



PUBLIC HEARING MINUTES

MARCH 13, 2014

A Public Hearing was held on Thursday, March 13, 2014, at 12:10 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to zoning and development and by-law.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck
Councillor Elizabeth Ball
Councillor Adriane Carr
Councillor Heather Deal
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Tony Tang

ABSENT: Councillor Kerry Jang (Medical Leave)
Councillor Andrea Reimer (Leave of Absence - Civic Business)
Councillor Tim Stevenson (Leave of Absence)

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

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

COMMITTEE OF THE WHOLE

MOVED by Councillor Carr
SECONDED by Councillor Tang

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

CARRIED UNANIMOUSLY

1. REZONING: 3323-3367 East 4th Avenue (Beulah Garden)

An application by Integra Architecture Inc. was considered as follows:

Summary: To rezone 3323-3367 East 4th Avenue (Beulah Garden) from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow for a four-storey residential building, with 54 life lease units targeted for seniors over the age of 60 years. A height of 14 metres (46 feet) and a floor space ratio (FSR) of 1.45 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.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing and prior to the close of the speakers list.

Speakers

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

The speakers list closed at 12:17 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application, by Integra Architecture Inc. on behalf of Beulah Garden Homes Society, to rezone 3323-3367 East 4th Avenue [*Lots 33, 34 and A, Block 91, Section 29, Town of Hastings Suburban Lands Plan 3672; PIDs: 011-086-745, 004-583-345, and 012-336-858 respectively*] from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio from 0.75 to 1.45 and building height from 9.2 m (30.0 feet) to 14 m (46 feet) to allow development of a residential building, generally as presented in Appendix A of the Policy Report dated February 4, 2014, entitled "CD-1 Rezoning: 3323-3367 East 4th Avenue (Beulah Garden)", 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 Integra Architecture Inc. and stamped "Received City Planning and Development Services, September 11, 2013", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

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

Note to Applicant: At present the apparent length of the proposed development exceeds the adjacent, lower scale residential form. Consideration should be given to the composition of building elevations. Specifically, the repetition and cadence of architectural elements, massing and materiality

of 'formal' elements and the transition in building height should all be utilized to partition and reduce the perceived length of the building.

2. Design development to provide a stronger base for the building.

Note to Applicant: Consideration should be given to a stronger base at grade, most notably at the west end of the site. The sloping condition of the site may be seen as too complex to merit a single architectural expression along the ground plane. Efforts to transition the slope might be assisted with the introduction of a 'datum' line registered by a building base.

3. Design development to improve the transition in building height.

Note to Applicant: Consideration should be given to reinforce the roofline transition in building height. The introduction of an upper storey setback, integrated with the building 'step' and along a transitional elevation element at entry, might provide an assembly by which to accomplish this.

4. Design development to improve the sustainability strategy. Consideration should be given to both passive and active means.
5. Consideration should be given to the proposed color palette. The perceived weight of darker colors might be alleviated with an alternative to the 'mansard' roofline.

Landscape

6. Design development to improve the front entrance area by:
 - Creating direct, unobstructed pedestrian connections from secondary walkways to the front entrance plaza and main walkway. This may require the reconfiguration of hard surface areas, bike racks, canopy columns and other site furnishings. The back boulevard (public property) should be landscaped and paving relocated to private property.
 - Setting back the secondary walkways a minimum distance of 1 foot from the property line.
 - Providing privacy screens and/or landscape screening in between the entrance area and any adjacent ground floor unit patios.
 - Ensuring that paving materials are consistent with principles of universal access (Note: consider saw cut concrete with textured edge treatment).

- The addition of a row of full canopied, medium to large species trees that can provide summer shade, avoiding columnar shaped species.
- Minimizing the quantity and presence of necessary retaining walls while avoiding the need for safety railings, wherever possible.
- Increasing ground floor patio coverage to a distance of 5 feet minimum beyond the building façade (Note: ensure the design includes patio edge treatment, railings and possibly a low hedge).
- Reducing the width of secondary walkways, where possible, to reduce the overall amount of contiguous paving.

7. Design development to improve the rear yard by the addition of a variety of trees that mitigate the scale of the building and offer access to nature for residents.

Note to Applicant: Consider a variety of small species deciduous trees, in combination with species that have the capability to grow taller than the building but are narrow in profile (i.e. Serbian spruce). This may require the reconfiguration of the space to provide soil and space for tree growth.

8. Design development to retain the oak tree and the monkey puzzle tree in the front yard.

Note to Applicant: Staff acknowledge the intent to retain the trees. Given the generous setback to the excavation, a construction related arborist report is not requested; however, periodic arborist supervision will be necessary during the project, particularly of the oak tree. The grading and re-landscaping should ensure minimal soil disturbance in the tree protection zone. Further comments may be outstanding.

9. Design development to integrate principles of universal access.

Note to Applicant: Ground-floor and rooftop common garden areas should have raised planting beds and eliminate barriers to movement. As an objective, planting design should stimulate the senses (sight, sound, smell, touch). The urban agriculture areas should discreetly integrate benching, tool storage, compost bin(s), work table(s) and have clear access to hose bibs.

10. Provision of an arborist supervision assurance letter.

Note to Applicant: The letter should outline at least four (4) trigger points where the arborist shall attend the site during the

project and be signed by the applicant/owner, the arborist and the contractor.

11. Illustration of important tree retention information on the plans, including dimensioned tree barriers, arborist directives and construction methods.
12. Where applicable, site utilities and vents integrated discreetly into the design, avoiding the disruption of common areas, and screened accordingly.
13. Provision of an efficient irrigation system for all common outdoor planters and individual hose bibs to be provided for all patios of 100 sq. ft. or greater in size. Specification notes and irrigation symbols to should be added to the drawing.
14. Revisions to the planting plan and landscape sections to more accurately reflect soft and hardscape design intent.

Crime Prevention Through Environmental Design (CPTED)

15. Design development to respond to CPTED principles, having particular regard for:
 - Theft and security in the underground parking
 - Mischief and vandalism, such as graffiti

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

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

Sustainability - Green Building

16. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving Gold certification under LEED® Homes Mid-rise, including a minimum of 65 points in the LEED® Homes Mid-rise rating system, and, specifically, a minimum of nine energy and atmosphere points.

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

17. Applicant is strongly encouraged to provide a deconstruction strategy for demolition of existing buildings on site to divert at least 75 per cent of demolition waste (excluding materials banned from disposal) from the landfill. A deconstruction strategy may be submitted as part of the revised development permit application.

Engineering

18. 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.
19. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

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

- Provision of a parking ramp slope not to exceed 10 per cent for the first 20 feet from the property line across the entire width of the parking ramp and additional design elevations both sides of all breakpoints on the parkade ramp.
 - Provision of drawings consistently labeled with imperial or metric measurements and notations.
 - Clearly note on the plans that the passenger drop-off area on 4th Avenue is subject to design approval by the General Manager of Engineering Services.
20. Engineering landscape plan comments:
 - Revision to the planting plan for the mid-block bulge to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: All plant material should grow to a maximum mature height of 2.5 to 3 feet. The Pinus Strobus proposed for the bulge will grow to 2 to 4 feet

high. This has potential to be a pedestrian visibility issue and should be substituted.

- Provision of an updated landscape plan that reflects the various public property improvements that receive approval in this rezoning.
- Provision of the following statement on the landscape plan:

“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.”
- Delete shrubs shown over the property line in the lane east of Rupert Street (L-009).
- Delete back boulevard trees along 4th Avenue (L-009).

Note to Applicant: any planting between the property line and the back of the City sidewalk must meet the City of Vancouver Boulevard Planting Guidelines.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of Lots 33, 34 and A, Block 91, Section 29, THSL, Plan 3672 to create a single parcel and subdivision of that site to result in the dedication of a 10 feet x 10 feet corner-cut truncation in the northwest corner of the site for lane purposes.
2. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services

are provided. No development permit for the site will be issued until the security for the services are provided.

- (a) Provision of a 1.8 m (6 feet) wide concrete sidewalk with saw-cut control joints on 4th Avenue between Cassiar Street and the lane east of Rupert Street.

Note to Applicant: Consideration to extend the sidewalk from Rupert Street to the lane east of Rupert Street to better serve this facility and connect the sidewalk system to Rupert Street and the bus transit system.

- (b) Provision of a 3.0 m (10 feet) wide raised mid-block crosswalk, associated paint markings and traffic regulatory signage, as well as curb bulges on both the north and south side of 4th Avenue.
- (c) Provision of lane paving of the lane east of Rupert Street from 4th Avenue to the lane north of 4th Avenue (adjacent to the site).
- (d) Provision of a standard concrete lane crossing at the lane east of Rupert Street on the north side of 4th Avenue.

- 3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.
- 4. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The applicant is responsible for 100 per cent of any water system upgrading that may be required.

Housing

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all units for a term of 60 years or the life of the building, whichever is longer:
 - (a) As life lease housing, substantially on the terms and conditions set for the Draft Beulah Housing Society Life Lease Agreement attached as Appendix F to the above-noted report, or if at any time any unit is not occupied by a life lessee, then subject to such unit being made available as rental housing for a term not less than one month at a time.
 - (b) For people aged 60 years and over, subject to limited exceptions.
 - (c) Subject to a no-separate-sales covenant and a non-stratification covenant.
 - (d) Subject to an index provision for the initial offering price at no more than 85 per cent of Fair Market Value of an equivalent residential strata unit in the area.
 - (e) Not increasing prices on future lease offerings for at least seven (7) years until the price is less than or equal to 80 per cent of Fair Market Value of an equivalent residential strata unit in the area, and thereafter maintain the 80 per cent of Fair Market Value of an equivalent residential strata unit in the area and, if possible, enhance ongoing affordability.
 - (f) Provision of detailed information to potential lessees including a requirement for independent financial advice.
 - (g) On such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require.
6. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to amend Housing Agreement By-law No. 8885, notice of which is registered in the Land Title Office under number BX462599, against title to the adjacent sites at 2075 Cassiar Street (the "Beechwood" building) and 3355 East 5th Avenue (the "Cedars" building) to secure an additional seven rental units at 2075 Cassiar Street for low-income seniors, and on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require.

Soil

7. 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.
 - (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 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 February 4, 2014, entitled "CD-1 Rezoning: 3323-3367 East 4th Avenue (Beulah Garden)".

- C. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c)5 of Appendix B of the Policy Report dated February 4, 2014, entitled "CD-1 Rezoning: 3323-3367 East 4th Avenue (Beulah Garden)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law to secure all units in this development as life lease housing for 60 years or the life of the building, whichever is longer, subject to a no-separate-sales covenant and a non-stratification covenant and such other terms and conditions that are described in Appendix B of the above-noted report" and as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development, with the by-law to be brought forward to Council for enactment prior to enactment of the CD-1 By-law contemplated by the above-noted Policy Report.
- D. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c)6 of Appendix B of the Policy Report dated February 4, 2014, entitled "CD-1 Rezoning: 3323-3367 East 4th Avenue (Beulah Garden), the Director of Legal Services be instructed to amend Housing Agreement By-law no. 8885, notice of which is registered in the Land Title Office under number BX462599, against title to the adjacent sites at 2075 Cassiar Street (the "Beechwood" building) and 3355 East 5th Avenue (the "Cedars" building) to secure an additional seven rental units at 2075 Cassiar Street for low-income seniors, as a mitigation measure for the loss of the seven existing rental units on the rezoning site, and on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require, with the by-law to be brought forward to Council for enactment prior to enactment of the CD-1 By-law contemplated by the above-noted Policy Report.
- E. THAT A through D above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

2. REZONING: 2405-2445 Cornwall Avenue (Point Grey Private Hospital)

An application by Stuart Howard Architects Inc. was considered as follows:

Summary: To rezone 2405-2445 Cornwall Avenue (Point Grey Private Hospital) from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to expand the existing "Community Care - Class B" facility by redeveloping the properties adjacent to the existing facility with 3-storey additions to the east and west. The proposal includes a total FSR of 2.08, a building height of 12.9 metres (42.4 feet) and 0.187 parking spaces per bed.

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, along with Engineering Services staff, responded to questions.

Applicant Comments

Mary Ackenhusen, Chief Operating Officer - Vancouver, Vancouver Coastal Health presented an overview on residential care and, along with Angela Long, Residential Care Licensing Resource Coordinator, Community Care Facilities Licensing, Vancouver Coastal Health, responded to questions.

Stuart Howard, Architect, provided opening comments and, along with Gavin McIntosh, representing the owner, responded to questions.

Summary of Correspondence

The following correspondence was received since referral to public hearing and prior to the close of the speakers list:

- 101 emails in support
- 16 emails in opposition

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Scott Mason
Julie Guilbault
Regine Fefer
Peter Grantham

Charlotte L.V. Warren
Megan King
Martin O'Connor
Ron MacKinnon
Louise Zizka
Jo Carney
Bruce MacGregor
Alex Munroe
Lemuel Espinueva
April Jones
Deborah McKinnon
Angie MacDougall
Susan Todd
Gail Krushinsky

The following spoke in opposition to the application. Some speakers raised concerns regarding the size of the development and negative impacts in relation to the loading dock on adjacent properties:

Marguerita Smith
Mary Anne Bell
Henry Cussen
Sheila Phillips
John Pement
Lindsey Richardson
Debbie Thomas
Christopher O'Neill
Richard Buccino
David Alderdice
Rochelle Golumbia
Dugald Morrison
Bella McAdam
Oxana Kadian

The speakers list closed at 4:50 pm.

Applicant Closing Comments

Mr. Howard provided closing comments.

Staff Closing Comments

Planning and Development Services staff provided closing comments and, along with Engineering Services staff, responded to questions.

Council Decision

The following contains changes to the original Summary and Recommendation, which were put forward by Council.

MOVED by Councillor Deal

- A. THAT the application, by Stuart Howard Architects Inc. on behalf of Point Grey Private Hospital Ltd. and a related company, St. Vincent's Apartments Ltd., to rezone:

- 2405 Cornwall Avenue [*PID: 015-099-202; Lot 11, Block 181, DL 526, Plan 848*];
- 2423 Cornwall Avenue [*PID: 009-005-561; Lot B, Block 181, DL 526, Plan 11799*]; and
- 2445 Cornwall Avenue [*PID: 014-785-005; Lot 15, Block 181, DL 526, Plan 848*];

from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 1.45 to 2.08 and building height from 10.7 m (35.1 ft.) to 12.9 m (42.4 ft.) to permit expansion of the Community Care Facility known as Point Grey Private Hospital, by replacing two existing apartment buildings at 2405 and 2445 Cornwall Avenue with new three-storey additions on both sides of the existing care facility building, generally as presented in Appendix A of the Policy Report dated February 11, 2014, entitled "CD-1 Rezoning: 2405-2445 Cornwall Avenue (Point Grey Private Hospital)", 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 Stuart Howard Architect Inc., and stamped "Received City Planning Department, October 10, 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 and contain the required parking and loading within the building.

Note to Applicant: The loading function should be located within one of the lower levels of the west addition.

2. Design development to provide an enhanced landscape treatment, in lieu of the surface parking and loading areas off the lane.
3. Design development to provide and contain the required garbage and recycling areas within the building.
4. Design development to enhance the visual overlook of the roof through the removal the proposed access (elevator and stairs) and accessible open space on the roof, and through the provision of an extensive green roof treatment.
5. Design development to provide outdoor open space amenity for the residents as a component of the building.

Note to Applicant: If located on one of the floors of the building, it should be located and designed to minimize privacy and overlook with nearby neighbours.

6. Design development to maintain the existing natural grade along the west side yard.

Note to Applicant: The proposed alteration of grades is not acceptable. If steps are provided along this side yard then they should generally follow the slope of the natural grade.

7. Design development to the front yard to:
 - (a) Provide a high quality landscape treatment that includes seating opportunities.
 - (b) Minimize the extent of grade changes for the proposed light wells and patios in order to eliminate the requirement for guardrails.
8. Design development to provide a landscape treatment at the rear of the east addition to address privacy and overlook with neighbours across the lane.
9. Design development to maintain the high quality materials indicated (granite siding, masonry panels, aluminum panels and glazed guardrails).

Sustainability

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

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

Engineering

11. Provision of design grades at all entries, each side of the crossings on Cornwall Avenue and at all stairs and entries along the property lines.
12. Delete the retaining walls and footings, shown over the ultimate south property line, and any retaining walls and features within the proposed 6'-0" wide Statutory Right of Way.

Note to Applicant: The location of the tiered retaining walls on page 4.03 does not match that shown on the plan views.

13. Delete the landscaping features shown on the north 2 feet of the site (to be dedicated) on pages A3.02 and A3.04.
14. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement & Indemnity Agreement 394522M (for 2 commercial crossings) prior to building occupancy. 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.
15. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown, the bin storage is located on a raised platform, confirmation of access to and from this elevation is required.

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.

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

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

- (a) Provision of parking, loading and garbage facilities designed and located to mitigate and minimize impact to adjacent properties adjacent the lane all to the satisfaction of the General Manager of Planning and Development Services in consultation with the General Manager of Engineering Services.
- (b) Provision of an improved wider parking ramp entry, at the underground parking level.

Note to Applicant: The current design is too narrow and the geometry through the curved portion of the ramp is too tight. It requires a driver to turn precisely or risk vehicle damage.

- (c) Re-label the Class B bicycle parking in the new underground as Class A bicycle parking and show all bicycle spaces, lockers and the maneuvering aisle correctly dimensioned.
- (d) Provide visibility of vehicles on the parking ramp and measures to ensure that a vehicle travelling in the opposite direction does not enter the ramp as another is on the parking ramp.

Social Development

- 17. Submission, with the Development Permit application, of tenant relocation plans as follows:
 - (a) For the existing occupants of the apartment buildings proposed to be demolished, a Tenant Relocation Plan consistent with the Tenant Relocation Plan outlined in the Rate of Change Guidelines and to the satisfaction of the Director of Social Development.
 - (b) For the existing occupants of the Point Grey Private Hospital, provision of a signed Tenant Relocation Plan prior to issuance of the Development Permit, to include, amongst other conditions, the following requirements:
 - i. Construction phasing schedule.
 - ii. Timetable of tenant relocation and management in relation to construction.
 - iii. Compliance with Vancouver Coastal Health Authority regulations for tenant relocation, and for notification of residents and their families/

- iv. Approval of the Tenant Relocation Plan by Vancouver Coastal Health Authority.

Development Permit Actions

18. Demonstrate that all deliveries can be made by SU9 trucks (or smaller) into the delivery bays in a single turn without impacting adjacent properties.
19. Require a schedule of deliveries which do not overlap, can be accommodated by the delivery bays and sets specific evening and morning hours.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of Lots 11 & 15, Plan 848, and Lot B, Plan 11799; all of Block 181, DL 526 to create a single parcel and subdivision of that site to result in:
 - (a) Dedication of the north 2 feet of Lots 11 and 15 for lane purpose.
 - (b) Dedication of the south 7 feet of the site for road purposes.
2. Provision of a surface Statutory Right-of-Way along the south 6'-0" of the site after the 7 foot dedication has been granted, for public/pedestrian uses. The elevation of the Right-of-Way area is to meet official City building grades and provide full structural support for the adjacent City street.
3. 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 curb realignment and relocation to accommodate installation of a layby/drop off feature

- adjacent the development site in lieu of the current on-site driveway/passenger pick-up and drop-off. Work to include relocation and adjustment of all street furniture, utilities, transit stops and shelters concrete bus landing areas and any other street furniture impacted by the curb relocation with all costs to be at 100 per cent the developer's expense.
- (b) Provision of a standard concrete lane entry on the west side of Balsam Street at the lane north of Cornwall Avenue.
 - (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 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 per cent 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.
5. Update the loading management plan to include a detailed weekly/monthly schedule which minimizes all conflicts and reliance upon the lane for deliveries as well as the name/title and contact phone number for the Loading Area Manager to the satisfaction of the General Manager of Engineering Services.

Community Amenity Contribution (CAC)

6. Pay to the City the Community Amenity Contribution of \$56,112 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 for pedestrian improvements to support universal access in the immediate neighbourhood and nearby parks.

Soils Agreement

7. If applicable:
 - (a) Submit a site profile to the Environmental Protection Branch (EPB).
 - (b) As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the *Vancouver Charter*.
 - (c) If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as 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-laws.

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

payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, 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 February 11, 2014, entitled "CD-1 Rezoning: 2405-2445 Cornwall Avenue (Point Grey Private Hospital)".
- C. THAT A and B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED
(Councillors Affleck, Ball and Carr opposed)

**3. REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
1920 Southwest Marine Drive (Casa Mia)**

This item was withdrawn by staff.

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor 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 Tang
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 5:46 pm.

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