



## PUBLIC HEARING MINUTES

JUNE 25, 2015

A Public Hearing of the City of Vancouver was held on Thursday, June 25, 2015, at 6:10 pm, in the Council Chamber, Third Floor, City Hall.

**PRESENT:** Mayor Gregor Robertson  
Councillor George Affleck  
Councillor Adriane Carr  
Councillor Melissa De Genova  
Councillor Heather Deal  
Councillor Raymond Louie  
Councillor Geoff Meggs  
Councillor Andrea Reimer  
Councillor Tim Stevenson

**ABSENT:** Councillor Elizabeth Ball (Medical Leave)  
Councillor Kerry Jang (Sick Leave)

**CITY CLERK'S OFFICE:** Leslie Tuerlings, Meeting Coordinator  
Terri Burke, Meeting Coordinator

### COMMITTEE OF THE WHOLE

MOVED by Councillor Carr  
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

#### 1. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA): 1014 West 11th Avenue (Muir House)

An application by James Tod, JTA Development Consultants, was considered as follows:

**Summary:** To designate the exterior of the Muir House at 1014 West 11th Avenue as protected heritage property, and to 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 DE418220, to permit the construction of a new secured rental building with eleven dwelling units.

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.

### Speakers

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

The speakers list and receipt of public comments closed at 6:15 pm.

### Council Decision

MOVED by Councillor Deal

- A. THAT Council add the existing building at 1014 West 11th Avenue [PID: 014-684-349; Lot 8 except the west 45 feet, Block 395, District Lot 526, Plan 1276; PID: 014-684-357; Lot 8 except the east 10 feet, Block 395, District Lot 526, Plan 1276], known as the Muir House 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 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 in respect of the heritage building to:
  - (i) secure the rehabilitation and long-term preservation of the heritage building; and
  - (ii) vary the *Zoning and Development By-law* and the *Vancouver Development Cost Levy By-law* in respect of the site to permit the construction of an infill building as proposed under Development Permit Application No. DE418220 and as more particularly described in the policy report dated June 10, 2015, entitled "1014 West 11<sup>th</sup> Avenue - Muir House - Heritage Designation and Heritage Revitalization Agreement".
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site, to the satisfaction of the Director of Legal Services and the Director of Planning.

- 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 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: 1938 Ferndale Street (Margaret and Joseph Dick House)

An application by Veronika and Bruno Bernardis was considered as follows:

Summary: To designate the exterior of the Margaret and Joseph Dick House at 1938 Ferndale Street, which is listed on the Vancouver Heritage Register in the 'C' evaluation category, as a protected heritage property. The owners have requested the heritage designation of their own volition.

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.

### Speakers

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

The speakers list and receipt of public comments closed at 6:18 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 1938 Ferndale Street [PID: 013-956-701, Lot E, Block 48, District Lot 184, Plan 2210], known as the Margaret and Joseph Dick House, which is listed on the Vancouver Heritage Register in the 'C' evaluation category.

- 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 the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

**3. HERITAGE DESIGNATION: 3171 West 5th Avenue (Juno Miller House)**

An application by Kerr Construction was considered as follows:

Summary: To designate the exterior of the Juno Miller House at 3171 West 5th Avenue, which is listed on the Vancouver Heritage Register in the 'C' evaluation category, as protected heritage property. Under Development Permit Application Number DE418970, heritage designation of the Juno Miller House is required as a condition of approval.

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.

**Speakers**

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

The speakers list and receipt of public comments closed at 6:21 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 3171 West 5th Avenue [PID: 010-578-421, Lot D of Lots 10 to 12, Block 30, District Lot 540, Plan 4976], known as the Juno Miller House, which is listed on the Vancouver Heritage Register in the 'C' evaluation category.

- 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 the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

#### 4. TEXT AMENDMENT: 785 West 16th Avenue (Shalhevet Girls High School)

An application by Value Property Group was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (303) By-law No. 7166 to add "School - Elementary or Secondary" as a permitted use and to limit this use to a maximum floor area of 260 m<sup>2</sup> (2,799 sq. ft.).

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

#### Summary of Correspondence

Council received three emails in support of this application since referral to Public Hearing.

#### Speakers

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

The speakers list and receipt of public comments closed at 6:23 pm.

#### Council Decision

MOVED by Councillor DeGenova

- A. THAT the application by Value Property Group, on behalf of Pacific Torah Institute Society (Shalhevet Girls High School), to amend CD-1 (303) By-law No. 7166 for 785 West 16th Avenue [*Strata Lots 1 to 4, District Lots 472 and 526, Strata Plan LMS1748; PIDs: 019-097-506, 019-097-514, 019-097-522 and 019-097-531 respectively*] to add as a permitted use "School - Elementary or Secondary", generally as presented in Appendix A of the Policy Report dated May 19, 2015, entitled "CD-1 Text Amendment: 785 West 16th Avenue (Shalhevet Girls High School)", 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

**5. TEXT AMENDMENT: 803 West 12th Avenue (Vancouver General Hospital)**

An application by Value Property Group was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (59) By-law No. 4472 to accommodate architectural features of the Segal Centre.

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

**Summary of Correspondence**

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

**Speakers**

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

The speakers list and receipt of public comments closed at 6:25 pm.

**Council Decision**

MOVED by Councillor Carr

- A. THAT the application by Parkin Architects Western Ltd., on behalf of Vancouver Coastal Health Authority, to amend CD-1 (59) By-law No. 4472 for Vancouver General Hospital [*PID: 025-504-088 ; Parcel 1, Block 376 and 377, District Lot 526 Group 1, NWD, Plan BCP 1644*] to accommodate architectural features of

the Segal Centre, generally as presented in Appendix A of the Policy Report dated May 19, 2015, entitled "CD-1 Text Amendment: Vancouver General Hospital (Segal Centre)", 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. TEXT AMENDMENT: 1229-1281 Hornby Street (Burrard Gateway)

An application by IBI/HB Architects was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (588) By-law No. 11107 to decrease the permitted floor area for sub-area B by 1,960.7 m<sup>2</sup> (21,076 sq. ft.) and to increase the permitted floor area for sub-area A by the same amount, allowing for revisions to the proposed tower floor plate.

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

#### Summary of Correspondence

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

#### Speakers

Mayor Robertson called for speakers for and against the application.

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

Jalleh Kermanshahi  
Michelle Rose  
Angela Shuey

The speakers list and receipt of public comments closed at 6:34 pm.

### Council Decision

MOVED by Councillor Louie

- A. THAT the application by IBI/HB Architects, on behalf of Rattenbury Enterprises Ltd. and 0785687 B.C. Ltd., to amend the text of CD-1 (Comprehensive Development) District (588) By-law No. 11107 for 1229-1281 Hornby Street [*PID: 029-416-141, Lot G Block 100 District Lot 541 Group 1 New Westminster District Plan EPP44019*], to decrease the permitted floor area for sub-area B by 1,960.7 m<sup>2</sup> (21,076 sq. ft.) and to increase the permitted floor area for sub-area A by the same amount, allowing for revisions to the proposed tower floor plate, generally as presented in Appendix A of the Policy Report dated May 14, 2015, entitled "CD-1 Text Amendment: 1229-1281 Hornby Street (Burrard Gateway)", 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

### 7. REZONING: 5355-5389 Cambie Street

An application by GBL Architects was considered as follows:

Summary: To rezone 5355-5389 Cambie Street from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of one six-storey residential building with two-storey townhouses at the lane, containing a total of 48 dwelling units. A height of 22.3 m (73 ft.) and a floor space ratio (FSR) of 2.44 are proposed.

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



### Staff Opening Comments

The Director of Real Estate Services responded to questions from staff at referral.

### Summary of Correspondence

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

### Speakers

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

The speakers list and receipt of public comments closed at 6:39 pm.

### Council Decision

MOVED by Councillor Deal

- A. THAT the application by GBL Architects Inc., on behalf of Huan He and Mei Shen, to rezone 5355-5389 Cambie Street [*Lots 17 and 18, Block 875, District Lot 526, Plan 8664; PIDs 009-972-633 and 009-972-668 respectively*] from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.75 to 2.44 FSR and the height from 9.2 m (30.2 ft.) to 22.3 m (73 ft.) to permit the development of a six-storey residential building with two-storey townhouses at the lane, containing a total of 48 dwelling units, generally as presented in Appendix A of the Policy Report dated May 12, 2015, entitled "CD-1 Rezoning: 5355-5389 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, September 15, 2014", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

#### Design Development

1. Design development to the townhouses to provide an improved interface with the lane.

Note to Applicant: Laneway buildings should activate and animate the lane by providing entrances, patios or decks facing the lane. Windows and decks should be appropriately sized to address the smaller scale residential character of the laneway buildings. The main floor of the laneway building should be located within approximately 3 feet of the finished grade at the lane to avoid high blank walls adjacent the lane. A maximum building frontage of 80 feet should be provided.

2. Design development to provide larger side yard setbacks, particularly at the north side.

Note to Applicant: A minimum side yard setback of 12 feet should be provided at the north side to improve the transition to the existing and future development at the smaller site. The high solid wall at the north property line adjacent the parking drive aisle is not supported and should be deleted. Walls at the side property line may not exceed 6 feet fence height.

3. Design development to reduce potential overlook impacts on the adjacent site to the north.

Note to Applicant: A reflected elevation should be provided showing the profile and window locations for the existing building on the adjacent site to the north. New windows should not directly overlap or provide undue overlook towards existing windows.

4. Design development to improve the livability of units.

Note to Applicant: All habitable rooms are required to have a window in an exterior wall to meet Horizontal Angle of Daylight requirements; internal bedrooms with no windows are not supported.

5. Design development to provide indoor common amenity space.

Note to Applicant: Indoor amenity space should be of a size suitable to the number and type of units and located adjacent outdoor amenity space.

6. Design development to improve the children's play area.

Note to Applicant: A larger ground-oriented space should be provided in a location suitable for children's play space with adjacent common amenity room. Refer to the *High-Density Housing for Families with Children Guidelines* for more information.

7. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

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

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

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 alcoves and vandalism, such as graffiti.

#### **Sustainability**

9. 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.

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

11. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
12. 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.

13. 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.
14. 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*.
15. 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

16. Site utilities and vents located onto private property and integrated discreetly into the building, avoiding landscaped and common areas.
17. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 square feet.

18. Grades, retaining walls, walkways and structural elements, such as underground parking, designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

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

19. Responsible resolution of any conflict with a neighbor tree(s) and vegetation in proximity to proposed excavation:

Note to Applicant: There is at least one neighbor owned tree identified on the survey in close proximity to the proposed excavation. Design development and/or coordination with the neighbor(s) is required to ensure that conflicts are resolved in advance.

20. At time of development permit application:

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

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

- (ii) Provision of a Tree Plan.

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

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

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

### Housing Policy

- 21. The proposed unit mix including 18 one-bedroom, 19 two-bedroom and 11 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.

- 22. Provision of a final Tenant Relocation Plan to the satisfaction of the Chief Housing Officer, which in addition to the terms contained in this report and approved by Council, will include an updated list of tenants and rents, current as of the time of Development Permit application.
- 23. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
- 24. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.

### Engineering

- 25. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. Note; pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

26. The following statement is to be noted on the landscape plans:  
"A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Eileen Curran at 604.871.6131 or Kevin Cavell at 604.873.7773 for details."
27. Delete proposed trees or bushes from the back boulevard and show treatments that meet the boulevard landscaping guidelines. Note a 1'-0" grass strip or setback from the back of the Cambie Street sidewalk is required before any plantings may be installed.
28. Clearly plot the existing wood pole in the lane and ensure it does not impede access to the proposed parkade ramp.
29. Provide design elevations at all entries along the property lines clearly showing all entries meet the City building grades.

#### 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 17 & 18, Block 875, DL 526, Plan 8664 to create a single parcel.
2. Provision of legal arrangements to secure access to underground parking within the future development on the adjacent property at 526 W 37th Avenue (Lot 19, Block 875, DL 526, Plan 8664) is required.
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) 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.
  - (ii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the 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.
  - (iii) Provision of a \$150,000.00 cash contribution towards the construction of cycling facility adjacent the site which will include reconstruction of Cambie Street boulevard adjacent the site to accommodate the installation of new curb and gutter, sidewalk, boulevards, a raised cycle track, street lighting, street trees, bus stop adjustments and other associated works.
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.



## Sustainability

5. Provision of such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:

- (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a 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 NES access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the Applicant.

## Soils

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

- (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental 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

7. Secure the purchase and transfer 252.1 m<sup>2</sup> (2,714 sq. ft.) of heritage density (which has a value of \$176,385) 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) sites, 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)

8. Pay to the City the cash component of the Community Amenity Contribution of \$1,587,465 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) \$881,925 to the Affordable Housing Reserve.
  - (ii) \$705,540 to childcare 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 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

**8. TEXT AMENDMENT: 520 West Georgia Street (Telus Garden - Animated Sign)**

An application by Henriquez Partners Architects was considered as follows:

Summary: To amend the Sign By-law to allow a 7.5 m x 11 m retractable screen with electronic copy, in the form of projected video images, on the west façade of TELUS Garden, between the 16th and 18th floors of the 22-storey building. The proposed screen will feature video art and community programming, as well as limited tenant recognition for TELUS Garden tenants who sponsor video programming. There will be no advertising for products or services. The screen will animate the building and precinct, which is in close proximity to the Granville Street entertainment district and to the existing and anticipated future location of the Vancouver Art Gallery.

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

### **Staff Opening Comments**

Planning and Development Services Staff provided a presentation and responded to questions.

### **Applicant Comments**

Rhiannon Mabberley, Westbank Corp., responded to questions.

### **Summary of Correspondence**

Council received thirteen emails in support of this application since referral to Public Hearing.

### **Speakers**

Mayor Robertson called for speakers for and against the application.

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

Clifford Murray  
David Cookson

The speakers list and receipt of public comments closed at 7:30 pm.

### **Council Decision**

MOVED by Councillor Deal

- A. THAT the application by Henriquez Partners Architects, on behalf of 500 Georgia Property Inc. (a partnership between TELUS Communications and Westbank Properties), the registered owners of a commercial building known as TELUS Garden having a civic address of 520 West Georgia Street [*PID: 028-779-576; Lot A, Block 54, District Lot 541, Group 1, New Westminster District Plan BCP50274*], to amend the Sign By-law to allow a sign on a retractable screen with electronic copy in the form of projected video images to be installed and operated on the west façade of TELUS Garden, generally as presented in Appendix A of the Policy Report dated May 15, 2015, entitled "Sign By-law Amendment: 520 West Georgia Street (TELUS Garden)", be approved.

- B. THAT, prior to enactment of the by-law to amend the Sign By-law, the Director of Legal Services be authorized to enter into an agreement to set out the terms and conditions of the use and operation of the Screen (the "Agreement") with the Owner on the terms and conditions set out in Appendix B and Appendix C of the Policy Report dated May 15, 2015, entitled "Sign By-law Amendment: 520 West Georgia Street (TELUS Garden)" and on such other terms and conditions as are acceptable to the Director of Legal Services and the General Manager of Planning and Development Services;
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost; and
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law amending the Sign By-law and any costs incurred in fulfilling requirements imposed as a condition of amending the Sign By-law are at the risk of the property owner.

CARRIED  
(Councillor Carr opposed)

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Carr

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Deal  
SECONDED by Councillor Carr

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

CARRIED UNANIMOUSLY

**ADJOURNMENT**

MOVED by Councillor Deal  
SECONDED by Councillor Stevenson

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:00 pm.

\* \* \* \* \*