



PUBLIC HEARING MINUTES

MAY 20, 2014

A Public Hearing was held on Tuesday, May 20, 2014, at 6:07 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Adriane Carr, Acting Chair
Councillor George Affleck
Councillor Elizabeth Ball*
Councillor Heather Deal
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer*
Councillor Tim Stevenson
Councillor Tony Tang

ABSENT: Mayor Gregor Robertson (Civic Business)
Councillor Kerry Jang

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

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Bonnie Kennett, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Councillor Carr in the Chair, to consider proposed amendments to the heritage and rezoning by-laws.

CARRIED UNANIMOUSLY
(Councillor Ball absent for the vote)

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VARY AGENDA

*MOVED by Councillor Stevenson
SECONDED by Councillor Meggs*

THAT the order of the agenda be varied in order to deal with item 2 as the first item of business.

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

Note: For clarity, the minutes are recorded in chronological order.

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**2. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT:
2975 Oak Street (The Van Arsdel)**

An application by Aquilini Development and Construction Inc. and CEI Architecture was considered as follows:

Summary: To designate the heritage facades of the Van Arsdel building at 2975 Oak Street as protected heritage property, and to approve a Heritage Revitalization Agreement (HRA) for the site. As incentive and compensation to the owner for the heritage designation, rehabilitation, and conservation of the heritage facades, an increase in permitted density is proposed, to permit the development of an eleven-storey tower with 50 secured market rental units and a proposed floor space ratio (FSR) of 2.8, as set forth in Development Permit Application Number DE417330.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the Public Hearing agenda.

Council also had before it a memorandum dated May 20, 2014, from the Assistant Director of Planning which brought forward a correction to the Summary and Recommendation. Staff recommended the replacement of 1.9 floor space ratio (FSR) in the Summary Section of the Summary and Recommendation, with the value of 2.8 FSR as set out in the body of the staff report and the Heritage Revitalization Agreement.

Summary of Correspondence

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

- 2 emails opposed

Speakers

Councillor Carr called for speakers for and against the application and none were present.

The speakers list closed at 6:10 pm.

Staff Closing Comments

Planning and Development Services staff drew attention to the memorandum dated May 20, 2014, from the Assistant Director of Planning outlining the replacement of 1.9 floor space ratio (FSR) in the Summary Section of the Summary and Recommendation, with the value of 2.8 FSR as set out in the body of the staff report and the Heritage Revitalization Agreement.

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate as protected heritage property the east and south facades, and portions of the north and west facades (the "heritage facades") of The Van Arsdel building (the "heritage building") at 2975 Oak Street [PID: 014-667-291; Lot 11, Block 435, District Lot 526, Plan 1276; PID: 014-667-312; Lot 12, Block 435, District Lot 526, Plan 1276 (the "site")], which is listed on the Vancouver Heritage Register in the 'B' evaluation category, as protected heritage property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law for authorizing the City to enter into a Heritage Revitalization Agreement in respect of the heritage building to:
 - i. secure the rehabilitation and long-term preservation of the heritage facades; and
 - ii. vary the *Zoning and Development By-law* in respect of the site to permit the construction of an adjoining eleven-storey tower, as proposed under

Development Permit Application No. DE417330 and as more particularly described in the Policy Report dated March 14, 2014, entitled "2975 Oak Street - The Van Arsdel - Heritage Designation and Heritage Revitalization Agreement".

- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site, to the satisfaction of the Director of Legal Services and the Director of Planning.
- D. THAT A to C above be adopted on the following conditions:
 - i. THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - ii. THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

1. REZONING: 3120-3184 Knight Street

An application by Stuart Howard Architects was considered as follows:

Summary: To rezone from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a five-storey residential building with 51 market rental units secured as for-profit affordable rental housing. A height of 15.9 m (51.8 ft.) and a floor space ratio (FSR) of 2.08 are proposed.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning and Development Services staff provided a presentation and, along with Engineering and Housing Policy staff, responded to questions.

Applicant Comments

Stuart Howard, Stuart Howard Architects provided opening comments and 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:

- 14 emails in support
- 17 emails in opposition

Speakers

The Deputy Mayor called for speakers for and against the application.

The following spoke in support of the application:

Wendy Waters
Chris Bardon
James Randhawa

The following were generally opposed to the application or expressed concerns regarding aspects of the application including building height and privacy, parking and traffic impacts, pedestrian safety and housing affordability:

Pauline Veto
Matthew Malka
Megan Ashbury
Grace MacKenzie
Scott Jackson
Lee Chapelle
Jerry Lowe
Jody Olsson
Gordon Campbell
Kathy Garby
Lisa Klassen
Ida Zavaglia
Kristen Meier
Ivan Jacobsen
Peggy Marceux
Alex Soho

The speakers list closed at 9:05 pm.

Applicant Closing Comments

Stuart Howard, Stuart Howard Architect, along with James Evans, Developer, provided closing comments, addressed points raised by speakers and responded to questions from Council.

Staff Closing Comments

Planning and Development Services staff along with Engineering and Housing Policy staff responded to questions.

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At 9:55 pm, during discussion, it was

MOVED by Councillor Meggs

THAT the meeting be extended to complete the business on the agenda.

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

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Council Decision

MOVED by Councillor Deal

- 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, generally as presented in Appendix A of the Policy Report dated April 22, 2014, entitled "CD-1 Rezoning: 3120-3184 Knight Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Stuart Howard Architects Inc. and stamped "Received City Planning Department, January 23, 2014", subject to the following conditions, provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Architectural expression will employ an improved palette of high quality durable materials and a refined detail finish throughout the building, and in particular as it relates to the following elements:
 - (i) Elevation to Knight Street;

Note to Applicant: A higher quality of external material finish than proposed in this submission will be required, especially as it relates to thermal comfort and noise abatement for dwelling units facing Knight Street. It is also intended that landscaping proposals, as they relate to fence materials and planting strategy, are included in this condition.
 - (ii) Entrance expression to 15th Avenue;

Note to Applicant: Detail expression, assembly and material palette of the main residential entry will be improved.
 - (iii) Articulation of mid-rise expression;

Note to Applicant: The expression of the second storey currently proposed by means of a projecting cornice will be achieved by a more integral expression of massing and a change in the material palette.
2. Provision or refinement of private open spaces as required to improve livability of dwelling units as follows:
 - (i) Ground floor units;

Note to Applicant: Refinement of landscaping proposals, to private patio spaces of ground-floor units, is required. Livability of the two ground-floor units at the southwest corner will require development of landscape responses in tandem with issues of materials used and thermal comfort outlined in Condition 1.
 - (ii) Mid-Rise Units;

Note to Applicant: Enclosed or open balconies as appropriate will be provided to dwelling units on floors 2 to 4, in keeping with the articulation of vertical massing as proposed in this submission.

3. Mitigation of direct overlook from fifth-floor outdoor areas to nearby residential neighbours.

Note to Applicant: This can be accomplished with the use of translucent glazing to a 36-inch height at the balcony guard rail or similar measures, such as the provision of improved permanent planting features.

4. 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 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 of the project is also required under the policy.

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

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

Landscape Design

6. Provision of a shared at-grade outdoor amenity patio space for residents at the east side of the property.

Note to Applicant: The intent is to improve the balance between private and common outdoor open space. The patio should have a substantial landscape buffered edges and secure pedestrian connections to adjacent private patios along the east building elevation and 15th Avenue. The area of private open space for Unit 1 may be significantly reduced.

7. Design development of the public realm interface to enhance the green amenity of the streetscape by incorporating a substantial landscaped buffer including trees, shrubs and groundcover along the property edges at Knight Street and 15th Avenue.

Note to Applicant: Security fencing should be picket style and transparent and not mask greenery as viewed from the street.

8. Maximize in-ground planting opportunities for new trees within landscape setbacks at the site perimeter, where possible.
9. Design development of landscaping to maximize the width and depth of the planted setback at the east site periphery between the ramp to the underground parking garage and the neighbouring residential site.
10. Improvements to the in-ground landscaping at the southwest corner of this sloping site.

Note to Applicant: Landscape transition to the building edge may incorporate terraced planters or rockery.

11. Maximize plant growing medium depth (to exceed BCLNA standards) for any tree and shrub planters on structures to ensure long-term health of plant species.
12. Provision of a high-efficiency (drip) irrigation system for all common landscaped areas and hose bibs at patios 100 sq. ft. or larger.

Engineering

13. Provision of a section through the parkade ramp clearly showing the vertical clearance provided and that no portion of the overhead doors mechanical equipment, nor any of the building drainage, plumbing or other system, will compromise the required overhead clearance.
14. Provision of adequate maneuvering for the car share space so a vehicle can easily access the space. Please review the overhead door location and adjust as required.
15. Provision of dimensions for all parking stalls.

16. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. 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.
17. Provision of a landscape plan that reflects the off-site improvements required of this rezoning.
18. Please place the following note 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."

Social Development

19. Submission with development permit application of a final Tenant Relocation Plan to the satisfaction of the Managing Director of Social Development
20. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent); and includes a summary of all communication provided to the tenants, to the satisfaction of the Managing Director of Social Development.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of Lots B and C, Block 6, and Lot D of Lot 6, all of DL 756, Plan 9660 to create a single parcel.

2. Dedication of the west 0.6 m (2'-0") of the site for road purposes. Delete all structures, fencing and adjust landscaping to be clear of dedication area.
3. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS).
 - **Size:** At minimum, the smallest sized station at 16 m x 4 m must be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m. The 2 m maneuvering space may be shared with pedestrian space.
 - **Location:** The station must be located on private property while still clearly visible to the public with 24/7 public access and allowing easy access to the street. The preferred location is along 15th Avenue.
 - **Surface treatment:** A hard surface is required with no utility access points within 150mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
 - **Grades:** The surface must be leveled with a maximum cross slope of 3 percent and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5 percent. At minimum, spot elevations at the four corners of the station must be provided.
 - **Sun exposure:** No vertical obstructions to maximize sun exposure as the 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 must be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.
4. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 1 Shared Vehicle and the provision and maintenance of 1 Shared Vehicle Parking Space for use exclusively by such Shared Vehicle (with such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (i) provide 1 Shared Vehicle to the development for a minimum period of 3 years;
 - (ii) enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle;
 - (iii) provide and maintain the Shared Vehicle Parking Space for use exclusively by such Shared Vehicles;
 - (iv) make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
 - (v) provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle; and
 - (vi) registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
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.
- (i) Provision of new sidewalks adjacent the site in keeping with the sidewalk standards for the area. New concrete sidewalks are to be a minimum of 1.8 m (6 feet) wide with saw-cut expansion/control joints.
 - (ii) Provision of street trees adjacent the site where space permits. Note: the new sidewalks are to allow for a minimum 1.2 m (4 feet) front boulevard and all new street trees are to be planted in this front boulevard area. Deletion of the proposed back boulevard trees is required.
 - (iii) Provision of a standard concrete lane entry on the east side of Knight Street at the lane south of 15th Avenue

including adjustment of the curb returns on both sides of the lane to accommodate the new ramp design should it be necessary.

- (iv) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100 percent of any water system upgrading that may be required.
 - (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100 percent of any sewer system upgrading that may be required.
 - (vi) Provision of countdown timers for the traffic signal at the intersection of Knight Street and 15th Avenue.
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.

Housing

7. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or life of the building, subject to the following additional conditions:
 - (i) a no separate-sales covenant;
 - (ii) a non-stratification covenant;
 - (iii) none of such units will be rented for less than one month at a time;
 - (iv) a rent roll indicating the initial monthly rents for each rental unit;
 - (v) a covenant from the owner to, prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Managing Director of Social Development and Director of Legal Services that reflects the initial monthly rents in the Housing Agreement on either a per unit or a per square foot basis in order to address potential changes in unit mix and/or sizes between the rezoning and development permit stage;
 - (vi) the applicant must comply with the Tenant Relocation Plan attached to this report in Appendix F of the Policy Report dated April 22, 2014, entitled "CD-1 Rezoning: 3120-3184 Knight Street"; and
 - (vii) such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

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

Soils

8. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental

Contamination Team);

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

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

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

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

- B. THAT, if after public hearing Council approves in principle of the 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 same 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
(Councillors Affleck, Ball and Carr opposed)
(Councillor Reimer absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Meggs

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 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
(Councillor Reimer absent for the vote)

ADJOURNMENT

MOVED by Councillor Tang
SECONDED by Councillor Louie

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

The Public Hearing adjourned at 10:22 pm.

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