



PUBLIC HEARING MINUTES

FEBRUARY 24, 2015

A Public Hearing was held on Tuesday, February 24, 2015, at 6:07 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to the Zoning and Development By-law. Subsequently, the Public Hearing reconvened on Thursday, February 26, 2014 at 6:09 pm.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck
Councillor Adriane Carr
Councillor Melissa De Genova* (Conflict of Interest - Item 6)
Councillor Heather Deal
Councillor Raymond Louie
Councillor Andrea Reimer
Councillor Tim Stevenson

ABSENT: Councillor Elizabeth Ball (Sick Leave)
Councillor Kerry Jang (Sick Leave)
Councillor Geoff Meggs (Leave of Absence - February 26, 2015)

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

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Zoning and Development By-law.

CARRIED UNANIMOUSLY

1. REZONING: 445 Southwest Marine Drive (Marine Gardens)

An application by GBL Architects was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (71) By-law No. 4570 for 445 Southwest Marine Drive, to permit the development of two residential towers at 27 and 21 storeys containing 512 market strata units,

and a seven-storey residential building, containing a 37-space childcare facility at grade and 70 secured market rental housing units, for a total of 582 residential units. A height of 71.6 m (235 ft.) and a floor space ratio (FSR) of 4.21 are proposed.

The General Manager of Planning and Development Services recommended approval, subject to conditions contained in the summary and recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning and Development Services staff presented the application and, along with the Director of Housing Policy, Director of Real Estate Services, and Chief Housing Officer, responded to questions.

Applicant Comments

Peter Webb, Senior Vice President, Concord Pacific, noted that he, along with Matt Meehan, Senior Vice President, Concord Pacific, would be available for questions.

Summary of Correspondence

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list:

- 49 emails and letters in support
- 29 emails and letters opposed
- 2 emails and letters related to other matters

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Brian Osborn
Doreen King
Douglas Hipkiss
Greg Mitchell
Kim Love, Senior Property Manager, Marine Gardens
Kimberly Bowen
Mauricio Vasquez
Mike Stewart
Neymi Lazo, Building Manager, Marine Gardens
Pall Singh Beesla, Khalsa Diwan Society Vancouver
Salina Lau

The following spoke in opposition to the application noting concerns surrounding community consultation, affordability and densification:

Anita Romaniuk
Carl Fitzgibbon
Charlene Gunn
Jillian Skeet
Manny Fernandez
Maria
Mary Ann Code
Mike Burdick
Ned Jacobs
Nicholas Chernen
Omid Nickpour
Tracy Moir, Oakridge Langara Area Residents
Wendy Hallinan
Willy O'Brien

The following addressed other matters related to the application:

Stewart Burgess, Director, Heritage Vancouver Society
Sarah Rosen

The speakers list and receipt of public comments closed at 9:58 pm on February 24, 2015.

Applicant Closing Comments

Mr. Meehan and Mr. Webb provided further clarification on the relocation package.

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On February 24, 2015, following the applicant's closing comments, Council recessed at 10:07 pm and reconvened on February 26, 2015 at 6:09 pm.

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Staff Closing Comments

The General Manager of Planning and Development Services, along with Planning and Development staff, the Director of Real Estate Services, and the Director of Housing Policy, responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application, by GBL Architects, on behalf of 0881269 B.C Ltd. (Concord Pacific) to amend CD-1 (71) By-Law No. 4570 for 445 Southwest Marine Drive [PID 007-971-338, Lot 1, District Lots 311 and 323, Plan 13979] to increase the floor space ratio (FSR) from 0.60 to 4.21 and the maximum height from two storeys to 71.63 m (235 ft.), to permit a development comprised of two residential towers at 27 and 21 storeys, and a seven-storey residential building including a 37-space childcare at grade, generally as presented in Appendix A of the Policy Report dated January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)", 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 GBL Architects on behalf of Concord Pacific and stamped "Received City Planning Department, March 12, 2013", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design development to provide variety and interest to the architectural expression of the building(s) with high-quality durable materials that will contribute to the character and quality of the area.

Note to Applicant: A high-quality development that establishes a robust compatible character with the existing neighbourhood fabric is required. Above the podium levels the tower floor plates are to be consistent with the Cambie Corridor Plan floor plate size identified for this site of 585 m² (6,300 sq. ft.).
2. Design development to address the overall massing of these building forms, including minimizing their apparent scale through articulation, building character and variety.
3. Design development to the pedestrian/vehicle entry courtyard (Marine Drive) and building interfaces to further engage and enhance its primary function as pedestrian environment that utilizes high quality surface materials.

Note to Applicant: Vehicle turn around movements should be accommodated within the lower level parking structure. Additional larger landscape features (trees) should also be provided within this entry courtyard.

4. Design development to provide high quality hard surface treatments for the parking and loading areas located off of Nunavut Lane.
5. Design development to minimize the change in grade for pedestrian movements through the internal courtyard.
6. Design development to increase the internal courtyard by shifting Tower B and podium closer to Yukon Street and Marine Drive.

Note to Applicant: The podium frontage along Yukon Street should provide for a 15 ft. setback. Tower B along Marine Drive should provide for a 20 ft. setback.

7. Design Development to provide north-south pedestrian connectivity through the site between Marine Drive and the east-west lane at the north end of the site.

Note to Applicant: This can be achieved by providing a pedestrian connection from the north lane, providing a substantial layering of greenery beside the parking access to the rental building as a visual amenity and to create a buffered edge for the adjacent residential properties.

8. Provision of weather protection for commercial frontages and primary residential entries.
9. Design development to minimize the impact of mechanical vents.

Note to Applicant: Vents servicing the below-grade parking structure should be located to minimize their impact of the pedestrian environment.

10. Design development to provide a conceptual lighting plan that incorporates mid-level pedestrian and low-level lighting in localized areas such as the open spaces and courtyards, and pedestrian links.
11. Design development to provide a conceptual signage strategy to ensure a well-conceived and disciplined approach to announcing tenancy.

Note to Applicant: The strategy should confirm general signage hierarchy, location and type. Back-lit signs are not supported.

12. 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.

13. Consideration should be given to combine the access to parking to the one point of entry off of Marine Drive.

Crime Prevention Through Environmental Design (CPTED)

14. 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

15. Provision of a deconstruction strategy for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.

Note to Applicant: The deconstruction strategy should be provided at the time of development permit application.

16. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in meeting the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, 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 required under the policy. See the Green Rezoning Process bulletin and the Green Buildings Policy for Rezoning for more information.

17. All space and domestic hot-water requirements of each building comprising the development shall be served through a centralized on-site natural gas boiler plant, with the exception of any heat supplied

through internal heat recovery from cooling, if applicable, unless otherwise approved by the General Manager of Engineering Services.

18. 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.
19. Design of the development's centralized natural gas boiler plant shall include adequate space and design provisions to support connection to a City-designated Neighbourhood Energy System. Detailed HVAC and mechanical design, including the size and location of the central boiler plant, 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, where applicable. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. At the building permit stage, the applicant will be required to submit final detailed drawings for review. Design shall provide suitable space for the installation of equipment with adequate provisions for connection to outside neighbourhood energy system distribution piping and communications conduit. Such equipment may include, but is not limited to, energy transfer stations, a steam-to-hot-water converter station, and/or boiler equipment.

Landscape Review

20. Design Development of the landscaping to provide a replication of natural systems to utilize sustainable site design principles on the development site.

Note to Applicant: This may include the retention of as many viable trees as possible, use of native plants, the protection of natural habitat from construction, the retention of soil resources, maximizing tree and shrub planting soil depths on structures, locating new trees on natural ground wherever possible, elimination of lawn chemical use and the recycling of green waste.

21. Design Development to demonstrate how the development maximizes access to nature opportunities both on site and off site.

Note to Applicant: This may include maximizing opportunities for growing large trees, creating wildlife habitat, contributions toward planting trees in other public spaces, provision of maximized public

open space or park space, and contributions to new park space on other land.

22. Design Development of the landscaping to provide urban agriculture in the form of edible landscaping and gardening plots suitable for use by the urban gardener. Provide the necessary supporting infrastructure, such as tool storage, hose bibs for water and a potting bench at all common gardening locations. The design should reference the *Urban Agriculture Guidelines for the Private Realm*, maximize access to sunlight, be integrated into the overall landscape design, and provide universal access for residents and their visitors.
23. Design Development of the landscaping to provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to applicant: Design features to enable sustainable land practices in an urban setting include the use of high efficiency irrigation systems, rain gardens, permeable pavement, drought -tolerant plantings, and mulching of planting beds. Reference the *City of Vancouver Waterwise Planting Guidelines*.

24. Design Development of the Marine Drive public realm to mitigate the conflict between moving vehicles, bicycles, and pedestrians using adjoining pathways and provide a lively and walkable public realm at eye level.

Note to Applicant: This could be achieved by creating a larger plaza space with less vehicular orientation and increased pedestrian opportunities.

Engineering

25. 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) Improve maneuvering for the 2 Class B loading spaces off of Nunavut Lane for the west tower.

Note to Applicant: Engineering recommends that the loading spaces be perpendicular to the lane as shown in the traffic study. If the loading spaces are parallel to the lane as shown on Drawing No. A-2.01, consider providing a hammerhead for improved operations.

- (ii) Provision of automatic door-opening systems for both bike storage areas.

Note to Applicant: The one in the northwest corner on drawing A 2.04 requires accessing 4 doors before getting to the first bike storage area and the one near the Class B loading requires opening large double doors for access to the corridor leading to the bike storage.

- (iii) Provision of improved bike storage and access on P1 to be located at the highest elevation of El. +31.0'.

Note to Applicant: The bike storage is split into three areas on P1. One is at the main level, another is down a second ramp to El. +28.0' and the third requires stairs to reach El. +26.5'.

- (iv) Provision of section drawings for the parking ramps showing 2.3 m (7.5ft.) of vertical clearance for disability spaces and 3.8 m (12.5 ft.) of vertical clearance for the Class B loading spaces.

- (v) Provision of an improved plan showing the design elevations on both sides of the parking ramp at all breakpoints and within the parking areas to be able to calculate slopes and crossfalls. Provide elevations on sections drawings.

Note to Applicant: Please show the parking ramp from P1 to grade on a single drawing.

- (vi) Improvement to the maneuvering at the bottom of the ramp on P1 at elevation +31' to provide two-way traffic flow.

Note to Applicant: This can be achieved by pulling the angled wall section between the two ramps to align with the westerly ramp.

- 26. Please 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."

Note to Applicant: All off-site specialty treatments, such as those proposed for Nunavut Lane, require a separate application to the General Manager of Engineering Services. If approved, they will be incorporated into the construction drawings that will be required of the services agreement.

27. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site, to the satisfaction of the General Manager of Engineering Services.

Social Policy

28. Design development to ensure that the childcare is licensable by CCFL and meets the intent of the City's Childcare Design Guidelines and Childcare Technical Guidelines.

Note to Applicant: The Guidelines call for a minimum gross indoor area of 4,618 sq. ft. and between 4,252 and 5,597 sq. ft. of outdoor area. Design development is required to ensure that the indoor and outdoor spaces are designed to maximize opportunities for healthy child development while ensuring a functional, and financially sustainable facility for the non-profit operator.

29. Sunlight on outdoor play areas must comply with the intent of the City's Childcare Design Guidelines. The Guidelines state that sunlight should penetrate into the outdoor area for a minimum of three hours per day at the winter solstice, two hours of which should occur during the typical playtime of 9:30 to 11:30 am or 1:30 to 4:00 pm.

Housing Policy and Projects

30. Design development to provide 70 units of market rental housing with a minimum total area of 5,871 m² (63,188 sq. ft.) gross floor space, including unit mix of 56 two-bedroom and 14 three-bedroom units, plus related parking and other indoor and outdoor amenity space, consistent with relevant Council adopted guidelines.

31. That the proposed unit mix including 32% of the market strata units as 2-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. At the time of Development Permit application, the provision of a final Tenant Relocation Plan, indicating the number of tenant's units and their rent as per Section 2 of the Rate of Change Guidelines, including the length of tenancy for all tenants must be provided.

33. 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; includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines;

and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

Note to applicant: The updated list must be submitted with your development permit application.

34. 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, rents, and other compensation) and includes a summary of all communication provided to the tenants.

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. Dedication of a portion of the site along the south boundary to accommodate the installation of a left-turn bay (east to northbound) for site access, and widened sidewalks and boulevards for the site as shown on the plan in Appendix D.
2. Discharge from title of City SRW 290202M (as shown on Explanatory Plan 5632, for sewer purposes). (See site services requirements for further information).
3. Provision of an option to purchase over the north 3.05 m of the site from Yukon Street to the lane west of Yukon Street to allow for potential future lane development. The applicant is to provide confirmation of the existing width of the area between the parkade ramp and the north property line of the site.
4. Release of Easement & Indemnity Agreement 543776M (commercial crossing agreement) prior to building occupancy.

Note: A simple letter of commitment is necessary at the enactment stage, with document release prior to building occupancy.

5. Provision of statutory rights of way over all proposed pedestrian pathways within the site that are shown to connect to public property.
6. Provision on site of a statutory right of way to accommodate a Public Bike Share (PBS) Station.

- (i) Size: At minimum, the smallest sized station at 16 m x 4 m must be accommodated.
- (ii) Location: The station must be clearly visible to the public and conveniently located near Marine Drive and Nunavut Lane to allow easy access to the street.
- (iii) Surface treatment: A hard surface is required. Acceptable surfaces include CIP concrete (saw-cut or broom-finished), asphalt and pavers or other surface treatments subject to approval by the General Manager of Engineering Services.
- (iv) Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%.

Note: Spot elevations at the four corners of the station must be provided at the Development Permit stage.
- (v) Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power.
- (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.

7. Arrangements to the satisfaction of the Greater Vancouver Sewerage and Drainage District for the following:

- (i) An increase to their current SRW B62011 (as shown on Reference Plan 11520) from 10 ft. wide to 20 ft. wide (in a southerly direction).

Note: Proposed trees should be removed from within the widened SRW area.

- (ii) Replacement of the sections of GVS&DD pipe within Marine Drive fronting the property, running through the property, and within Nunavut Lane up to the location where it is to connect with the relocated pipe from the adjacent IntraCorp development.

Note: The documentation indicates these two items have been discussed between the applicant and GVS&DD.

8. 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 that 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 storm spur in the lane south of 64th Avenue from the lane west of Yukon Street to Nunavut Lane, to redirect storm water drainage to the storm sewer in Nunavut Lane and abandonment of the storm spur currently located in City SRW 290202M.
- (ii) Provision of curb, gutter, and pavement to road centerline, improved street lighting, 1.8 m wide concrete sidewalk on the west side of Yukon Street from Marine Drive to 64th Avenue. Work to include all utility adjustments necessary to accommodate the street improvements.
- (iii) Paving of the lane south of 64th Avenue from the Nunavut Lane to the lane west of Yukon Street and of the lane west of Yukon Street from the lane south of 64th Avenue to 64th Avenue.
- (iv) Provision of a standard concrete lane crossing at the lane entry on the south side of 64th Avenue at the lane west of Yukon Street
- (v) Provision of street trees adjacent the site where space permits.
- (vi) Provision of up to \$120,000 for traffic calming within 5 years of final occupancy of the last phase of the development, the scope and location of any calming measures to be subject to neighbourhood consultation and analysis of traffic impacts from the project.
- (vii) Provision of signal modifications at the signalized intersection of Marine Drive and Yukon Street, to accommodate the site's main access. Works may include but are not limited to the relocation of poles, and to the installation of traffic signal heads, pedestrian signal heads, audible signals, communications lines and associated infrastructure, related curb and utility works.
- (viii) Reconstruction of Marine Drive from Cambie Street to 100 m east of the north leg of Yukon St. to the satisfaction of the General Manager of Engineering Services. This may include a an eastbound left turn bay at the signalized intersection of SW Marine Drive and Yukon Street to provide access to the subject site, a westbound right turn lane at Cambie Street and SW Marine Drive, and pedestrian improvements on SW Marine Drive adjacent to the site to include curb realignment, a 1.5 m front boulevard, a 2.1 m CIP concrete sidewalk, improved street lighting and street trees.

- (ix) Upgrading of the existing sanitary sewer on Marine Drive from Yukon Street to Manitoba Street and on Manitoba Street from 70th Avenue to 71st Avenue at 100% the applicants expense. Current estimate for this work in 2013 dollars is \$1,050,000.

Note to Applicant: The sewer upgrading costs borne by this project may be reduced should benefiting nearby development proceed concurrently with this project, with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.

- (x) 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.

9. 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.
10. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to enactment the completion of any legal agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.
11. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex.

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to enactment the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

Sustainability

12. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to the Cambie Corridor 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) Require that the natural gas boiler plant for the development be secured for use as a long-term thermal energy peaking and backup plant for the City-designated Neighbourhood Energy System; and
 - (iii) Grant the City-designated Neighbourhood Energy System utility provider access to the development's central plant, individual buildings, private streets and other spaces within the development, as required, for the purpose of installing, operating and maintaining Neighbourhood Energy System utility infrastructure.

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

13. 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.

Public Art

14. 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.

Social Policy

15. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, General Manager of Community Services, and Director of Facility Planning and Development, for the provision of an Air Space Parcel comprising a fully fit, finished, equipped and supplied, childcare facility of no less than 427 m² (4,600 sq. ft.) of at-grade indoor space with adjacent outdoor space of approximately 455 m² (4,900 sq. ft.), and seven dedicated parking stalls, all to meet the intent of the City of Vancouver Childcare Design Guidelines and Technical Guidelines. This childcare facility must also be licensable by meeting Childcare Licensing Regulations of Community Care Facilities Licensing.

Housing Policy and Projects

16. Execute a Housing Agreement, as required by the Director of Legal Services in consultation with the Chief Housing Officer to secure the applicant's obligation to design and build 70 units of secured rental housing. The Housing Agreement will address but not be limited to the following:
 - (i) The 70 units will be secured as rental housing in accordance with the Rental Housing Stock Official Development Plan and the Rate

of Change Guidelines, and will have the following additional conditions:

- a. That a mix of at least 56 two-bedroom units and 14 three-bedroom units be provided, suitable for families as per the City's Guidelines for High Density Housing for Families with Children;
- b. That all "Eligible Tenants" (being all tenants who are resident, as of the date of approval in principle of this application by Council following the Public Hearing (the "Effective Date"), in any of the 70 units that will be demolished if this redevelopment proceeds will be offered a right of first refusal (on a per household basis) to rent an "Equivalent Unit" (being one of the 70 rental units secured by this Housing Agreement that has the same number of bedrooms as that Eligible Tenant was occupying in the demolished building as of the Effective Date);
- c. That at initial occupancy, returning Eligible Tenants will be entitled to rent with a discount of 20% off starting rents (the "Starting Rents"), which as of the date of this Report would be \$1,750 per month for a two-bedroom unit, and \$2,100 per month for a three-bedroom unit, but which rents will be finally agreed upon as of the Effective Date;
- d. That discounted Starting Rents are applicable only to Eligible Tenants who exercise their right of first refusal and occupy a unit in the new development. An Eligible Tenant has to decide, prior to rezoning enactment, if they are going to move out and then move back into a replacement unit, or move out and not return.
- e. That the Starting Rents may be increased annually at the maximum allowable annual rent increase under the Residential Tenancy Act, between the Effective Date and the date when the final occupancy permit is issued for these 70 units;
- f. That all secured rental housing units will be contained within a single air space parcel;
- g. That such air space parcel may not be subdivided by deposit of a strata plan, and none of such units may be separately sold;

- h. That none of such units will be rented for less than one month at a time.
- (ii) The applicant must comply with the Tenant Relocation Plan attached as Appendix D of the Policy Report dated January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)";
- (iii) No occupancy permit will be issued for any part of this development until a final occupancy permit has been issued for these 70 units of secured rental housing; and
- (iv) Such other terms and conditions as the Director of Legal Services and the Chief Housing Officer may require.

Note to Applicant: A by-law enacted pursuant to section 565.2 of the Vancouver Charter will be required to authorize the housing agreement.

Heritage Density Transfer

- 17. Secure the purchase and transfer of 4,645 m² (49,998 sq. ft.) of heritage density (which has a value of \$3,249,870) from a suitable donor site.

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

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

Community Amenity Contribution

- 18. Pay to the City the Community Amenity Contribution of \$13,864,330 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 to be allocated as follows:
 - (i) \$10,000,000 to the Affordable Housing Reserve.

- (ii) \$2,500,000 towards land acquisition for park space along the Fraser River.
- (iii) \$174,000 to capital start-up costs for the on-site Childcare.
- (iv) \$1,000,000 towards childcare and/or community facilities to be located in or near the Cambie Corridor.
- (v) \$190,330 to future pedestrian improvements in the Marine Landing 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 Schedule C of the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)".
- 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 January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s), 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.
- D. THAT A to C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any

expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.
- E. THAT the Request for Proposals (RFP) for the operation of the childcare facility include a requirement that the successful non-profit operator must give preference to children living in on-site rental units.
- F. THAT any permissible rent increases under the Residential Tenancy Act (RTA) do not come into effect until the time of enactment.

carried

AMENDMENT MOVED by Councillor Carr

THAT the following be added as "G" to the motion:

THAT the \$10 million be allocated to the affordable housing reserve to be located in or near the Cambie corridor.

lost

AMENDMENT TO THE AMENDMENT MOVED by Councillor De Genova

THAT the amendment proposed as "G" be amended by adding the phrase "or the Marpole neighbourhood" after "the Cambie corridor" so that "G" would read:

THAT the \$10 million be allocated to the affordable housing reserve to be located in or near the Cambie corridor or the Marpole neighbourhood.

LOST

(Councillors Deal, Louie, Reimer, Stevenson and Mayor Robertson opposed)

The amendment to the amendment having lost, Councillor Carr's amendment was put and LOST with Councillors Deal, Louie, Reimer, Stevenson and Mayor Robertson opposed.

The amendment having lost, the motion was put and CARRIED with Councillor Carr opposed.

2. REZONING: 450 Gore Avenue

An application by Gair Williamson Architect was considered as follows:

Summary: To rezone 450 Gore Avenue from RT-3 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building containing retail at grade and a total of 61 for-profit affordable rental housing units. A height of 21.6 m (70.9 ft.) and a floor space ratio (FSR) of 4.5 are proposed

The General Manager of Planning and Development Services recommended approval subject to conditions set out in the summary and recommendation of the Public Hearing Agenda.

Council also had before it a memorandum dated February 19, 2015, in which the Assistant Director, Downtown Division, Planning and Development Services, informed Council of the removal of four uses from the draft CD-1 By-law for the above application.

Staff Opening Comments

Planning and Development staff presented the application and, along with the Assistant Director, Planning and Development Services, and the Senior Development Planner, Urban Development, responded to questions.

Applicant Comments

Jordan Milne, GMC Projects, provided opening comments.

Summary of Correspondence

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list:

- 5 emails in support
- 4 emails opposed

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition of the application noting concerns surrounding the design and proximity to historical Chinatown:

Anne Creaser
Carven Li
Dora Ng, Program Coordinator, Better at Home

Harold Lavender
Jean Swanson, Carnegie Community Action Project
June Chow
King-mong Chan
Wilson Liang

Lily Lee, Vancouver Chinatown Revitalization Committee and the Lee's Benevolent Association of Canada, addressed other matters related to the application.

The speakers list and receipt of public comments closed at 9:09 pm.

Applicant Closing Comments

Mr. Milne thanked speakers for their comments and noted that the issues of social housing and supports, although important, are beyond the level of local developers.

Council Decision

MOVED by Councillor Reimer

THAT discussion and decision on this matter be referred to the Regular Council meeting on Tuesday, March 3, 2015.

CARRIED UNANIMOUSLY

3. REZONING: 1070 and 1090 West Pender Street

An application by Musson Cattell Mackey Partnership was considered as follows:

Summary: To rezone 1070 and 1090 West Pender Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to permit the development of a 31-storey office building with retail uses at grade. A height of 123.4 m (405 ft.) and a floor space ratio (FSR) of 18.22 are proposed.

The General Manager of Planning and Development Services recommended approval subject to conditions 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

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list:

- 1 email in support
- 2 emails opposed

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 9:17 pm.

Council Decision

MOVED by Councillor Louie

A. THAT the application by Musson Cattell Mackey Partnership to rezone:

- (i) 1070 West Pender Street [*PID: 024-551-945, Lot 1, Block 2, District Lot 185, Group 1, New Westminster District Plan LMP42705*] on behalf of Bentall Kennedy Prime Canadian Property Fund Ltd., and
- (ii) 1090 West Pender Street [*PID: 004-920-392, Lot 10, Block 2, District Lot 185, Plan 92*] on behalf of 1090 Pender Properties Ltd.,

from Downtown District (DD) to a Comprehensive Development (CD-1) District, to increase the floor space ratio from 11.0 to 18.22 (with the proviso that these lands will not be developed to a floor space ratio greater than 17.5) to allow for the construction of a 52,222 m² (562,135 sq. ft.) 31-storey office building, with retail uses at grade, generally as presented in Appendix A of the Policy Report dated January 22, 2015, entitled "CD-1 Rezoning - 1070 and 1090 West Pender 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 Musson Cattell Mackey Partnership, and stamped "Received City Planning Department, November 27, 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. Design development to improve the frontage along Eveleigh Street for safe pedestrian movement.

Note to Applicant: This can be accomplished by providing a continuous sidewalk on the site and setting the building back at street level across the south side of the development.

2. Design development to improve the passive design of the building.

Note to Applicant: Consider revising the north and south facades to have visibly different responses to the different solar exposures. Additional envelope measures such as triple glazing may be required to meet ASHRAE or other energy targets.

3. Design development to the canopy and other base elements to bring more light to the ground plane and open up views past the building.
4. Design development to the ground level facades to add pedestrian scaled interest and detail.

Landscape

5. Provision of a double row of street trees to the Thurlow Street frontage.

Note to Applicant: See also Engineering condition (c)6(e). The second row of street trees should be on private property.

6. Design development to increase the area dedicated to urban agriculture on the fourth floor amenity deck.

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 alcove 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.

Sustainability

8. 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.

Note to Applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the LEED® 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.

Heritage

9. Design development to re-use the existing pre-cast patterned concrete panels on site, noting the applicant has indicated the cladding can be salvaged for interpretive and commemorative purposes.

Engineering

10. Clarification that the building is shown encroaching slightly over the south property line on pages A103 and A205 to A217. Delete any encroaching portions.
11. Confirm that there is adequate clearance between parking levels P2-7 (Drawing Nos. A201-202) and the rapid transit tunnel structure which traverses the site. Confirmation from the appropriate Transit authorities that the parkade provides adequate clearances is required. Charge 146806L, which required written approval of any development plans by former owner CP Rail, may now require approval from current owner BC Transit.
12. Provision for a recessed or relocated entry to the mechanical room on Eveleigh Street such that the door does not swing over the property line.
13. Delete referenced building grades shown on several plans; they are not City issued building grades. Please show the grades issued on City Engineering building grade plans "BG120153 and BG130013".
14. Features such as stairs, planters and other grade differences on Thurlow Street frontage are to be adjusted to provide for the widened sidewalk resulting in a consistent sidewalk elevation along this frontage of the site for the width of the SRW area.
15. A canopy application is required.

16. A crossing application is required.
17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

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

- (i) Provision of an increased parking ramp width to achieve a minimum 23 ft. width through the curved section near the entrance.
- (ii) Provision of a more detailed design of the loading area.
 - a) Additional dimensioning of loading spaces and area surrounding.
 - b) Design elevations within the loading area and adjacent corridors to determine slopes and crossfalls.
 - c) Details of the garbage storage and recycling space to be provided. Please refer to the Garbage and Recycling Storage Facility Supplement available on the City's public website.
http://vancouver.ca/files/cov/Garbage_and_Recycling_Storage_Facility_Supplement.pdf
- (iii) Provision of internal access to all commercial retail units without requiring the use of stairs. There does not appear to be access to the commercial retail units along the Thurlow Street frontage of the site.
- (iv) Clearly identify the location of required Class A loading spaces.

Note to Applicant: The Transportation Study (page 11 of Appendix 5) indicates that the Class A spaces will be on level P1, but the Level P1 Floor Plan (drawing A203) does not identify any loading spaces.

Note to Applicant: An interconnected water service will be required for this development.

Sustainable Large Developments Policy

18. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any legal

agreements required by this Strategy on terms and conditions acceptable to the City.

19. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site.
20. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex.

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

21. Provision of an Access to Nature Plan demonstrating how the project will contribute to improving access to nature as described in the Rezoning Policy for Sustainable Large Developments, to the satisfaction of the Manager of Park Planning and Research.

Note to Applicant: The application provides landscape plans describing tree planting and provision of public and private open spaces. The following comments outline ways to strengthen the submission so requirements are met.

Trees: Provide number of trees to be planted and identify species, spacing, and soil volumes. Consider maximizing soil volume and tree canopy where possible. Consider street tree planting along West Pender, or an in lieu contribution to street tree planting in another downtown location if this site does not allow for additional street trees.

Habitat: Provide all tree and plant species planned. Consider plant design and species selection that supports pollinators, as well as pollinator support structures like mason bee lodges, apiaries, and others.

22. Provision of a Sustainable Food System Plan to include a minimum of three food systems assets as described in the *Rezoning Policy for Sustainable Large Developments*, to the satisfaction of the Director of Social Policy.

Note to Applicant: The application identifies food assets that can count towards the required three food assets that must be delivered as part of the development. The three identified food assets are: (1) community gardens/community orchards; (2) edible landscaping; and

(3) community kitchen. The following comments outline ways to strengthen the submission so requirements are met.

Community gardens/community orchards:

- Increase the number of community garden plots (“Urban Agriculture Planters”) on the Amenity Deck from 10 plots to 20 plots in order to increase opportunities for tenants of the building to take part in food growing. Consider installing the additional 10 plots in the space currently designated for “Open Lawn/Yoga Space” to create a stronger urban agricultural presence on the Amenity Deck.
- Provide a landscape plan for the garden in accordance with the Urban Agriculture Design Guidelines for the Private Realm (<http://vancouver.ca/files/cov/urban-agriculture-guidelines.pdf>). Please note that this includes hose bibs, a potting bench, tool storage area and compost bins. Given the location of the garden plots on a rooftop, sun and shading should be considered, and wind protection barriers should be installed.
- In constructing raised bed community garden plots, ensure that Community Gardens Accessibility Guidelines are met (<http://vancouver.ca/files/cov/Community-Gardens-AccessibilityGuidelines-2011.pdf>). Please note that at least 5% of plots should be accessible raised beds; 10-20% is ideal.

Edible landscaping:

- In order to enhance the urban agricultural component of the Amenity Deck and create a stronger urban agricultural presence, incorporate fruit or nut-bearing trees or shrubs in the “Planting Area” (#10) of the Amenity Deck. This can also be considered as part of the “Tree Bosques” (#3) on the Corporate Roof.
- Consider plant design and species selection that supports pollinators, as referenced in “Access to Nature” section.
- The Urban Agriculture Design Guidelines for the Private Realm are applicable to this site (see above). As such, the Applicant should ensure that design and stewardship requirements for edible landscaping are met.

Community kitchen:

- The rezoning package shows a community kitchen on the corporate roof, however a community kitchen does not appear to be present. The City of Vancouver understands community kitchen as “a public facility where people have the opportunity to come together to share the cost, planning and preparation of healthy meals”

(see p. 89 of Vancouver Food Strategy: <http://vancouver.ca/files/cov/vancouver-food-strategyfinal.PDF>). If a community kitchen that adheres to this description is not feasible in the current submission, the Applicant should be aware that, in lieu of a third required food asset, the City may also consider a contribution to citywide food infrastructure that supports a just and sustainable food system. This may include food processing, storage or distribution infrastructure.

Additional comments:

- Consider food waste reduction strategies as part of Zero Waste Planning requirements of Sustainable Large Developments Policy.

23. To meet the requirements of the *Rezoning Policy for Sustainable Large Developments* pertaining to Low Carbon Energy Supply:

- (i) The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated NES utility provider, shall be provided in detail prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- (ii) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a neighbourhood energy system, as selected by the General Manager of Engineering Services, for the supply of all heating and domestic hot water requirements that are not provided through heat recovery and reuse internal to the development. The development shall adhere to the City's Neighbourhood Energy Connectivity Standards - Design Guidelines, and shall connect to and receive heat energy from a centralized thermal energy centre (or mechanical room) within the development, at a mutually agreed upon location, unless otherwise approved by the General Manager of Engineering Services. Design provisions related to neighbourhood energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: At the building permit stage, the applicant will be required to submit final detailed drawings for review, and a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied. Design shall provide suitable space for the installation of the equipment with adequate provisions for connection to off-site NES distribution piping and communications conduit. Such equipment may include, but is not limited to: a steam to hot water converter station (approximately 93 m²), energy transfer station, and/or temporary boiler equipment.

- (iii) On-site energy works, including all equipment and infrastructure associated with the generation, transfer, and distribution of thermal energy to buildings within the development (i.e. heat generating/transfer/recovery equipment, thermal energy distribution piping, and in-building energy transfer stations) shall be designed in conjunction with, and owned by, the City-designated NES utility provider to which the development is connecting.
- (iv) Where the integration of the development into a City-designated NES is deemed unfeasible or inappropriate by the General Manager of Engineering Services at the time of development permit, the approach to site heating and cooling shall incorporate a development-scale low carbon energy system that reduces the development's greenhouse gas emissions at build-out by a minimum of 50% relative to a business as usual ("BAU") approach to heating and cooling.
- (v) Any on- or off-site low carbon energy supply system serving the development, where applicable, shall be designed in such a way as to enable energy metering and the monitoring of performance metrics during system operation for the purpose of optimizing system performance and preparing system performance reports. The applicant shall refer to the Performance Monitoring and Reporting Requirements for Renewable Energy Systems for a summary of minimum requirements. The applicant will be required to demonstrate compliance with these requirements prior to issuance of building permit.
- (vi) No heat producing fireplaces, electric resistance heat, or distributed gas-fired make-up air heaters shall be installed within any building.

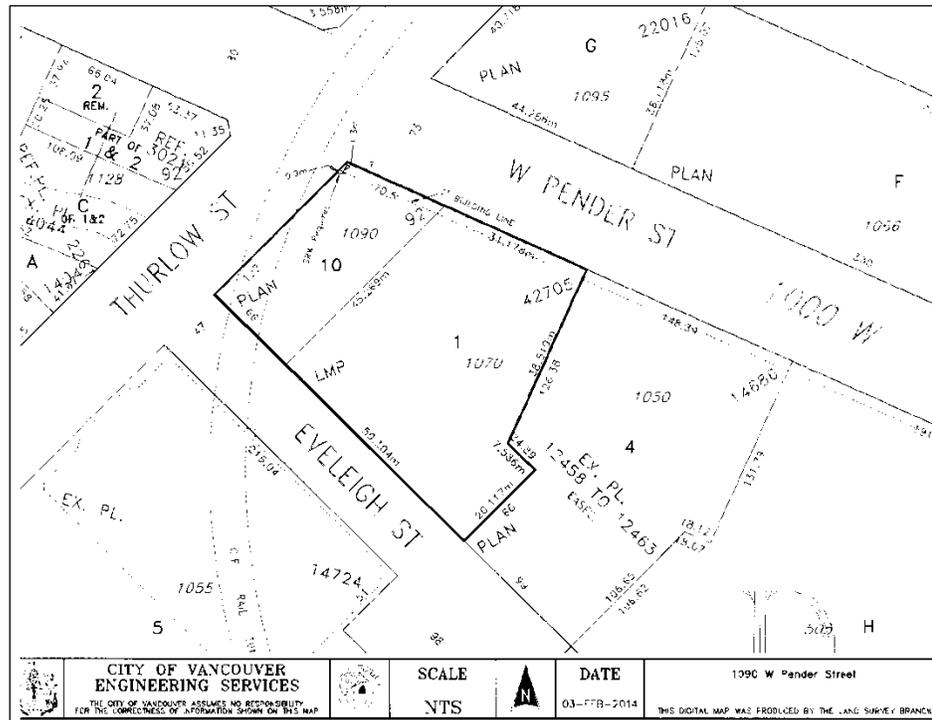
CONDITIONS OF BY-LAW ENACTMENT

- (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. Consolidation of Lot 1, Plan LMP42705, and Lot 10, Plan 92; both of Block 2, DL 185 to create a single parcel and subdivision of that site to result in the dedication of the north 7 ft. (the building line area) for road purposes.

2. Provision of a surface Statutory Right of Way (SRW) corner-cut in the northwest corner of the site measured easterly along the building line a distance of 1.3 m from the west property line, and a distance of 0.9 m measured southerly along the west property line from the building line (see plan below).



3. Provision of building setback and a surface statutory right of way on the Thurlow Street frontage for pedestrian purposes (widened public sidewalk) to achieve a 5.5.m distance from the back of the City curb to the building face. 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.

Note to Applicant: The dimensions noted in bullet #2 (SRW corner cut) may be adjusted to reflect the overlap of the Thurlow SRW over the proposed SRW corner cut.

4. Deletion of the portions of the large swooping architectural feature wrapping 3 sides of the building which are shown extending out beyond the ultimate north property line; or make arrangements (encroachment agreements) to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

Note to Applicant: An application to the City Surveyor is required for any encroachments. The applicant should be advised that building encroachments onto City street will cause problems if strata titling a

property, due to Section 244 (1)(f) of the Strata Property Act. In such cases the City may not necessarily support the provision of easements for any part of the building on City Street. If strata titling is proposed, the applicant is advised to seek independent legal advice on the matter.

5. Release of Easement & Indemnity Agreements 523533M and 31931 (commercial crossings) 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 and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (ii) Provision of an upgraded sanitary sewer main on West Pender Street from Thurlow Street to the manhole west of Thurlow Street is required (approximately 375 ft. to the west of Thurlow Street). The preliminary estimate for this work is \$500,000.00.
 - (iii) Upgrading of the street lighting at the intersection of Thurlow Street and West Pender Street to LED standards.
 - (iv) Provision of new sidewalks adjacent the site to current commercial standards, 4 ft. exposed aggregate front filler walks where space permits and broomed finished sidewalks with sawcut joints for the balance. Deletion of the proposed special paving where it encroaches onto public property.
 - (v) Provision of street trees adjacent the site where space permits.

- (vi) Provision of new curb ramps and curb returns to current standards at the intersections of Pender Street and Thurlow Street and at Eveleigh Street and Thurlow Street.
 - (vii) Consideration of removal of the wood hydro poles on Thurlow Street adjacent the site with the provision of on-site space to accommodate any kiosks or cabinets made necessary by the removal of the wood poles. Confirmation from all of the affected utility companies and any City of Vancouver branches impacted is required.
7. 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.
8. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for securing the low carbon energy requirements of the development, which may include but are not limited to agreements which:
- (i) Require that all buildings within the development receive thermal energy from a low carbon energy system, either on-site through the implementation of a development-scale low carbon energy solution, or off-site through connection to the City-designated Neighbourhood Energy System (NES), whichever is deemed most appropriate by the General Manager of Engineering Services prior to release of development permit;
 - (ii) Require provision of a minimum 93 m² suitable site on the rezoning site to be utilized for a steam to hot water converter station and any associated equipment;
 - (iii) Grant the City-designated NES utility provider access to all buildings, parkades, utility corridors, equipment and infrastructure associated with the thermal energy system for the development for the purpose of installing, operating, and/or maintaining NES services, if applicable;
 - (iv) Require that the development's thermal energy system, including all equipment and infrastructure associated with the

generation, transfer, and distribution of thermal energy within the development be developed, owned and operated by the City-designated NES utility provider, or transferred (at a cost that represents the developer's direct costs associated with developing the thermal energy system, approvable by the BCUC) to the City-designed NES utility provider at such time that one becomes available, if applicable;

- (v) Require the developer to undertake performance monitoring of the thermal energy system for the development on a reporting schedule, containing information, and prepared in a form as requested by the General Manager of Engineering Services; and
- (vi) Require that responsibility for the operation and maintenance of the development-scale low carbon energy system, if applicable, be assigned to an appropriate party prior to occupancy.

Note to Applicant: The applicant is prohibited from entering into any energy supply contract for thermal energy services without prior approved from the General Manager of Engineering Services.

Development Limit Covenant

- 9. Register a Section 219 Covenant against the consolidated lands which limits the floor space ratio to 17.5 and that the additional density authorized by the CD-1 By-law represents the density previously transferred to 1050 West Pender Street and may not be used on the consolidated lands.

Public Art

- 10. 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

- 11. 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 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.

Community Amenity Contribution (CAC)

- 12. Deliver, prior to enactment of the rezoning by-law, the Community Amenity Contribution of \$2,000,000 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 January 22, 2015, entitled "CD-1 Rezoning - 1070 and 1090 West Pender 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 Schedule A of the Noise Control By-law,

generally as presented in Appendix C of the Policy Report dated January 22, 2015, entitled "CD-1 Rezoning - 1070 and 1090 West Pender 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 Schedule C of the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 22, 2015, entitled "CD-1 Rezoning - 1070 and 1090 West Pender Street".
- E. THAT A through D above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a 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: 408-488 West King Edward Avenue

An application by Norr Architects Planners was considered as follows:

Summary: To rezone 408-488 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential development comprised of 32 community care bedrooms and 103 Seniors Supportive or Assisted Housing Units, in which 47 of the latter would be strata titled and 56 would be secured as market rental. A height of 20.3 m (66.5 ft.) and a floor space ratio (FSR) of 2.27 are proposed.

The General Manager of Planning and Development Services recommended approval subject to conditions 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 the Director of Real Estate Services, and Senior Development Planner, Urban Development, responded to questions.

Applicant Comments

Lisa Kachur, Chief Operating Officer, Element Lifestyle Retirement, provided an overview of the accommodation and care services planned for the rezoning.

Summary of Correspondence

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list:

- 17 emails in support
- 2 emails regarding other aspects of the application

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

John Gilbert
Kenneth Cappie
Shawnessy Luke

The following addressed other matters related to the application:

Jon Liket
Todd Constant

* * * * *

At 10:04 pm it was

MOVED by Councillor Louie

THAT the meeting be extended in order to complete all business on the agenda.

CARRIED UNANIMOUSLY

* * * * *

The speakers list and receipt of public comments closed at 10:15 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Norr Architects Planners, on behalf of Care Pacific (The Gardens at Villa Royale) Inc., to rezone 408-488 West King Edward Avenue [*Lots 5 to 12 Block 681 District Lot 526 Plan 6853; PIDs 010-795-316, 010-795-341, 003-502-015, 010-795-359, 010-795-367, 010-795-383, 010-795-413 and 010-795-448 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.27 and height from 10.7 m (35.1 ft.) to 20.3 m (66.5 ft.) to permit a six-storey seniors residential development comprised of 32 community care bedrooms and 103 Seniors Supportive or Assisted Housing units, in which 47 of the latter would be strata titled and 56 would be secured as market rental, generally as presented in Appendix A of the Policy Report dated January 26, 2015, entitled "CD-1 - 408-488 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 Norr Architects Planners and stamped "Received City Planning Department, June 5, 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 scale of the west building in relation to the lane and to the residential properties to the south by:
 - (i) Providing a minimum 8 ft. setback from the lane, and
 - (ii) Providing more substantial landscaping along the lane to screen the lower two storeys of the building, especially through tree planting.

Note to Applicant: Intent is to balance programmatic requirements for care space with a form that provides a neighbourly transition of scale for existing residents. Development of greener and more open expression to the sides of this building can also help meet this condition.

2. Design development to provide a more active frontage on Yukon Street.

Note to Applicant: Refer to the Cambie Corridor Plan for a description of elements that can be used to advance this condition.

3. Reduction in the height of exterior elements at the top level of each building that are not required to accommodate care functions.

Note to Applicant: Intent is to reduce the skyline impact on nearby residents that is created by optional building volume, such as over height ceilings.

4. Design development to ensure maximal transparency through the building connectors.

Note to Applicant: Intent is to provide a more visible opening between buildings and reduce the apparent frontage of the development in combination with the proposed setbacks and returns. This can be accomplished by maximizing the extent of clear glazing, and by relocating furnishing elsewhere.

5. Explore feasibility of retaining the large deciduous tree in the northwest portion of the site as a part of the development permit application.

Note to Applicant: The arborists report provided indicates the tree is in good condition and a candidate for retention. The application should provide schematic drawings indicating potential solutions to retain the tree. If, in the opinion of the Director of Planning there is an acceptable solution, the tree must be retained. Retention will likely require setting part or all of the eastern building further back from King Edward Boulevard than was contemplated at the rezoning stage, and relocation of some floor area within the site.

6. Design development to the townhouses to provide a greener and more active interface to the lane.

Note to Applicant: This can be accomplished through the addition of entryways, doors, more windows, and further landscaping.

7. Design development to mitigate privacy and overlook toward existing residents.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features proposed to balance the amenity of future and existing residents.

8. Design development to the exterior design to create a more residential expression, especially at the east and west ends of the buildings.

Note to Applicant: In particular, consider the building portions that will be visible from along King Edward Avenue.

9. Design development to provide a more active and pedestrian-oriented ground floor along Yukon Street.

Note to Applicant: Intent is to reflect the residential scale of this street and the general goals of the Cambie Corridor Plan for activated edges, in conjunction with Condition 7. This can be accomplished by the more notable use of residential character doors, windows, gates and patios. See also Landscape condition 27.

10. Design development to locate and dimension exterior mechanical units, especially at roof levels, and provide visual and acoustic screening.

Note to Applicant: Mechanical units should be located below grade wherever possible.

11. Design development to meet the Cambie Corridor Draft Public Realm Plan when available 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.

12. Consideration to provide exterior built features that improves the sustainable performance of the building.

13. Design development to amenity spaces to improve their access to natural light and outdoor space.

14. Design development to address the Seniors Supportive and Assisted Housing Guidelines.

Note to Applicant: As an example, extensive weather protection should be provided at the main visitor and resident entries and coordinated on the elevations and sections. Security lighting that increases safety while avoiding glare to neighbouring properties should be shown on the drawings and in enlarged details. Lamps should be full cut-off or dark sky compliant fixtures, which may also relate to LEED credits. The application should include a design rationale addressing the relevant sections of the guidelines, with reference to specific building features on the plans and elevations.

15. Consideration to better develop the lane entry area to better reflect its role as the main arrival point to the facility.

Note to Applicant: Response should consider the comments of the Urban Design Panel.

16. Provision of high quality and durable exterior finishes.

Note to Applicant: Intent is to maintain the proposed architectural quality including the use and extent of brick. Material choices should reflect a residential and avoid an institutional character.

17. Design development to the landscape on the site to add more opportunities for south-facing outdoor gathering spaces at grade that are adjacent to common indoor amenity spaces.

18. Design development to the lane townhouses to better relate their form to the adjacent building.

19. Design development to provide a wayfinding design for visitors and residents of the site.

Note to Applicant: In addition to conventional signage, the exterior expression should be used to help signify the various common entrances around the perimeter.

Crime Prevention Through Environmental Design (CPTED)

20. 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;
- (iv) mischief in alcove and vandalism, such as graffiti.

Sustainability

21. 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.

22. 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.

23. The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated Neighbourhood Energy utility provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
24. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
25. 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.

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

Landscape

27. Landscaping of the public realm interface at the street and lane edges to provide substantial green setbacks at various locations around the building edge:

- (i) Provide open lawn extending well back from the public sidewalk towards the building with new trees on the private property and simplified shrub foundation planting along the base of the building at Yukon Street;
- (ii) Incorporate vine plantings at grade to mitigate bare exterior walls at the west lane edge;
- (iii) Provide substantial landscape buffers at private residential patios to soften the view of bare planter walls at property edges adjacent to West King Edward Avenue;
- (iv) Provide a row of closely spaced columnar deciduous trees within the 8 ft. wide setback to soften the view of the southwest corner of the building, at the south lane. Soften bare planter walls with layered greenery, as viewed from the street and lane. See also Condition 9.

28. Optimize pedestrian circulation opportunities within the north-facing landscaped entry courtyard by reconfiguring the balance of water feature and hard surface pathway widths.

Note to Applicant: The intent is to improve pedestrian flow at this building entrance. Consider reducing the size of the water feature (width and length) at the north and south ends of the courtyard.

29. Provision of in-ground planting opportunities for new trees and shrubs within landscape setbacks along street and lane frontages, with direct access to the natural water table, where possible.

Note to Applicant: The intent is to provide optimum growing conditions for new trees and shrubs to ensure long term viability and contribution to the greening of the city.

30. Maximization of plant growing medium volumes (to exceed BC SLA latest 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 walls should be designed to accommodate adequate planting depth and continuous soil volumes by incorporating angled, notched or depressed slab. Trees planted on structures and with pavement surrounds should be consolidated within a trench to improve planting condition.

31. Minimize height of planter walls on structures to create a more naturalized appearance to landscaped planters within patios and courtyards and greater sense of open space for the enjoyment of the residents.

32. Provision of opportunities and supporting infrastructure for Urban Agriculture on common amenity roof decks.

Note to Applicant: The spaces should include areas for tool storage, composting, potting bench, shelter, harvest table, seating, and hose bibs for water. Refer to City of Vancouver Urban Agriculture Guidelines for the Private Realm.

33. 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.

34. Provision of hose bibs for all patios greater than 100 sq. ft. in area.

35. Provision of an external lighting plan consistent with the Draft 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.

36. Design development of the landscaping to provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Design features to enable sustainable land practices in an urban setting include the use of high efficiency irrigation systems, rain gardens, permeable pavement, drought -tolerant plantings, and mulching of planting beds. Refer to the City of Vancouver Waterwise Planting Guidelines.

37. 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.

Engineering

38. Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances.

Note to Applicant: Where there is a curved ramp, provide grades 2 ft. from the wall on the inside radius (Section I.A). The slope and length of the ramp sections must be shown on the submitted drawings.

39. Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay and note on plans.

Note to applicant: 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

40. Provision of an improved plan showing all passenger loading spaces labelled with dimensions on the site plan.

Note to Applicant: Remove the tables and chairs shown in the HandyDart/loading area or ensure that adequate space for truck maneuvering is being provided.

41. Provision of a double throat for the Class B loading space and note on plans.

42. Relocate the parking ramp to provide of a minimum of 24 ft. separation between the parking ramp and the east-west lane.

Note to Applicant: This is to provide enough separation for vehicles to turn from the east-west lane onto the correct side of the ramp.

43. Clearly show and dimensions all columns in the parking area.

Note to Applicant: Engineering recommends that the layby pick-up/drop-off area in the rear east-west lane be operated as westbound only to reduce driver confusion, improve passenger drop-off and U/G parking access.

44. Delete proposed back boulevard trees and specialty sidewalk treatment from public property and show standard sidewalk treatments.

45. Show root barriers adjacent all street trees and trees proposed on private property but adjacent street or lane.

Note: A separate application to the General Manager of Engineering Services is required for all street tree and sidewalk improvements.

46. Clarify how proposed sidewalk adjacent the lane is to be separated from the city laneway and how protection for pedestrians who will use this walkway is to be provided.

47. The applicant is to supply a copy of Restrictive Covenant GB41818 (see 54399L) and a representative copy of one of the following Restrictive Covenants: GB41813 (see 76415L), GB41815 (see 90073L) or GB41817 (see 87162L). Should these agreements have any impact on the development proposal the Development Permit submission should reflect such impacts.

Housing

48. The proposed unit mix of 8 studios, 76 one bed apartments and 19 two bed apartments is 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.

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 Chief Housing Officer, the Managing Director of Social Development, 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 5 to 12, Block 681, DL 526, Plan 6853 to create a single parcel and subdivision of that site to result in the dedication of a 10 ft. x10 ft. corner-cut truncation in the southwest corner of the site for lane purposes.

Note to Applicant: All proposed structures must be deleted from the required corner-cut lane dedication.

2. Provision of a statutory right of way over the north 0.55 m of the site for road purposes.
3. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until security for the services is provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply

- project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
- (ii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the General Manager of Engineering Services to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
 - (iii) Provision of new curb, gutter, raised cycle track, sidewalk and treed boulevard for the full length of the development site with the following proposed cross section: 0.15 m curb/2.35 m raised asphalt cycle track/ 0.15 m curb/1.2 m front boulevard/1.8 m concrete sidewalk with saw cut joints/0.3 m back boulevard strip.
 - (iv) Provision of a concrete lane crossing and related curb adjustments at the lane east of Cambie Street on the south side of King Edward Avenue and at the lane south of King Edward Avenue on the west side of Yukon Street.
 - (v) Provision of a curb ramps on the King Edward median at the west leg of Yukon Street.
 - (vi) Provision of an on-street separated bike lane in the median on King Edward Avenue at the west leg of Yukon Street providing a continuous bicycle facility connection between both legs of Yukon Street.
 - (vii) Provision of LED street lighting and LED pedestrian scale lighting on King Edward Avenue and improved LED street lighting on Yukon Street adjacent the site.
 - (viii) Provision of street trees adjacent the site where space permits.
4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be

primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Renewable Energy

5. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a 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 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;
 - (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-designated Neighbourhood Energy System.

Note to Applicant: Until a City-designated Neighbourhood Energy System 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 services, unless otherwise approved by the General Manager of Engineering Services.

Soils

6. If applicable:
 - (i) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);

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

Heritage Density Transfer

7. Secure the purchase and transfer 157 m² (1,690 sq. ft.) of heritage density (which has a value of \$109,805) 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.

Housing

8. Make arrangements to secure by registered legal agreement 56 of the seniors supportive and assisted living housing units as rental for the longer of the life of the building or 60 years, and to include registrable covenants in respect of such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such rentals being made available as market rental housing units and subject to such other terms and conditions as are satisfactory to the Director of Legal Service, and the Managing Director of Social Development.

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.

Community Amenity Contribution (CAC)

9. Pay to the City the cash component of the Community Amenity Contribution of \$988,240 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) \$549,023 to the Affordable Housing Reserve.
 - (ii) \$439,217 to local park improvements and/or community facilities serving the Cambie Corridor Plan area targeted for seniors.

Public Art

10. 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.

Note to Applicant: Please call Bryan Newson, program manager, 604 871 6002, to discuss your application.

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 CD-1 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 January 26, 2015, entitled "CD-1 Rezoning - 408-488 West King Edward Avenue".

- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule C of the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 408-488 West King Edward Avenue".
- D. 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 January 26, 2015, entitled "CD-1 Rezoning - 408-488 West King Edward Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s), 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.
- 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 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: 2095 West 43rd Avenue

An application by Rositch Hemphill Architects was considered as follows:

Summary: To rezone 2095 West 43rd Avenue from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey mixed-use building containing commercial space at grade and a total of 17 dwelling units. A height of 14.6 m (48 ft.) and a floor space ratio (FSR) of 2.30 are proposed.

The General Manager of Planning and Development Services recommended approval subject to conditions set out in the summary and recommendation of the Public Hearing agenda.

Summary of Correspondence

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list:

- 5 emails in support
- 5 emails opposed

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 10:29 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Rositch Hemphill Architects, on behalf of 0964707 B.C. Ltd. (Bogner Development Group), to rezone 2095 West 43rd Avenue [*PID 006-838-146; Lot B of Lot 3, Block 15, District Lot 526, Plan 20159*] from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.35 to 2.30 and the building height from 10.7 m (35 ft.) to 14.6 m (48 ft.) to permit the development of a four-storey mixed-use building containing commercial space at grade and 17 dwelling units, generally as presented in Appendix A of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 2095 West 43rd 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 Rositch Hemphill Architects and stamped "Received City Planning Department, July 31, 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 improve transition to adjacent residential property along East Boulevard.

Note to Applicant: This can be achieved by increasing the front setback to at least 8 ft. for approximately 12 ft. from the north property line.

2. Design development to the commercial façade to maximize visibility into the commercial units.

Note to Applicant: This can be achieved by increasing the amount of glazing facing East Boulevard, while maintaining intermittent solid elements.

3. Design development to minimize privacy impacts and overlook to adjacent properties to the north and east.

Note to Applicant: This can be achieved by reducing the extent of balcony for the 3rd floor C2 unit. Translucent guards should be incorporated on north and east decks at the second and third levels to screen overlook to the east neighbour. A planter with a depth of at least 5 ft. should be incorporated at the north and east fourth level deck. At grade landscape at the north and east property edges should provide filtered views year-round. (refer to Landscape Design conditions).

4. Design development to provide usable private outdoor space to all units.

Note to Applicant: While all units have access to private outdoor space, for some units this space is undersized. Increase the deck depth for the west facing units at the second and third levels so their depth is a minimum of 6 ft.

5. Provision of a common amenity room for resident use.

Note to Applicant: Most units are of a modest size, and could benefit from additional flexible space for meetings or socializing. The amenity room should be located on the ground floor and connected to an outdoor amenity area (refer to Landscape Design conditions).

6. Provision of a vertical vent space to accommodate future proposed restaurant exhaust from the commercial level.

Note to Applicant: Intent is to allow for a wider range of uses without requiring the retrofitting of exhaust ducting on the outside of the building.

Crime Prevention Through Environmental (CPTED)

7. Design development to consider the principles of CPTED, having particular regard for security in the underground parking in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.

Sustainability

8. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010.

Note to Applicant: Provide a checklist and a detailed written description of how the rating system points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set, with significant elements keyed to the building plans and elevations. A letter from the Mechanical consultant shall be submitted outlining how the specified energy performance will be achieved in this building design.

Landscape Design

9. Design development and expanded programming to the southeast corner of the site, to include an added outdoor amenity space.

Note to Applicant: This can be achieved by replacing the dense conifers with a lower hedge surrounding the perimeter, maintaining the privacy buffer, but allowing for other community activities to take place within a shared space. This could include seating opportunities, BBQ, edible plant cultivation and other activities (see also Urban Design conditions).

10. Design development to the public/private interface by the provision of a typical section from the sidewalk to the residential unit, which confirms a hierarchical transition from public to private spaces.

Note to Applicant: This can be achieved with plant material which allows hedges for privacy of the patios, yet orienting a friendly, planted layer to the street. Adjustments to the landscape plan should reflect pedestrian access from 43rd Avenue from the first level residential unit (see also Urban Design conditions).

11. Provision of a pedestrian friendly experience at the lane edge with the use of down lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by an 8-inch high curb.

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. Submission requirements at the time of development permit application:

- (i) A full 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.
- (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 rootballs 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.

Housing Policy

14. The proposed unit mix including 14 two-bedroom and 3 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

15. An awning application is required. Awnings must be fully demountable. Awnings are defined as a light detachable structure of fabric, sheet metal or other flexible material supported entirely from the building (VBBL section 1A.9.7).

16. 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).

17. Provision of required Class B bicycle parking on private property.

Note to Applicant: A separate application is required for Class B bicycle parking proposed for public property, Class B bicycle parking (bike racks) supplied on public property cannot be counted towards the on-site by-law requirement that would apply to this project.

18. 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 section drawing through the loading bay showing the minimum vertical clearance.

Note to Applicant: Confirm with building code that man door can be incorporated into the overhead gate as shown at gridline PD/P8 on drawing A2.0.

- (ii) Provision of a painted pedestrian access aisle from the parking area to Stair #2 at gridline A/1 on drawing A2.0.

Note to Applicant: This is to provide a dedicated space for pedestrians to use the exit shown on the ramp. Widening the N-S portion of the ramp 4 ft. (1.2 m) and providing a 9 ft. x 9 ft. (2.7 m x 2.7 m) corner cut at gridline PB/4 would achieve this.

- (iii) Provision of a painted guideline and object marker to delineate the edge of the parking ramp where a shift in the ramp occurs.

Note to Applicant: Guideline is required at elevation 223.07 ft. on the north side of the ramp to the outside corner of the stairs and the object marker is required to highlight the corner of the stairs for the inbound traffic.

- (iv) Eliminate or improve the shift in the maneuvering aisle at the elevator lobby at gridline PD/P7 on drawing A2.0.

Note to Applicant: Consider providing access from the elevator lobby to the north corridor.

- (v) Relocate the bike room door to the west side, across from the residential elevator.

- (vi) Provision of an improved plan showing additional design elevations on the P1 level and the loading bay at grade to be able to calculate slopes and cross falls.

Note to Applicant: Confirm loading throat is hardscape as drawing A3.0 shows landscaping within the throat.

19. Include the following note on the landscape plan: "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details." Update the landscape and site plans to reflect the changes indicated in the design development conditions including the following:

- (i) Delete proposed trees on public property at both East Boulevard and 43rd Avenue entries.
- (ii) Relocate the proposed bench on 43rd Avenue to be fully on private property.
- (iii) Provision of parking meter location plan to be shown on the landscape plans. (Contact Engineering Services 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, 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. Release of Easement & Indemnity Agreement 270940M (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. At time of release the applicant is to supply a written request to the City to discharge the documents, a current title search and a copy of the agreement along with executable discharge documents to affect the release.

2. 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 adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (ii) Provision of new asphalt pavement in the lane from 43rd Avenue north to the eastbound leg of the "T" lane south of 2000 block of 42nd Avenue (Approximately 120 ft.).
 - (iii) Provision of speed humps on the 2000 block of 43rd Avenue.

- (iv) Provision of new minimum 1.8 m wide concrete sidewalk on 43rd Avenue adjacent the site.
 - (v) Provision of new concrete sidewalk to commercial standards for the East Boulevard frontage of the site (A typical 4 ft. wide exposed aggregate band at the curb with 4 piece concrete tree surrounds and broom-finished saw-cut sidewalk behind is required).
 - (vi) Provision of new curb ramps and a new curb return to current standards at the northeast corner of 43rd Avenue and East Boulevard.
 - (vii) Provision of a standard concrete lane crossing at the lane entry east of East Boulevard on the north side of 43rd Avenue (Work to include replacement of the curb returns on both sides of the lane and the curb ramps to meet current standard).
 - (viii) Provision of automatic door openers for the bike room.
3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Soils

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

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

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

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

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

- B. THAT 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 January 26, 2015, entitled "CD-1 Rezoning - 2095 West 43rd Avenue", 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 Parking Meter By-law to extend the parking meter zone "F", as shown on the map of Kerrisdale, to include the 5800 block of East Boulevard and the 2000 block of West 43rd Avenue between East Boulevard and the lane east of East Boulevard, thereby allowing parking meters to be installed in front of the proposed development.
- D. THAT A to C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs 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

6. REZONING: 5080, 5060, 5040 and 5030 Quebec Street

Prior to beginning the Public Hearing for this item, Councillor De Genova declared a conflict of interest on this matter, as she lives in the neighbourhood. She therefore left the meeting at 10:30 pm, and returned following the conclusion of the vote on this item.

An application by Taylor Kurtz Architecture + Design was considered as follows:

Summary: To rezone 5080, 5060, 5040 and 5030 Quebec Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a five-storey residential building containing a total of 38 dwelling units. A height of 18.9 m (62 ft.) and a floor space ratio (FSR) of 2.3 are proposed.

The General Manager of Planning and Development services recommended approval subject to conditions set out in the summary and recommendation of the Public Hearing agenda.

Summary of Correspondence

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list:

- 1 email opposed

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 10:33 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Taylor Kurtz Architecture + Design Inc., on behalf of BOFFO Homes (Main Street) Inc., to rezone 5080, 5060, 5040 and 5030 [Lots 15 to 18, Block 4, District Lot 637, Plan 7030; PIDs 004-397-991, 010-747-583, 010-747-591, and 010-747-605 respectively] from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive

Development) District, to increase the floor space ratio (FSR) from 0.7 to 2.3 FSR and the height from 9.5 m (35 ft.) to 18.9 m (62 ft.) to permit the development of a five-storey residential building, containing a total of 38 dwelling units, generally as presented in Appendix A of the Policy Report dated January 20, 2015, entitled "CD-1 Rezoning - 5080, 5060, 5040 and 5030 Quebec 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 Taylor Kurtz Architecture + Design Inc. and stamped "Received Planning Department, May 2, 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 East 35th Avenue façade and relationship to West 35th Avenue.

Note to Applicant: West 35th Avenue will be an important pedestrian connection to Queen Elizabeth Park, and this development has a prominent location and prime south facing exposure along this frontage. Design development should address the relative flatness of the façade as well as the outlook, connectivity, and relationship of the two storey units at the lower levels.

2. Design development to enhance the clarity and prominence of the main entry.

Note to Applicant: Further consideration should be given to the architectural expression of the entry as well as the landscape treatment in the front entry area.

3. Design development to ensure a high quality and detailing of the extensive soffit areas of the building.

Note to Applicant: Materials and lighting will be critical elements in this very significant aspect of the building.

4. Design development to enlarge and improve the usability of the amenity space and consider moving it to the roof.

Note to Applicant: See also Housing Policy conditions for further requirements regarding the design of the amenity space.

5. Design development to the external exit stairs to ensure a positive contribution to the frontage along West 35th Avenue and to the pedestrian path along the north side of the building.

Note to Applicant: The detailed design and materials of the exit stairs will be an important element with respect to the experience of the streetscape, and with respect to CPTED.

6. Design development to improve the pedestrian experience along the path on the north side of the building.

Note to Applicant: Further consideration should be given to outlook and casual surveillance from adjacent units, as well as landscape. Addressing condition five regarding the design of the exit stairs will also assist with this.

7. Consideration to further enhance the access of light to the exit stairs and through to the interior circulation corridors of the building.
8. Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of a statutory right-of-way for the path on the north side of the property.

Crime Prevention through Environmental Design (CPTED)

9. 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

10. Provision of a Recycling & Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling & Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

11. 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.

12. The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated Neighbourhood Energy utility provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
 - (i) Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
 - (ii) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a 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 precondition to building permit.

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

Housing Policy

13. That the proposed unit mix including 22 two-bedroom units and 6 three-bedrooms 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.

14. Design development of indoor and outdoor common amenity space to demonstrate ability for proposal to meet the common amenity needs of a family-oriented building, as per the *High Density Housing for Families with Children Guidelines*.

Note to Applicant: Applicant has proposed an indoor amenity room of 272 sq. ft. next to the ground floor lobby. As per the *High Density Housing for Families with Children Guidelines*, indoor amenity spaces function best at a minimum of 400 sq. ft., adjacent to an accessible WC with change table and, preferably, with direct access to exterior amenity space/children's play. Inclusion of shared outdoor space suitable for use by children of different ages is encouraged, however staff acknowledges that this proposal includes adequate private outdoor space for each family-suitable unit in this building.

Landscape

15. Design development to provide a high-quality public realm interface incorporating safe landscaped open spaces with residential-quality greenery and visual interest to benefit the pedestrian environment along the street and lane edge.
16. Design development of landscape surface treatment at property edges to provide substantial greenery for privacy screening to mitigate potential overlook issues for at grade oriented residential units.
17. Design development to provide maximized growing medium volumes for tree and shrub planters on structures to ensure long-term viability of the built landscape.

Note to Applicant: Structures such as underground parking slabs may need to be altered (dropped/angled/notched) to provide adequate depth and continuous soil volumes, and not placed in above grade planters to achieve soil depth. Planter depth to exceed current BC Landscape Standard.

18. Arrangements made for an ISA Certified Arborist to assess all healthy private trees located on the subject site for retention and or relocation, and to provide comments in writing at the development permit stage.

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

Note to Applicant: Avoid the placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.
20. Provision of best current practices for managing water conservation in common landscaped areas, including high efficiency (drip) irrigation, drought-tolerant plant selection and mulching.
21. At the time of development permit application:
 - (i) Provision of a legal survey confirming the location of existing on-site and off-site trees;
 - (ii) Provision of an ISA Certified Arborist report for all existing site trees and adjacent trees on neighbouring sites, as noted on the legal survey;
 - (iii) Provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development permit submission stage;
 - (iv) Provide large scale $\frac{1}{4}''=1'-0''$ or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane edges; include planter walls, stairs, landscaping, soil depth (indicated by underground structures), and other landscape features, as applicable;
 - (v) Provision of hose bibs for all patios greater than 100 sq. ft. in area.

Engineering

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

Note: pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying. An at-grade holding area or permanent at-grade storage is recommended.
23. Provision of City building grades and provision of design grades adjacent all entries (along the property lines) and both sides of all breakpoints on the parkade ramp.
24. Clarify the need for a PMT/LPT or vista switch to provide power to the site (BC Hydro infrastructure) and clearly show its location on the plans.

25. 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 design of the parking entry ramp to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: No portion of the ramp is to encroach into the required maneuvering aisle for the parking stalls; the current design proposes a 10% ramp behind several stalls. A design which lengthens the ramp and turns 90 degrees is likely required and such ramp is to include adequate space to achieve 2-way traffic flow through any right angle turn, a 3.0 m x 3.0 m corner cut at any turn in the ramp may be required.

- (ii) Provision of increased parking stall width or relocation of columns in the two parking spaces located between grid lines 5 and 6.

- (iii) Provision of improved access to all bicycle rooms located at the corners of P1.

Note to Applicant: As proposed, should vehicles park on either side of the bicycle room, parking a larger vehicle in the small car space could mean the door to the room may not be accessible.

- (iv) Confirmation of a minimum 20' wide, parking ramp drive aisle, unobstructed by a separate man-door, card reader, enterphone or security gate equipment is required.

Note to Applicant: As shown on submitted plans, there is only 18 ft. of ramp width at the security gate where two vehicles must pass.

- (v) Provision of larger opening in the wall adjacent both sides of the main parking to improve driver visibility of oncoming pedestrians, cyclists or vehicles in the lane.

- (vi) Co-ordinate the location of the parkade access for this site and with the proposed parkade access for 5037-5087 Main Street to ensure that there is no vehicle interlock between the operations of the 2 entry points.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services; the General

Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of 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 15 to 18, Block 4, DL 637, Plan 7030 to create a single parcel.
2. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of standard 1.8 m wide concrete sidewalk with saw-cut joints on Quebec Street adjacent the site.
 - (ii) Provision of a 2.1 m wide concrete sidewalk with saw-cut joints on 35th Avenue adjacent the site.
 - (iii) Provision of a double curb bulge at the north east corner of Quebec Street and 35th Avenue work to include relocation of any utility or existing infrastructure impacted the curb bulge design. Where necessary the curb ramp on the opposite side of the street is to be installed should none exist.
 - (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.
 - (v) Provision of street trees adjacent the site where space permits.
3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property

with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Sustainability

4. 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 a 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-designated Neighbourhood Energy System.

Note to Applicant: Until a City-designated Neighbourhood Energy System 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 services, unless otherwise approved by the General Manager of Engineering Services.

Soils

5. If applicable:
 - (i) Submit a site profile to the Environmental Protection Branch (EPB);
 - (ii) As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

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

Community Amenity Contribution (CAC)

- 6. Pay to the City the cash component of the Community Amenity Contribution of \$629,280 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) \$629,280 to the Affordable Housing Reserve.

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 January 20, 2015, entitled "CD-1 Rezoning - 5080, 5060, 5040 and 5030 Quebec Street".

- 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 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 UNANIMOUSLY

(Councillor De Genova absent for the vote due to conflict of interest)

7. REZONING: 1600, 1600A and 1620 West 6th Avenue

An application by Austerville Properties Limited was considered as follows:

Summary: To rezone 1600, 1600A and 1620 West 6th Avenue from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 12-storey residential building containing a total of 99 secured market rental housing units. A height of 31.44 m (103.2 ft.) and floor space ratio (FSR) of 4.37 are proposed.

The General Manager of Planning and Development Services recommended approval subject to conditions 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 the Director of Real Estate Services, and the Senior Development Planner, responded to questions.

Applicant Comments

Wing Leung, W.T. Leung Architects, provided opening comments.

Summary of Correspondence

The following correspondence regarding this application had been received since referral to public hearing and prior to the close of the speakers list.

- 6 emails opposed
- 2 emails regarding other aspects of the application

At this point in the proceedings, Councillor De Genova returned and was present for the remainder of the meeting.

Speakers

The Mayor called for speakers for and against the application.

The following spoke neither for nor against the application, but provided comments regarding certain aspects of it:

Anne Creaser
Kathy Hochachka

The speakers list and receipt of public comments closed at 11:06 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Austerville Properties Limited to rezone 1600, 1600A and 1620 West 6th Avenue [*Lots 8, 9, and 10, Block 289, District Lot 526, New Westminster District, Plan 590; PIDs: 012-521-299, 012-521-302 and 012-521- 311 respectively*] from C-3A (Commercial/Residential) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 3.30 to 4.37 and the height from 30.5 m (100 ft.) to 31.44 m (103.2 ft.) to permit the development of a 12-storey residential building containing 99 secured market rental housing units, generally as presented in Appendix A of the Policy Report dated January 23, 2015, entitled "CD-1 Rezoning - 1600, 1600A and 1620 West 6th 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 W.T. Leung Architects Inc. and stamped 'Received on September 29, 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 indoor and outdoor amenity spaces, relocated at a higher elevation in order to access natural daylight and a strong visual relationship with the ground plane.

Note to Applicant: The proposed indoor amenity space is located in a subterranean location, as does the outdoor space, which is terraced up due to the location of the parking ramp underneath. Relocating all or a large percentage of these spaces to a higher elevation will greatly increase the livability and usability of these areas.

Crime Prevention through Environmental Design (CPTED)

2. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:
 - (i) theft in the underground,
 - (ii) break and enter,
 - (iii) mischief and vandalism such as graffiti, and
 - (iv) mitigate possible CPTED concerns in the parking area.

Landscape Design

3. Design development to provide a more pedestrian friendly experience along the Fir Street edge.

Note to Applicant: This can be achieved by additional planter stepping, reducing the abrupt vertical change in grade. Also, planting with overflowing branching habit could soften the edges.

4. Design development to improve community interaction and use of the outdoor Amenity Area.

Note to Applicant: This can be achieved by altering the grade changes and terracing to achieve seamless indoor-outdoor access.

5. Provision of all necessary infrastructure for urban agriculture plots, such as raised beds, water for irrigation, potting bench, tool storage and composting. Shared gardening areas should be designed to adhere to the City's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure and universal accessibility.

6. 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.

7. A full 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.
8. 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 rootballs of proposed trees well into the future.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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. Integration of the Public Bike Share into the public realm landscape design and the interface to the landscaping up to the buildings face.

Sustainability

14. 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.
15. Provide for Neighbourhood Energy System compatibility and future connection within the proposed building.

Housing

16. That the proposed unit mix of 1% Studio, 63% 1-bedroom and 36% 2-bedroom 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. 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).
18. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

Engineering

19. Provision of all Class A bicycle spaces on the P1 level with 'stair-free' access to grade.

Note to Applicant: Class A spaces are shown on level P1 and P2.

20. Modify small car stall 34 on P1 to provide additional stall width for access into the bike room.

Note to Applicant: As there is no guarantee that a small car will be assigned this space, a full sized vehicle would block the access corridor to the Class A bicycle spaces.

21. Relocate columns adjacent to stalls 22 and 36 on P1 to be set back 2 ft. from the end of the stall to improve maneuvering. This condition applies to all levels.
22. Modify the jug handle ramp design to provide 2-way flow on the ramp and provide an improved plan showing the vehicle maneuvering through the jug handle.

Note to Applicant: The current design does not provide 2-way flow through the jug handle and causes inbound vehicles to cross over the centre of the ramp into the oncoming direction. This is a concern for both drivers and cyclists using the ramp.

23. Provision of an improved plan showing additional design elevations on both sides of the ramp at all breakpoints and within the parking and loading areas to be able to calculate slopes and cross falls.

Note to Applicant: Design elevations should start from the PL at the top of the ramp.

24. Provision of a 4 ft. x 4 ft. corner cut at gridline J9 on drawing A-2.02 and measures to improve visibility of oncoming traffic on the ramp.

Note to applicant: A parabolic mirror is recommended.

25. Modify the loading bay to provide a perpendicular Class B loading space from the lane with a double throat.

Note to Applicant: Engineering does not support the parallel loading space as shown backing out of this lane is not acceptable.

26. Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp along gridline 11 and through the loading bay.

Note to Applicant: The minimum vertical clearance required for the Class B loading space is 3.5 m (11.5 ft.) but Engineering recommends provision of 3.8 m (12.5 ft.) of vertical clearance to improve the usability of the loading space.

27. Provision of a landscape plan that reflects the off-site improvements required of this rezoning application.

28. The applicant is advised to seek discharge of Annexed Easement GB137767 over the adjacent East 1/2 of Lot 7, once the encroaching structure is removed.

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. Consolidation of Lots 8, 9, and 10, Block 289, DL 526, Plan 590 to create a single parcel and subdivision of that site to result in the dedication of the south 3.048 m for lane purposes and the dedication of the east 1.4 m of the site for road purposes. An application to the Subdivision and Strata Group is required.
2. Provision of adequate maneuvering to access the parkade entry. The current parkade entry location does not provide adequate lane width for access to the parkade.

Note to Applicant: It is noted that the applicant is also the owner of Lot 13 to the south which could be utilized to provide adequate maneuvering by way of a statutory right of way and option to purchase over the north 3.048 m of Lot 13, thereby providing the necessary maneuvering and access. If the applicant agrees then appropriate legal arrangements will be required.

3. Release of Easement & Indemnity Agreements R33407, 104833M and 123871M (all for commercial crossings) 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.

4. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS).
 - (i) Size: Space 16 m x 4 m must be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m. The 2 m maneuvering space may be shared with pedestrian space.
 - (ii) Location: The station must be located on private property while still clearly visible to the public with 24/7 public access and allowing easy access to the street. Note, PBS can be achieved within the full 1.4 m dedication sought above, no PBS requirements would be necessary following dedication.

- (iii) Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
 - (iv) Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.
 - (v) Sun exposure: No vertical obstructions to maximize sun exposure, as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
 - (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.
5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
- (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100 percent of any water system upgrading that may be required.
 - (ii) Provision of stormwater drainage for the lane south of 6th Avenue adjacent the site. There is currently no storm drain available to drain the lane; provision of a storm spur or alternate arrangements to the satisfaction of the General Manger of Engineering Services is required.
 - (iii) Provision of lane paving to accommodate the proposed lane opening and extension.

- (iv) Provision of new 1.8 m concrete sidewalks with 1.8 m wide front grass boulevards adjacent to the 6th Avenue frontage of the site.
 - (v) Provision of 2.1 m concrete sidewalk and a 1.5 m front boulevard adjacent to the Fir Street frontage of the site.
 - (vi) Provision of a corner bulge at the corner of 6th Avenue and Fir Street adjacent to the site.
 - (vii) Provision of street trees adjacent to the site where space permits.
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 secured market rental housing units for the longer of 60 years and life of the building, subject to the following additional conditions:
- (i) A no separate-sales covenant.
 - (ii) A non-stratification covenant.
 - (iii) That none of such units will be rented for less than one month at a time.
 - (iv) Such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may in their sole discretion require.

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

Soils

8. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental 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 January 23, 2015, entitled "CD-1 Rezoning - 1600, 1600A and 1620 West 6th Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the

applicant and its mortgagee(s), 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, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule B of the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 23, 2015, entitled "CD-1 Rezoning - 1600, 1600A and 1620 West 6th Avenue".
- D. THAT A to C above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the 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
(Councillor Carr opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Stevenson
SECONDED by Councillor Affleck

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 11:33 pm.

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