



REGULAR COUNCIL MEETING MINUTES

MARCH 3, 2015

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, March 3, 2015, at 9:37 am, in the Council Chamber, Third Floor, City Hall.

PRESENT:	Mayor Gregor Robertson Councillor George Affleck Councillor Elizabeth Ball* Councillor Adriane Carr Councillor Melissa De Genova* Councillor Heather Deal Councillor Raymond Louie Councillor Geoff Meggs Councillor Andrea Reimer Councillor Tim Stevenson
ABSENT:	Councillor Kerry Jang (Leave of Absence - Civic Business)
CITY MANAGER'S OFFICE:	Penny Ballem, City Manager Sadhu Johnston, Deputy City Manager
CITY CLERK'S OFFICE:	Janice MacKenzie, City Clerk Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PROCLAMATION - International Women's Day - The Year of Women in Sport

In celebration of International Women's Day, the Mayor proclaimed 2015 as The Year of Women in Sport in the city of Vancouver. In recognition of their Vancouver City Championship win earlier this month, the Mayor invited the Churchill Senior Girls Basketball team and their managers and coaches to receive the Proclamation, along with Churchill Principal Jack Bailey who said a few words about the team's victory.

IN CAMERA MEETING

MOVED by Councillor Louie
SECONDED by Councillor Deal

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

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

1. Regular Council - February 17, 2015

MOVED by Councillor Deal
SECONDED by Councillor Louie

THAT the Minutes of the Regular Council meeting of February 17, 2015, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing - February 17, 2015

MOVED by Councillor Deal
SECONDED by Councillor Meggs

THAT the Minutes of the Public Hearing of February 17, 2015, be approved.

CARRIED UNANIMOUSLY

3. Regular Council (Planning, Transportation and Environment) - February 18, 2015

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT the Minutes of the Regular Council meeting immediately following the Standing Committee on Planning, Transportation and Environment meeting of February 18, 2015, be approved.

CARRIED UNANIMOUSLY

4. Special Council - February 24, 2015

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT the Minutes of the Special Council meeting held on February 24, 2015, be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Louie

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Louie

THAT Council adopt Communication 1 and Policy Report 1, on consent.

CARRIED UNANIMOUSLY

Note from Meeting Coordinator: Subsequent to the above vote, Councillor De Genova declared a Conflict of Interest in regard to Policy Report 1, due to the fact that she lives in close proximity to the proposed rezoning.

UNFINISHED BUSINESS

1. 2015 Budget January 30, 2015

At a Special Council meeting held on February 24, 2015, Council received a presentation from staff and heard from speakers regarding the proposed 2015 Budget. Further discussion and decision on the matter was then referred to the Regular Council meeting on March 3, 2015, as Unfinished Business.

MOVED by Councillor Meggs

2015 Operating Budget

- A. THAT Council approve the budget resolution as set out below, thereby adopting the final 2015 Operating Budget as outlined in Appendix 1 of the Administrative Report dated January 30, 2015, entitled "2015 Budget", with a property tax increase of 2.4%:

THAT WHEREAS the Vancouver Charter, Section 219 requires that the Director of Finance submit to Council each year the detailed estimates of revenues and expenditures of the City for the year;

AND WHEREAS the Vancouver Charter, Section 372 requires that Council adopt the estimates of revenues and expenditures for the City as soon thereafter as possible;

AND WHEREAS the total estimated gross expenditures of the City to pay all debts and obligations of the City falling due in the year 2015, exclusive of the amounts required for school, Greater Vancouver Regional District, Greater Vancouver Transportation Authority, British Columbia Assessment Authority and Municipal Finance Authority purposes and not otherwise provide for, as amended by Council, amount to \$1,223,395,000;

AND WHEREAS the total estimated expenditures as aforesaid is the sum of the appropriation requests of all departments and boards properly supported by detailed analysis of those expenditures and listings of the salaried staff;

AND WHEREAS the total estimated revenue of the City for 2015 from sources other than real property taxes, as amended by Council, amounts to \$566,853,000;

AND WHEREAS the amount of the General Purposes Tax Levy so required is \$656,542,000;

THEREFORE BE IT RESOLVED THAT the said estimates, both as to totals and individual items pertaining thereto, of the Director of Finance as so amended by Council be and the same are hereby adopted by Council.

- B. THAT Council approve the Vancouver Board of Parks and Recreation 2015 Operating Budget of \$113,382,600 in expenditures, and \$52,608,200 in fee and program revenues and \$60,774,400 of tax-based operating funds.
- C. THAT Council approve the 2015 Property Endowment Fund (PEF) Operating Budget of \$46.3 million revenue and \$46.3 million expenses (including transfers) as outlined in Appendix 1 of the Administrative Report dated January 30, 2015, entitled "2015 Budget".

2015 Capital Budget

- D. THAT Council approve the 2015 Capital Budget (expenditure budget) as outlined in Appendix 1 of the Administrative Report dated January 30, 2015, entitled "2015 Budget", and detailed in Appendix B of the same report, in the amount of \$306.0 million, consisting of:

(\$ millions)	Previously Approved Projects		New Projects		Total 2015 Expenditures
Housing	\$	35.8	\$	25.5	\$ 61.3
Childcare		0.7		2.3	3.0
Parks, Open Spaces and Recreation		14.4		17.3	31.7
Community Facilities		25.0		3.6	28.5
Civic Facilities		10.0		5.5	15.4
Transportation		10.8		27.6	38.4
Utilities and Public Works		14.3		53.4	67.7
Equipment and Technology		34.4		21.7	56.1
City-Wide		0.0		3.8	3.8
Total	\$	145.3	\$	160.7	\$ 306.0

- E. THAT Council approve funding sources for new Capital Projects to begin in 2015 as outlined in Appendix 1 of the Administrative Report dated January 30, 2015, entitled "2015 Budget", and with specific project detail in Appendix A of the same report, in the amount of \$243.2 million, of which \$160.7 million is budgeted in the 2015 Capital Budget and \$82.5 million is forecast to be spent in future years for projects spanning multiple years.

(\$ millions)	2015 New		Future Year
	Funding Requests	2015 Expenditures	Expenditures
Housing	\$ 26.0	\$ 25.5	\$ 0.5
Childcare	7.8	2.3	5.4
Parks, Open Spaces and Recreation	25.5	17.3	8.2
Community Facilities	6.1	3.6	2.6
Civic Facilities	8.1	5.5	2.6
Transportation	56.8	27.6	29.1
Utilities and Public Works	64.9	53.4	11.5
Equipment and Technology	44.2	21.7	22.6
City-Wide	3.8	3.8	0.0
Total	\$ 243.2	\$ 160.7	\$ 82.5

Funding sources as follows:

- Capital from Revenue and Debenture Borrowing
 \$122.42 million, consisting of:
 - o Capital from Revenue \$19.26 million
 - o Debenture Borrowing Authority \$103.16 million
- Other Sources of funding \$120.79 million, consisting of:
 - o Operating Revenue that funds Capital Projects \$15.12 million
 - o Special Purpose Reserves \$35.36 million, consisting of:
 - o Green Fund \$0.35 million
 - o Hastings Park Reserve \$0.55 million
 - o Plant and Equipment Reserve \$28.30 million
 - o Public Art Maintenance Reserve \$0.07 million
 - o Solid Waste Capital Reserve \$4.70 million
 - o Stanley Park Restoration Reserve \$0.04 million
 - o Synthetic Turf Reserve \$1.35 million
 - o City-Wide Development Cost Levies (DCL) \$35.44 million
 - o User Fees and Levies \$16.01 million
 - o Community Amenity Contributions (CAC) \$16.56 million, consisting of:
 - o CACs collected in Cambie Corridor area for affordablere ntal housing \$14.50 million
 - o CAC from rezoning for 10 Terry Fox Way (Northeast False Creek Area 5B East) \$1.66 million
 - o CAC from rezoning for 555 Robson Street, 775 Richards Street, 520 West Georgia Street (Telus Garden) \$0.40 million
 - o Other/External \$2.30 million

- F. THAT staff consider all available programs from senior levels of government and other entities to leverage additional funding to support the City's capital and operating plans. Staff to report back to Council on a regular basis as funds are confirmed.
- G. THAT Council direct staff to report back on the status of the Vancouver Service Review, including
- an estimate of savings achieved,
 - a summary of work outstanding; and
 - recommendations to update and refresh the program, with appropriate input from city unions, to focus on longer-term transformational strategies the city could take to ensure Vancouver remains a leader in innovative delivery of public services.

carried

REFERRAL MOVED by Councillor Affleck

THAT the 2015 Budget be referred back to staff with the goal to finding \$6 million in cuts in order to reduce the property tax increase to 1.4%.

LOST

(Councillors Carr, Deal, Louie, Meggs, Reimer, Stevenson and the Mayor opposed)

AMENDMENT MOVED by Councillor Carr

THAT the motion be amended to add another bullet to G, as shown below:

- the impacts on City staff of successive years of efficiency and cost-saving measures including holding vacant positions open for extended periods of time.

lost

REFERRAL MOVED by Councillor Reimer

THAT the amendment be referred to staff with a request to provide an Information Memo on how the proposed review would be conducted.

LOST - TIE VOTE

(Councillors Carr, Deal, Louie, Meggs and Stevenson opposed)

The referral motion having lost, the amendment was put and LOST with Councillors Deal, Louie, Meggs, Reimer, Stevenson and the Mayor opposed.

The amendment having lost, the motion was put and CARRIED with Councillor Affleck opposed to A, C, D and E, Councillors Ball and De Genova opposed to A, and Councillor Carr opposed to A and B.

2. REZONING: 275 Kingsway (333 East 11th Avenue)

On February 17, 2015, Vancouver City Council concluded a Public Hearing on this matter and referred discussion and decision to the Regular Council meeting on March 3, 2015, as Unfinished Business.

The Mayor noted that Councillor Ball was not in attendance at the Public Hearing on February 17, 2015, and would therefore not be taking part in the discussion or decision on the application.

Abigail Bond, Director of Housing Policy and Projects, and Kent Munro, Assistant Director of Planning - Vancouver Midtown, responded to questions.

MOVED by Councillor Meggs

- A. THAT the application by Acton Ostry Architects Inc., on behalf of 333 East 11th Holdings Ltd., to rezone 275 Kingsway [Lots 12 to 14, Block 117, District Lot 301, Plan 187; PIDs 015-607-623, 015-607-640 and 015-607-666 respectively] from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 3.00 to 8.66 to permit the development of a 14-storey mixed-use commercial and residential building with 202 secured for-profit affordable rental housing units, generally as presented in Appendix A of Policy Report dated January 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th 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 Acton Ostry Architects Inc. and stamped "Received City Planning Department, January 15, 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 of the proposed setbacks of the face of building to property line shall remain as proposed within the drawing submission.

Note to Applicant: Proposed setbacks may be increased through the design development process however, they may not be reduced.

2. Design development to maintain and further refine the high quality materials indicated for the building and to maintain the level of detailing implied and necessary to accomplish and construct the proposed design and expression with exceptional detailing
3. Design development to ensure that service equipment including window washing infrastructure, cell towers, and any other mechanical units do not appear or obstruct the integrity of the building design.
4. Design development to enhance and maintain the green roof treatments and their contemplated amenity function for the building.
5. Design development of the ground-oriented storefront, display and weather protection systems to ensure variety and pedestrian interest in the expression of tenant frontages as well as the coordination in height and scale with adjacent future developments.
6. Design development to inset the metal entry gate by a minimum of 2.0 m from the face of building. Provide for a design that provides and maintains a strong visual connection and transparency to this entry space.

Sustainability

7. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezoning, including 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.

Crime Prevention Through Environmental Design (CPTED)

8. 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. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

Landscape Design

9. Provision of an enhanced quality public realm, with components in keeping with the Mount Pleasant Community Plan Implementation Plan, Section 4.4.
10. Provision of a pedestrian friendly experience at the lane edges by the use of down lighting and more substantial planting at grade, oriented to the lane.

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

11. Provision of enhanced Atrium landscape by a more diverse planting palette and addition of articulating elements.

Note to Applicant: In order to express the eclectic character of Mount Pleasant, plants should be of varying textures, heights and colours; paving should be more diverse and playful. Suggest this is a good opportunity to introduce a public art component.

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

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

13. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

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

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

Engineering

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

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

- (i) Provision of all Class A bicycle spaces on the P1 level.

Note to Applicant: Alternative locations may be considered with appropriate access to the satisfaction of the General Manager of Engineering Services. The applicant is proposing to split Class A spaces between P2 and P3 levels which is not acceptable without an elevator dedicated to bicycles with access from both sides that goes directly to grade.

- (ii) Provision of automatic door openers for all doors leading to and from the bicycle storage areas and the street.
- (iii) Provision of 6 Class B bicycle parking spaces at grade, outside of the area designated for PBS (Public Bike

Share).

Note to Applicant: Ensure that the positioning of the bike rack allows access to both sides of the rack as the rack is designed to be double stacked. Re-location of the bike rack to comfortably accommodate 6 bicycles is required and such that when in use the bicycles do not obstruct City sidewalks.

- (iv) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bays. The minimum vertical clearance should be noted 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.

- (v) Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints and within the parking areas to be able to calculate slopes and cross falls.
- (vi) Switch the location of the stairs and the ramp for the residential loading space on drawing A1.13. This is to provide additional space between the truck and the loading ramp for moving goods.
- (vii) Re-align the stairs to an East-West orientation (rotate 90 degrees) for the commercial loading to improve truck access to the loading dock on drawing A1.20.
- (viii) Provision of wider carshare stall widths, 2.9 m width is required as per the carsharing agreement.

- 16. 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.
- 17. 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.
- 18. 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 pre-condition to building permit.

19. 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

20. That the proposed unit mix, 75% 1-bedroom and studios, and 25% 2-bedroom units, be included in the Development Permit drawings. Design Development to ensure that a minimum of 25% of the proposed rental units be designed to be suitable for families with children.

Note to Applicant: Any changes in unit mix from the proposed rezoning application 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, 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 12, 13 and 14, Block 117, DL 301, Plan 187 to create a single parcel.
2. Release of Easement & Indemnity Agreement 152413M (commercial crossings) prior to building occupancy.

Note to Applicant: Provision of a letter of commitment to discharge at occupancy will satisfactorily address this condition.

3. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS).

Size: At minimum, the smallest sized station at 16 m x 4 m should 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. Note the current location is not adequate in length.

Location: The station should be located on private property while still clearly visible to the public with 24/7 public access.

Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.

Grades: The surface must be leveled with a maximum cross slope of 3% 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.

Note: A 5.0 m vertical clearance is required to accommodate the bike share infrastructure.

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

Power: An electrical service is required to the station and provision of electrical power.

4. Provision, operation, and maintenance of such number of shared vehicles and provision and maintenance of such number of parking spaces for use exclusively by such shared vehicles, as are required by the Parking By-law and subject to the conditions outlined below:
 - (i) Developer will be required to secure the provision of each required shared vehicle with delivery of a \$50,000.00 refundable security deposit per vehicle prior to issuance of the related development permit.
 - (ii) Management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City.
 - (iii) The registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, which will provide that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development, and such other matters as the Director of Legal Services may require.
 - (iv) The provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.

5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services is provided.
 - (i) Provide a minimum sidewalk width of 1.8 m for consistency with the sidewalk east of the north-south lane on 11th Avenue.
 - (ii) Replacement of the curb and gutter on Kingsway adjacent the site so that the developed building grades and sidewalk grades can be achieved.

- (iii) Provision of a standard concrete lane crossing at the lane east of Kingsway on the north side of 11th Avenue.
 - (iv) Provision of a corner bulge at 11th Avenue and Kingsway to partially “normalize” intersection. Bulge installation to include relocation and/or adjustment of all utility works impacted by the bulge installation.
 - (v) Provision of street trees adjacent the site where space permits.
 - (vi) Provision of public realm improvements (on public property) to be consistent with the approved Mount Pleasant public realm plan. (Details to be indicated on the development permit drawings prior to development permit issuance).
 - (vii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants’ mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
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 plants, 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.
7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated

Neighbourhood Energy System, 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.

Housing

8. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years and life of the building, subject to the following additional conditions:
 - (i) No separate-sales covenant;
 - (ii) A non-stratification covenant;
 - (iii) None of such units will be rented for less than one month at a time;

- (iv) At least 25% of the units must have two or more bedrooms and be designed to meet the City's "High Density Housing for Families with Children Guidelines";
- (v) A rent roll indicating the proposed initial monthly rents for each rental unit;
- (vi) A covenant from the owner to, prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Managing Director of Social Development and the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with the Housing Agreement on either a per unit or a per square foot basis; and
- (vii) Such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

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

Public Art

9. 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

10. 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, 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 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th 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 the above-noted 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 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-3A)], generally as set out in Appendix C of the Policy Report dated January 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th Avenue)", be approved.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule B of the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th Avenue)".
- 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 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

AMENDMENT MOVED by Councillor Carr

THAT the motion be amended to add the following as a condition of approval:

THAT starting rents in the new building be set at affordability rates based on 30% of the median renter household income in Mount Pleasant.

LOST

(Councillors Deal, Louie, Meggs, Reimer, Stevenson and the Mayor opposed)
(Councillor Ball absent for the vote)

The amendment having lost, the motion was put and CARRIED with Councillors Affleck and Carr opposed, and Councillor Ball absent for the vote.

* * * * *

The Council recessed at 12 pm and reconvened at 2:20 pm.

* * * * *

3. REZONING: 450 Gore Avenue

On February 26, 2015, Vancouver City Council concluded a Public Hearing on this matter and referred discussion and decision to the Regular Council meeting on March 3, 2015, as Unfinished Business.

The Mayor noted that Councillors Ball and Meggs were not in attendance at the Public Hearing on February 26, 2015, and would therefore not be taking part in the discussion or decision on the application.

Dwayne Drobot, Planner, Vancouver - Downtown, and Abigail Bond, Director of Housing Policy and Projects, responded to questions.

NOTE: The following motion contains additions to the Conditions of Approval of the Form of Development put forward in the Summary and Recommendation (denoted by *bold/italics*).

MOVED by Councillor Reimer

- A. THAT the application by Gair Williamson Architect, on behalf of GMC (450 Gore) Properties Inc., to rezone 450 Gore Avenue [Lots 31 to 33, Block 71, District Lot 196, Plan 196, PIDs: 015-577-457, 015-577-481, and 015-577-490 respectively] from RT-3 (Two Family Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 0.6 to 4.5, to allow for the construction of a six storey mixed-use building with retail at grade and all residential units secured by a Housing Agreement as for-profit affordable rental housing, generally as presented in Appendix A of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 450 Gore 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 Gair Williamson Architect, on behalf of GMC (450 Gore) Properties Inc. and stamped "Received Planning Department, November 28, 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:

Urban Design

1. Design development to provide a street character more compatible with the adjacent Strathcona context.

Note to Applicant: This can be achieved through design refinement to the exterior expression, including façade and fenestration modulations that reflect the narrow proportions of the neighbouring buildings to the east (Strathcona). This can be achieved by visually dividing the Pender elevation into two parts by changing the centre column of windows to inset or "Juliet" balconies.

2. Design development to improve livability of micro dwellings. Note to Applicant: This can be achieved by providing in-suite storage and outdoor space for units less than 320 sq. ft. in size in correspondence with the Micro Dwelling Policies and Guidelines. Outdoor space can be provided on the common roof deck, however, where feasible, private roof decks and "Juliet" style balconies should be provided. The roof above the main floor at the lane elevation could be explored as roof decks.

3. Revise the drawings to strengthen the liveability of dwelling units.

Note to Applicant: Internal bedrooms cannot be supported and shall not be indicated on the plans.

4. Design development to the residential entry to improve identity and amenity. Note to Applicant: This can be achieved by providing a canopy above the entry doors.
5. Design development to the elevations to refine the level of material detail to be more compatible with the adjacent areas context.

Note to Applicant: The intent of this condition is not to request traditional detailing, but to ensure that the design of this building, particularly on the street-facing elevations, augments and strengthens the distinctive architecture character of the area. Design development to entries, windows, material transitions and parapets to illustrate a compatible level of details is required.

6. Provision of a vertical vent space to accommodate future 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.

7. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for mischief and vandalism such as graffiti.

Note to Applicant: Blank walls adjacent to the lane (and in loading bay) should be treated with a paint-type anti-graffiti coating. Confirm that the loading bay can be closed with a rolling gate.

8. 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.
9. Design development to improve defensibility and reduce opportunities for mischief in alcoves.

Note to Applicant: The inset portions of the retail frontage provide an opportunity for mischief and collection of refuse. This issue can be resolved, and the façade interest maintained by angling the wall from the street face to the doorway.

10. *Design development to choose a colour palette for the architectural elements that better reflects the character of adjacent Chinatown.*

Note to applicant: The intent is to address cultural concerns around the existing black and white colour expression of the architecture, not to suggest that the building needs to adhere to massing, form and architectural considerations of the Chinatown Design Guidelines.

11. *Design development to create a new mural to reflect the character and history of Chinatown.*

Note to applicant: The intent is not to recreate the existing mural, but rather to seek a viable opportunity to create a new mural of a suitable size and location on the building, including possible locations on the eastern side of the building.

Engineering

12. The following is required to allow the bicycle parking to be located on the 2nd floor:
 - (i) Provide analysis of maneuvering for bicycles entering and exiting the elevators.
 - (ii) Modify the elevator sizes to accommodate at least 2 cyclists and bicycles at once, if required.
 - (iii) Provide an agreement on title allowing people with bicycles to use the two residential elevators at any time.
 - (iv) Provide a letter from the owner committing to manage the bike parking to ensure that there will be sufficient bike parking on the ground floor for regular bicycle commuters.

13. Provision of a landscape plan with the following statement noted on it:

“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: An updated landscape plan is to show a revised parking meter and parking regulation plan. A plan will be provided to the applicant by Engineering Services during the development permit review stage.

14. Confirmation that fabric awnings are proposed over the property line and provision of 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).

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

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

- (i) Modify the Class B loading space to:
 - a. Provide the required loading space throat.
 - b. Provide a roll-up door or change the direction of the door swing at the back of the loading space so that it does not swing inward.
 - c. Provide a convenient and direct connection from the loading bay to CRU2.
- (ii) Provision of a minimum 6.1 m (20 ft.) wide opening for the parking ramp at the building line in the lane including a resized overhead security gate.

Note to Applicant: Should it be necessary to use the car share provisions of the Vancouver Parking By-law to meet the parking standard for the site then arrangements must be made to the satisfaction of the General Manager of Engineering Services and the Director of legal Services for the delivery of car share vehicles and car share vehicle parking spaces on the site. Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy will be required prior to issuance of the development permit.

Sustainability

- 16. Identification on the plans and elevations of the built elements contributing to the building sustainability performance as required by the Green Buildings Policy for Rezonings.

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 six optimize energy points will be achieved in this building design.

- 17. 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.

18. 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.
19. 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 pre-condition to building permit.

20. 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

21. That the proposed unit mix, 75 percent studio, 25 percent two-bedroom units, be included in the development permit drawings.

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

22. Design development to include a multipurpose indoor amenity room with an accessible washroom with baby change table, a kitchenette, and storage closet.

Note to Applicant: A minimum of 37 m² is suggested, a room size of less than 27.9 m² is to be avoided, locating the amenity room adjacent to and with access and oversight of outdoor amenity areas is encouraged.

23. Design development to the rooftop to include a common outdoor amenity area, including an area suitable for a range of children's play activity, and to include garden plots, to ensure some of the plots are universally accessible, and to include the necessary infrastructure to support urban agricultural activity such as compost bins, tool storage, and a potting bench and hose bibs.

Note to Applicant: Play equipment is not required. Soft surface landscaping, and landscape elements, such as balancing logs and boulders, which encourage imaginative creative and motor skills developing play are encouraged. Toxic plants are to be avoided in any planters and edible landscaping and/or opportunities for gardening and urban agricultural activity by residents is encouraged.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of Lots 31, 32 and 33, Block 71, DL196, Plan 196 to create a single parcel.
2. Release of Easement & Indemnity Agreement 247473M (commercial crossing).

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.

3. Provision of building setback and a surface SRW to achieve a 4.57 m (15 ft.) distance from the back of the City curb to the building face on Gore Avenue. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all

necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.

- (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) Upgrading of approximately 72 m of existing 200 mm sanitary sewer on lane north of Pender Street from Gore Avenue towards the east to a 250 mm sewer. The work is currently estimated at \$250,000.
 - (iii) Provision of audible signals at the intersection of Pender Street and Gore Avenue.
 - (iv) Provision of new concrete sidewalks around the site in keeping with the area standards.
 - (v) Provision of a standard concrete lane entry at the lane south of Hastings Street on the east side of Gore Avenue.
 - (vi) Provision of street trees adjacent the site where space permits.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Sustainability

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
 - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System prior to occupancy, if connection is deemed available and appropriate at the time of development permit issuance, or postoccupancy 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: The property 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.

Housing

7. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or the life of the building, subject to the following additional conditions:
 - (i) A no separate-sales covenant;
 - (ii) A non-stratification covenant;

- (iii) A covenant that none of such units will be rented for less than one month at a time;
- (iv) Provision of a rent roll indicating the initial monthly rents for each rental unit anticipated as of the time when the Housing Agreement is executed;
- (v) Provision of a finalized rent roll that reflects the initial monthly rents at occupancy, to be calculated as of when the building permit is issued, in accordance with the applicable definition of for profit affordable rental housing in the Vancouver DCL By-Law on either a per unit or a per square foot basis, with confirmation to be provided following occupancy;
- (vi) In respect of the micro dwelling units, in compliance with the intent of the Micro Dwelling Policies and Guidelines; and
- (vii) 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) 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
 - (ii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate

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

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

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

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

- B. THAT the 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 - 450 Gore 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 Schedule B of the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue".
- 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 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue".
- E. 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 - 450 Gore 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 the above-noted 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.

- F. THAT A through E 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.
- G. THAT Council direct staff to collaborate with the applicant to address the community's concerns around the loss of the existing mural, and the choice of colour palette to better reflect the character of adjacent Chinatown, with the following additional Conditions of Approval of Form of Development to be resolved during the development permit process (*Note: the following conditions have been included above in "A"*):

Under "Urban Design":

10. Design development to choose a colour palette for the architectural elements that better reflects the character of adjacent Chinatown.

Note to applicant: The intent is to address cultural concerns around the existing black and white colour expression of the architecture, not to suggest that the building needs to adhere to massing, form and architectural considerations of the Chinatown Design Guidelines.

11. Design development to create a new mural to reflect the character and history of Chinatown.

Note to applicant: The intent is not to recreate the existing mural, but rather to seek a viable opportunity to create a new mural of a suitable size and location on the building, including possible locations on the eastern side of the building.

CARRIED
(Councillor Carr opposed)
(Councillors Ball and Meggs ineligible for the vote)

COMMUNICATIONS

1. Revision to 2015 Council Meetings Schedule

THAT Council approve additional meetings in April 2015 as follows:

Meeting	Proposed 2015 Schedule	
	Date	Time
Public Hearing	Tuesday, April 14	6:00 pm
Public Hearing (tentative)	Thursday, April 16	6:00 pm

ADOPTED ON CONSENT

ADMINISTRATIVE REPORTS

**1. 2014 Q4 Capital Budget Adjustments and Closeouts
February 17, 2015**

MOVED by Councillor Carr

- A. THAT Council approve funding and budget reallocation adjustments to the Multi-Year Capital Projects Budget as outlined in Appendix 1 of the Administrative Report dated February 17, 2015, entitled "2014 Q4 Capital Budget Adjustments and Closeouts", with no net change to the Multi-Year Capital Projects Budget or to the 2015 Annual Capital Expenditure Budget.
- B. THAT, as part of the quarterly Capital Budget closeout process, Council approve the closeout of completed capital projects with variances exceeding \$50,000 and 15% of the approved budget as outlined in the Administrative Report dated February 17, 2015, entitled "2014 Q4 Capital Budget Adjustments and Closeouts" and Appendix 2 of that report.

CARRIED UNANIMOUSLY

**2. Revisions to BIA Processes and Requirements
February 10, 2015**

Jane Pickering, Deputy Director of Planning, City-Wide and Regional Planning, provided an overview of the proposed changes to the BIA processes and requirements.

MOVED by Councillor Deal

- A. THAT Council approve the revisions to the conditions for grants to Business Improvement Areas as set out in the Administrative Report dated February 10, 2015, entitled "Revisions to BIA Processes and Requirements".

- B. THAT Council approve the new form of Grant Allocation By-law attached as Appendix A to the Administrative Report dated February 10, 2015, entitled "Revisions to BIA Processes and Requirements".

CARRIED UNANIMOUSLY

3. Request to the Province for Amendments to the Business Improvement Area Provisions of the Vancouver Charter
February 10, 2015

MOVED by Councillor Deal

THAT Council request the Province of British Columbia to consider possible amendments to the Vancouver Charter to eliminate Business Improvement Area termination dates, provide means for dissolution, and to effect other changes outlined in the Administrative Report dated February 10, 2015, entitled "Request to the Province for Amendments to the Business Improvement Area Provisions of the Vancouver Charter;

FURTHER THAT Council instruct the Director of Legal Services, in consultation with the General Manager of Planning and Development Services, to submit the request for Vancouver Charter amendments to the Province;

AND FURTHER THAT Council request the Province consult with the City and Vancouver Business Improvement Associations prior to drafting any proposed Vancouver Charter amendments.

CARRIED UNANIMOUSLY

POLICY REPORTS

1. CD-1 Rezoning - 126, 136, 146, 156, 166 and 168 East 35th Avenue
February 17, 2015

- A. THAT the application by Ramsay Worden Architects Ltd., on behalf of Mosaic East 35th Holdings Ltd. to rezone 126, 136, 146 and 156 East 35th Avenue [Lots 48 to 51, Block 4, District Lot 637, Plan 3774; PIDs 012-214-086, 012-214-094, 012-214-108, 012-214-116 respectively], 166 and 168 East 35th Avenue [Lots D and E, Block 4, District Lot 637, Group 1, New Westminster District, Plan BCP11511; PIDS 025-959-018, 025-959-026 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 20.7 m (68 ft.) to permit the development of a six-storey residential building, containing a total of 48 dwelling units, be referred to a Public Hearing together with:

- (i) plans prepared by Ramsay Worden Architects Ltd., received July 8, 2014;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated February 17, 2015, entitled "CD-1 Rezoning - 126, 136, 146, 156, 166 and 168 East 35th Avenue"; and
- (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, subject to the conditions contained in Appendix B of the above-noted report;

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

- B. THAT, subject to enactment of the CD-1 By-law, the Subdivision By-law be amended generally as set out in Appendix C of the Policy Report dated February 17, 2015, entitled "CD-1 Rezoning - 126, 136, 146, 156, 166 and 168 East 35th Avenue";

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the CD-1 By-law.

- 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 the expenditure of funds or incurring of costs is at the sole 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 sole 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.

ADOPTED ON CONSENT

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

2. CD-1 Rezoning - 5037, 5067 and 5087 Main Street
February 17, 2015

Councillor De Genova declared conflict of interest in regard to this matter as she lives in very close proximity to the proposed rezoning. Councillor De Genova left the meeting at 3:20 pm and did not return until the vote on the matter had been concluded.

MOVED by Councillor Carr

A. THAT the application by Taylor Kurtz Architecture + Design Inc., on behalf of BOFFO Homes (Main Street) Inc., to rezone 5087, 5067 and 5037 Main Street [Lots 26 to 28, all of Block 4, District Lot 637, Plan 8768; PIDs 016 - 123 - 760, 009 - 930 - 035, and 007 - 945 - 230 respectively] from RM-3A (Multiple Dwelling) District to CD - 1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.35 to 2.53 FSR and the height from 10.7 m (35 ft.) to 18.9 m (62 ft.) to permit the development of a five-storey residential building, containing a total of 41 dwelling units, including eight replacement market rental housing units, be referred to a Public Hearing together with:

- (i) plans prepared by Taylor Kurtz Architecture + Design Inc., received May 2, 2014;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated February 17, 2015, entitled "CD-1 Rezoning - 5037, 5067 and 5087 Main Street"; and
- (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, subject to the conditions contained in Appendix B of the above-noted report;

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

B. THAT, if after Public Hearing, Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated February 17, 2015, entitled "CD-1 Rezoning - 5037, 5067 and 5087 Main Street", 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 it's mortgage(s) prior to enactment of the CD-1 By-law contemplated by the above-noted report. Subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Chief Housing Officer.

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)

Councillor De Genova returned to the meeting at 3:26 pm.

3. Proposed Amendments to the Downtown Official Development Plan (DODP) including new housing definitions applicable to all areas within the DODP and including amendments to implement the West End and Downtown Eastside plans February 23, 2015

MOVED by Councillor Louie

- A. THAT the General Manager of Planning and Development Services be instructed to:
 - I. make application to repeal amendments to the Downtown Official Development Plan (the "DODP") by By-law 10929 made by Council as part of the implementation of the Downtown Eastside Plan, noting that the amendments to the DODP by By-law 10865 made by Council as part of the implementation of the West End Plan have already been quashed by the Court ruling; and
 - II. make application to amend the Downtown Official Development Plan to advance the objectives of the West End and Downtown Eastside plans as described in this report, generally in accordance with Appendix A of the Policy Report dated February 23, 2015, entitled "Proposed Amendments to the Downtown Official Development Plan (DODP) including new housing definitions applicable to all areas within the DODP and including amendments to implement the West End and Downtown Eastside plans";

FURTHER THAT the application and by-law be referred to a Public Hearing; and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at Public Hearing.

- B. THAT staff conduct an open house to give people an opportunity to speak to planners one-on-one about the DODP amendments.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Meggs
SECONDED by Councillor Louie

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1 to 4 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to enact a Housing Agreement for 609 Heatley Avenue (By-law No. 1164)
2. A By-law to amend Building By-law No. 10908 regarding housekeeping amendments to definition of "owner" and letters of undertaking (By-law No. 1165)
3. A By-law to amend By-law No. 11160 in relation to Noise Control By-law No. 6555 (960-968 Kingsway and 955 East 19th Avenue) (By-law No. 1166)

4. A By-law to designate certain real property as protected heritage property (1010 East 21st Avenue - Wickson House) (By-law No. 1167)

Councillor Ball not eligible for the vote

MOTIONS

A. Administrative Motions

1. Approval of Form of Development - 5129-5169 Cambie Street

MOVED by Councillor Louie

SECONDED by Councillor Meggs

THAT the form of development for this portion of the site known as 5101 Cambie Street (formerly 5129 - 5169 Cambie Street) be approved generally as illustrated in the Development Application Number DE418227, prepared by Shift Architecture Inc, and stamped "Received, Community Services Group, Planning and Development Services", on Jan 22, 2015, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

B. Motions on Notice

1. Support for UBCM Resolution LR2

MOVED by Councillor Reimer

SECONDED by Councillor Carr

WHEREAS

1. The current National Energy Board (NEB) assessment of the Trans Mountain Expansion Project has proven to be deeply flawed and undemocratic;
2. The Union of BC Municipalities endorsed the City of Victoria's emergency resolution (LR2) in September 2014 calling on the Environmental Assessment Office (EAO) of the Province of British Columbia to undertake its own Environmental Assessment process of the Trans Mountain Expansion Project and withdraw from the 2010 Equivalency Agreement with the NEB, but no response has been received to date from the Province.

THEREFORE BE IT RESOLVED

- A. THAT the City of Vancouver affirms its support for the 2014 UBCM Resolution (LR2) calling on the Province of British Columbia to withdraw from the 2010 Equivalency Agreement with the NEB and undertake its own Environmental Assessment process of the Trans Mountain Expansion Project, with meaningful participation by First Nations, municipalities and all interested British Columbians.
- B. THAT Vancouver City Council request the Lower Mainland Local Government Association endorse the 2014 UBCM Resolution LR2 and call for a prompt response by the Province.

CARRIED

(Councillors Affleck, Ball and De Genova opposed)

2. Pursuing a No Sewage Discharge Zone for Burrard Inlet

MOVED by Councillor Carr

SECONDED by Councillor Reimer

WHEREAS

1. A clean marine environment and beaches safe for swimming are important to Vancouver's livability, tourism economy, Greenest City image and Healthy City goals;
2. The discharge of sewage from boats pollutes our marine environment and contributes to high fecal coliform counts that have resulted in temporarily closing some Vancouver beaches to swimming, including Sunset Beach at the mouth of False Creek where E. coli bacteria peaked in the summer of 2014 to over 26 times the recommended safety limit for swimmers;
3. In September of 2014, Transport Canada considered changing its rules to allow smaller boats to discharge sewage 1 nautical mile from shore instead of the currently required 3 nautical miles, but dropped this proposal on February 16, 2015, in the face of negative public feedback including from the City of Vancouver which wrote to Transport Canada on January 7, 2015, to oppose the 1 nautical mile change, adding: "The discharge of sewage in local waters in and around our beaches and shorelines is of great concern to us, therefore the City of Vancouver asks Transport Canada to demonstrate that its enforcement strategy will be effective and more stringent than its current enforcement";
4. At its February 16, 2015, meeting, the Vancouver Board of Parks and Recreation unanimously passed a motion to support Burrard Inlet as a "no-discharge" zone for all boaters;

5. Support of adjacent municipalities would be required for Burrard Inlet to be added to the Canada Shipping Act Schedule as a recognized non-discharge zone for boating sewage.

THEREFORE BE IT RESOLVED

- A. THAT the City of Vancouver work with the Vancouver Board of Parks and Recreation to garner the support of the municipalities and First Nations communities situated in the Burrard Inlet area and, contingent on that support and assessment of the designation's costs and benefits, pursue the designation of Burrard Inlet as a strictly enforced non-discharge zone for boating sewage.
- B. THAT the City of Vancouver urge and support Transport Canada to achieve stringent enforcement of non-discharge of boating sewage within three nautical miles from our shoreline.

referred

REFERRAL MOVED by Councillor Reimer

THAT the motion be referred to staff for advice on what would be the most effective mechanisms for the City to achieve the objectives articulated in the motion, taking into account the available federal legal frameworks and relative financial implications to the City.

CARRIED UNANIMOUSLY

ENQUIRIES AND OTHER MATTERS

1. Impacts of Efficiency and Cost-Saving Measures

Councillor Carr requested a report back on the impacts on City staff of successive years of efficiency and cost-saving measures including holding vacant positions open for extended periods of time.

Councillor Louie rose on a Point of Order to note that this request had already been dealt with during the discussion on the 2015 Budget.

The Mayor advised the request would not be considered at this meeting but suggested Councillor Carr bring it forward as a Motion on Notice to a future meeting.

2. Chafer Beetles and Watering Restrictions

Councillor Ball noted that watering rules in the city make it difficult for citizens to deal with chafer beetle infestations as lawns need to be completely soaked before applying nemotodes. She requested the City Manager provide information regarding actions that can be taken to assist citizens in dealing with chafer beetles using natural means rather than pesticides.

ADJOURNMENT

MOVED by Councillor Stevenson
SECONDED by Councillor Louie

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Council adjourned at 4:16 pm

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