



## PUBLIC HEARING MINUTES

MAY 26, 2015

A Public Hearing of the City of Vancouver was held on Tuesday, May 26, 2015, at 6:07 pm, in the Council Chamber, Third Floor, City Hall.

**PRESENT:** Mayor Gregor Robertson  
Councillor Elizabeth Ball\*  
Councillor Adriane Carr  
Councillor Melissa De Genova  
Councillor Heather Deal  
Councillor Kerry Jang  
Councillor Raymond Louie  
Councillor Geoff Meggs  
Councillor Andrea Reimer

**ABSENT:** Councillor George Affleck (Leave of Absence)  
Councillor Tim Stevenson (Leave of Absence)

**CITY CLERK'S OFFICE:** Bonnie Kennett, Meeting Coordinator  
Nicole Ludwig, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### COMMITTEE OF THE WHOLE

MOVED by Councillor Deal  
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

#### 1. HERITAGE DESIGNATION: 4062 Commercial Street (Florence Anderson House)

An application by Birmingham and Wood Architects was considered as follows:

**Summary:** To add the existing building at 4062 Commercial Street (Florence Anderson House) to the Vancouver Heritage Register in the 'B' evaluation category and designate it as a protected heritage property. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE418487, to permit the construction of a new Infill One-Family Dwelling.

The General Manager of Planning and Development Services recommended approval.

### Staff Opening Comments

Planning and Development Services staff reviewed the application and responded to questions.

### Summary of Correspondence

No correspondence was received since the application was scheduled for public hearing and prior to the close of the speakers list and receipt of public comments.

### Speakers

The Mayor called for speakers for and against the application.

Dan Fass spoke in support of the application.

The speakers list and receipt of public comments closed at 6:21 pm.

### Council Decision

MOVED by Councillor Deal

- A. THAT Council add to the Vancouver Heritage Register the existing building at 4062 Commercial Street [*PID: 014-610-345, Lot 16 of Lots 6 to 11, Block 14, District Lot 352, Plan 1458*], known as the Florence Anderson House, to the Vancouver Heritage Register in the 'B' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter* a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT A and B above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
  - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

## 2. HERITAGE DESIGNATION: 1749 Waterloo Street (Morrison Residence)

An application by Urban Arts Architecture was considered as follows:

Summary: To add the existing building at 1749 Waterloo Street (Morrison Residence) to the Vancouver Heritage Register in the 'C' evaluation category and designate it as a protected heritage property. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE419964, to permit an increase in Dwelling Unit density.

The General Manager of Planning and Development Services recommended approval.

### Summary of Correspondence

No correspondence was received since the application was scheduled for public hearing and prior to the close of the speakers list and receipt of public comments.

### Speakers

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

The speakers list and receipt of public comments closed at 6:32 pm.

### Council Decision

MOVED by Councillor Deal

- A. THAT Council add to the Vancouver Heritage Register the existing building at 1749 Waterloo Street [*PID: 015-436-837, Lot A (Reference Plan 229), Block 11, District Lot 540, Plan 229*], known as the Morrison Residence, to the Vancouver Heritage Register in the 'C' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to *Section 593* of the *Vancouver Charter* a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT A and B above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and

- (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

**3. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):  
325 West 11th Avenue (Wakefield Residence)**

An application by Alexandre Ravkov was considered as follows:

Summary: To designate the existing heritage building at 325 West 11<sup>th</sup> Avenue (Wakefield Residence) as a protected heritage property and approve a Heritage Revitalization Agreement (HRA) for the site. The application proposes variances to the Zoning and Development By-law, as set forth in Development Permit Application Number DE418458, to permit the construction of a new Infill One-Family Dwelling.

The General Manager of Planning and Development Services recommended approval.

**Summary of Correspondence**

No correspondence was received since the application was scheduled for public hearing and prior to the close of the speakers list and receipt of public comments.

**Speakers**

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

The speakers list and receipt of public comments closed at 6:35 pm.

**Council Decision**

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the Vancouver Charter a by-law to designate the exterior of the heritage building at 325 West 11th Avenue [PID: 012-563-455, Lot 11, Block K, District Lot 526, Plan 1530], known as the Wakefield Residence.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 592 of the Vancouver Charter a by-law authorizing the City to enter into a Heritage Revitalization Agreement:

- (i) to secure the rehabilitation and preservation of the heritage building;  
and
  - (ii) to vary the Zoning and Development By-law to permit construction of a new infill building, as proposed under Development Permit Application No. DE418458 and as more particularly described in the Policy Report dated April 27, 2015, entitled "325 West 11th Avenue - Wakefield Residence - Heritage Revitalization Agreement and Heritage Designation".
- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site to the satisfaction of the Director of Legal Services and the General Manager of Planning and Development Services.
- D. THAT A to C above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost;  
and
  - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

**4. TEXT AMENDMENT: Amendments to the Zoning and Development, Licence and Street Vending By-laws to Allow Sampling and Sale of Local Liquor at Farmers' Markets**

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

Summary: To amend the Zoning and Development, Licence and Street Vending By-laws to permit the sampling and sale of local liquor at farmers' markets in response to 2014 Provincial legislative amendments.

The General Manager of Planning and Development Services recommended approval.

**Staff Opening Comments**

Planning and Development Services staff reviewed the application and responded to questions.

## Summary of Correspondence

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

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Mark Simpson, Winemaker and Brewmaster, Artisan Food & Beverage Group Inc./BC  
Wine Studio  
Matthew Mikulic, Three Sisters Winery  
Gordon Glanz, Odd Society Spirits

The speakers list and receipt of public comments closed at 6:55 pm.

## Council Decision

MOVED by Councillor Deal

- A. THAT the application to amend the Zoning and Development By-Law to allow the sampling and sale of local liquor at Farmers' Markets, generally in accordance with Appendix A of the Policy Report dated March 24, 2015, entitled "Amendments to the Zoning and Development, License and Street Vending By-laws to Allow Sampling and Sale of Local Liquor at Farmers Markets", be approved.
- B. THAT, subject to enactment of the amendments to the Zoning and Development By Law, the Director of Legal Services be instructed to bring forward the amendment to the Licence By-Law, generally as set out in Appendix B of the Policy Report dated March 24, 2015, entitled "Amendments to the Zoning and Development, License and Street Vending By-laws to Allow Sampling and Sale of Local Liquor at Farmers Markets".
- C. THAT, subject to enactment of the amendments to the Zoning and Development By Law, the Director of Legal Services be instructed to bring forward the amendment to the Street Vending By-Law, generally as set out in Appendix C of the Policy Report dated March 24, 2015, entitled "Amendments to the Zoning and Development, License and Street Vending By-laws to Allow Sampling and Sale of Local Liquor at Farmers Markets".

- D. THAT, subject to enactment of the amendments to the Zoning and Development By law, the Farmers' Market Guidelines be amended, generally as set out in Appendix F of the Policy Report dated March 24, 2015, entitled "Amendments to the Zoning and Development, License and Street Vending By-laws to Allow Sampling and Sale of Local Liquor at Farmers Markets".

CARRIED UNANIMOUSLY

**5. TEXT AMENDMENT: 555 Robson Street, 775 Richards Street and 520 West Georgia Street (Telus Block)**

An application by Henriquez Partners was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (525) By-law No. 10433 for 555 Robson Street, 775 Richards Street and 520 West Georgia Street, to remove the restriction on office uses along Richards, Seymour and West Georgia streets and add a retail use continuity requirement along all of Robson Street and extending to 7.6 m (25 ft.) along each of Richards and Seymour streets.

The General Manager of Planning and Development Services recommended approval.

**Staff Opening Comments**

Planning and Development Services staff reviewed the application and responded to questions.

**Summary of Correspondence**

One email in support was received since the application was referred to public hearing and prior to the close of the speakers list and receipt of public comments.

**Speakers**

The Mayor called for speakers for and against the application.

Richard Cook, Home Investments Ltd., spoke in support of the application and also noted concerns regarding signage.

The speakers list and receipt of public comments closed at 7:13 pm.

### Applicant Closing Comments

Rhiannon Maberly, Development Manager, Westbank Projects, provided clarification on signage for the project and responded to questions.

### Staff Closing Comments

Planning and Development Services staff responded to questions.

### Council Decision

MOVED by Councillor Louie

- A. THAT the application by Henriquez Partners, to amend Comprehensive Development (CD-1) District (525) By-law No. 10433, for:
- (i) 555 Robson Street [*PID: 028-779-584, Lot B, Block 54, District Lot 541, Group 1 New Westminster District Plan BCP50274*], on behalf of Telus Communications Inc.;
  - (ii) 775 Richards Street, [*PID: 028-779-592, Lot 1, Block 54, District Lot 541, Group 1, New Westminster District Plan BCP50275*] on behalf of 501 Robson Property Inc.; and
  - (iii) 520 West Georgia Street [*PID: 028-779-576, Lot A, Block 54, District Lot 541, Group 1, New Westminster District Plan BCP50274*], on behalf of 500 Georgia Property Inc.,

to remove the restriction on office uses along Richards, Seymour and West Georgia streets and add a retail use continuity requirement along all of Robson Street and extending to 7.6 m (25 ft.) along of each of Richards and Seymour streets, generally as presented in Appendix A of the Policy Report dated April 20, 2015, entitled "CD-1 Text Amendment: 555 Robson Street, 775 Richards Street and 520 West Georgia Street (Telus Block)", be approved.

- B. THAT A above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a 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: 468 West 33rd Avenue, 4956 and 4958 Cambie Street**

An application by GBL Architects Inc. was considered as follows:

Summary: To rezone 468 West 33rd Avenue, 4956 and 4958 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of one six-storey mixed-use building and one six-storey residential building, containing a total of 65 dwelling units and one commercial unit. A height of 22.7 m (74 ft.) and a floor space ratio (FSR) of 2.57 are proposed.

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

**Staff Opening Comments**

Planning and Development Services staff reviewed the application and responded to questions.

**Summary of Correspondence**

One email in opposition was received since the application was referred to public hearing and prior to the close of the speakers list and receipt of public comments.

**Speakers**

The Mayor called for speakers for and against the application.

The following spoke in opposition to one or more aspects of the application:

John Coupar  
Monique Choptuik  
Allan Buium, Riley Park South Cambie Community Visions Group  
Tracy Moir, Oakridge Langara Area Residents

The speakers list and receipt of public comments closed at 8:28 pm.

## Applicant Closing Comments

Tom Bell, GBL Architects, provided closing comments and responded to questions.

## Staff Closing Comments

Planning and Development Services staff provided closing comments and responded to questions.

## Council Decision

MOVED by Councillor Deal

- A. THAT the application by GBL Architects Inc., on behalf of Kenstone Cambie Holdings Inc., to rezone 468 West 33rd Avenue, 4956 and 4958 Cambie Street [*Lots 1 to 4, all of Block 840, District Lot 526, Plan 8324; PIDs: 010-152-059, 010-152-156, 010-152-164, and 005-089-263, respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.57 FSR and the height from 10.6 m (35 ft.) to 22.7 m (74 ft.) to permit the development of one six-storey mixed-use building and one six-story residential building, containing a total of 65 dwelling units and one commercial unit, generally as presented in Appendix A of the Policy Report dated April 14, 2015, entitled "CD-1 Rezoning: 468 West 33rd Avenue, 4956 and 4958 Cambie Street", be approved subject to the following conditions:

### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects and stamped "Received Planning and Development Services, February 10, 2015", 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 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.

2. Design development to provide greater privacy for the residents' amenity room in relation to the commercial courtyard.
3. Design development to meet the relevant sections of the *High-Density Housing for Families with Children Guidelines*.
4. Design development to meet the *Draft Cambie Corridor 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.

5. 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 character and avoid an institutional character.

#### **Crime Prevention through Environmental Design (CPTED)**

6. 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**

7. 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.

8. 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 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.

9. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated Neighbourhood Energy System (NES) Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
10. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy 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. As a precondition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

11. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

12. 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, as outlined in the *Neighbourhood Energy Connectivity Standards Design Guidelines*.
13. 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.

#### Landscape

14. Provision of a Landscape Plan with a variety of open spaces consistent with the Cambie Corridor Design Principles.

Note to Applicant: Consider tree retention, the use of basalt to reference local rock quarry, green property edges, replication of natural systems, urban agriculture, rainwater management possibilities, and transition to public realm.

15. Design development to explore the feasibility for retention of significant onsite trees to be incorporated on the Landscape Plan.

Note to Applicant: With particular emphasis on the protection of property edge trees #669, # 674, and #678, and noted to be in good condition in the arborist report. Tree locations noted on the survey and in the arborist report. The application should provide schematic drawings indicating potential solutions to retain trees. Retention will likely require setting the proposed slab back from West 33rd Avenue and or the lane than was contemplated at the rezoning stage, and relocation of some floor area within the site. Feasibility for relocation or retention of trees will require further arborist consultation and comments provided in writing.

16. Design development to enhancements of the public realm interface to provide safe landscaped outdoor open spaces with residential-quality greenery and visual interest to benefit the pedestrian environment at the street and lane edges.
17. Provision of in-ground planting opportunities for new trees within private landscape setbacks along street frontages, and access to the natural grade, where possible.

Note to Applicant: At the south property boundary, in addition to the pedestrian path, consider providing a substantial green and leafy edge between properties.

18. Design development to the placement of substantial green setbacks adjacent to semi-private residential near to grade patios located adjacent to the public sidewalk for privacy screening and to soften the view of retaining walls at property edges.

Note to Applicant: This can be achieved by the placement of landscaped planter walls in-board of property line by a minimum of 2 ft., to accommodate a row of shrubs and trees, where possible, on private property.

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

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (dial 311) for tree species selection and planting requirements.

20. Provision of a flexible Child's Play Space incorporating forms for children to engage in active and passive social play within a main common open space gathering area.

Note to Applicant: Recommend the proposed amenity areas and open spaces be rearranged to improve the functionality of these common areas for families with children. The use of water may not be practical during off-season and colder months of the year. Suggest substituting water for more solid natural elements arranged to climb, step up and socialize around. Refer to the *High-Density Housing for Families with Children Guidelines* for further features that are recommended.

21. Maximization of plant growing medium volumes for trees and shrubs within landscaped planters on structures on private property, to ensure long term health of plant species.

Note to Applicant: Soil volumes for planters should exceed BC Landscape Standard (latest edition). Trees planted on structures should be consolidated within a trench to improve planting condition. Alter slab to allow private trees and shrubs to be planted at the level of courtyards and patios and not placed in above grade planters to achieve soil depth.

22. Provision of best current practices for irrigation and managing water conservation including high-efficiency irrigation and aspects of xeriscaping making use of drought tolerant plant selection and mulching.

23. Provision of an external lighting plan consistent with the *Draft Cambie Corridor Public Realm Plan*.

### Housing Policy

24. The proposed unit mix including 21 two-bedroom and 39 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

25. Clarification is required that no portion of the underground parking walls are to encroach onto Cambie Street, as appears to be indicated on pages A-2.01 and A-2.02.
26. Delete special paving and stone outcrops that extend over the property lines.
27. Delete trees shown in the back boulevards and planting in the back boulevards should meet the boulevard planting guidelines including the provision of a 0.3 m (1'-0") grass lawn buffer between the sidewalk and planting. Adjacent plantings should be chosen to ensure that they do not encroach onto the sidewalk when they reach maturity.
28. 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 improved corner cuts through the inside radius around the building core to ensure unobstructed movement for 2 vehicles travelling in opposite directions to and from the main parking ramp and between the P1 and P2 parking levels.
- (ii) Provision of a parking ramp slope not to exceed 12.5% to ensure a reasonable slope for cyclists using the main parking ramp for bicycle ingress and egress.
- (iii) Clearly mark on plans and describe in writing the path(s) intended to be used by a resident to enter and exit the building with his/her bicycle.

Note to Applicant: the route must not require the use of stairs as per the Parking By-law.

- (iv) Provision of the commercial parking space and the Class A loading space separated from the residential parking by means of a security gate.
- (v) Consider provision of on-site visitor parking at a rate between 0.05 and 0.1 space per dwelling unit.

Note to Applicant: It would appear that with security gates appropriately placed, there would be several parking spaces that could be designated as visitor parking.

Note to Applicant: An interconnected water service will be required for this development and there are 150 mm water main available on West 33rd Avenue and the lane east of Cambie Street for servicing.

#### 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 1 to 4, Block 840, DL 526, Plan 8324 to create a single parcel.
2. The release of Easement & Indemnity Agreement 176426M (private 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.

3. Registration of a shared access agreement for vehicular traffic onto adjacent Lot 5, Block 840, DL 526, Plan VAP8324, as indicated on the applicant's plans. Provision of a knockout panel at the appropriate location along the vehicular entry ramp and appropriate arrangements (legal agreements) to secure access to underground parking within the future development on the adjacent property at 4976 Cambie Street (Lot 5).
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 a drinking fountain located near the plaza on Cambie Street on public property which will be maintained by the City.
  - (ii) Provision of a Class B bicycle rack(s) for up to six bikes and to be located in the corner of the plaza near Cambie Street.
  - (iii) Provision of a continuous 2.1 m broom finish concrete sidewalk on Cambie Street adjacent the site complete with saw cut joints.
  - (iv) Provision of a continuous 1.8 m broom finish concrete sidewalk on 33rd Avenue between Cambie Street and the lane east of Cambie Street complete with saw cut joints.
  - (v) Provision of a standard concrete lane crossing on the south side of 33rd Avenue at the lane east of Cambie Street. Crossing to include provision of new curb returns and curb ramps where applicable on both sides of the lane entry.
  - (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network

on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

6. Provision of regulatory signage as required in the lane.

#### **Sustainability**

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to 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 (NES) at such time that the system becomes available;

Note to Applicant: The development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available or appropriate, a deferred services agreement or similar agreement will be required.

If the development is required by the General Manager of Engineering Services to connect to an NES, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.

- (ii) Grant the operator of the City-designated Neighbourhood Energy System access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the Owner; and
- (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System.

Note to Owner: 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

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

### Heritage Density Transfer

9. Secure the purchase and transfer 480.3 m<sup>2</sup> (5,170 sq. ft.) of heritage density (which has a value of \$336,074) from a suitable donor site.

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

Note to Applicant: "Letter B" in the City's standard format is to be completed by both the owner(s) of the subject site, also

referred to as the receiver site, and the owner of the donor(s) site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### Community Amenity Contribution (CAC)

10. Pay to the City the cash component of the Community Amenity Contribution of \$3,024,662 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) \$1,680,368 to the Affordable Housing Reserve.
  - (ii) \$1,344,294 towards childcare, cultural and community facilities in and around the Cambie Corridor Plan area.

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

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

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

- B. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated April 14, 2015, entitled "CD-1 Rezoning: 468 West 33rd Avenue, 4956 and 4958 Cambie Street".
- 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 [assigning Schedule B (C-1)], generally as set out in Appendix C of the Policy Report dated April 14, 2015, entitled "CD-1 Rezoning: 468 West 33rd Avenue, 4956 and 4958 Cambie Street", be approved.

- D. THAT, subject to the enactment of the 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 April 14, 2015, entitled "CD-1 Rezoning: 468 West 33rd Avenue, 4956 and 4958 Cambie Street".
- E. THAT A to D above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 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

## 7. REZONING: 5648-5678 Victoria Drive

An application by Matthew Cheng Architect Inc. was considered as follows:

Summary: To rezone 5648-5678 Victoria Drive from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with commercial-retail units at grade and 48 secured for-profit affordable rental housing units. A height of 19.1 m (63.0 ft.) and a floor space ratio (FSR) of 3.58 are proposed.

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

### Staff Opening Comments

Planning and Development Services staff reviewed the application and 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 and receipt of public comments:

- 13 emails and letters in support
- 1 email in opposition

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Vardip Dhaliwal  
Kam Dhanoa  
Wei Min Lee

Lawrence Lau spoke in opposition to the application.

The speakers list and receipt of public comments closed at 9:08 pm.

## Applicant Closing Comments

Matthew Cheng, Matthew Cheng Architect Inc., provided closing comments.

## Staff Closing Comments

Planning and Development Services staff, Housing Policy and Projects staff and Engineering staff responded to questions.

## Council Decision

MOVED by Councillor Jang

- A. THAT the application by Matthew Cheng Architect Inc., on behalf of Bhandal Homes Ltd., to rezone 5648-5678 Victoria Drive [*Lots 45, 46 and 47, except the west 7 feet, now road, Block 16, District Lot 394, Plan 2501; PIDs: 008-796-203, 010-852-441 and 013-712-446 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.58 and the building height from 13.8 m (45.3 ft.) to 19.1 m (63.0 ft.) to permit the development of a six-storey mixed-use building with 48 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated April 20, 2015, entitled

"CD-1 Rezoning: 5648-5678 Victoria Drive", 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 Matthew Cheng Architect Inc. and stamped "Received City Planning Department, September 5, 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. The maximum building height, measured above the base surface to top of parapet, shall not exceed 19.1 m (63 ft.).

Note to Applicant: Over-height elements such as stair and elevator overruns required for universal access to the rooftop common amenity space will be subject to the requirements of the City of Vancouver's *Roof-Mounted Energy Technologies and Green Roofs - Discretionary Height Increases* bulletin and will require the provision of a minimum 25% planting of the rooftop area. See also condition 6 below.

2. Architectural expression, with particular regard to street facing elevations, will employ a palette of high quality durable materials and a refined detail finish.

Note to Applicant: Subject to advice in condition 5 below, the materials as proposed in the current submission satisfy this condition.

3. Design development to the internal layouts to improve the multi-purpose functionality and access to daylight of the Fitness Amenity Room at ground floor level.

Note to Applicant: The internal at-grade layout should be reconfigured to not only improve the ability of the common room to function as a meeting place for residents but also to improve the quality of the space by providing glazing to the lane elevation and potentially developing a contiguous outdoor patio.

4. Design development to the residential storage room at P1 level to relocate door to residential lobby.

Note to Applicant: Residential storage should be accessed via residential lobby and circulation spaces to avoid conflict with commercial uses.

5. Design development of the architectural expression to refine detail and material palette of the following elements:

- (i) Side elevations;

Note to Applicant: The use of Hardie Reveal Panel as the material expression of the side elevations is not supported, given the exposure of these elevations and their likely mid to long term visibility especially at the fourth to sixth floor levels.

- (ii) Enclosed balcony expression;

Note to Applicant: Consideration should be given to minimizing the enclosed balcony framing to the Victoria Drive elevation from the second floor to fifth floor levels through the use of a curtain wall system allowing glazing of the sides of the projecting bay.

- (iii) Cornice;

Note to Applicant: The expression of the top floor cornice line to Victoria Drive should be improved by either developing a continuous cornice line or continuing the projecting enclosed balcony bays to cornice level.

- (iv) Faux wood panels on front and rear elevations;

Note to Applicant: A higher quality material than the proposed Longboard Light Fir panel is required.

- (v) At-grade podium elevation to the lane;

Note to Applicant: A higher quality material, such as masonry, is required for the at-grade elevation to the lane.

- (vi) Soffit at the sixth-floor level;

Note to Applicant: Material quality should be improved with consideration to the use of a wood soffit.



- (vii) Elevator overrun and stair to rooftop amenity space.

Note to Applicant: The material expression of these over height elements should be improved and consideration given to the substantial introduction of glazing.

- 6. Design development to improve the landscape and activity programming of the common rooftop amenity space.

Note to Applicant: Consideration should be given to increasing the opportunities for children's play in the detailed programming of the rooftop amenity space.

#### **Crime Prevention through Environmental Design (CPTED)**

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

- (i) the creation of unsafe spaces and of spaces for anti-social behavior along the lane edge to the rear of the building;
- (ii) theft in the underground parking;
- (iii) residential break and enter;
- (iv) mail theft; and
- (v) mischief in alcoves and vandalism, such as graffiti.

#### **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. Provision of a continuous landscape planter along the east edge of the middle patio as a green buffer adjacent to the single-family residential properties to the east.
- 10. Provision of a substantial landscape buffer in the planters located between the second floor private patios for privacy screening purposes.

Note to Applicant: This can be achieved by using taller shrubs, such as yew hedging.

11. Provision of hardy broad-leaf evergreen shrubs at the lane edge planter.

Note to Applicant: Consider locating a hardy vine to climb the concrete wall and low-growing plants such as *Arctostaphylos uva-ursi* and/or long grasses to cover the growing medium.

12. Provision of new street trees on Victoria Drive to the satisfaction of the General Manager of Engineering Services, and to be confirmed prior to issuance of the Building permit.

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

### Engineering

13. Provision of a shared vehicle parking space with 2.9 m (9 ft.-6 in.) width and 5.5 m (18 ft.) length.

Note to Applicant: Shared vehicle parking spaces are required to be a minimum width of 2.9 m and are a requirement of the Car Share Agreement.

14. Provision of a wider canopy along the Victoria Drive frontage to improve weather protection for pedestrians and bus stop users.

Note to Applicant: A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. A canopy is 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).

15. Provision of a landscape plan that details the sidewalk improvements, bus shelter location and any street trees that can be accommodated.

Note to Applicant: A separate application to the General Manager of Engineering Services is required.

16. Additional design grades are required adjacent to all entries along Victoria Drive and the lane clearly indicating that the entries will meet City building grades.
17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

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

Note to Applicant: If this cannot be achieved, the Parking By-Law requires provision of an elevator with direct access to the outside.

18. Modification of the parking ramp design to address the following:

- (i) The slope must not exceed 10% for the first 20 ft. from the property line.
- (ii) 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m in length.
- (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints, within the parking area, both sides of the loading bay, and at all entrances.
- (iv) Note to Applicant: Confirm provision of a 12.5% parking ramp slope between the P1 and P2 parking level and correct the notation of a 51'-10" long ramp with 15% slope as shown on drawing A04.
- (v) Provision of a 20 ft. wide O/H gate at gridline E on drawing A04 and clearly note it on plans.

19. Modification of the Class B loading bay design to address the following:

- (i) Provide a standard loading throat (1.6 m in width/68 degrees) and note on plans.
- (ii) Provide a double throat for the Class B loading spaces.
- (iii) Additional loading bay width for the second and subsequent loading spaces (each additional space must be 3.8 m wide).

- (iv) Provide a raised loading dock, loading lift, elevator, or a ramping corridor to facilitate a 'stairs free' loading access from the loading spaces to the CRUs.
- (v) Modify the Class B loading spaces to provide independent and convenient access from both spaces into the service corridor. This must be possible when either or both of the loading spaces are occupied.
- (vi) Existing wood pole and guy wire in lane conflicts with loading access. Arrangements to the satisfaction of the General Manager of Engineering Services and the appropriate public utility companies for pole relocation are required.

Note to Applicant: The size of truck intended to be accommodated within the loading space is a 24 ft. long truck. If larger trucks are intended to be accommodated, the loading space size must be increased.

- (vii) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and 3.8 m of vertical clearance is required for Class B loading spaces and related maneuvering.

- (viii) Provision of a 9 ft. x 9 ft. corner cut through the inside radius at the bottom of the main parking ramp to provide two-way vehicle flow to and from the ramp.

Note to PC: Stalls, column setbacks and aisle widths should be dimensioned.

### **Social Development**

- 20. Design development to the covered portion of the rooftop common area to improve its functionality as a communal social space by adding dining area/barbeque/counter space.
- 21. Design development to a portion of the rooftop common area to provide opportunities for creative and motor-skills developing play activity for children with a range of ages.

Note to Applicant: Play equipment is neither necessary nor encouraged; however, landscape features which foster creative

play and motor-skills development such as boulders, logs, pathways, water-play elements, sand-play etc. are encouraged.

22. Design development to the rooftop communal garden to include a hose bib, a potting bench and a composter for yard waste.

#### Housing

23. That the proposed unit mix, 71% 1-bedroom and studio, and 29% 2-bedroom units, be included in the development permit drawings.

Note to Applicant: Any changes in unit mix from that set out in the rezoning application must 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. The consolidation of Lots 45, 46 and 47, All Except the West 7 Feet, Now Road, Block 16, DL 394, Plan 2501 to create a single parcel.
2. Provision of building setback and a surface Statutory Right of Way (SRW) to achieve a 4.5 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.
3. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (i) Provide one Shared Vehicle to the development for a minimum period of three years;

- (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle;
  - (iii) Provide and maintain the Shared Vehicle Parking Space for use exclusively by such shared vehicles;
  - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
  - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
  - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
  - (vii) Provision of a letter of commitment from a car share company indicating their willingness to supply a car share vehicle on the site at building occupancy.
4. Provision of the costs for installation of a standard City bus shelter adjacent to the site.
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 improved sidewalks adjacent to the site in keeping with the current commercial sidewalk standards.
  - (ii) Provision of street trees adjacent to the site where space permits.
  - (iii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical

consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- (iv) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
6. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

### Housing

7. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing all 48 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 the life of the building or 60 years, 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 submit, prior to issuance of an occupancy permit, a finalized rent roll to the satisfaction of the Managing Director of Social Development and the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with the Housing Agreement on either a per unit or a per square foot basis in order to address potential changes in unit mix and/or sizes between the rezoning and development permit stage; and
- (vii) Such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

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

### Soils

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



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

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

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

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

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 20, 2015, entitled "CD-1 Rezoning: 5648-5678 Victoria Drive", 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) and prior to enactment of the CD-1 By-law contemplated by the above-noted report.
- 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 of the Sign-By-law [assigning Schedule B (C-2)], generally as set out in Appendix C of the Policy Report dated April 20, 2015, entitled "CD-1 Rezoning: 5648-5678 Victoria Drive", 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 April 20, 2015, entitled "CD-1 Rezoning: 5648-5678 Victoria Drive".
- 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 UNANIMOUSLY

#### **8. REZONING: 3819 Boundary Road (3680-3684 East 22nd Avenue)**

An application by W.T. Leung Architects Inc. was considered as follows:

Summary: To rezone 3819 Boundary Road (3680-3684 East 22nd Avenue) from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey multiple dwelling building with 23 secured for-profit affordable rental housing units. A height of 12.5 m (41 ft.) and a floor space ratio (FSR) of 1.63 are proposed.

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

#### **Staff Opening Comments**

Planning and Development Services staff reviewed the application and responded to questions.

#### **Applicant Comments**

Wing Leung, W.T. Leung Architects Inc., 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 and receipt of public comments:

- 10 emails and letters in support
- 7 emails and letters in opposition

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to one or more aspects of the application:

Mike Bhangu  
Charles Leong  
David Sexton

The speakers list and receipt of public comments closed at 10:01 pm.

\* \* \* \* \*

*At 10:02 pm, it was*

*MOVED by Councillor Deal*

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

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

\* \* \* \* \*

## Staff Closing Comments

Planning and Development Services staff, Housing Policy and Projects staff and Engineering staff responded to questions.

## Council Decision

MOVED by Councillor Louie

- A. THAT the application by W.T. Leung Architects Inc., on behalf of 0944881 B.C. Ltd., to rezone 3819 Boundary Road [*Lot 1 and the North 20.583 Feet of Lot 2, Both of Lot 1, Block A, North East ¼ of Section 51, THSL Plan 1722; PIDs: 014-371-707 and 014-371-723 respectively*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.20 to 1.63 and the height from 10.7 m (35 ft.) to 12.5 m (41 ft.) to permit the development of a four-storey multiple dwelling building with 23 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated April 20, 2015, entitled "CD-1 Rezoning: 3819 Boundary Road (3680-3684 East 22nd 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 City of Vancouver Community Services Development Services, June 23, 2014", subject to the following conditions, provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

### Urban Design

1. Significant design development to provide an accessible, semi-private rooftop outdoor amenity space, including garden plots, hose bibs, a storage shed for gardening implements and areas for sitting and eating. The location of the rooftop amenity should take into consideration the potential impact of overlook to the properties located due west.
2. Significant design development to visually integrate the elevator penthouse with the remainder of the building, using an architectural treatment that reduces the obtrusiveness of this element.
3. Significant design development to improve the visual transition to the property located due south, along the south property line, including:
  - (i) Visual masking of the parking spaces located along the property line.
  - (ii) Improved architectural treatment to the proposed retaining walls along the south property line, such as providing a facing of brick.
  - (iii) Provision of at-grade planting strips along the south property line, where possible.
  - (iv) Improved security to the parking area with a higher physical gate element, rather than the proposed balustrade.
4. Design development of the public realm interface at Boundary Road and 22nd Avenue to provide substantial greenery around the property edges by:

- (i) Placement of substantial green setbacks adjacent to semi-private residential near to grade patios located adjacent to the public sidewalk;

Note to Applicant: Shift planter edge walls in-board of property line by a minimum of 2.0 ft., to accommodate a row of shrubs and trees, where possible, on private property. City property should be planted in lawn.

- (ii) Locate new trees at grade wherever possible; and
- (iii) Incorporate spreading shrubs to cascade over landscaped planters.

- 5. Further design development to the near to grade private patio at the corner of 22nd Avenue and Boundary Road to maximize the potential for a landscape buffered edge adjacent to Boundary Road.

Note to Applicant: This can be achieved by deleting the patio at the east side of the dwelling unit to expand the length of the landscaped planter to meet 22nd Avenue. Shift patio gate and enclosed patio door.

#### **Sustainability**

- 6. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen™ BC Gold and a minimum of score of Energuide 82, as required by the *Green Buildings Policy for Rezonings*.

Note to Applicant: Provide a BuiltGreen™ BC scorecard confirming that the project will achieve Gold level and a minimum score of Energuide 82. Both the scorecard and description should be incorporated into the drawing set and significant BuiltGreen™ BC features detailed on the plans.

#### **Crime Prevention Through Environmental Design (CPTED)**

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

### Landscape Design

8. Provision of new street trees, where applicable, to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering, (604.871.6131) to confirm tree planting locations and Park Board for tree species selection and planting requirements.

9. Design development of the public realm interface to maximize greenery at property edges.
10. Provision of in-ground planting opportunities for new trees within private landscape setbacks along street frontages, where possible.
11. Provision of a common roof deck with access and open, programmable space to accommodate a flexible children's play area, urban agriculture and social gathering space for use by building residents.

### Engineering

12. The legal description on page 1.00 of the application package, stamped "Received Planning & Development Services (REZONING CENTRE)" on June 23, 2014, is in error. It should be corrected to read "Lot 1 and the North 20.583 Feet of Lot 2, Both of Lot 1, Block A, North East ¼ of Section 51, THSL, Plan 1722".

13. Provision of the correct size of disability parking space.

Note to Applicant: The disability space should be 4.0 m (13' - ½") in width and can be comprised of a standard parking space and an adjacent drive aisle.

14. Provision of a minimum parking space dimension of 2.9 m width and 5.5 m length for the shared vehicle parking space.

Note to Applicant: These increased parking space dimensions are a requirement of the Shared Vehicle Agreement.

15. Provision of automatic door openers that would simultaneously operate both doors to the Class A bicycle storage. This would improve access for cyclists within the small space between the two doors.

16. Provision of a bicycle wheel ramp on the building front stairs between the sidewalk and the building lobby to be clearly noted on plans.
17. Provision of a letter from the property owner confirming that there will not be any restrictions on cyclists' use of the lobby to access the bicycle room.
18. Provision of confirmation that Zip Car continues to remain interested in the placement of a shared vehicle on this site.

#### **Housing Policy and Projects**

19. That the proposed unit mix, 74% one-bedroom and studio, and 26% two-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from that set out in the rezoning application must 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 Lot 1 and the North 20.583 Feet of Lot 2, Both of Lot 1, Block A, North East ¼ of Section 51, THSL, Plan 1722 to create a single parcel.
2. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, (with such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (i) Provide one Shared Vehicle to the development for a minimum period of three years.
  - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of

- Engineering Services to secure the operation and maintenance of the Shared Vehicle(s).
- (iii) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles.
  - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s).
  - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle.
  - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
  - (vii) Provision of an updated letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.
3. 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) Should the existing sidewalks on Boundary Road and 22nd Avenue adjacent the site be significantly damaged during construction activities then the sidewalk is to be replaced to current City standards consisting of a minimum of 1.8 m wide concrete walks or wider should space permit, with light broom finish and saw-cut joints. Replacement is to be determined at the sole discretion of the General Manager of Engineering Services.
  - (ii) Provision of a standard concrete lane entry on the south side of 22nd Avenue at the lane west of Boundary Road.
  - (iii) Provision of improved curb ramps at the southwest corner of the Boundary Road and 22nd Avenue intersection adjacent to the site.



- (iv) Provision of street trees adjacent the site where space permits.
  - (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
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.

### *Housing*

5. 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 the life of the building or 60 years, 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.
- (vii) Such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

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

### Soils

6. 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 April 20, 2015, entitled "CD-1 Rezoning: 3819 Boundary Road (3680-3684 East 22nd 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) and prior to enactment of the CD-1 By-law contemplated by the above-noted report.
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY  
(Councillor Ball absent for the vote)

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY  
(Councillor Ball absent for the vote)

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Jang  
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY  
(Councillor Ball absent for the vote)

**ADJOURNMENT**

MOVED by Councillor Carr  
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY  
(Councillor Ball absent for the vote)

The Public Hearing adjourned at 10:21 pm.

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