



REGULAR COUNCIL MEETING MINUTES

APRIL 29, 2014

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, April 29, 2014, at 9:40 am, in the Council Chamber, Third Floor, City Hall.

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

ABSENT: Councillor Geoff Meggs (Leave of Absence - Civic Business)

CITY MANAGER'S OFFICE: Penny Ballem, City Manager
Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

WELCOME

The proceedings in the Council Chamber were opened with welcoming comments from Councillor Ball.

PRESENTATION - MAYOR'S POETRY CHALLENGE

The Mayor acknowledged Regina Mayor Michael Fougere's "Poetry City Challenge" to host poetry readings at City Council meetings in April, and noted that Vancouver was one of more than 30 cities nationwide taking part in the challenge this year. The Mayor welcomed Vancouver's Poet Laureate, Evelyn Lau, who read two poems entitled "Ocean Shores" and "Jumper".

PROCLAMATION - EMERGENCY PREPAREDNESS WEEK

The Mayor proclaimed the week of May 4 to 10, 2014, as "Emergency Preparedness Week" in the city of Vancouver and invited Fire Chief John McKearney, Daniel Stevens, Director of Emergency Management, and Jackie Kloosterboer, Emergency Planning Coordinator, along with several volunteers with the Volunteer Vancouver Corps to the podium to receive it. Chief McKearney and Mr. Stevens provided comments about the week, and spoke of the importance of emergency preparedness and the significant role of volunteers.

"IN CAMERA" MEETING

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT Council will go into meetings later this week which are closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraphs:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;
- (g) litigation or potential litigation affecting the city;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

ITEMS ARISING FROM THE "IN CAMERA" MEETING OF APRIL 15, 2014

Council appointed members to the following commissions, committees and boards:

- Vancouver Heritage Foundation Board
- Vancouver City Planning Commission
- Women's Advisory Committee
- Civic Asset Naming Committee

The names of those appointed are available from the City Clerk's Office or the City's website.

Council also appointed Tamara Vrooman to the Vancouver Airport Authority Board of Directors for another three year term.

ADOPTION OF MINUTES

1. Regular Council - April 15, 2014

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the Minutes of the Regular Council meeting of April 15, 2014, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing - April 15, 2014

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT the Minutes of the Public Hearing of April 15, 2014, be approved.

CARRIED UNANIMOUSLY

3. Regular Council (City Finance and Services) - April 16, 2014

MOVED by Councillor Tang
SECONDED by Councillor Deal

THAT the Minutes of the Regular Council (City Finance and Services) meeting of April 16, 2014, be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Tang
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Stevenson

THAT Council adopt Administrative Reports 2 and 3 on consent.

CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

1. **REZONING: Heather Place**
 - (a) 706-774 West 13th Avenue
 - (b) 725-799 West 14th Avenue

At the Public Hearing held April 15, 2014, Vancouver City Council concluded the public hearing regarding the above-noted rezoning application and referred discussion and decision to the Regular Council meeting on April 29, 2014, as Unfinished Business.

MOVED by Councillor Louie

- A. THAT the application by NSDA Architects Inc., on behalf of Metro Vancouver Housing Corporation, to rezone:
 - (i) 706-774 West 13th Avenue [PID: 007-043-881; Lot B, Block 438, District Lot 526, Plan 19390] (the "north lot") from CD-1 (Comprehensive Development) District 147 to a new CD 1 District to allow for development of a seven-storey residential building and a 10-storey residential building containing a total of 163 units of social housing and at a maximum floor space ratio (FSR) of 2.84; and
 - (ii) 725-799 West 14th Avenue [PID: 007-043-899; Lot C, Block 438, District Lot 526, Plan 19390] (the "south lot") from CD-1 (Comprehensive Development) District 147 to a new CD 1 District to allow for development of a five-storey residential building containing a total of 67 units of social housing at a maximum floor space ratio (FSR) of 1.60,

generally as presented in Appendices A1 and A2 of the Policy Report dated February 25, 2014, entitled "CD-1 Rezoning: (a) 706-774 West 13th Avenue and (b) 755-799 West 14th Avenue (Heather Place)", be approved subject to the following conditions:

For (a) 706-774 West 13th Avenue (Heather Place - North Lot)

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Neale Staniskis Doll Adams Architects, and stamped "Received City Planning Department, June 12, 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 reduce the apparent scale of Building C, facing Heather Street and the two houses to the south addressed as 2975 Heather Street.

Note to Applicant: Intent is to create a better transition from the taller building form on the north side of 13th Avenue to the scale of nearby apartment buildings. This can be accomplished by lowering the shoulder line of Building C in part or whole, by providing more substantial setbacks to upper levels, or some combination thereof. Changes of exterior finish, colour and material can be used to reinforce a lower visual scale, and consideration given to the comments of the Urban Design Panel regarding variation around the tower form. Consideration will be given to relocation of upper level massing to lower parts of the project.

2. Reduction in the shadowing during the winter months of the outdoor area to the north that serves the childcare facility.

Note to Applicant: Proposed rooftop features that create shadowing such as greenhouses, stairways and north-facing overhangs on Building B should be relocated or substantially reduced. The depth or width of individual units may require adjustment, depending on their contribution to any incremental increase in shadowing after considering the effects of the existing landscape along 13th Avenue.

3. Design development to the proposed treatment of the City lane to achieve an appropriate balance of improved pedestrian amenity with transportation, safety, maintenance and service requirements. (See Engineering conditions also.)

Note to Applicant: Staff support the proposed goals of improving the amenity of this space for nearby residents, and look forward to developing a sustainable design that meets the range of needs noted above.

4. Provision of high quality and durable materials with well resolved detailing.

Note to Applicant: Elevation drawings and enlarged details should be provided to develop the design that was proposed in preliminary form at the rezoning stage.

5. Consideration of locating bicycle facilities at grade.

Note to Applicant: Consider moving some or all of the proposed below-grade amenities, to be more prominent and easily accessible for users of all abilities.

Crime Prevention through Environmental Design (CPTED)

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

Sustainability - LEED Rating

7. Identification on the plans and elevations of the built elements contributing to the buildings' sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point. At minimum, the applicant is expected to obtain 60 points, LEED Gold Certification, with the remainder connected to VGH.

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

set. Registration and application for certification of the project is also required under the policy.

Landscape

8. Additional requirements that address specific components of the “Rezoning Policy for Sustainable Large Developments” including, but not limited to:
 - (a) reduction of lawn cover (to reduce chemical use and energy inputs associated with maintenance);
 - (b) creation of habitat (access to nature) by adding pockets of native and adapted plants that specifically attract birds and insects;
 - (c) additional tree planting or contributions toward planting trees offsite;
 - (d) financial bonding to ensure tree retention success;
 - (e) a rainwater management plan, in whole, or in part (for example, cistern details);
 - (f) reduction of impervious paving; and
 - (g) expansion of details and functioning of the urban agriculture and food systems program.

Note to Applicant: These requirements are listed here as advanced notice of possible future conditions of development permit, subject to review by the Director of Planning. Refer to administration bulletin, “Rezoning Policy for Sustainable Large Developments” .

9. Design development to grades, retaining walls, walkways and structural design, such as underground parking, to maximize soil volumes (exceed BCLNA Landscape Standard) to accommodate new and existing trees and plants.

Note to Applicant: Wherever possible, take advantage of natural soils and the water table by locating new trees at grade beyond the edge of the underground slab. To avoid raised planters above grade, angle the corner of the underground slab downward (1.0 m across and 1.2 m) to maximize contiguous soil volumes. Planted landscapes on slab should be designed to maximize soil depths by lowering the slab, wherever possible, or providing tree wells, if necessary.

10. Design development to maximize the retention of trees, especially near the perimeter edge, where possible.

Note to Applicant: Pursuant to urban forest objectives, alterations to slab design or form of development may be necessary. While the proposal indicates that existing trees have been retained and integrated, there may be further comments at the development permit

stage, including arborist reporting. Measures may be needed to mitigate impacts to offsite and co-owned trees. Special attention should be given to the retention of a neighbor tree (OS1). Trees or tree groupings that are owned or co-owned with the City will require coordination with Engineering Services and Park Board.

11. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad-mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

12. At time of first development permit, provision of:

- (a) a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be 1/8 in.: 1 ft. scale at minimum. Where applicable, phased development should include separate landscape plans for individual buildings and adjacent open space. The Plant list should include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (b) a "Tree Removal/Protection/Replacement Plan" in coordination with arboricultural services, including the assessment of existing trees, retention value rating, retention feasibility, remediation recommendations, site supervision and letters of undertaking;

Note to Applicant: Given the size and complexity of the site, provide a large-scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and retained, including any tree protection barriers and important construction management directives drawn out of the arborist report(s). Tree replacements are likely best located on the proposed phased landscape plans.

- (c) a "Construction Management Plan" outlining methods for the retention of existing trees during construction.

Note to Applicant: The Plan should include, but not limited to, the location of construction materials, temporary structures, utilities, site access, development phasing, neighbour impact reduction methods, to the satisfaction of Planning and Development Services staff. Special construction methods such as applying "shotcrete" to excavation walls near retained trees may be necessary and a watering program.

- (d) provision of detailed cross sections (minimum 1/4" in. scale) through all proposed common open spaces and semi-private patio areas (typical).

Note to Applicant: The sections should illustrate to scale the relationship between the underground slab, soil, tree root ball, retaining walls, steps, and part of the residential unit.

- 13. Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.

Note to Applicant: Special consideration should be given to the ground plane, including paving materials, grade changes, benches near entrances on site and at reasonable intervals for public use along streets and shared walkways.

- 14. Provision of the necessary supporting infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common gardening locations.
- 15. Provision of high efficiency irrigation for all planted areas, including urban agriculture areas, and hose bibs for all private patios of 9.29 m² (100 sq.ft.).

Engineering

- 16. Deletion of the portions of trellises shown encroaching into the lane.
- 17. Clarification is required for the dashed line shown encroaching into the lane from the southwest corner of Lot B (north lot) (A-005). This line appears to correlate with the underground parking extents. Delete any portion of structure proposed within City lane.
- 18. Clarification regarding estimated Peak Flow in Section 5.2 of the Sustainable Large Development Strategy provided as part of the rezoning application.

19. Provision of a lane treatment to the satisfaction of the General Manager of Planning and Development Services in consultation with the General Manager Engineering Services. (See Urban Design conditions also.)
20. Make arrangements to the satisfaction of the General Manager Engineering Services for the provision of items identified in the Green Mobility Strategy submitted with the Heather Place Rezoning Transportation Assessment Study dated May 20, 2013, generally to include the following:
 - (a) Cycling Improvements (additional bicycle parking, bike hub rooms, bike stop station at grade, and resident bicycle-sharing program);
 - (b) Pedestrian Improvements (pedestrian lighting, way-finding kiosks, electric scooter storage); and
 - (c) Transportation Demand Management (ride-sharing, TDM coordinator, Multi-Modal Access Guide, car share vehicles and membership fees, ride share program, targets and monitoring).
21. Garbage room located under Building B west of the parking ramp has a single door as access that will make this room appropriate for wheeled bins only rather than larger commercial-sized containers. If possible, this room should have double doors with a minimum 2.0 m opening.
22. Provision of heat tracing within the parking ramp where the slope of the ramp exceeds 12.5 per cent and it is exposed to open air.
23. Provision of a parking ramp slope not to exceed 12.5 per cent after the first 6.1 m (20.0 ft.) from the property line.

Note to Applicant: This will assist cyclists using the ramp.
24. Provision of on-site signage and markings to identify clearly the Class A loading spaces.
25. Clarify passenger-loading requirements and provide any necessary loading on site.

Note to Applicant: The Transportation Study suggests on-street passenger loading. If such loading is required, it is to be provided on site.

26. 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, and bins are to be returned to storage areas immediately after emptying. Each building's garbage room should be conveniently located as close as possible to the elevator and where ease of pick-up of the containers is possible.

27. Provide for any further feasibility studies and/or technical investigations required to confirm the economic and technical viability of the preferred approach(es) to providing low carbon energy supply to the development to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: If results of the further analysis do not support the preferred system development to the satisfaction of the General Manager of Engineering Services, then a suitable low carbon alternative shall be selected from screened options and shall be implemented.

28. Implement, where feasible and approved by the General Manager of Engineering Services, a low carbon energy supply strategy for the development which reduces greenhouse gas emissions by a minimum of 50 per cent compared to a business as usual (or reference scenario) approach to heating and cooling.

29. Space heating and ventilation make-up air shall be provided by hydronic systems (with heat provided via connection to the VGH Energy Centre, as per the preferred option in the Low Carbon Energy Supply Feasibility Screening Study), without electric resistance heat or distributed heat generating equipment including gas fired make-up air heaters.

30. No heat producing fireplaces are to be installed within residential suites.

31. Detailed design of the Low Carbon Energy supply strategy must be to the satisfaction of the General Manager of Engineering Services.

Social Development

32. Submission, with each Development Permit application, of a Finalized Tenant Relocation Plan, to the satisfaction of the Managing Director of Social Development.

33. Design development of rooftop greenhouse should consider elements related to weight bearing loads, and ability of greenhouse to withstand wind, rain and snow, with consideration of winds at roof height.

34. Design development and siting of composting should consider ways to minimize odors and pests.

For (a) 706-774 West 13th Avenue (Heather Place - North Lot)

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 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/developer, make arrangements for the following:

Engineering

1. Provision of a statutory right of way to accommodate a bicycle maintenance station and associated seating at Heather Street.
2. Provision of a statutory right of way to accommodate a Public Bike Share (PBS) Station, if not provided on Lot C (south lot).

Size: At minimum, a 19.0 m x 4.0 m sized station must be accommodated. The physical station with docked bicycles is 2.0 m wide and has a required bicycle maneuvering zone of 2.0 m for a total width of 4.0 m. The 2.0 m maneuvering space may be shared with pedestrian space.

Location: The station must be located on private property while still clearly visible to the public with 24/7 public access. The preferred location is near the intersection of Willow Street and 13th Avenue or 14th Avenue, to allow easy access to the street.

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.

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

Sun exposure: No vertical obstructions, to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.

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

3. Provision of a statutory right of way to accommodate public pedestrian passage through, and public use of fixed seating associated with, the mid-block walkway on Lot B (north lot).
4. If not provided by Lot C (south lot), payment to the City, prior to enactment of the rezoning by-law, of \$10,000 toward nearby transit improvements.
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 improved pedestrian amenities along Willow Street, Heather Street, 13th Avenue and 14th Avenue adjacent the sites, including but not limited to sidewalks, boulevard strips, concrete lane crossings, raised crosswalks, curb ramps, speed hump(s), benches, drinking fountain, bike racks, pedestrian lighting and features in keeping with the city-wide greenways and bikeways standards.
 - (b) 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 per cent of any water system upgrading that may be required.
 - (c) Provision of storm sewer upgrades to serve this site and the south lot. A new City storm sewer lateral along the lane south of 13th Avenue is required to tie into existing Metro Vancouver Trunk located on Willow Street at 100 per cent the developer's expense. Metro Vancouver tie-in approval is required for storm servicing.

Note to Applicant: Storm connections for Lots B and C are to connect to this new City storm sewer lateral. The estimate for the new lateral is \$50,000, at the cost of the developer. Pursuant to Metro Vancouver tie-in approval, no additional storm sewer upgrades will be required.

6. 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

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to the Neighbourhood Energy System serving VGH in accordance with the City's policy for low carbon neighbourhood energy, which may include but are not limited to agreements which:
 - (a) Require buildings within the development to connect to a Neighbourhood Energy System prior to occupancy if connection is deemed available and appropriate at the time of issuance of development permit, or post occupancy if immediate connection is not deemed viable;
 - (b) Grant the operator of the Neighbourhood Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
 - (c) Provide for adequate and appropriate space within the development to be dedicated and utilized for neighbourhood energy system operations equipment.

Housing Agreement

8. Execute a Housing Agreement in respect of all dwelling units in the development on both sites combined:

- (a) with a term of 60 years or the life of the building, whichever is longer;
- (b) requiring such units to be used for "social housing";
- (c) requiring that no less than 51 per cent of the total number of units (on the north lot and the south lot combined) be suitable for families as per the City's Guidelines for High Density Housing for Families with Children;
- (d) requiring that no less than five percent of the total number of units (on the north lot and the south lot combined) be suitable as disabled housing as defined by the Vancouver Building By-law;
- (e) containing no-separate-sales and no-stratification covenants;
- (f) requiring all such units to be made available for rental for a term of not less than one month, and

- (g) requiring a Tenant Relocation Plan for existing tenants that meets the Residential Tenancy Act requirements and the City's Rate of Change Guidelines that includes the following requirements:
 - (i) provide each tenant with two months free rent;
 - (ii) reimburse tenants for receipted moving expenses; and
 - (iii) provide a first-right-of-refusal for tenants to relocate into a replacement rental unit on the site;
 - (iv) or the opportunity to move to another rental unit off site or other form of agreed affordable housing;
- (h) at initial occupancy requiring a minimum of 23 per cent of the units (52 units) to be subsidized, with minimum of 11.5 per cent (26 units) of the units where the maximum rents are affordable, to households with an income of no more than the BC Housing Income Limits;
- (i) achieving a minimum of 30 per cent of the units (69 units) where the maximum rents are affordable to households with an income of no more than the BC Housing Income Limits, within five years of project occupancy of Buildings A and B comprising of 163 units;
- (j) requiring an annual review of the operating budget (including reasonable operating costs), in order to secure reinvestment of any surplus rental revenue from this development, back into deepening and/or widening the affordability of units on site;
- (k) if MVHC are unable to achieve a minimum of 30 per cent of the units where the maximum rents are affordable to households with an income of no more than the BC Housing Income Limits within five years of occupancy of Buildings A and B comprising of 163 units, that the Housing Agreement will be subject to a review by Council, and
- (l) including such other terms and condition as the Director of Legal Services and the Managing Director of Social Development may require.

Note to Applicant: This Housing Agreement will be entered into by the City by by-law enacted pursuant to Section 595.2 of the Vancouver Charter.

Soils Agreement

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

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.

For (b) 725-799 West 14th Avenue (Heather Place - South Lot)

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (d) That the proposed form of development be approved by Council in principle, generally as prepared by Neale Staniskis Doll Adams Architects, and stamped "Received City Planning Department, June 12, 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.
- (e) 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 the proposed treatment of the City lane to achieve an appropriate balance of improved pedestrian amenity with transportation, safety, maintenance and service requirements.
(See Engineering conditions also.)

Note to Applicant: Staff support the proposed goals of improving the amenity of this space for nearby residents, and look forward to developing a sustainable design that meets the range of needs noted above.

- 2. Provision of high quality and durable materials with well resolved detailing.

Note to Applicant: Elevation drawings and enlarged details should be provided to develop the design that was proposed in preliminary form at the rezoning stage.

- 3. Consideration of locating bicycle facilities at grade.

Note to Applicant: Consider moving some or all of the proposed below-grade amenities to be more prominent and easily accessible for users of all abilities.

Crime Prevention through Environmental Design (CPTED)

- 4. 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 alcove and vandalism, such as graffiti.

Sustainability - LEED Rating

5. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point. At minimum, the applicant is expected to obtain 60 points, LEED Gold Certification, with the remainder connect to VGH.

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

Landscape

6. Additional requirements that address specific components of the Rezoning Policy for Sustainable Large Developments including, but not limited to:
 - (a) reduction of lawn cover (to reduce chemical use and energy inputs associated with maintenance);
 - (b) creation of habitat (access to nature) by adding pockets of native and adapted plants that specifically attract birds and insects;
 - (c) additional tree planting or contributions toward planting trees offsite;
 - (d) financial bonding to ensure tree retention success;
 - (e) a rainwater management plan, in whole, or in part (for example, cistern details);
 - (f) reduction of impervious paving; and
 - (g) expansion of details and functioning of the urban agriculture and food systems program.

Note to Applicant: These requirements are listed here as advanced notice of possible future conditions of development permit, subject to review by the Director of Planning. Refer to administration bulletin, "Rezoning Policy for Sustainable Large Developments".

7. Design development to grades, retaining walls, walkways and structural design, such as underground parking, to maximize soil volumes (exceed

BCLNA Landscape Standard) to accommodate new and existing trees and plants.

Note to Applicant: Wherever possible, take advantage of natural soils and the water table by locating new trees at grade beyond the edge of the underground slab. To avoid raised planters above grade, angle the corner of the underground slab downward (1.0 m across and 1.2 m) to maximize contiguous soil volumes. Planted landscapes on slab should be designed to maximize soil depths by lowering the slab, wherever possible, or providing tree wells, if necessary.

8. Design development to maximize the retention of trees, especially near the perimeter edge, where possible.

Note to Applicant: Pursuant to urban forest objectives, alterations to slab design or form of development may be necessary. While the proposal indicates that existing trees have been retained and integrated, there may be further comments at the development permit stage, including arborist reporting. Measures may be needed to mitigate impacts to offsite and co-owned trees. Special attention should be given to the retention of a neighbor tree (OS1). Trees or tree groupings that owned or co-owned with the City will require coordination with Engineering Services and Park Board.

9. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

10. At time of first development permit, provision of:

- (a) a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be 1/8 in.: 1 ft. scale at minimum. Where applicable, phased development should include separate landscape plans for individual buildings and adjacent open space. The Plant list should include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (b) a "Tree Removal/Protection/Replacement Plan" in coordination with arboricultural services, including the assessment of existing trees, retention value rating, retention feasibility, remediation recommendations, site supervision and letters of undertaking;

Note to Applicant: Given the size and complexity of the site, provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and retained, including any tree protection barriers and important construction management directives drawn out of the arborist report(s). Tree replacements are likely best located on the proposed phased landscape plans.

- (c) a "Construction Management Plan" outlining methods for the retention of existing trees during construction; and

Note to Applicant: The Plan should include, but not limited to, the location of construction materials, temporary structures, utilities, site access, development phasing, neighbor impact reduction methods, to the satisfaction of Planning staff. Special construction methods such as applying "shotcrete" to excavation walls near retained trees may be necessary and a watering program.

- (d) provision of detailed cross sections (minimum 1/4" inch scale) through all proposed common open spaces and semi-private patio areas (typical).

Note to Applicant: The sections should illustrate to scale the relationship between the underground slab, soil, tree root ball, retaining walls, steps, and part of the residential unit.

- 11. Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.

Note to Applicant: Special consideration should be given to the ground plane, including paving materials, grade changes, benches near entrances on site and at reasonable intervals for public use along streets and shared walkways.

- 12. Provision of the necessary supporting infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common gardening locations.

- 13. Provision of high efficiency irrigation for all planted areas, including urban agriculture areas, and hose bibs for all private patios of 9.29 m² (100 sq. ft.).

Engineering

14. Deletion of the portions of trellises shown encroaching into the lane from both lots, and the project signage shown encroaching onto City street in the southwest corner of Lot C (south lot) (A-005).
15. Clarification regarding estimated Peak Flow in Section 5.2 of the Sustainable Large Development Strategy provided as part of the rezoning application.
16. Provision of a lane treatment to the satisfaction of the Director of Planning in consultation with the General Manager Engineering Services. (See Urban Design conditions also.)
17. Make arrangements to the satisfaction of the General Manager Engineering Services for the provision of items identified in the Green Mobility Strategy submitted with the Heather Place Rezoning Transportation Assessment Study dated May 20, 2013, generally to include the following:
 - (a) Cycling Improvements (additional bicycle parking, bike hub rooms, bike stop station at grade, and resident bicycle-sharing program);
 - (b) Pedestrian Improvements (pedestrian lighting, way-finding kiosks, electric scooter storage); and
 - (c) Transportation Demand Management (ride-sharing, TDM co-ordinator, Multi-Modal Access Guide, car share vehicles and membership fees, ride share program, targets and monitoring).
18. Provision of heat tracing within the parking ramp where the slope of the ramp exceeds 12.5 per cent and it is exposed to open air.
19. Provision of a parking ramp slope not to exceed 12.5 per cent after the first 9.1 m (20.0 ft.) from the property line.

Note to Applicant: This will assist cyclists using the ramp.
20. Provision of on-site signage and markings to identify clearly the Class A loading spaces.
21. Clarify passenger-loading requirements and provide any necessary loading on-site.

Note to Applicant: The Transportation Study suggests on-street passenger loading. If such loading is required, it is to be provided on-site.
22. 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, and bins are to be returned to storage areas immediately after emptying. Each building's garbage room should be conveniently located as close as possible to the elevator and where ease of pick-up of the containers is possible.

23. Provide for any further feasibility studies and/or technical investigations required to confirm the economic and technical viability of the preferred approach(es) to providing low carbon energy supply to the development to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: If results of the further analysis do not support the preferred system development to the satisfaction of the General Manager of Engineering Services, then a suitable low carbon alternative shall be selected from screened options and shall be implemented.

24. Implement, where feasible and approved by the General Manager of Engineering Services, a low carbon energy supply strategy for the development which reduces greenhouse gas emissions by a minimum of 50 per cent compared to a business as usual (or reference scenario) approach to heating and cooling.
25. Space heating and ventilation make-up air shall be provided by hydronic systems (with heat provided via connection to the VGH Energy Centre, as per the preferred option in the Low Carbon Energy Supply Feasibility Screening Study), without electric resistance heat or distributed heat generating equipment including gas fired make-up air heaters.
26. No heat producing fireplaces are to be installed within residential suites.
27. Detailed design of the Low Carbon Energy supply strategy must be to the satisfaction of the General Manager of Engineering Services.

Social Development

28. Submission, with each Development Permit application, of a Finalized Tenant Relocation Plan, to the satisfaction of the Managing Director of Social Development.
29. Design development and siting of composting should consider ways to minimize odors and pests.

Parks - Public Use of Private Amenities

30. Provision of a Community Use Agreement, or other such instrument, with terms satisfactory to the General Manager - Park Board and

Managing Director of Social Development to support public use of specified indoor amenity spaces by a Community Centre, Neighbourhood House or other such community organization, on a shared basis with the tenants of Heather Place and with appropriate compensation to Metro Vancouver Housing Corporation to cover operating costs.

For (b) 725-799 West 14th Avenue (Heather Place - South Lot)

CONDITIONS OF BY-LAW ENACTMENT

- (f) 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 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/developer, make arrangements for the following:

Engineering

1. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS), if not provided on Lot B (north lot).

Size: At minimum, a 19.0 m x 4.0 m sized station must be accommodated. The physical station with docked bicycles is 2.0 m wide and has a required bicycle maneuvering zone of 2.0 m for a total width of 4.0 m. The 2.0 m maneuvering space may be shared with pedestrian space.

Location: The station must be located on private property while still clearly visible to the public with 24/7 public access. The preferred location is near the intersection of Willow Street and 13th Avenue or 14th Avenue, to allow easy access to the street.

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.

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

Sun exposure: No vertical obstructions, to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.

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

2. Provision of a statutory right of way to accommodate public pedestrian access through the pathway network, and public use of the fixed seating and children's play area, all located on the southwestern end of Lot C (south lot).
3. If not provided by Lot B (north lot), provision of \$10,000 toward nearby transit improvements.
4. 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 improved pedestrian amenities along Willow Street, Heather Street, 13th Avenue and 14th Avenue adjacent the site, including but not limited to sidewalks, boulevard strips, concrete lane crossings, raised crosswalks, curb ramps, speed hump(s), benches, drinking fountain, bike racks, pedestrian lighting and features in keeping with the city-wide greenways and bikeways standards.
 - (b) 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 per cent of any water system upgrading that may be required.
 - (c) Provision of storm sewer upgrades to serve this site and the north lot. A new City storm sewer lateral along the lane south of 13th Avenue is required to tie into existing Metro Vancouver Trunk located on Willow Street at 100 per cent the developer's expense. Metro Vancouver tie-in approval is required for storm servicing.

Note to Applicant: Storm connections for Lots B and C are to connect to this new City storm sewer lateral. The estimate for the new lateral is \$50,000, at the cost of the developer. Pursuant to Metro Vancouver tie-in approval, no additional storm sewer upgrades will be required.

- (d) 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 the Neighbourhood Energy System serving VGH in accordance with the City's policy for low carbon neighbourhood energy, which may include but are not limited to agreements which:
 - (a) Require buildings within the development to connect to a Neighbourhood Energy System prior to occupancy if connection is deemed available and appropriate at the time of issuance of development permit, or post occupancy if immediate connection is not deemed viable;
 - (b) Grant the operator of the Neighbourhood Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
 - (c) Provide for adequate and appropriate space within the development to be dedicated and utilized for neighbourhood energy system operations equipment.

Housing Agreement

6. Execute a Housing Agreement in respect of all dwelling units in the development on both sites combined:
 - (a) with a term of 60 years or the life of the building, whichever is longer;
 - (b) requiring such units to be used for "social housing";
 - (c) requiring that no less than 51 per cent of the total number of units (on the north lot and the south lot combined) be suitable for families as per the City's Guidelines for High Density Housing for Families with Children;
 - (d) requiring that no less than five per cent of the total number of units (on the north lot and the south lot combined) be suitable as disabled housing as defined by the Vancouver Building By-law;
 - (e) containing no-separate-sales and no-stratification covenants;
 - (f) requiring all such units to be made available for rental for a term of not less than one month, and
 - (g) requiring a Tenant Relocation Plan for existing tenants that meets the Residential Tenancy Act requirements and the City's Rate of Change Guidelines that includes the following requirements:
 - (i) provide each tenant with two months free rent;
 - (ii) reimburse tenants for receipted moving expenses; and
 - (iii) provide a first-right-of-refusal for tenants to relocate into a replacement rental unit on the site;
 - (iv) or the opportunity to move to another rental unit off site or other form of agreed affordable housing;
 - (h) requiring, at the time of initial occupancy, a minimum of 23 per cent of the units to be subsidized, and a minimum of 11.5% of the units where the maximum rents are affordable to households with an income of no more than the BC Housing Income Limits;
 - (i) requiring a minimum of 30 per cent of the units where the maximum rents are affordable to households with an income of no more than the BC Housing Income Limits, within five years of occupancy of Buildings A and B comprising a total of 163 units;
 - (j) requiring an annual review of the operating budget (including reasonable operating costs), in order to secure reinvestment of any surplus rental revenue from this development, back into deepening and/or widening the affordability of units on site;
 - (k) if Metro Vancouver Housing Corporation are unable to achieve a minimum of 30 per cent of the units where the maximum rents are affordable to households with an income of no more than the BC Housing Income Limits within five years of occupancy of Buildings A and B comprising 163 units, that the Housing Agreement will be subject to a review by Council, and

- (l) including such other terms and condition as the Director of Legal Services and the Managing Director of Social Development may require.

Note to Applicant: This Housing Agreement will be entered into by the City by by-law enacted pursuant to Section 595.2 of the Vancouver Charter.

Soils Agreement

- 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; and
 - (c) if required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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-laws, the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law, generally as set out in Appendix C of the Policy Report dated February 25, 2014, entitled "CD 1 Rezoning: (a) 706-774 West 13th Avenue and (b) 755-799 West 14th Avenue (Heather Place)".
- C. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendices B1 and B2 of the Policy Report dated February 25, 2014, entitled "CD 1 Rezoning: (a) 706-774 West 13th Avenue and (b) 755-799 West 14th Avenue (Heather Place)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the amending by-laws contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- D. THAT A through 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 bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of Metro Vancouver Housing Corporation; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED
(Councillor Carr opposed)

ADMINISTRATIVE REPORTS

1. **Southeast False Creek Neighbourhood Energy Utility (SEFC NEU) - Transition to a Stronger Conservation Rate Signal
April 11, 2014**

MOVED by Councillor Reimer

THAT Council adopt, in principle, a transition strategy to adjust the Southeast False Creek Neighbourhood Energy Utility customer rate structure to improve the energy conservation price signal, as described in the Administrative Report dated April 11, 2014, entitled "Southeast False Creek Neighbourhood Energy Utility (SEFC NEU) - Transition to a Stronger Conservation Rate Signal".

CARRIED UNANIMOUSLY

2. **Closure and Sale of a Portion of Lane Adjacent to 8175 Cambie Street
April 22, 2014**

- A. THAT Council close, stop-up and convey to the owner of 8175 Cambie Street (legally described as [PID: 010-043-233] Amended Lot 7 (See 264256L), [PID: 010-042-636] Lot 11, and [PID: 006-190-626] Lot 12; All of Lot X Blocks 1 and 2 Plan 8548; and [PID: 006-645-283] Lot A Block X Plan 20305; All of District Lot 311 (collectively, the "Abutting Lands")), that 402.7 square metre portion of abutting lane (the "Old Lane"), the same as generally shown hatched on the plan attached as Appendix B to the Administrative Report dated April 22, 2014, entitled "Closure and Sale of a Portion of Lane Adjacent to 8175 Cambie Street" subject to the terms and conditions noted in Appendix A of the same report.
- B. THAT the sale proceeds of \$1,070,000 be credited to the Property Endowment Fund (PEF).

ADOPTED ON CONSENT

3. **Rental Rate Increases - Civic Theatres 2014-2015
March 31, 2014**

- A. THAT Council approve the recommended Rental Rate increase as outlined in the Schedule of Rental Rates for Civic Theatres, attached as Appendix A to the Administrative Report dated March 31, 2014, entitled "Rental Rate Increases - Civic Theatres 2014-2015", effective September 1, 2014.
- B. THAT recommended rates for the Queen Elizabeth Plaza fee structure be adjusted to include Technical/set up rates, as set out in Appendix A to the Administrative Report dated March 31, 2014, entitled "Rental Rate Increases - Civic Theatres 2014-2015", effective September 1, 2014.

ADOPTED ON CONSENT

**4. Vancouver Heritage Foundation 2013 Annual Report
April 3, 2014**

MOVED by Councillor Carr

- A. THAT Council approve the 2013 Annual Report of the Vancouver Heritage Foundation attached as Appendix A to the Administrative Report dated April 3, 2014, entitled "Vancouver Heritage Foundation 2013 Annual Report".
- B. THAT Council approve payment of a grant to the Vancouver Heritage Foundation in the amount of \$120,000 to be used as operating funds for the first year of the three-year operating agreement noting that funding is included in the 2014 Operating Budget.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Stevenson absent for the vote)

POLICY REPORTS

**1. CD-1 Rezoning: 3120-3184 Knight Street
April 22, 2014**

MOVED by Councillor Carr

- A. THAT the application by Stuart Howard Architects Inc., on behalf of 0971759 B.C. Ltd., to rezone 3120-3184 Knight Street [Lots B and C, Block 6, and Lot D of Lot 6, all of District Lot 756 Plan 9660; PIDs 007-443-617, 009-610-758 and 002-436-035 respectively] from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.75 to 2.08 and the building height from 9.2 m (30.2 feet) to 15.9 m (51.8 feet) to permit the development of a five-storey residential building with 51 market rental units, be referred to a Public Hearing, together with:
 - (i) plans prepared by Stuart Howard Architects Inc., received January 23, 2014;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated April 22, 2014, entitled "CD-1 Rezoning: 3120-3184 Knight Street"; and
 - (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, subject to conditions contained in Appendix B of the above-noted Policy Report;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A of the above-noted Policy Report for consideration at the Public Hearing.

- 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 April 22, 2014, entitled "CD-1 Rezoning: 3120-3184 Knight Street", 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 above-noted Policy Report.
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at 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
(Councillor Reimer absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

BY-LAWS

The Mayor noted that By-laws 3, 4 and 5 were withdrawn from the agenda.

Councillor Deal advised she had reviewed the proceedings with regard to By-law 8 and she would therefore be voting on the by-law.

Councillor Affleck had previously declared conflict of interest with regard to the application related to By-law 8, and was therefore ineligible to vote on the by-law.

Councillor Jang advised he had reviewed the proceedings with regard to By-law 19 and he would therefore be voting on the by-law.

MOVED by Councillor Ball
SECONDED by Councillor Jang

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1, 2 and 6 to 19 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Area Specific Development Cost Levy By-law No. 9418 regarding the definition of social housing (By-law No. 10917)
2. A By-law to amend Vancouver Development Cost Levy By-law No. 9755 regarding the definition of social housing (By-law No. 10918)
- 3-5. WITHDRAWN
6. A By-law to amend Noise Control By-law No. 6555 (1396 Richards Street) (By-law No. 10919)
7. A By-law to amend Parking By-law No. 6059 with regard to CD-1 Districts Parking Requirements (1396 Richards Street) (By-law No. 10920)
8. A By-law to amend Sign By-law No. 6520 (1396 Richards Street) (By-law No. 10921) (*Councillor Affleck ineligible for the vote*)
9. A By-law to amend Secondhand Dealers and Pawnbrokers By-law No. 2807 regarding a housekeeping matter (By-law No. 10922)
10. A By-law to amend the Protection of Trees By-law No. 9958 Regarding housekeeping matters (By-law No. 10923)
11. A By-law to amend Parking Meter By-law No. 2952 regarding housekeeping amendments (By-law No. 10924)

12. A By-law to amend By-law No. 10688 (968-988 Howe Street) (By-law No. 10925)
13. A By-law to designate certain real property as protected heritage property (2856 West 3rd Avenue) (By-law No. 10926)
14. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (2856 West 3rd Avenue) (By-law No. 10927)
15. A By-law to amend Parking By-law No. 6059 (Text amendment Re: Housekeeping and Heritage and parking in lieu in heritage areas and HA-1A zoning district) (By-law No. 10928)
16. A By-law to amend Downtown Official Development Plan By-law No. 4912 (Downtown Eastside Local Plan) (By-law No. 10929)
17. A By-law to amend Downtown Eastside Oppenheimer Official Development Plan By-law No. 5532 (Downtown Eastside Local Area Plan) (By-law No. 10930)
18. A By-law to Amend Single Room Accommodation By-law No. 8733 regarding liveability, affordability and maintenance of existing stock and housekeeping (Downtown Eastside Local Area Plan) (By-law No. 10931)
19. A By-law to amend Zoning and Development By-law No. 3575 regarding micro dwelling units and the Downtown Eastside Local Area Plan (By-law No. 10932)

MOTIONS

A. Administrative Motions

1. Closure and Sale of a Portion of Lane Adjacent to 8175 Cambie Street

MOVED by Councillor Jang

SECONDED by Councillor Louie

THAT WHEREAS

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. There is a proposal to redevelop:
 - a) [PID: 006-645-283] Lot A Block X District Lot 311 Plan 20305;
 - b) [PID: 010-043-233] Amended Lot 7 (See 264256L) of Lot X Blocks 1 and 2 District Lot 311 Plan 8548;

- c) [PID: 010-042-636] Lot 11 of Lot X Blocks 1 and 2 District Lot 311 Plan 8548 ("Lot 11"); and
- d) [PID: 006-190-626] Lot 12 of Lot X Blocks 1 and 2 District Lot 311 Plan 8548 ("Lot 12");

collectively, the "Rezoning Lots";

- 3. The owner of the Rezoning Lots has made application to purchase an abutting 402.7 square metre portion of lane;
- 4. The said portion of lane to be closed was dedicated by the deposit of Plan 8548 in 1951;
- 5. The said portion of lane to be closed is no longer required for municipal purposes;
- 6. The said portion of lane to be closed will be conveyed to the abutting owner and subdivided with the Rezoning Lots to dedicate road and lane to the City and to form a single parcel.

THEREFORE BE IT RESOLVED THAT all that portion of lane adjacent to said Lot 11 and said Lot 12, the same as shown in heavy outline on the Reference Plan prepared by Jesse Morin, B.C.L.S., completed on the 23rd day of April, 2014, and numbered Plan EPP40710, be closed, stopped-up and conveyed to the owner of the said Rezoning Lots; and

BE IT FURTHER RESOLVED THAT the said portion of lane to be closed is to be subdivided with the said Rezoning Lots to dedicate road and lane to the City and to form a single parcel, as shown within the heavy bold outline on the Subdivision Plan prepared by Jesse Morin, B.C.L.S., completed on the 23rd day of April, 2014, and numbered Plan EPP40711, to the satisfaction of the Director of Legal Services and the Approving Officer.

CARRIED UNANIMOUSLY

B. Motions on Notice

1. Creation of a New Nuisance By-Law

MOVED by Councillor Louie
SECONDED by Councillor Tang

WHEREAS

- 1. In the City of Vancouver there are property owners whose properties generate repeated calls to 911 for a response from emergency personnel;

2. In the City of Vancouver some properties are responsible for over 100 police calls for service with a great majority of the calls for service related to noise and neighbourhood disturbances;
3. The City of New Westminster through By-law No. 6926, 2004 regulates and licences the letting of rooms for living purposes and prescribes standards for the maintenance of residential property and rental units including sections related to Repeat Nuisance Service Calls and Conditions of Licence;
4. The City of Vancouver has previously supported and funded a proactive approach to property management through the implementation practices recommended by the Crime Free Multi-Housing Program.

THEREFORE BE IT RESOLVED THAT the Vancouver City Council direct staff to investigate the feasibility and advisability of a new nuisance by-law, in conjunction with a Crime Free Multi-Housing Program, and report back to Council with options to more effectively deal with problem properties that generate repeated calls for service.

referred

The Mayor noted that a request to speak to this motion had been received.

MOVED by Councillor Louie
SECONDED by Councillor Ball

THAT the motion be referred to the Standing Committee on Planning, Transportation and Environment meeting to be held on Wednesday, April 30, 2014, in order to hear from speakers.

CARRIED UNANIMOUSLY

2. Leave of Absence - Councillor Stevenson

MOVED by Councillor Jang
SECONDED by Councillor Tang

THAT Councillor Stevenson be granted Leaves of Absence for Civic Business from meetings to be held on May 13 and June 25, 2014.

CARRIED UNANIMOUSLY

3. Plebiscite on Phasing Out Cetaceans in Captivity in Vancouver Aquarium

MOVED by Councillor Carr

SECONDED by Councillor Affleck

WHEREAS

1. There is considerable scientific evidence that cetaceans (whales and dolphins) are sentient beings with complex social relations that naturally are accustomed to living in large habitats (belugas, for example, travelling 11 to 30 km per day and deep diving up to 800 m) and that suffer distress and premature death in captivity in aquarium pools;
2. Large and globally renowned aquariums, such as the Monterey Bay Aquarium, the Maui Ocean Centre and the Sydney Sea Life Aquarium in Australia, are financially successful without holding cetaceans captive;
3. The Vancouver Aquarium's current \$100 million expansion plans to accommodate more dolphins and up to ten whales has prompted citizens concerned about the ethics of keeping cetaceans in captivity and contradictions with Vancouver's aim to become the world's "greenest city", to call for a plebiscite on keeping whales and dolphins in the Vancouver Aquarium;
4. The Park Board passed a motion November 27, 2006, to review in 2015 the Parks Control By-law regarding captive cetaceans at the Aquarium in Stanley Park;
5. The November 15, 2014, Civic Election offers an opportunity to survey the opinion of electors through a non-binding plebiscite on the ballot - a democratic process that can educate and engage the public as well as inform and guide subsequent Park Board decisions;
6. Under the Vancouver Charter, City Council, not the Park Board, has the authority to submit a plebiscite question to the electors;
7. Mayor Gregor Robertson has expressed the hope that the Aquarium and the Park Board can work collaboratively and come to an agreement on how to achieve phasing out the holding of whales and dolphins in captivity (the Vancouver Sun April 9, 2014, CBC News April 10, 2014) but there is no guarantee that this would occur prior to the November 15, 2014, Civic Election or prior to the commencement of the 2015 Parks Control By-law Review or prior to the start of construction of expanded whale and dolphin pools by the Aquarium.

THEREFORE BE IT RESOLVED THAT unless, prior to the six week deadline for Council to arrange a plebiscite question for the November 15, 2014, ballot, a decision has been reached between the Vancouver Park Board and the Vancouver Aquarium to phase out keeping cetaceans in captivity, Council will arrange a plebiscite question on phasing out existing cetacean exhibits located in Vancouver on land leased by the Park Board.

referred

The Mayor noted that requests to speak to this motion had been received.

MOVED by Councillor Carr
SECONDED by Councillor Affleck

THAT the motion be referred to the Standing Committee on Planning, Transportation and Environment meeting to be held on Wednesday, April 30, 2014, in order to hear from speakers.

CARRIED UNANIMOUSLY

NOTICE OF MOTION

1. Support for Open and Inclusive National Energy Board Hearings

Mayor Robertson submitted the following Notice of Motion. The motion will be placed on the agenda of the Regular Council meeting to be held on May 13, 2014, as a Motion on Notice.

MOVER: Mayor Robertson
SECONDER: Councillor Reimer

WHEREAS

1. In September 2011, the Union of BC Municipalities, including Vancouver Councillors, voted to request that the National Energy Board, Port Metro Vancouver, and all appropriate federal Ministers ensure that any applications to expand the amount of oil transported by pipeline or tanker in British Columbia undergo meaningful public consultation, including direct engagement with affected municipalities, regional authorities and British Columbia First Nations;
2. In February 2012, Vancouver City Council reiterated support for ample and meaningful public consultation on what was at that time an anticipated application from Kinder Morgan for an expanded pipeline/bitumen export project and directed staff to provide ongoing monitoring of any proposals that would expand the volume of fossil fuel exports;

3. In May 2012 a majority of Vancouver City Council supported the Mayor in writing to Prime Minister Harper expressing the City of Vancouver's strenuous opposition to any increase in oil tanker traffic, or measures that lead to increased oil tanker traffic, as it poses an unacceptable and unmitigated risk to Vancouver's economy and environment;
4. A research analysis prepared by staff for Vancouver City Council and presented in December 2013 outlined the magnitude of risk from a seven-fold increase in oil tanker traffic proposed by Kinder Morgan to Vancouver's residents, businesses and environment;
5. The "hearing" process as it currently stands meets no test of meaningful consultation; specifically, several hundred BC residents have been denied access to the National Energy Board process and the "hearing" itself will involve no oral arguments outside of an "oral summary" for intervenors;
6. The National Energy Board hearings for the Trans Mountain pipeline will not allow oral cross-examination of the proponent or intervenors, with the one exception of First Nations who, when presenting traditional evidence, can be questioned by the proponent but not the reverse;
7. This process is significantly reduced from the recently concluded Northern Gateway hearings, which allowed full public cross examinations;
8. A letter was sent from the City of Vancouver to the National Energy Board, in support of intervenor Robyn Allan's motion to amend the Hearing Order to include oral cross-examination of all witnesses on their evidence by intervenors, the National Energy Board, and Trans Mountain, if they choose do so;
9. The Federal Government amended legislation in 2012 through Bill C-38 that allows for them to give political direction to the National Energy Board.

THEREFORE BE IT RESOLVED THAT Vancouver City Council continue to aggressively use all means available through the City's status as an intervenor to have concerns related to public participation addressed;

FURTHER THAT Council write to the Federal Government requesting that they direct the National Energy Board to allow all applicants to speak, conduct oral hearings, and allow for full cross-examination in the Trans Mountain pipeline hearings.

notice

NEW BUSINESS

1. Request for Leave of Absence - Councillor Louie

MOVED by Councillor Jang
SECONDED by Councillor Deal

THAT Councillor Louie be granted Leave of Absence for Civic Business from meetings to be held on May 13, 14, and 15, 2014.

CARRIED UNANIMOUSLY

2. Request for Leave of Absence - Mayor Robertson

MOVER: Councillor Jang
SECONDER: Councillor Deal

THAT Mayor Robertson be granted Leave of Absence for Civic Business from meetings to be held on April 30, 2014.

CARRIED UNANIMOUSLY

3. Request for Leave of Absence - Councillor Meggs

MOVED by Councillor Jang
SECONDED by Councillor Deal

THAT Councillor Meggs be granted Leave of Absence for Civic Business from the Regular Council Meeting on Tuesday, April 29, 2014.

CARRIED UNANIMOUSLY

4. National Zero Waste Council - Invitation

Councillor Affleck declared a Conflict of Interest on this item as he represents a client in their development of a plan for meeting the provincial Extended Producer Responsibilities requirements. He therefore left the meeting at 11:30 am, and did not return until the conclusion of the vote on the matter.

MOVED by Councillor Reimer
SECONDED by Councillor Louie

WHEREAS

1. The National Zero Waste Council (NZWC) was co-founded by Metro Vancouver and the Federation of Canadian Municipalities, and aims to unite efforts in waste prevention and drive a fundamental shift in our relationship with waste;
2. Council membership will offer a number of benefits. These include staying at the leading edge of change, learning and information sharing, advocacy, and network development;
3. There is currently no fee attached to membership;
4. The NZWC goals are consistent with the City of Vancouver's Greenest City 2020 Action Plan.

THEREFORE IT BE RESOLVED

- A. THAT the City of Vancouver accepts the invitation to become a member of the National Zero Waste Council in support of national waste prevention in Canada.
- B. THAT the City of Vancouver supports the National Zero Waste Council strategic directions as articulated in their letter of March 21st, 2014, namely:
 - Catalyzing change in the design of products and packaging to allow them to be more easily reused, recovered and recycled; and
 - Catalyzing behavior change amongst all stakeholders and sectors of society, with the goal of reducing the amount of waste entering the waste stream.

CARRIED UNANIMOUSLY
(Councillor Affleck absent for the vote)

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Councillor Affleck returned to the meeting at 11:35 am.

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ENQUIRIES AND OTHER MATTERS

1. Southeast Vancouver Seniors Centre Funding

Councillor Louie noted the recent announcement by the Provincial Government regarding an additional commitment of funds towards the completion of a seniors centre in Southeast Vancouver, and asked the City Manager for an update on the progress of funding commitments from other levels of government and how it relates to the expedited development of this new facility. The City Manager provided an overview on progress to date with regard to the funding commitment agreements and the development design process, including public consultation.

Councillor Louie also requested a letter be sent from the Mayor on behalf of Council to Minister Suzanne Anton thanking the Province for their contribution.

ADJOURNMENT

MOVED by Councillor Deal
SECONDED by Councillor Stevenson

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY
(Councillor Jang absent for the vote)

The Council adjourned at noon.

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