



## PUBLIC HEARING MINUTES

JULY 13, 2015

A Public Hearing of the City of Vancouver was held on Monday, July 13, 2015, at 6:08 pm, in the Council Chamber, Third Floor, City Hall.

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

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

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

\* Denotes absence for a portion of the meeting.

### 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 amendments to zoning by-laws.

CARRIED UNANIMOUSLY

#### 1. TEXT AMENDMENT: 162 West 1st Avenue (Theatre Centre)

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

Summary: To amend the Sign By-law to allow signage consisting of one canopy sign containing third party advertising and two fascia signs containing third party advertising at 162 West 1st Avenue, and to approve the Naming Rights Proposal for the Theatre Centre.

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

Eight emails in support were 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.

Dawn Brennan, Bard on the Beach Theatre Society / Arts Club of Vancouver Theatre Society  
Trish McGrath  
Bill Millerd, Artistic Director, Arts Club Theatre Company  
Ron Reed, Artistic Director, Pacific Theatre

The speakers list and receipt of public comments closed at 6:40 pm.

### Council Decision

MOVED by Councillor Deal

- A. THAT the application to amend the Sign By-law to allow signage consisting of one canopy sign containing third party advertising and two fascia signs containing third party advertising at 162 West 1st Avenue, generally as set out in Appendix A of the Policy Report dated June 10, 2015, entitled "162 West 1st Avenue - Theatre Centre - Sign By-law Amendment and Naming Rights", be approved.
- B. THAT, subject to enactment of the amendments to the Sign By-law and satisfaction of the conditions, generally as set out in Appendix B of the Policy Report dated June 10, 2015, entitled "162 West 1st Avenue - Theatre Centre - Sign By-law Amendment and Naming Rights", the Naming Rights Proposal for the theatre centre be approved.

- C. THAT, subject to approval of A and B above and prior to enactment of the amendments to the Sign By-law, the Director of Legal Services be authorized to execute on behalf of the City an approval agreement as required in Appendix B of the Policy Report dated June 10, 2015, entitled "162 West 1st Avenue - Theatre Centre - Sign By-law Amendment and Naming Rights" .

CARRIED

(Councillors Louie and Reimer opposed)

2. **TEXT AMENDMENT: Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, the Downtown Official Development Plan, various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines**

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

Summary: To amend the Zoning and Development By-law for miscellaneous text amendments to the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule; to the Downtown Official Development Plan By-law; to CD-1 (569) By-law No. 10934 for 516 West 50th Avenue and 6629-6709 Cambie Street; to CD-1 (577) By-law No. 11020 for 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord Street; to CD-1 (589) By-law No. 11108 for 563-571 West King Edward Avenue; and to CD-1 (600) By-law No. 11194 for 508 West 28th Avenue and 4439-4461 Cambie Street.

The General Manager of Planning and Development Services recommended approval.

### 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 and none were present.

The speakers list and receipt of public comments closed at 7:05 pm.

## Council Decision

MOVED by Councillor Deal

- A. THAT the application to:
- (i) amend the Zoning and Development By-law for miscellaneous text amendments to the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, generally as presented in Appendix A of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines";
  - (ii) amend the Downtown Official Development Plan By-law for miscellaneous text amendments, generally as presented in Appendix B of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines";
  - (iii) amend CD-1 (569) By-law No. 10934 for 516 West 50th Avenue and 6629-6709 Cambie Street for miscellaneous text amendments, generally as presented in Appendix C of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines";
  - (iv) amend CD-1 (577) By-law No. 11020 for 8175 Cambie Street, 519 Southwest Marine Drive and 8180-8192 Lord Street for miscellaneous text amendments, generally as presented in Appendix D of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines";
  - (v) amend CD-1 (589) By-law No. 11108 for 563-571 West King Edward Avenue for miscellaneous text amendments, generally as presented in Appendix E of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines"; and

- (vi) amend CD-1 (600) By-law No. 11194 for 508 West 28th Avenue and 4439-4461 Cambie Street for miscellaneous text amendments, generally as presented in Appendix F of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines"

be approved.

- B. THAT the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines be amended, as contained in Appendix G of the Policy Report dated May 22, 2015, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law, RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, to the Downtown Official Development Plan, to various CD-1 By-laws and to the West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines", to provide guidance for development in RM-5D areas.

CARRIED UNANIMOUSLY

### 3. TEXT AMENDMENT: 1001-1015 Denman Street

An application by DYS Architecture was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (427) By-law No. 8978 for 1001-1015 Denman Street to add non-residential uses that are consistent with the surrounding C-5 (Commercial) District along Denman Street and to remove residential uses in order to be consistent with the recently adopted West End Community Plan.

The General Manager of Planning and Development Services recommended approval.

#### 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 and none were present.

The speakers list and receipt of public comments closed at 7:08 pm.

## Council Decision

MOVED by Councillor Jang

- A. THAT the application by DYS Architecture, on behalf of George Loh Ltd., to amend the text of CD-1 (Comprehensive Development) District (427) By-law No. 8978 for 1001-1015 Denman Street [*PID: 026-037-122, Lot A, Block 69, District Lot 185, Group 1, New Westminster District, PLAN BCP13164*] to add non-residential uses that are consistent with the surrounding C-5 (Commercial) District along Denman Street and to remove residential uses, to be consistent with the West End Community Plan, generally as presented in Appendix A of the Policy Report dated May 27, 2015, entitled "CD-1 Text Amendment - 1001-1015 Denman Street", 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

### 4. REZONING: 1754-1772 Pendrell Street

An application by Henriquez Partners Architects was considered as follows:

Summary: To rezone 1754-1772 Pendrell Street from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a 21-storey multiple dwelling building containing 178 secured market rental housing units, 26 of which are secured for 30 years with rents at 20 per cent below the average West End area market rents. A height of 58 m (190 ft.) and a floor space ratio (FSR) of 6.96 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 along with Real Estate Services staff, responded to questions.

Staff noted a minor correction on page 10, paragraph four, line two of the Policy Report dated June 16, 2015, entitled "CD-1 Rezoning: 1754-1772 Pendrell Street". The report states a "maximum 7.0 FSR" should read "maximum 2.2 FSR".

### 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:

- 59 emails in support
- 10 emails in opposition

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Dean Malone  
Matej Mekar  
Andrea Mork  
Malcolm Lowe  
Karen New, Modo Co-operative  
Jamie Forrest  
David Hutniak, CEO, Landlord BC  
David Field  
Gregory Borowski  
Gillan Jackson  
McKenzie McMillan

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

Veronika Gruber  
Tomas Hala  
Maureen Madill  
Anya Stec  
Aneta Kijas  
Jane-Anne Manson  
Ric Dollard  
Frantz De Rycke  
Zdena Farik

The speakers list and receipt of public comments closed at 9:41 pm.

### **Applicant Closing Comments**

Dale McClanaghan, Tenant Relocation Consultant, provided further clarification on the relocation package and along with Farouk Babul, Westbank Corp., responded to questions.

### **Staff Closing Comments**

Planning and Development Services staff provided clarification on the application and development in the West End in relation to the West End Community Plan and responded to questions.

MOVED by Councillor Jang

THAT discussion and decision on the application "Rezoning: 1754-1772 Pendrell Street" be referred to the Regular Council meeting to be held on Tuesday, July 21, 2015, as Unfinished Business;

FURTHER THAT the meeting be extended to complete the remaining items on the agenda.

CARRIED UNANIMOUSLY  
(Councillor Deal absent for the vote)

### **5. REZONING: 3090 East 54th Avenue (Fire Hall No. 5 and YWCA Housing)**

An application by Johnston Davidson Architecture was considered as follows:

Summary: To rezone 3090 East 54th Avenue from CD-1 (Comprehensive Development) District (19) to a new CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with a fire hall at grade and on the second floor (replacing Fire Hall No. 5) and with 31 social housing units to be operated by the Young Women's Christian Association (YWCA) on the third to sixth floors, inclusive. A height of 24.1 m (79 ft.) and a floor space ratio (FSR) of 2.74 are proposed.

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

### **Summary of Correspondence**

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:

- 8 emails in support
- 1 letter in opposition



## Speakers

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

The speakers list and receipt of public comments closed at 9:57 pm.

## Staff Closing Comments

Planning and Development Services staff responded to questions.

## Council Decision

MOVED by Councillor Jang

- A. THAT the application by Johnston Davidson Architecture and Planning Inc., on behalf of the City of Vancouver, to rezone 3090 East 54th Avenue [PID: 009-127-666; Lot 2 of Lot A Block 71 Fraserview Plan 11199] to amend CD-1 (19) (Comprehensive Development) District to create a new CD-1 (Comprehensive Development) District to permit a floor space ratio to 2.74, a building height of 24.1 m (79 ft.) and Dwelling Uses to allow construction of a mixed-use six-storey building with a fire hall at grade and second floor with social housing (to be operated by the Young Women's Christian Association Metro Vancouver (YWCA)) on the third to sixth floors, inclusive, generally as presented in Appendix A of the Policy Report dated June 15, 2015, entitled "CD-1 Rezoning: 3090 East 54th Avenue (Fire Hall No. 5 and YWCA Housing)", 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 Johnston Davidson Architecture and Planning Inc., and stamped "Received City Planning Department, February 17, 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 the exterior expression of the building for the residential use to appear less distinct from the fire hall use.

Note to Applicant: This can be accomplished by reducing the overhang in the massing at the third storey floor line and design development to the composition of exterior finish materials to be more cohesive between the two uses.

2. Design development to the expression of the two circulation towers to reduce the massing impacts to neighbouring spaces and buildings.

Note to Applicant: Consider a lighter expression incorporating increased transparency or materials finished in lighter colours. See also Landscape condition 11.

3. Provision of high quality material treatments;

Note to Applicant: Consider passive shading elements on south and west facades to address solar heat gain. Proposed material such as brick and UHPC panel are to be maintained as indicated. Detailed sections and elevations illustrating high quality material treatments are required.

4. Design development to the composition of exterior finish materials to minimize the building's apparent bulkiness.

5. Design development to provide an enhanced exterior ground surface treatment at the residential entry and fire hall entry.

Note to Applicant: See also Landscape condition 13.

6. Design development to ensure the protection, enhancement and creation of bird habitat, as well, to reduce potential threats to birds by incorporating the City of Vancouver Bird-Friendly Design Guidelines.

7. Design development to ensure that the areas beneath the roof level canopies are not to be enclosed.

Note to Applicant: See also Development Review Branch condition 25.

8. Design development to enclose garbage and recycling areas, or incorporate them into the building.

Note to Applicant: Intent is to contain odours and reduce noise impacts to neighbours. Access to garbage and Recycling areas should be provided from within the building.

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

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

### **Sustainability**

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including at a minimum 63 points in the LEED® rating system, a 22 per cent reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist and a written strategy outlining how the proposed points will be achieved, a letter of confirmation from an accredited consultant confirming that the building has been designed to meet these goal, and a letter of confirmation including registration number from the CaGBC. The checklist and strategy should be incorporated into the drawing set. Application for certification of the project will also be required under the policy.

### **Landscape**

11. Design development to the enhancements of the public realm interface to provide safe high-quality landscaped open spaces with substantial greenery and visual interest to benefit the pedestrian environment at the street level.

Note to Applicant: There is an opportunity to provide greenery such as hardy vines, to climb and soften the south elevation (lane edge) building wall. Plantings should be placed at grade with a durable curb edge (minimum 8 in. high) for protection against manoeuvring vehicles.

12. Provision of a flexible Child's Play Space incorporating forms for children to engage in active and passive social play within a common outdoor open space gathering area on the roof, with weather protection.

Note to Applicant: Refer to the High-Density Housing for Families with Children Guidelines for further recommendations.

13. Design development of the Kerr Street residential pedestrian entry to provide higher-quality, and simplified paving treatment.

Note to Applicant: Delete section of proposed red/ grey pavers and substitute with tan colour pavers for consistency, and coordinated with paving proposed at other at-grade building locations.

14. Design development to enhance the common outdoor amenity roof deck by providing more weather protection and a more substantial landscape buffered edge by:

- (i) Incorporation of a sun shade structure at the south edge of the patio;

Note to Applicant: This may be a canopy overhang, with a maximum width of 6 ft., attached to the top of the perimeter security fence along the south edge of the patio area, for shade.

- (ii) Placement of substantial fully irrigated landscaped planters along the base of the south perimeter security fence with greenery such as hardy vines to climb the fence and to create shade for residents occupying the patio during the hot summer months.

Note to Applicant: The intent is to create a softer greener edge along the south edge of the patio to shield the summer sun. Consider incorporating vines with edible aspect such as kiwi vine or pole beans. Planters should have sufficient volume to accommodate a minimum 0.6 m (2 ft.) depth and drain without water pooling on the deck. Provide large-scale details at 1/2"=1'-0" to illustrate planter depth height and materials.

15. Provision of new street trees, where applicable, located adjacent to the development site on City property, 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 at 311, for tree species selection and planting requirements.

16. Maximization of plant growing medium volumes within landscaped planters to ensure long term health of plant species.

17. Provision of best current practices for irrigation and managing water conservation including high-efficiency (drip) irrigation and

aspects of xeriscaping making use of drought tolerant plant selection and mulching.

18. Design development to integrate utilities into the building, wherever possible.

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

### Housing Policy

19. That the proposed unit mix, 90 per cent 2-bedroom units and 10 per cent 3-bedroom units are to be included in the Development Permit drawings.

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

### Engineering

20. Provision of an operations management plan that ensures that when fire trucks are parked outside the building they do not obstruct the City sidewalk and that safe passage around the fire trucks is provided for pedestrians at all times.
21. Provision of functional maneuvering for Vancouver Fire and Rescue Services vehicles leaving and returning to the site;

Note to Applicant: Plans should include confirmation of the largest Vancouver Fire and Rescue Services vehicle that will be kept on-site and analysis of the truck maneuvering both leaving and returning to the site. The analysis is to include but not be limited to the notation of turning swaths drawn on the plans confirming an adequate width of the overhead door opening and driveway to facilitate ingress and egress of the longest Vancouver Fire and Rescue Services vehicle operating now or expected in the future within the existing road geometry.

22. Design development to the driveway crossing to ensure that the elevation change is fully within the front boulevard provide a continuous sidewalk slope for people as they walk along the 54th Avenue sidewalk and cross the driveway.

Note to Applicant: Please contact Engineering Services for more details. A crossing application will also be required.

23. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including:

- (i) Provision of a parking ramp design with a slope not exceeding 10 per cent for the first twenty feet from the property line and 12.5 per cent thereafter.
- (ii) Provision of parking spaces correctly dimensioned at 5.5 m in length for standard sized spaces and 4.6 m for small car spaces.
- (iii) Provision of an increased manoeuvring aisle by including the additional 0.7 m gained from the reduction in the length of the parking spaces.
- (iv) Provision of a minimum 6 m (20 ft.) wide overhead security gate located between the Vancouver Fire and Rescue Services parking and the YWCA parking spaces.
- (v) Modification of the main parking ramp and adjacent structure as required to enable vehicle access and sufficient manoeuvring from YWCA stalls 1 and 5.
- (vi) Modification of column placement.

Note to Applicant: A column 0.6 m (2 ft.) in length must be set back 0.6 m (2 ft.) from the end of a standard parking space.

- (vii) Provision of a disability parking space with a minimum dimension of 4.0 m width and 5.5 m length and to be signed on-site for residential tenants' use.

24. Design development to include the following changes to landscape and/or site plans:

- (i) Provision of a 300 mm wide grass strip in the back boulevard between the sidewalk and any proposed planting to ensure that plants do not grow onto the sidewalk and create an encroachment that restricts walking.
- (ii) Provision of a 450 mm grass strip around the bus shelter to facilitate maintenance of the structure without having to trample to the proposed plants.

### Development Review Branch

25. Deletion of all references to the proposed signage, and notation on plans confirming that:

"All signage is shown for reference only and is not approved under this Development Permit. Signage is regulated by the Sign By-law and requires separate approvals. The owner(s) assumes responsibility to achieve compliance with the Sign By-law and obtain the required sign permits."

Note to Applicant: The Sign By-law Coordinator should be contacted at 604-873-7772 for further information.

26. Provision of all covered areas on the roof deck to be included in the computation of Floor Space Ratio;

Note to Applicant: Covered areas of approximately 46.5 m<sup>2</sup> (500 sq. ft.) must remain as amenity space, and must not be enclosed by walls or any other types of structures during the entire lifetime of the building.

### CONDITIONS OF BY-LAW ENACTMENT

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

#### Engineering

1. Provision of a Services Agreement to detail the on 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 standard concrete lane crossing on the west side of Kerr at the lane south of 54th Avenue. Work is to include both curb returns at the lane entry and a new curb ramp to current standards on both sides if required.
  - (ii) Provision of modified pavement markings and signage on 54th Avenue in front of the site to ensure that the existing penalty box (or hatched pavement marking),

respective stop bar for eastbound vehicles and existing signs (on the north side of 54th Avenue) are adjusted to match the proposed fire truck access entry.

- (iii) Provision of new 1.8 m wide broom finish concrete sidewalk complete with saw cut joints on both Kerr Street and 54th Avenue adjacent the site.
  - (iv) Provision of a new concrete bus loading area to replace the existing complete with saw cut joints.
  - (v) Provision of street trees adjacent to the site where space permits.
  - (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 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 per cent of any water system upgrading that may be required.
2. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

### Soils Agreement

3. If applicable:
- (i) Submit a Site Profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team).



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

#### Housing

4. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Section 219 Covenant, Housing Agreement pursuant to section 565.2 of the Vancouver Charter, or other security, to secure the social housing units for the life of the building for use as "social housing" as defined in the Vancouver Development Cost Levy By-law.

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 Parking By-law generally as set out in Appendix C of the Policy Report dated June 15, 2015, entitled "CD-1 Rezoning: 3090 East 54th Avenue (Fire Hall No. 5 and YWCA Housing)".
- C. THAT A and B above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the sole risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY  
(Councillor Deal absent for the vote)

#### 6. REZONING: 467-495 West King Edward Avenue

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

Summary: To rezone 467-495 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with lane-fronting two-storey townhouses, containing a total of 61 dwelling units. A height of 22 m (72 ft.) and a floor space ratio (FSR) of 2.31 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

Real Estate Services staff along with Planning and Development Services staff responded to questions.

## Summary of Correspondence

No correspondence was received since the application was referred to public hearing and prior to the close of the speakers list 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 10:11 pm.

## Council Decision

MOVED by Councillor Carr

- A. THAT the application by GBL Architects Inc., on behalf of The Mission Group Properties G. P. Limited and Evan Shamet, the registered owners, to rezone 467-495 West King Edward Avenue [*Lots 12 to 10, Block 661, District Lot 526, Plan 2913; PIDs 013-343-696, 007-044-712 and 013-343-670 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 0.70 to 2.31 and the height from 10.7 m (35 ft.) to 22.0 m (72 ft.) to permit the development of a six-storey residential building and two-storey townhouses fronting the rear lane, containing a total of 61 dwelling units, generally as presented in Appendix A of the Policy Report dated June 15, 2015, entitled "CD-1 Rezoning: 467-495 West King Edward Avenue", be approved subject to the following conditions:

### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That, the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects Inc., on behalf of Mission Group, and stamped "Received, Planning and Development Services, October 20, 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 the approval of Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

### Urban Design

1. Design development to enhance the public realm amenity of the 'Connector Lane', as outlined in the Cambie Corridor Plan.

- (i) Reduce the potential issue of overlook against future development west, across the lane.

Note to Applicant: Maintain a minimum 2.4 m (8 ft.) between cantilevered building face and west property line. A commensurate reduction in density as building shifts to the east is anticipated.

- (ii) Relocate PMT away from the public amenity of the 'Connector Lane'.

Note to Applicant: Consider reconfiguring the townhouse pattern to allow space for the PMT adjacent to the parking entry ramp.

- 2. Design development to provide increased building setbacks and yards to recommended minimums:

Rear Yard	1.2 m (4 ft.)
West Side Yard	4.3 m (14 ft.)
East Side Yard	2.4 m (8 ft.)
Front Yard Setback	3.0 m (10 ft.)

- 3. Design development to enhance livability and reduce overlook in the mews/courtyard.

Note to Applicant: Maintain a minimum 7.3 m (24 ft.) clear between townhouses and primary building.

- 4. Design development to enhance livability for persons with disabilities.

Note to Applicant: Provide accessible entry sequence from elevator lobby to the Amenity Room located at courtyard level.

- 5. Design development to provide the Amenity Room with contiguous common access outdoor space.

Note to Applicant: Consider integrating the Amenity Room with common access outdoor space provided on Level 5.

- 6. Delete enclosed balcony areas at grade.

Note to Applicant: These areas do not constitute 'balconies' nor comply with Balcony Enclosure Guidelines.

- 7. Design development to improve wayfinding from the project entry to courtyard townhouses.

Note to Applicant: As a consequence of the level change required, a visual connection from the project entry on King Edward Avenue to the courtyard beyond is recommended.

8. Design development to animate laneway as recommended by the Cambie Corridor Guidelines.

Note to Applicant: Provide townhouse unit entries along the lane.

9. Design development to enhance the privacy of neighbours and reduce the potential for overlook.

Note to Applicant: As a consequence of the downward slope to the north of the site, delete rooftop access to townhouse roof decks. Consider providing an extensive roofing treatment.

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

10. Design development to respond to CPTED principles, having particular regard for:

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

#### **Sustainability**

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

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

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including at a minimum 63 points in the LEED® rating system, a 22 per cent reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist and a written strategy outlining how the proposed points will be achieved, a letter of confirmation from an accredited consultant confirming

that the building has been designed to meet these goals, and a letter of confirmation including registration number from the CaGBC. The checklist and strategy should be incorporated into the drawing set. Application for certification of the project will also be required under the policy.

### Landscape

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

Note to Applicant: The lane edge planting should be protected from vehicles by a 20 cm (8 in.) high curb.

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

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

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

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

16. Provision of a Landscape Plan consistent with Cambie Corridor Public Realm Plan.

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

18. At the time of Development Permit application:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed

plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:000 or 1/8" scale.

- (ii) Section details at a minimum scale of 1/4"=1" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future.
- (iii) Sections (1/4"=1" or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

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

- (iv) New proposed street trees should be noted "Final species, quantity and space to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact the Park Board at 311 regarding tree species.
- (v) A high-efficiency automatic irrigation system to be provided for all planters on the parkade slab and hose bibs are to be provided for landscape on grade.
- (vi) A Landscape Lighting Plan to be provided for security purposes.

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

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

### Housing Policy

- 19. That the proposed unit mix, 2 per cent studio, 34 per cent 1-bedroom, 44 per cent 2-bedroom units and 20 per cent

3-bedroom units are to be included in the Development Permit drawings.

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

### Engineering Services

20. Provision of City of Vancouver building grades and design elevations at all entries along the property lines, clearly indicating that building grades are being met.
21. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

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

22. Provision of an updated landscape plan that reflects the improvements sought from this rezoning.

Note to Applicant: A geometric will be supplied by the City for the changes along King Edward Avenue.

23. Clarification of the east property line dimension shown (154'-7") as it does not agree with the 154.11 (154'-1 1/3") indicated by the included survey plan.
24. 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 correct dimensions of disability parking spaces.
- (ii) Provision of wheel stops for perpendicular parking spaces 31 and 32.
- (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints, clearly indicating length and percentage of grade for the parkade ramps.



25. 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.
26. 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 pre-condition 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.

27. 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.
28. 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.
29. 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.

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

## Engineering

1. Dedication, through subdivision of the south 0.75 m of the site and dedication of a 3 m x 3 m (10 ft. x 10 ft.) corner cut at the northwest corner of the site for road purposes. Delete all structures above and below grade from within the purposed dedication areas.
2. Consolidation of Lots 10, 11 and 12, Block 661, DL 526, Plan 2913 to create a single parcel.
3. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a shared access agreement between the development site and the adjacent property at 455 West King Edward Avenue (Lot 13, Block 661, DL 526, Plan 2913) to secure access to underground parking within the future development on Lot 13.

Note to Applicant: Provision of knockout panels, grading details and aisle widths that comply with the Parking and Loading Design Supplement are required.

4. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services 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 per cent 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 of the upgrading. The developer is responsible for 100 per cent of any sewer system upgrading that may be required.

- (iii) Improvements along King Edward Avenue adjacent the site as follows:

Note to Applicant:

- Provision of a new curb, gutter, raised cycle track, sidewalk and treed boulevard with the following cross section: 0.15 m curb/ 2.15 m raised asphalt cycle track/ 0.15 m curb/ 1.2 m sod grass boulevard with trees/ 1.8 m concrete sidewalk with saw cut joints and a 0.3 m sod building strip.
  - Provision of LED street lighting and LED pedestrian scale lighting adjacent the site.
  - Provision of a standard concrete lane entry at the lane east of Cambie Street on the north side of King Edward Avenue including upgrading of the curb returns and curb ramps.
  - Provision of street trees adjacent the site where space permits.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.
6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services

determine are necessary for connection to a City-designated Neighbourhood Energy System (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.
  - (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 Utility.

Note to Applicant: Until a City-designated Neighbourhood Energy 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

7. 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.

### Heritage Density Transfer

8. Secure the purchase and transfer of 306 m<sup>2</sup> (3,297 sq. ft.) of heritage density (which has a value of \$214,335) from a suitable donor site.

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

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

### Community Amenity Contribution (CAC)

9. Pay to the City the Community Amenity Contribution of \$1,929,015 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. The \$1,929,015 is to be allocated as follows:
  - (i) \$1,071,675 to the Affordable Housing Reserve to increase the City's affordable housing supply;
  - (ii) \$782,340 towards facility space, to be used by non-profit organisations, to be located in or near the Cambie Corridor; and
  - (iii) \$75,000 for traffic improvements along Yukon Street, between 16th and 29th Avenues.

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 Parking By-law generally as set out in Appendix C of the Policy Report dated June 15, 2015, entitled "CD-1 Rezoning: 467-495 West King Edward Avenue".
- C. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision

By-law generally as set out in Appendix C of the Policy Report dated June 15, 2015, entitled "CD-1 Rezoning: 467-495 West King Edward Avenue".

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

CARRIED UNANIMOUSLY  
(Councillors Ball and Deal absent for the vote)

#### RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor De Genova

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY  
(Councillors Ball and Deal absent for the vote)

#### ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Carr  
SECONDED by Councillor Jang

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  
(Councillors Ball and Deal absent for the vote)

**ADJOURNMENT**

MOVED by Councillor Reimer  
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY  
(Councillors Ball and Deal absent for the vote)

The Public Hearing adjourned at 10:13 pm.

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