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law contemplated by the same report.
- 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 Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 14, 2014, entitled “CD-1 Rezoning: 1412-1424 East 41st Avenue”.
- D. 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-1)], generally as set out in Appendix C of the Policy Report dated January 14, 2014, entitled “CD-1 Rezoning: 1412-1424 East 41st Avenue”, be approved.
- 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 Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 14, 2014, entitled “CD-1 Rezoning: 1412-1424 East 41st Avenue”
- 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 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

5. REZONING: 960-968 Kingsway and 955 East 19th Avenue

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

Summary: To rezone 960-968 Kingsway and 955 East 19th Avenue from C-2 (Commercial) District and RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to allow for a six-storey commercial and residential building, with all 44 dwelling units secured as for-profit affordable rental housing. A height of 19.4 m (63.7 ft.) and a floor space ratio (FSR) of 3.39 are proposed. This is a concurrent rezoning and development permit (DE413541) 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

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

Summary of Correspondence

Council received the following correspondence related to this application since it was referred to Public Hearing and up to 15 minutes after the close of the speakers list:

- 6 emails opposed

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application:

Dennis St-Aubin

The following spoke in opposition to the application, noting concerns in relation to parking, traffic calming, and building height:

John Buckberrough  
John Colenutt  
Stephen Bohus  
Gowa Kong  
Mark Boyland



The speakers list closed at 10:49 pm.

\* \* \* \* \*

*Council referred discussion and decision on this item to the Regular Council meeting on March 11, 2014, as Unfinished Business.*

\* \* \* \* \*

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Tang

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 Deal

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 Jang

SECONDED by Councillor Reimer

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 10:55 pm.

\* \* \* \* \*