



PUBLIC HEARING MINUTES

SEPTEMBER 16, 2014

A Public Hearing was held on Tuesday, September 16, 2014, at 6:07 pm, 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 Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer*
Councillor Tim Stevenson
Councillor Tony Tang

ABSENT: Councillor Kerry Jang (Medical Leave)

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Melissa Picher Kelly, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Ball

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

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Flood Construction Levels

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

Summary: To amend the Zoning and Development By-law to respond to increased flood construction levels by allowing floor area exclusions for sites located in a designated flood plain and within a residential district. The proposed amendment would add a clause to Section 10 allowing for the exclusion, from the computation of floor area, of floors located at or below finished grade with a ceiling height of less than 1.5 m.

Staff Opening Comments

Sustainability Group staff, along with Planning and Development Services staff, responded to questions.

Summary of Correspondence

No correspondence was received since the application was referred to public hearing and prior to the close of the speakers list.

Speakers

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

The speakers list and receipt of public comments closed at 6:12 pm.

Council Decision

MOVED by Councillor Reimer

THAT the application to amend Section 10 of the Zoning and Development By-law, to exclude floors located at or below finished grade with a ceiling height of less than 1.5 m from the computation of the floor area, generally as set out in Appendix C of the Policy Report dated May 30, 2014, entitled "Flood Construction Levels", be approved.

CARRIED UNANIMOUSLY

2. REZONING: 601 West Hastings Street

An application by B+H Architects, on behalf of Morguard, was considered as follows:

Summary: To rezone 601 West Hastings Street from the existing CD-1 (Comprehensive Development) District #164 (By-law No. 5810) to a new CD-1 (Comprehensive Development) District, to permit the development of a 25-storey office building, with retail uses and a public plaza at grade. A floor space ratio (FSR) of 24.34 is proposed.

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

Staff Opening Comments

Planning and Development Services staff presented the application and, along with Engineering Services staff, responded to questions.

Applicant Comments

James Vasto, B+H Architects, 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:

- 1 email in opposition
- 1 petition (108 signatures) in opposition, unaudited

Speakers

The Mayor called for speakers for and against the application.

Ken Wong spoke in opposition to the application.

George Benson spoke neither for nor against the application, but questioned whether there was any discussion around designating the existing glass dome as a heritage site.

The speakers list and receipt of public comments closed at 6:59 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by B+H Architects, on behalf of 675158 British Columbia Ltd. (Morguard), to rezone 601 West Hastings Street [*PID: 006-979-530, Lot B, Block 14, District Lot 541, Plan 20200*] from CD-1 (Comprehensive Development) District (164), By-law No. 5810, to a new CD-1 to increase the floor space ratio from 0.09 to 24.34, to allow for the construction of a 25-storey office tower, with retail uses and a public plaza at grade, generally as presented in Appendix A of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by B+H Architects, and stamped "Received City Planning Department, September 6, 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 Director of Planning, who shall have particular regard to the following:

Urban Design

1. Provision of a statutory right of way to preserve the plaza for public access and use.

Note to applicant: The public plaza must be at least 14 m by 26 m on the private property and accessible from both streets. Sun exposure must be maintained with a clear vertical dimension of at least 9 m. Existing legal agreements including other rights of way or covenants may require modification, replacement or discharge. Agreements must be to the satisfaction of the General Manager of Planning and Development Services and the Director of Legal Services.

2. Improvement in the sunlight and sky access to the plaza surface by raising the soffit and building edge.

Note to applicant: This can be accomplished by pulling back or raising the decorative ceiling at the east and south edges to increase morning and early afternoon sun infiltration to the rear corners of the plaza (see shade diagram, L04, Rezoning booklet). Raising the ceiling above the centre of the plaza and reducing the floor area by a modest amount may be required.

3. Design development to ensure a notably public character to the plaza.

Note to applicant: The detailed design of the plaza must signify to the first time visitor the public use and access of the space, without reliance on previous knowledge. Visual motifs should tie the floor, walls and ceiling of the plaza together in a unified expression that is separate from the office portion. Lobby entries facing Seymour must be visually minimized to avoid competing with the public purpose of the plaza, and the lobby wall facing Seymour Street should be entirely integral with the plaza design rather than the office portion. Commentary offered by the Urban Design Panel should be addressed.

4. Design development to better integrate the visual elements of the proposed plaza ceiling, walls, and ground plane to create a unified public space that is distinct and separate from the private sides of the development.
5. Provision of a signage strategy, integrated into the landscape and architectural design, to announce the public nature of the space.
6. Design development to preserve views from Hastings Street through the plaza to the north and of the historic Waterfront Station beyond.

Note to applicant: The proposed commercial space on the north edge of the plaza, if properly designed and tenanted, will help to provide activity and animation to the public plaza. However, care will be needed to ensure that this volume is highly transparent to pedestrians. Consideration should be given to low-iron glass, and to tilted panels that reduce reflection.

7. Design development of the more distinctive tower elements, especially the curved walls and parapet.

Note to applicant: Consider the comments of the Urban Design Panel in this regard.

8. Provision of generously sized weather protection over the office entry.
9. Provision of high quality, durable exterior materials that will improve on the existing public plaza.
10. Provision of a lighting design to ensure an attractive, safe and well-lit plaza space while avoiding light trespass from the property.
11. Provision of enlarged drawings in plan, section and elevation to demonstrate an enhanced standard of quality of finish for the public space.

Note to applicant: Given the reduced quantity of public space from the existing 760 m² plaza to 400 m², careful attention to detail will be required to achieve a proportionately higher quality.

Crime Prevention Through Environmental Design (CPTED)

12. Design development to respond to CPTED principles, having particular regards for:
 - (a) theft in the underground parking;
 - (b) mail theft; and
 - (c) mischief in alcoves and vandalism, such as graffiti.

Note to applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

Landscape

13. Further development of the landscape plan for the public plaza to improve circulation and accessibility.

Note to applicant: Currently there is an easy flow for people walking across the corner of the site at Hastings and Seymour. This easy pedestrian flow should be maintained and expanded wherever possible. The following recommendations should be addressed:

- Open up the corner to allow pedestrians to walk diagonally through the plaza between Hastings and Seymour Streets, especially where there is minimal grade change from public to private realm;
- Simplify the landscape elements along Seymour Street to create a more open expression;
- Remove the bench at the top of the stairs into the plaza from the center stair on Seymour Street, and pull the landscape back

- in line with the north edge of the stairs to provide a straight line of travel;
- Pull the landscape back in line with the south edge of the stairs into the plaza from the stair on Seymour Street near the lane to provide a straight line of travel;
 - Move the east doors of the office lobby to the north and reduce their size to reduce their impact on the public plaza;
 - Move the free standing columns out of the level plaza area and incorporate them into the sloped edge along Seymour Street;
 - Develop a design to accommodate restaurant patio seating without taking over the public plaza;
 - Delete some of the smaller islands of landscaping to improve interior circulation;
 - Increase the length of contiguous stairs along the Seymour Street to all for more casual seating opportunities, especially on the south end where sun access is best; and
 - Delete planting that blocks the diagonal route past the corner of the lobby.

14. Exploration of the feasibility of adding new street trees along Seymour Street.

Note to applicant: Where feasible in the evaluation of the General Manager of Engineering Services and the Director of Planning, these trees should be provided.

Sustainability

15. 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 Rezonings, 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.

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.

Engineering

16. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

17. Clarification of the extent of the proposed canopy and whether it encroaches over public property.
18. Compliance with the *Parking and Loading Design Supplement* to the satisfaction of the General Manager of Engineering Services.

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

- (a) Provision of direct access to grade from the Class A bicycle spaces on P1.

Note to applicant: As a parking ramp to grade is not being provided to the P1 level, provide a bicycle ramp to grade or a bicycle elevator with direct access to the outside.

- (b) Revise the parking layout to provide a minimum 6.1 m (20 ft.) maneuvering aisle as 5.7 m is shown on drawing A201.

Note to applicant: Standard stalls require 2.7 m (9 ft.) stall width with a reduced maneuvering aisle.

- (c) Provision of a section drawing through the loading area showing the overhead gate and a minimum 3.8 m (12.5 ft.) of vertical clearance.
- (d) Provision of an improved plan showing the design elevations on both sides of all parkade ramps at all breakpoints and within the parking areas to be able to calculate slopes and cross falls. Provide elevations on sections drawings.

Note to applicant: Include design elevations for the new ramps on the P2-P4 levels on the 333 Seymour Street site.

- (e) Modify the loading area to provide a minimum of three Class B loading spaces with the required stall widths and throats, plus four Class A loading spaces.

Note to applicant: Refer to the Parking and Loading Design Guidelines at the following link for design standards:
<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- (f) Provision of additional information regarding the operation of the signal system for the single ramp on P4.

Note to applicant: Provision of additional details of the warning system to be supplied by a qualified transportation engineer. Please provide and note the location of all lights, signs and detection devices on the plans.

- (g) Provision of an improved plan showing the maneuvering for vehicles to enter and exit using the single ramp on P4 and P5.
- (h) Provision of an improved plan showing the vehicle access route through 333 Seymour Street to enter/exit onto the street.

Note to Applicant: Tandem spaces are not approvable in the Parking Bylaw and do not count towards the parking total.

- 19. Please add the following note to the landscape plan and submit a copy directly to engineering for review.

"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."

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, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 1. Arrangements to the satisfaction of the Director of Planning and the Director of Legal Services for the following:
 - (a) The closure, stopping up, and lease of a volumetric, below-grade portion of City lane south of Cordova Street, west from Seymour Street.

Note to applicant: A separate report to Council is required for the lane closure to be approved.
 - (b) Clarification of the intended dimension for the lane closure is required. A 78-foot length (the entire Lot B lane frontage) was

previously indicated, however the current application drawings are indicating a shorter length scaling at about 60 feet.

- (c) Written confirmation from all outside utility companies (including BC Hydro, Fortis, Telus, Rogers, Shaw Cable and Teraspan) that arrangements have been made to accommodate their existing services in the lane and that they have no objection to the proposed lease of the lane.
- (d) Clarification of the need to retain existing off-site parking agreements on Lot A and Lot B and modification, replacement or discharge of the existing parking agreements to reflect the final parking arrangement for the development.
- (e) Provision of appropriate legal arrangements for vehicular, pedestrian and bicycle access from Lot A, Block 14, DL 541, Plan 20201 for access to all vehicular, pedestrian and bicycle parking on Lot B.
- (f) Release of Easement & Indemnity Agreement M36030, extension M80047, and Indemnity Agreement M80045 (relating to current bridge encroachment over lane) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

2. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS) to the satisfaction of the General Manager of Engineering Services.

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 proposed location at Seymour Street, north of the lane is acceptable.

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 three per cent and have a consistent grade (i.e. no grade transitions)

along the length with a maximum slope of five 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 five hours of direct sunlight a day.

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

3. Provision of building setback and a surface statutory right of way to achieve a 5.5 m distance from the back of the City curb to the building face for sidewalk purposes on Hastings Street and on Seymour Street adjacent the new building for a height of 9 m above grade. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
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 sidewalks adjacent the site to meet current commercial sidewalk standards for the area.
 - (b) Provision of standard concrete lane crossing at the lane north of Hastings Street on the west side of Seymour Street.
 - (c) Provision of improved curb ramp at the southwest corner of Seymour and Cordova Streets.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

6. Arrangements to the satisfaction of the Director of Planning and Director of Legal services in consultation with the General Manager of Engineering Services for the provision of a statutory right of way over the plaza area for public access and use of the space.
7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:
 - (a) require buildings within the development to connect to the City-designated NES prior to occupancy, if connection is deemed available and appropriate at the time of development permit issuance, or post-occupancy through a deferred services agreement, or otherwise, at such time that a system becomes available;
 - (b) grant the operator of the City-designated Neighbourhood Energy System access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the applicant; and
 - (c) provide for adequate and appropriate dedicated space to be used for an energy transfer station connecting the building(s) to the City-designated NES.

Note to applicant: Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any energy supply contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.

Public Art

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

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

Soils

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.

Other Public Benefits Offered

10. Prior to enactment of the rezoning by-law, pay to the City the offered cash contribution of \$4,000,000, to be used by the City to fund a childcare facility or facilities within the downtown area.

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 the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street" be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street".
- E. THAT A to D above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

3. TEXT AMENDMENT: 1890 Skeena Street (Akali Singh Sikh Temple)

An application by KC Mooney Architect, on behalf of Akali Singh Sikh Society, was considered at follows:

Summary: To amend CD-1 (Comprehensive Development) District (125) By-law No. 5060 for 1890 Skeena Street to increase the permitted floor space ratio (FSR) from 0.30 to 0.36. The proposal is to add to the temple site a one-storey 864 m² (9,301 sq. ft.) building to accommodate programs customarily ancillary to a religious institution.

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 responded to questions.

Summary of Correspondence

No correspondence was received since the application was referred to public hearing and prior to the close of the speakers list.

Speakers

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

The speakers list and receipt of public comments closed at 7:21 pm.

Council Decision

MOVED by Councillor Meggs

- A. THAT the application, by KC Mooney Architect on behalf of Akali Singh Sikh Society, to amend CD-1 (Comprehensive Development) District (125) By-law No. 5060 for 1890 Skeena Street [*PID 007-672-021, Lot 2, Blocks 106 and 108, Section 28, Town of Hastings Suburban Lands, Plan 16809*], to increase the permitted floor space ratio (FSR) for from 0.30 to 0.36 to allow for a one-storey 864 m² (9,301 sq. ft.) building to house a range of temple programs customarily ancillary to a religious institution, generally as presented in Appendix A of the Policy Report dated June 5, 2014, and entitled "CD-1 Text Amendment: 1890 Skeena Street (Akali Singh Sikh Temple)", 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 KC Mooney Architect, on behalf of Akali Singh Sikh Society, and stamped "Received Planning and Development Services, October 25, 2013", provided that the General Manger of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Provision of a 3.0 m (10 ft.) setback from the east property line, adjacent to the Trans-Canada Highway right-of-way.

Engineering

2. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services. The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- (i) Provision of a traffic and parking management plan that addresses any negative impacts on the neighbourhood.
- (ii) Clarify existing approved parking and landscape plan, and identify any proposed changes to the plans.

Note to Applicant: The two plans are not consistent.

- (iii) Provision of current disability parking requirements for the site, and provision of a disability space(s) in close proximity to the new building.
- (iv) Provision of 18 class B bicycle spaces with appropriate weather protection, located to the satisfaction of the General Manager of Engineering Services

Sustainability

3. 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, or an equivalent achievement in an alternative rating system that meets the objectives of the Green Buildings Policy for Rezoning.

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.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - a. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
2. Provision of all new 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. 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 underground services.

Soils

3. If applicable:
 - (i) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any

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

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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

CARRIED UNANIMOUSLY

4. REZONING: 3503-3523 East Hastings Street and 394-398 Skeena Street

An application by Cornerstone Architecture, on behalf of Hastings Northview Holdco Ltd. was considered as follows:

Summary: To consolidate and rezone four lots located at 3503-3523 East Hastings Street and 394-398 Skeena Street from C-2C1 (Commercial/ Residential) District to CD-1 (Comprehensive Development) District. The rezoning would permit the development of a mixed-use building with 87 for-profit affordable rental housing units and ground-floor commercial spaces. A height of 19.74 m (64.8 ft.) and a floor space ratio (FSR) of 3.95 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

The Senior Planner, Vancouver-Midtown Division, advised Council of a typographical error in Appendix C of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 3503-3523 East Hastings Street and 394-398 Skeena Street". The appendix referenced C-2C1 for Schedule B of the Sign By-law. However, the correct reference should be C-2, as per Recommendation C on Page 2 of the Policy Report. The accurate reference is reflected in the By-law to amend the Sign By-law posted at tonight's Public Hearing.

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

Applicant Comments

Scott Kennedy, Cornerstone Architecture, 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:

- 1 petition (13 signatures) in support, unaudited

Speakers

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

The speakers list and receipt of public comments closed at 7:34 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application, by Cornerstone Architecture on behalf of Hastings Northview Holdco Ltd., to rezone 3511-3519 East Hastings Street [*Lot 22 of Lot 47 and Lot 23 of Lot 47, Town of Hastings Suburban Lands, Plan 4160; PIDs: 011-780-622 and 011-780-631 respectively*], 3503 East Hastings Street and 394-398 Skeena Street [*Lot 24 of Lot 47, Town of Hastings Suburban Lands, Plan 4160; PID: 011-780-649*] and 3523 East Hastings Street [*Lot A of Lot 47, Town of Hastings Suburban Lands, Plan 18237; PID: 007-191-189*] from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 3.00 to 3.95 and the height from 13.8 m (45.3 ft.) to 19.74 m (64.8 ft.) and to change the building line requirement for the aforementioned lots to permit the development of a six-storey residential building containing 87 secured for-profit affordable rental dwelling units with ground-oriented retail uses, generally as presented in Appendix A1 of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 3503-3523 East Hastings Street and 394-398 Skeena 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 Cornerstone Architecture and stamped "Received City Planning Department, January 9, 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. Design development to provide own door access to residential units at main-floor level along the Skeena Street frontage.

Note to Applicant: An exterior common access deck should be developed north of the common residential entrance providing own door universally accessible units. This will require the exterior building face of these units to be set back further than currently proposed. Consequently consideration should be given to extending the reconfigured units to the north and allowing the shared deck to wrap the corner. See also condition 2 below.

2. Design development to eliminate or reconfigure the exterior ramp to the bike storage room to improve the interface to the lane.

Note to Applicant: Elimination of the ramp and provision of steps with a bike rail further east would remove existing CPTED concerns and allow activation of the laneway frontage for the depth of the residential units.

3. Design development to improve the quality of the main-floor outdoor amenity space.

Note to Applicant: Play space should be eliminated as a use from this location and the open area instead developed as a passive landscape amenity. Connectivity to the lane should be improved through the relocation of the PMT to allow landscaping provisions to extend to the edge of the lane. See also condition 5 below.

4. Design development to reduce upper-level massing in the area of the rear projection to the northeast to provide a more appropriate setback to adjacent single-family dwellings.

Note to Applicant: Setbacks as envisaged by the base zoning should be provided to improve the interface with existing single-family development across the lane to the north. Consideration will be given to the relocation of residential floor space to the Hastings Street frontage as per condition 6 below.

5. Design development to the rooftop amenity space to provide an increased area of rooftop amenity and enlarge the planted area to at least 25% of the roof area.

Note to Applicant: The rooftop amenity area should be increased to facilitate relocation of play space from the ground-floor outdoor area. Consideration should be given to the provision of architectural planters as part of the guard and rail enclosure of the rooftop space, to allow the gathering up of the proposed rooftop vents into such a structure. Discretionary height increases required to achieve barrier-free access to the rooftop amenity space will be considered as per the City's bulletin on "Roof Mounted Energy Technologies and Green Roofs- Discretionary Height Increases". To this end, design development is required to enlarge the green roof beyond the area currently proposed. To be considered for a height increase, such design development must ensure that:

- a) Stairs and elevator should provide direct access to the green roof.
- b) The planted area occupies a substantial portion of the overall roof. For intensive green roofs such as that proposed, a minimum of 25% of the roof area should be planted.
- c) The planted area has been designed to minimize the amount of over-height elements required to maintain it and such elements as required have been sited and sized with due regard to views, overlook and shadowing.

6. Design development to provide more visual interest at the corner of Hastings Street and Skeena Street.

Note to Applicant: The material change to provide a solid expression at the upper levels on this prominent corner should be reconsidered to improve visual interest and articulation of the corner. Opening up the corner through glazing and expressing the full six-storey height should be considered.

7. Design development to eliminate inboard bedrooms to improve livability.

Note to Applicant: A number of one-bedroom units at the upper levels feature inboard bedrooms that do not have sufficient access to daylight and require redesign to improve livability.

8. Design development to provide an exhaust vent for future uses.

Note to Applicant: Provision of an exhaust vent will allow for a variety of future uses of the commercial spaces at grade, including restaurant.

Crime Prevention through Environmental Design (CPTED)

10. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:

- a) theft in the underground;
- b) break and enter;
- c) mischief and vandalism such as graffiti; and
- d) mitigate possible CPTED concerns in the parking area.

Landscape Design

10. Design development to provide a more pedestrian friendly experience at the lane edge; (see also conditions 2, 17 and 21).

Note to Applicant: This can be achieved by the use of down-lighting and more substantial planting at grade, oriented to the lane. The lane edge planting should be protected from vehicles by an 8" high curb, while maintaining visual connectivity for CPTED concerns.

11. Design development to expand programming and improve community interaction on the rooftop amenity area (see also condition 5).

Note to Applicant: This can be achieved by the provision of urban agriculture plots, a more diverse planting palette which includes edible plants and the addition of articulating elements. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide

maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

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

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

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

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

14. Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

15. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbors and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate root balls of proposed trees well into the future.

16. Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

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

17. Design development to locate, integrate and fully screen lane-edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

18. New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.

19. A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
20. A Landscape Lighting Plan to be provided for security purposes.

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.
21. Trellis and vines to be provided over the underground garage access ramp.

Sustainability

21. Identification on the plans and elevations of the built elements contributing to the building sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings policy for Rezoning, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one stormwater point.

Note to Applicant: Confirm whether the project will be built to LEED® or Passive House® standards. If Passive House is chosen, supply similar information on the drawings as noted above.

Engineering

22. On page A4.3, sections A and B do not reflect that floors 2 to 5 are cantilevered over the required statutory right of way.
23. Ensure that overhead clearances in the 1.2 m SRW area are maximized, i.e. no obstructions below 2.6 m above grade. Note: it appears that the built-out sign band reduces the clearance in some locations to below this minimum.
24. Deletion or indication on the development permit drawings that the purposed sidewalk café/patio shown on Skeena Street is not approved as part of this application and requires a separate application to the General Manager of Engineering Services.
25. A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. Canopies are defined as a rigid roof-like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (VBBL section 1A.9.8).
26. Revised City building grades will be required to reflect the proposed dedication on Hastings Street.

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

Note to applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

Provision of a redesign of the parking ramp to include:

- a) Provision of a maximum 15% ramp grade after the first 20 ft. from the property line.

Note to Applicant: If a greater slope is proposed, a written request to exceed the 15% should be made including an explanation of the site hardship resulting in the request.

- b) Provision of the required 4 m (13' 1 1/2") transition ramps of 7.5% to 10% slope at the bottom of the ramp prior to the turn in the ramp.
- c) Provision of improved vehicle turning through the inside radius at the bottom of the main parking ramp by means of a corner-cut.

Note to Applicant: A 9' by 9' corner-cut is required in order to improve the transition and should be considered within the context of a reduced 12' wide ramp.

- d) Provision of measures to improve driver visibility of oncoming cars on the parking ramp such as a convex mirror, or should a lesser ramp width be proposed, provision of a signal warning light may be required.
- e) Make improvements to vehicle turning and maneuvering off the ramp and to/from the parking spaces within the commercial area.

Note to Applicant: Please contact Rob Waite of the NPT Branch at 604-873-7217 for details.

28. Clearly identify the required on-site visitor parking which is to be provided in addition to the required residential parking.
29. Provision of an overhead gate width that matches the ramps width (20' or 12' if the ramp is to be reduced).
30. Provision of wheel stops within parking spaces 17 and 18.

Housing

31. That the proposed unit mix, 28.7 per cent studio, 43.6 per cent one-bedroom and 27.7 per cent two-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

32. Provision of a list outlining the name of each existing tenant, the number of the tenant's unit and their rent as per Section 2 of the Rate of Change Guidelines.
33. Provision of a Tenant Relocation Plan which includes two months free rent; reimbursement of receipted moving expenses; and the right of first refusal to move back into the development upon completion, as per Section 2 of the Rate of Change Guidelines.

Note to Applicant: This Plan should also outline ways in which you can provide assistance to tenants in finding alternate accommodation. A final Tenant Relocation Plan to the satisfaction of the Managing Director of Social Development must be submitted with your development permit application.

34. Provision of a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all existing tenants.
35. Provision of a notarized declaration which demonstrates that each existing tenant has been given written notice of the intent to redevelop the property, that indicates the number of units occupied on the date of the notice, and includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines.
36. 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.
37. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
38. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of 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. Reduction of the current 4.3 m building line to 1.2 m for this site only, by amending Schedule E of Zoning and Development By-law.
2. Consolidation of Lots 22 to 24, Plan 4160, and Lot A, Plan 18237, all of Lot 47, THSL to create a single parcel and subdivision of that site to result in the dedication of the south 1.2 m for road purposes.
3. Provision of a surface statutory right of way over the south 1.2 m of the resultant site for public pedestrian use.
4. Deletion of the proposed sunscreens shown encroaching onto both City streets on pages A4.0 and A4.2; or make arrangements (legal agreements) to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for them to remain. Note: An application to the City Surveyor is required.
5. Release of Easement & Indemnity Agreement 322841M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

6. 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 a new saw-cut concrete sidewalk on Hastings Street and 1.8 m wide sidewalk on Skeena Street adjacent the site.
 - (ii) Relocation of the existing traffic signal pole, existing traffic signal controller and associated infrastructure located at the northeast corner of Skeena Street and Hastings Street as the

pole and controller would be located in the middle of the future sidewalk.

Note: Signal relocation requires the installation of new upgraded signal infrastructure while the existing signal remains active. All associated signal works are to be delivered to standards at the time of installation and may include additional conduit upgrades and pedestrian push buttons to accommodate the new signal works.

- (iii) Provision of improved curb ramp and curb return at the northeast corner of Skeena Street and Hastings Street to meet current standards
- (iv) Provision of a standard concrete lane crossing at the lane north of Hastings Street on the east side of Skeena Street including new or improved curb ramps and curb returns on both sides of the lane entry.
- (v) Provision of street trees adjacent the site where space permits.
- (vi) 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.
- (vii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

Housing

7. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all residential units as market rental housing units for 60 years or life of the building, whichever is greater, consistent with the provisions for the construction of for-profit affordable rental housing as described in Section 3.1A of the Vancouver Development Cost Levy By-law and subject to the following additional conditions:
 - (i) a no separate-sales covenant;
 - (ii) non-stratification covenant;
 - (iii) all such units being made available as rental housing for a term of not less than one month at a time;
 - (iv) a rent roll indicating the proposed 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 the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with 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; and
 - (vii) such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require.

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

Soils

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

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the amendment to Schedule E of the Zoning and Development By-law regarding building lines, as set out in Appendix A2 of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 3503-3523 East Hastings Street and 394-398 Skeena Street", be approved.
- C. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 3503-3523 East Hastings Street and 394-398 Skeena 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 this report, subject to such terms and conditions as the Director of Legal Services and the Managing Director of Social Development.
- D. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated June 24,

2014, entitled "CD-1 Rezoning - 3503-3523 East Hastings Street and 394-398 Skeena Street", be approved.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment of the Noise Control By-law generally as set out in Appendix C of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 3503-3523 East Hastings Street and 394-398 Skeena Street".
- E. THAT A to D above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the costs;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

5. REZONING: 357, 375 and 391 West King Edward Avenue

* * * * *

At 7:40 pm, Councillor Ball declared conflict of interest on this matter because she is a resident of the neighbourhood being considered in the report.

* * * * *

An application by Ramsey Worden Architects, on behalf of Pennyfarthing King Edward Developments Ltd., was considered as follows:

Summary: To rezone 357, 375 and 391 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a four-storey residential building with townhouses on the lane, containing a total of 42 dwelling units. A height of 14.8 m (48.5 ft.) and a floor space ratio (FSR) of 1.82 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 Services staff, 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:

- 7 emails in opposition

Speakers

The Mayor called for speakers for and against the application.

Grant Bell spoke in general support of the application but raised concerns regarding parking and density.

The following spoke in opposition to the application and raised concerns regarding density, parking, safety and design:

- James Boothroyd
- Brenda Harrison
- Sally Ogis
- Rene Rached
- Don Buchanan

Francesca Pittson spoke neither for nor against the application, but informed Council that a petition asking for a wind tunnel study of the area would be forth-coming.

The speakers list and public comments closed at 8:59 pm.

Applicant Closing Comments

Bob Worden, Architect, Ramsey Worden Architects and Michael Brown, Trillium Projects responded to questions

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Ramsey Worden Architects, on behalf of Pennyfarthing King Edward Developments Ltd., to rezone 357, 375 and 391 West King Edward Avenue [*Lots 28 to 30, Block 662, District Lot 526, Plan 2913; PIDs 011-792-485, 013-343-432, and 011-036-915 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.82 and the height from 10.7 m (35.1 ft.) to 14.8 m (48.5 ft.) to permit the development of a four-storey residential building with townhouses on the lane, containing a total of 42 dwelling units, generally as presented in Appendix A of the

Policy Report dated June 5, 2015, entitled "CD-1 Rezoning: 357, 375 and 391 West King Edward Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Ramsey Worden Architects and stamped "Received Planning and Development Services, January 24, 2014", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Design development to reduce the height of the proposed four-storey apartment building, maintaining a maximum floor-to-floor height of 3.05 m (10 ft.).

Note to Applicant: The above condition will reduce the height of the four-storey apartment building from 15.4 m (50.5 ft.) to 14.8 m (48.5 ft.).

2. Design development to improve the quality of the built form and the interface with the public realm including:
 - (i) Building setbacks are to be consistent or greater than those proposed at the rezoning stage, prior to any dedications, and are to be at a minimum:
 - 1.3 m (4 ft.) from the north property line on the lane,
 - 3.6 m (12 ft.) from the east property line,
 - 3.6 m (12 ft.) from the south property line on King Edward Avenue, and
 - 3.0 m (10 ft.) from the west property line on Yukon Street.

Note to Applicant: Proposed setbacks may be increased through the design development process.

- (ii) Animate the north elevation of the Yukon Street townhouse along the lane, with fenestration or some other appropriate means.
- (iii) Reduce the extent of roof overhang on the primary building along Yukon Street and above the Level Four roof deck.

Note to Applicant: The goal is to clarify and reinforce the building shoulder setback.

- (iv) Clarify the relationship of the pitched roof element to the grid element present on the east-west elevations at the northwest corner of the building.

Note to Applicant: Consider the comments of the Urban Design Panel in this area.

- (v) At the entry to the courtyard, consider the introduction of a complement 'scrim' panel to that found at the building lobby.
- (vi) Bring a similar rigor of expression found in the primary building to the townhouse form and massing.

Note to Applicant: Consider the comments of the Urban Design Panel in this area.

3. Design development to revise the townhouse massing along the lane to adhere to the following criteria:

- (i) Introduce a break in the proposed townhouse building to conform to the Cambie Corridor Plan guidelines, which recommend a maximum laneway townhouse frontage of 24.3 m (80 ft.).

Note to Applicant: Consider moving the parking entry to the west along the lane, to provide a break in the proposed townhouse building.

- (ii) Delete massing over the parking entry to reduce density, to improve unit livability and to enhance the quality of the children's play area.
- (iii) Maintain a 3.6 m (12 ft.) setback along the east property line.
- (iv) In response to concerns expressed by neighbours regarding overlook and with a desire for consistency in the application of the Cambie Corridor guidelines, delete rooftop access in the townhouse units.

Note to Applicant: The above condition will reduce the height of the townhouses from 9.5 m (31.1 ft.) to approximately 8.1 m (26.5 ft.).

4. Design development to create ground-oriented open spaces suitable for children's play with adjacent common amenity room. Refer to the *High-Density Housing for Families with Children Guidelines* for more information.

5. Provision of high quality and durable exterior finishes, as proposed in the rezoning submission, are to be carried forward and remain through the development permit process.
6. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit submission to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.

Crime Prevention through Environmental Design (CPTED)

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

Sustainability

8. Provision of a Deconstructed Building Material Recycling and Reuse Plan, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding materials banned from disposal).

Note to Applicant: The Deconstructed Building Material Recycling and Reuse Plan should be provided at the time of development permit application.

9. 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.

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.

10. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a future City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

11. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters or heat producing fireplaces, unless otherwise approved by the General Manager of Engineering Services;
12. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape

13. Design development to the resolve grade changes near property lines using a terraced, landscape approach.

Note to Applicant: Any necessary transition to raised patios should be done by setting patio retaining walls 0.6 m (2 ft.) minimum away from the property line with planting at grade in front. Walls higher than 0.9 m (3 ft.) should be avoided. Exposed walls should have high quality surfacing and be softened with planting.

14. Design development to locate the site utilities and vents on private property and integrated discreetly into the building, avoiding landscaped and common areas.
15. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 9.3 m² (100 sq. ft.).
16. Design development for grades, retaining walls, walkways and structural elements, such as underground parking, designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Public and private trees should be planted at grade and not placed in above grade planters to achieve soil depth. Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible. To accommodate trees in planters near property lines, the underground parking to angle downward at the corner (1 m across and 1.2 m downward).

17. Responsible resolution of any conflict with a neighbour-owned tree(s) and vegetation in proximity to proposed excavation.

Note to Applicant: There may be trees and plants that are either owned or co-owned by the adjacent neighbor that could be affected by proposed excavation near the property line. All neighbor and co-owned trees should be safely retained with the necessary arborist services and/or design development; or, submit a tree permit application to remove/replace the trees accompanied by owner(s) consent in writing.

18. At time of development permit application:

- (i) Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of a Tree Plan.

Note to Applicant: Provide a tree plan that is separate from the landscape plan and consistent with the survey and arborist report. The scaled plan should be accurate and clearly illustrate all trees to be removed and retained, including offsite trees and any tree protection barriers. An arborist report addendum may be necessary for offsite trees and vegetation. Tree replacements can be shown on the proposed phased landscape planting plans.

- (iii) Provision of large scale landscape sections [typical] through planted areas, including the slab-patio-planter relationship, the lane interface, common areas and upper levels.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball.

19. Provision of new street trees to fill in gaps in the street trees, where applicable, to be provided adjacent to the development site.

Note to Applicant: Street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering at 604.871.6131 to confirm tree planting locations and Park Board at 604.257.8587 for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

Housing Policy

20. The proposed unit mix including 27 two-bedroom and one three-bedroom units are to be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix shall be to the satisfaction of the Chief Housing Officer.

Engineering

21. Clarification of garbage pickup operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pickup operations should not rely on bins being stored on the street or lane for pickup; bins are to be returned to storage areas immediately after emptying.

22. Please place the following notes on the landscape plan:
 - (i) "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."

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural Services and the

Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 28 to 30, Block 662, DL 526, Plan 2913 to create a single parcel.

Note to Applicant: Restrictive Covenants 10966M, 14807M and 16189M on title require the approval of the CPR Company for any new houses proposed and that they have a minimum dollar value. The applicant may wish to have these charges released from title as these Restrictive Covenants are no longer a requirement for redevelopment of these properties. The charges are not in favour of the City. The applicant would need to contact the Royal Trust Corporation of Canada, 155 Wellington Street West, 20th Floor, Toronto, Ontario M5V 3K7.

2. Dedication of the south 0.75 m of the site for road purposes. A subdivision application is required.
3. Provision of a Statutory Right-of-Way (SRW) along the north edge of the site (lane edge) to accommodate the installation of regulatory signs and sign poles on the site's property. The proposed regulations would limit parking and/or stopping along the edge of the lane to ensure townhouse units that face the lane are not blocked by vehicles that choose to park along the lane edge. Engineering recommends a blanket SRW agreement that would be refined at building occupancy to reflect the final locations of any regulatory signs.
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.
 - (i) Provision of new street trees adjacent the site where space permits.
 - (ii) Provision of improvements to the Yukon Street bicycle route on the east side of Yukon Street from the lane north of King Edward Avenue to King Edward Avenue and on the north side of King Edward Avenue from Yukon Street to the southerly alignment of Yukon Street including where it crosses King Edward Avenue at the median.

The improvements will consist of the following:

- a. Provision of new curb, gutter, a raised cycle track, sidewalk and treed boulevard with the following cross section: 0.15 m curb/ 2.35 m raised asphalt cycle track/ 0.15 m curb/ 1.2 m sod grass boulevard with trees/ 1.8 m concrete sidewalk with saw cut joints and a 0.3 m sod building strip.

Note: The installation of this feature will result in the removal of the on street parking.

- b. Provision of LED street lighting and LED pedestrian scale lighting.
 - c. Provision of new curb ramps and curb returns where necessary at the intersection of Yukon Street and King Edward Avenue, west of the site, crossing both Yukon Street and King Edward Avenue.
 - d. Provision of curb ramp on King Edward Avenue at the east end of the site crossing King Edward Avenue.
- (iii) Provision of a standard concrete lane entry at the lane north of King Edward Avenue on the east side of Yukon Street.
 - (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% of any water system upgrading that may be required.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Sustainability

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
 - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
 - (ii) grant the operator of the City-designated Neighbourhood Energy System access to the building(s) 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 owner; and
 - (iii) provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designed Neighbourhood Energy System.

Note to Owner: Until a City-designated Neighbourhood Energy System utility provider has been identified, the Applicant will be prohibited from entering into any energy supply contract for thermal energy services other than conventional electricity and natural gas services, unless otherwise approved by the General Manager of Engineering Services.

Soils

7. If applicable:
 - (i) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate

of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Heritage Density Transfer

8. Secure the purchase and transfer 202 m² (2,176 sq. ft.) of heritage density (which has a value of \$141,409) from a suitable donor site.

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

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

Community Amenity Contribution (CAC)

9. Pay to the City the cash component of the Community Amenity Contribution of \$1,272,681 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and is allocated as follows:
 - (i) \$707,045 to the Affordable Housing Reserve.
 - (ii) \$150,000 for traffic calming east of Cambie Street between King Edward Avenue and 16th Avenue.
 - (iii) \$415,636 for community facilities serving the Cambie Corridor Plan area.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated June 5, 2014, entitled "CD-1 Rezoning: 357, 375 and 391 West King Edward Avenue".
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY
(Councillor Ball absent for the vote due to conflict of interest)

* * * * *

At 9:50 pm it was

MOVED by Councillor Louie

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

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

At this point in the proceedings, Councillor Ball returned to the chamber for the duration of the meeting.

* * * * *

6. REZONING: 7790 Cambie Street

An application by GBL Architects Inc., on behalf of Abinger Holdings Ltd., was considered as follows:

Summary: To rezone 7790 Cambie Street from RT-1 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building, containing a total of 27 dwelling units. A height of 21.3 m (70 ft.) and a floor space ratio (FSR) of 2.70 are proposed.

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

Summary of Correspondence

No correspondence was received since the application was referred to public hearing and prior to the close of the speakers list.

Speakers

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

The speakers list and receipt of public comments closed at 10:00 pm.

Staff Closing Comments

Planning and Development Services Staff, along with Engineering Services staff, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by GBL Architects Inc., on behalf of Abinger Holdings Ltd., to rezone 7790 Cambie Street (*Lot 11, Block 0, District Lot 323, Plan 9322; PID 009-690-085*) from RT-1 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.60 to 2.70 FSR and the height from 6.1 m (20 ft.) to 21.3 m (70 ft.) to permit the development of a six-storey residential building, containing a total of 27 dwelling units, as presented in Appendix A of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 7790 Cambie Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects Inc. and stamped "Received Planning Department, January 22, 2014", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Design development to improve the quality of built form.

Note to Applicant: Consider a means by which to better integrate the upper floors with the main body of the building, at the four-storey shoulder, in the southwest corner. This is intended to create a stronger corner element, improve building proportions and reinforce entry below. While additional density is not supported, a limited relaxation in the guidelines would be considered to achieve this.

2. Design development to improve livability and public/private interface.

Note to Applicant: Increase planter width, notch, depress, angle slab to accommodate selective planting of trees to provide shade, enhance privacy separation between units and soften public interface.

Crime Prevention through Environmental Design (CPTED)

3. Design development to respond to CPTED principles, having particular regards for:

- (i) theft in the underground parking;
- (ii) residential break and enter;
- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

4. Provision of a Deconstructed Building Material Recycling and Reuse Plan, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding materials banned from disposal).
Note to Applicant: The Deconstructed Building Material Recycling and Reuse Plan should be provided at the time of development permit application.

5. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the *Green Buildings Policy for Rezonings*, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one stormwater point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been

achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project are also required under the policy.

6. The building(s) heat and domestic hot water system shall be designed to be easily connectable and compatible with a future City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

7. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters or heat producing fireplaces, unless otherwise approved by the General Manager of Engineering Services.

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

Housing Policy

8. That the proposed unit mix including 16 two-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix shall be to the satisfaction of the Chief Housing Officer.

Landscape

9. Design development to the enhancement of the public realm interface by incorporating more substantial greenery at the site edges in the form of new private property trees, where space permits.

Note to Applicant: In addition to boulevard trees, provide new small to medium-sized canopy trees to buffer semi-private open space and soften hard surface patio and entry plaza areas.

10. Provision of in-ground planting opportunities for new trees located within the landscape setbacks along street frontages, wherever possible.
11. Design development of the public realm interface to provide more substantial greenery at site edges in the form of a double row of trees.
12. Provision of in-ground planting opportunities for new trees within landscape setbacks along street frontages, with direct access to the natural water table.
13. Maximization of plant growing medium depth (to exceed BCLNA standards) for tree and shrub planters on structures to ensure long term health of plant species.

Note to Applicant: Structures such as underground parking slabs and retaining wall may need to be altered to provide adequate depth and continuous soil volumes. Private trees should be planted at grade and not placed in above-grade planters to achieve soil depth. Trees planted on structures should be consolidated within a trench to maximize soil volumes (1.0 m across and 1.2 m downward).

14. Design development to integrate utilities into the building, where possible.

Note to Applicant: Advanced planning will be needed to integrate utilities and access into structures and behind lockable, decorative gates or screened landscaping. Avoid the awkward placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.

15. Provision of best current practices for irrigation and managing water conservation including high-efficiency irrigation, aspects of xeriscaping making use of drought-tolerant plant selection and mulching.
16. Provision of hose bibs for all patios greater than 100 sq. ft. in area.
17. Provision of an external lighting plan consistent with the Cambie Corridor Public Realm Plan.

Note to Applicant: The lighting plan must address all common pedestrian routes, courtyards and the lane edge. Ensure that light levels are achieved for CPTED performance while minimizing glare for residents.

18. At the time of development permit application:
 - (i) Submission of a fully labelled Landscape Plan, Sections and Details at the Development Permit Stage.

- (ii) Provision of large-scale section drawings at 1/4"=1'-0" /1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, including the slab-patio-planter relationship, the lane interface, and common areas.

Note to Applicant: The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

- (iii) Provision of an ISA Certified Arborist report for all private property trees illustrated on the topographic survey.
- (iv) Provision of new street trees, where applicable, to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Park Board, dial 311, for tree species selection and planting requirements. Provide a notation on the plan as follows, *"Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board at 311 for inspection after tree planting completion"*.

Engineering

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

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- (i) Modify the ramp slope to have a maximum slope of 12.5% after the first 20 ft. (6.1 m) from the PL.

Note to Applicant: The ramp slope at elevation 93.7 ft. to 91.0 ft. calculates to 13.5%. Also the ramp slope from elevation 82.0 ft. to 77.5 ft. calculates at 12.5% and not 10% as shown.

- (ii) Relocate columns adjacent to stalls 4, 12 and 15 to be 4 ft. (1.2 m) or less from the end of the stall or provide additional stall width.

Note to Applicant: Refer to the Parking and Loading Design Guidelines at the following link:

<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- (iii) Modify the garbage room door swing to be free of the parking ramp.
- (iv) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp.
- (v) Provide a 1:10 taper for the shift in the parking ramp.

Note to Applicant: Lengthening the taper to the bottom of the parking ramp would achieve this.

- (vi) Provision of Class B bicycle parking on private property.

Note to Applicant: Sewer servicing is to be directed to the 450 combined main on 62nd Avenue.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. 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 a new cast-in-place concrete sidewalk 2.1 m wide and 1.0 m turf back boulevard from sidewalk to property line 1.0 m on Cambie Street.
 - (ii) Provision of a new cast-in-place concrete sidewalk 1.8 m wide and 1.0 m turf back-boulevard from sidewalk to property line on 62nd Avenue.
 - (iii) Provision of standard concrete lane crossing for the lane entry on the north side of 62nd Avenue at the lane east of Cambie Street.
 - (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% of any water system upgrading that may be required.

2. 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

3. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
 - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
 - (ii) grant the operator of the City-designated Neighbourhood Energy System access to the building(s) 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
 - (iii) provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designed Neighbourhood Energy System.

Note to Applicant: Until a City-designated Neighbourhood Energy System utility provider has been identified, the Applicant will be prohibited from entering into any energy supply contract for thermal energy services, unless otherwise approved by the General Manager of Engineering Services.

Soils

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

Heritage Density Transfer

5. Secure the purchase and transfer of 66.8 m² (719 sq. ft.) of heritage density (which has a value of \$46,758) from a suitable donor site.

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

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

Community Amenity Contribution (CAC)

6. Pay to the City the cash component of the Community Amenity Contribution of \$888,407 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no

cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and is allocated as follows:

- (i) \$467,583 to the Affordable Housing Reserve.
- (ii) \$15,000 to complete traffic calming around Winona Park and on 59th Avenue between the park and Sexsmith Elementary School.
- (iii) \$405,824 to park acquisition and improvements for the Fraser River waterfront park.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

B. THAT A 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 expenditure of funds or incurred costs is at the risk of the person making the expenditure or incurring the cost;
- ii. THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- iii. THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED
(Councillor Ball opposed)
(Councillor Reimer absent for the vote)

7. REZONING: 7350 Fraser Street

An application by Cornerstone Architecture, on behalf of G6 Ventures (Sunset Gardens) Ltd., was considered at follows:

Summary: To rezone 7350 Fraser Street from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building with 95 for-profit affordable rental housing units. A height of 14.0 m (46.0 ft.) and a floor space ratio (FSR) of 2.61 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 responded to questions.

Summary of Correspondence

No correspondence was received since the application was referred to public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

Michael Fraser spoke in opposition to the application.

The speakers list and receipt of public comments closed at 10:21 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Cornerstone Architecture on behalf of G6 Ventures (Sunset Gardens) Ltd. to rezone 7350 Fraser Street [*Lots D to G, Block 9, District Lot 658, Plan 10953; PIDs 009-225-421, 009-225-447, 009-225-455 and 009-225-463 respectively*] from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.75 to 2.61 and the building height from 9.2 m (30.2 ft.) to 14.0 m (46.0 ft.) to permit the development of a six-storey residential building with 95 secured for-profit affordable rental housing units, as presented in Appendix A of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 7350 Fraser Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (b) That the proposed form of development be approved by Council in principle, generally as prepared by Cornerstone Architecture and stamped "Received City Planning Department, January 9, 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.

- (c) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design development to remove and/or relocate units that do not meet with minimum requirement of access to daylight, views and ventilation.

Note to Applicant: Unit type "3A", "2A" on level 1, and the northernmost unit "1A" are located too far below grade or proximate to the garbage area. These spaces need to be re-programmed with non-habitable space. These revisions should reflect the plans submitted for information on June 4, 2014.

2. Design development of the proposed amenity areas to remain at upper levels as proposed.

Note to Applicant: Related to condition 1 above, staff do not anticipate relocating any amenity areas to these below-grade locations.

3. Provision of high quality and durable exterior finishes proposed in this rezoning submission will be carried forward and remain through the to the development permit process.

Landscape Design

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

Note to Applicant: The lane edge planting should be protected from vehicles by a 15 cm (6 in.) high curb.

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

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

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

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

7. Design development to ensure locations of hydro kiosk in areas screened by soft landscape, or in internal mechanical room. Any other emergency generators, transformers or gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.

8. At time of development permit application:

(i) Provision of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

(ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate root balls of proposed trees well into the future.

(iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

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

(iv) Design development to locate, integrate and fully screen lane-edge gas meters and parking garage vents, in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

(v) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.

(vi) A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.

(vii) A Landscape Lighting Plan to be provided for security purposes.

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

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

Crime Prevention through Environmental Design (CPTED)

9. Design development to consider the principles of CPTED, having particular regard for:

- (i) theft in the underground parking;
- (ii) residential break and enter;
- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the *Green Buildings Policy for Rezoning*s, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project are also required under the policy. Confirm whether the project will be built to LEED® or Passive House® standards. If Passive House is chosen, supply similar information on the drawings as noted above.

Engineering

11. Review the design grade shown at the parkade entry. Design grade 205.34 appears to be an error.

12. Delete lines that appear to be curbing extending from the both sides of the parkade entry onto the lane.

13. Provision of a minimum of three 5 ft. x 8 ft. spaces for bins and additional space for toters are required. Please refer to the "garbage and recycling storage facility supplement" for additional information on space requirements.
14. Place the following note on the landscape plans: "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Frank Battista at 604-873-7317 or Kevin Cavell at 604-873-7773 for details."
15. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- (i) Modify the parking ramp entry at the lane to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Align the vehicle entrance perpendicular to the lane to provide improved vehicle separation by means of a "jug handle" design. The design must also ensure that vehicles entering from the north (57th Avenue), where the intersection is signalized, can enter without requiring excessive manoeuvring or backing into the lane. Contact Rob Waite of the Neighbourhood Parking and Transportation Branch at 604-873-7217 for additional information.

- (ii) Modify the parking ramp to provide improved two-way vehicle flow through the inside radius at grid line D5.

Note to Applicant: A corner-cut approximately 9 ft. by 9 ft. is required.

- (iii) Modify the parking design so that parking spaces 1, 2 and 3 do not take access from a ramp or aisle with slope or cross-fall in excess of 5%.

- (iv) Provision of column setback and placement in accordance with the requirements of the Engineering Parking and Loading Design Supplement or additional parking stall width.

Note to Applicant: There are many parking spaces such as stalls 9, 10, 21 and 22 on Level L1/P1 which do not comply.

- (v) Modify the parking layout so that parking space 21 does not obstruct access into the vestibule leading to the south lobby elevator on the P1 parking level.
- (vi) Clarify the provision of visitor parking and clearly identify the spaces on the submitted plans.
- (vii) Provision of Class B bicycle parking on private property located to comfortably accommodate bicycles and users as required.

Social Development

16. That the proposed unit mix, 73% one-bedroom and 27% two-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

17. Provision of a list outlining the name of each tenant, the number of the tenant's unit and their rent as per Section 2 of the Rate of Change Guidelines.
18. Provision of a Tenant Relocation Plan which includes two months free rent; reimbursement of receipted moving expenses; and the right of first refusal to move back into the development upon completion as per Section 2 of the Rate of Change Guidelines.

Note to Applicant: This Plan should also outline ways in which you can provide assistance to tenants in finding alternate accommodation. A final Tenant Relocation Plan to the satisfaction of the Managing Director of Social Development must be submitted with your development permit application.

19. Provision of a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
20. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines.
21. 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.

CONDITIONS OF BY-LAW ENACTMENT

- (d) 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 D, E, F and G, Block 9, DL 658, Plan 10953 to create a single parcel.
2. Removal or relocation of any services within public utility Statutory Right of Way 363371M, and for the release of this charge prior to building occupancy.
3. Release of Easement & Indemnity Agreement 363716M (See 470892L) (support agreement) prior to building occupancy.

Note to Applicant: Arrangements for discharge are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address these conditions. At the time of discharge the applicant is to supply a written request to the City to discharge the documents, a recent title search and a copy of the documents along with executable discharge documents to affect the releases.

4. Provision of a 0.3 m Statutory Right of Way along the Fraser Street frontage of the site to accommodate the relocated 1.8 m sidewalk and both the 1.2 m front boulevard and a grass back boulevard.

Note to Applicant: This will involve relocation or removal of the existing trees along the property line on the Fraser Street frontage of the site and adjustment of the landscaping and building entries to accommodate the Statutory Right of Way.

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 is provided.
 - (i) Relocation of the speed humps in the lane to avoid conflict with the parkade entry.
 - (ii) Provision of new curb and gutter, sidewalk and pavement to the centerline on the south side of 57th Avenue between Fraser

- Street and the lane east of Fraser Street. Work to include relocation or adjustment to all utilities and street furniture impacted by the proposed road improvements.
- (iii) Provision of a 1.8 m wide concrete sidewalk and a 1.2 m wide grass front boulevard on the south side of 57th Avenue between Fraser Street and the lane east of Fraser Street.
 - (iv) Provision of a new relocated 1.8 m wide concrete sidewalk on Fraser Street including a 0.3 m wide turf strip next to the sidewalk on the private property.
 - (v) Provision of a minimum 1.2 m wide grass front boulevard on Fraser Street.
 - (vi) Provision of standard concrete lane crossings on 57th and 58th Avenues at the lane entries east of Fraser Street.
 - (vii) Provision of street trees adjacent the site where space permits.
 - (viii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
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 and life of the building, subject to the following additional conditions:

- (i) 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 proposed 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 the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with 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) Compliance with the Tenant Relocation Plan attached to this report in Appendix E.
- (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:
- (iv) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team).
 - (v) 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.
 - (vi) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and

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

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated June 24, 2014, entitled "CD-1 Rezoning - 7350 Fraser 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 this 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.
- 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 Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Carr
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 Stevenson

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

The Public Hearing adjourned at 10:28 pm.

* * * * *

The foregoing are Minutes of the Public Hearing of September 16, 2014, adopted by Council on September 30, 2014.

MAYOR

CITY CLERK