



## PUBLIC HEARING MINUTES

NOVEMBER 24, 2015

A Public Hearing of the City of Vancouver was held on Tuesday, November 24, 2015, at 6:06 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 Geoff Meggs  
Councillor Andrea Reimer  
Councillor Tim Stevenson

**ABSENT:** Councillor Raymond Louie (Leave of Absence)  
Councillor Kerry Jang (Medical Leave)

**CITY CLERK'S OFFICE:** Janice MacKenzie, City Clerk  
Terri Burke, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson  
SECONDED by Councillor Carr

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

CARRIED UNANIMOUSLY

#### 1. **TEXT AMENDMENT: Parking Amendments to Various CD-1 By-laws for Sites Adjacent to SkyTrain**

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

Summary: To amend the following CD-1 (Comprehensive Development) District by-laws located along the Expo SkyTrain line to update the off-street parking requirements:

CD-1 (209) By-law No. 6312 for Kamloops Street and 24th Avenue;  
CD-1 (210) By-law No. 6313 for Nanaimo Street and 26th Avenue;  
CD-1 (212) By-law No. 6315 for 2709-2791 East 28th Avenue;  
CD-1 (213) By-law No. 6316 for Slocan Street and 29th Avenue;  
CD-1 (215) By-law No. 6318 for Earles Street and 29th Avenue;  
CD-1 (217) By-law No. 6320 for Kings Avenue and Rupert Street;  
CD-1 (223) By-law No. 6361 for 2750-2798 East 28th Avenue and 4400-4402  
Kaslo Street; and  
CD-1 (310) By-law No. 7189 for 3550 Walker 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.

### Staff Opening Comments

Planning and Development Services staff, along with Engineering staff, responded to questions.

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*During Councillor Ball's questions to staff, Councillor Reimer rose on a Point of Order under Sections 18.7 and 18.8 of the Procedure By-law, which states the process for which correspondence is to be circulated to Council, and noted Councillor Ball was referencing correspondence that other Council members had not received. At the Mayor's request, the City Clerk advised that Council is not to receive individual correspondence on Public Hearing items, and if such correspondence is received, it needs to be sent to the City Clerk's Office for circulation and posting. Councillor Ball then withdrew her comments.*

\* \* \* \* \*

### Speakers

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

The speakers list and receipt of public comments closed at 6:28 pm.

## Council Decision

MOVED by Councillor Deal

A. THAT, to support transit-oriented development and require less parking on sites adjacent to SkyTrain stations, the application to amend the following CD-1 (Comprehensive Development) By-laws:

- (i) CD-1 (209) By-law No. 6312 for Kamloops Street and 24th Avenue;
- (ii) CD-1 (210) By-law No. 6313 for Nanaimo Street and 26th Avenue;
- (iii) CD-1 (212) By-law No. 6315 for 2709-2791 East 28th Avenue;
- (iv) CD-1 (213) By-law No. 6316 for Slocan Street and 29th Avenue;
- (v) CD-1 (215) By-law No. 6318 for Earles Street and 29th Avenue;
- (vi) CD-1 (217) By-law No. 6320 for Kings Avenue and Rupert Street;
- (vii) CD-1 (223) By-law No. 6361 for 2750-2798 East 28th Avenue and 4400-4402 Kaslo Street; and
- (viii) CD-1 (310) By-law No. 7189 for 3550 Walker Street

to delete the outdated parking sections, generally as set out in Appendix A of the Policy Report dated October 9, 2015, entitled "Parking Amendments to Various CD-1 By-laws for Sites Adjacent to SkyTrain", be approved.

B. THAT, subject to enactment of the amendments to the CD-1 By-laws, the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law, generally as set out in Appendix B of the Policy Report dated October 9, 2015, entitled "Parking Amendments to Various CD-1 By-laws for Sites Adjacent to SkyTrain".

CARRIED

(Councillors Affleck, Ball, and De Genova opposed)

## 2. HERITAGE DESIGNATION: 3760 Quebec Street (McMillan House)

An application by Reine Photography and Design was considered as follows:

Summary: To add the existing building to the Vancouver Heritage Register in the 'C' evaluation category and designate it as a protected heritage property.

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

No correspondence was received since the application was scheduled for Public Hearing and prior to the close of the speakers list.

## Speakers

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

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

## Council Decision

MOVED by Councillor Deal

- A. THAT Council add the existing building at 3760 Quebec Street [PID: 015-258-068; Lot C (Reference Plan 239) of Lots 25 and 26, Block 3, District Lot 629, Plan 483], known as the McMillan 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, in connection with the proposed heritage designation and in conjunction with Development Permit Application Number DE418928 and any related permits, Council waive for the heritage building the requirement, contained in paragraph 5.2 of the Strata Title Policies for RS, RT and RM Zones, that it is to be a condition to development permit approval, for a Multiple Conversion Dwelling on a site with an area less than 668 m<sup>2</sup> (7,200 sq. ft.) in an RS-7 Zone, that the registered owner execute a covenant, which must be registered against title to the property, that prohibits registration of a strata plan.
- D. THAT A to C above be adopted on the following conditions:
  - (i) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects Inc., on behalf of Minglian Holdings and stamped "Received Planning Department, March 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;
  - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

### 3. HERITAGE DESIGNATION: 3780 Quebec Street

An application by Reine Photography and Design was considered as follows:

Summary: To add the existing building to the Vancouver Heritage Register in the 'C' evaluation category and designate it as a protected heritage property.

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

No correspondence was received since the application was scheduled for Public Hearing and prior to the close of the speakers list.

#### Speakers

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

The speakers list and receipt of public comments closed at 6:36 pm.

#### Council Decision

MOVED by Councillor De Genova

- A. THAT Council add the existing building at 3780 Quebec Street [PID: 015-258-050; Lot B (Reference Plan 239) of Lots 25 and 26, Block 3, District Lot 629, Plan 483 (the "site")], known as the Heise House (the "heritage building") 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, in connection with the proposed heritage designation and in conjunction with Development Permit Application Number DE418929 and any related permits, Council waive for the heritage building the requirement, contained in paragraph 5.2 of the Strata Title Policies for RS, RT and RM Zones, that it is to be a condition to development permit approval, for a Multiple Conversion Dwelling on a site with an area less than 668 square metres (7,200 square feet) in an RS-7 Zone, that the registered owner execute a covenant, which must be registered against title to the property, that prohibits registration of a strata plan.

- D. THAT A to C above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

**4. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):  
1846 West 14th Avenue**

An application by Terra Firma Design Ltd. was considered as follows:

Summary: To designate the house at 1846 West 14th Avenue as a protected heritage property and approve a Heritage Revitalization Agreement (HRA) for the site. The applicant proposes variances to the Zoning and Development By-law, as set forth in the Development Permit Application Number DE418668, to permit the construction of a new infill building.

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**

No correspondence was received since the application was scheduled for Public Hearing and prior to the close of the speakers list.

**Speakers**

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

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

## Council Decision

MOVED by Councillor Deal

- A. THAT Council add the existing building at 1846 West 14th Avenue [PID: 012-757-748; Lot 6, Block 447, District Lot 526, Plan 3557 (the "site")], known as the Sutherland House (the "heritage building") 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;
  - (ii) vary the Zoning and Development By-law in respect of the site to permit the construction of an infill building as proposed under Development Permit Application No. DE418668 (the "DP Application") and as more particularly described in the Policy Report dated November 5, 2015, entitled "Heritage Designation and Heritage Revitalization Agreement - 1846 West 14th Avenue (Sutherland House)".
- D. THAT A to C above be adopted on the following conditions:
  - (i) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects Inc., on behalf of Minglian Holdings and stamped "Received Planning Department, March 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.
  - (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

**5. REZONING: 1837-1847 Main Street, 180 East 2nd Avenue and  
157-185 East 3rd Avenue**

An application by Francl Architecture was considered as follows:

**Summary:** To rezone 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit the development of a 12-storey mixed-use building with 256 dwelling units, of which 30 are secured social housing units, along with 4,000 sq. ft. of secured cultural amenity space for use as artist production space. Retail uses are proposed on grade and a public plaza located adjacent to the rear lane. A height of 35.83 m (117.6 ft.) and a floor space ratio (FSR) of 5.50 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 was received since the application was referred to Public Hearing and prior to the close of the speakers list:

- Eleven pieces of correspondence in support of the application;
- Four pieces of correspondence opposed to the application.

**Staff Opening Comments**

Planning and Development Services staff, along with staff from Housing Policy and Projects and Cultural Services, provided an overview of the application and responded to questions.

**Applicant Comments**

Riaan DeBeer, Aquilini Group, provided brief comments on the application.

**Speakers**

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Paul Wong

The speakers list and receipt of public comments closed at 7:20 pm.



## Staff Closing Comments

Planning and Development Services staff, along with staff from Housing Policy and Projects and Cultural Services, responded to questions.

## Council Decision

MOVED by Councillor Deal

- A. THAT the application by Franci Architecture, on behalf of 0839879 B.C. Ltd. to rezone 1837 Main Street [Lots 8 and A (Explanatory Plan 5598), Block 14, District Lot 200A, Plan 197; PIDs: 015-527-506 and 015-527-531 respectively], 180 East 2nd Avenue [Amended Lot 6 (see 318655L) Except Part in Explanatory Plan 7242, Block 14, District Lot 200A, Plan 197; PID:015-527-409 and Amended Lot 7 (See 315656L), Block 14, District Lot 200A, Plan 197; PID: 015-527-468] and 1847 Main Street and 157-185 East 3rd Avenue [Lot 11, Block 14, District Lot 200A, Plan 197; PID: 015-527-514] from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District to, among other things, increase the floor space ratio (FSR) from 3.00 FSR to 5.50 FSR (of which 0.5 FSR is attributable to the floor space for social housing) and the height from 18.3 m (60 ft.) to 35.8 m (117.6 ft.) to allow for a 12-storey mixed-use building with 256 dwelling units of which 30 are secured social housing units, with at-grade retail uses and a plaza located adjacent to the rear lane, and with secured cultural amenity space, generally as presented in Appendix A of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157 185 East 3rd 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 and stamped "Received Planning & Development Services (Rezoning Centre), received on February 10, 2015", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

### Urban Design

1. Design Development to remove the south breezeway connecting the internal plaza to Main Street.

Note to Applicant: The removal of this connector can contribute to enhancing the northern breezeway (see condition 2 below).

2. Design development north breezeway to be improved as follows:
  - (i) Increase the width of the breezeway and maintain the proposed height to improve the visual exposure to the internal courtyard, and
  - (ii) Maintain a high quality of material treatment on the soffit space of the breezeway area.

Note to Applicant: Increasing the width of the breezeway will enhance the overall success of the internal plaza space by improving access and visual exposure.

3. Design development of the public plaza to be improved as follows:
  - (i) Improve interface to the lane with the relocation of the class B loading areas, and
  - (ii) Provide at no cost to the City and to the satisfaction of the Managing Director of Cultural Services: a large, level, hard space plaza area immediately outside of the cultural amenity space with easy access for loading to and from the studios as well as for occasional event use; structural load capacity to accommodate loaded forklifts; electrical supply for lighting and power; running water and grey water disposal.

Note to Applicant: The above will ensure a useful, flexible space that can serve a variety of needs which include accommodating spillover functions from the cultural amenity space, and informal and formal plaza use.

4. Design development of landscape planters to, wherever possible, provide opportunities for comfortable sitting and gathering.

Note to Applicant: The above may be achieved with the use of high quality materials such as steel and wood. Where adjacent to areas of circulation such as along Main Street, projections of seating benches may be minimal to ensure safety to passing pedestrians (see also landscape condition # 6).

5. Design development for the application to provide high quality materials for built form and all landscape elements of the proposal throughout subsequent phases of design development and approval processes.

## Landscape Design

6. Provide enhanced landscape treatment of public realm open spaces at the street level to create neighbourhood identity and enjoyable spaces for pedestrians to stop rest and interact.

Note to Applicant: At Main Street and 2nd Avenue incorporate landscaped planters on private setbacks, with small trees, low shrubs and groundcover plantings with integrated bench seating. At 3rd Avenue, new boulevard street trees on City property should be placed within residential quality greenery (lawn or other hardy groundcover planting).

7. Design of public courtyard plaza to complement the overall public realm plan. Aspects to consider at time of Development Permit Application include special paving, lighting, planting, pedestrian pathways and safety, wayfinding, permanent site furniture, weather protection, garbage storage, recycling and loading.
8. Provision of high-quality materials for landscape surface treatments within the public realm in accordance with the Mount Pleasant Public Realm Plan in consultation with Director of Planning and to the satisfaction of the City Engineer. Refer to Section 4 of the Mount Pleasant Public Realm Plan.
9. Provide a continuous level pedestrian path with connections through the central public plaza space to 2nd Avenue, Main Street, 3rd Avenue and the lane, to ensure universal accessibility.
10. Design development to ensure the sensitive integration of lane edge features such as vehicle loading bays and the future Public Bike Share located adjacent to the open space courtyard plaza design.
11. Final coordination of the public realm treatment to meet the intent of the Mount Pleasant Public Realm Plan.
12. Provide a continuous colonnade of street trees adjacent to the development site at 2nd Avenue, Main Street and 3rd Avenue in consultation with Park Board and to the satisfaction of the City Engineer.
13. Design development to maximize opportunities to incorporate greenery around the building edge in the form of green walls, planted roofs and patios. Mitigate blank walls by locating continuous linear planters and climbing plants at their base.

14. Provision of maximized plant growing medium volumes to support trees and shrubs within landscaped planter areas to ensure long-term viability of plant species.

Note to Applicant: Soil volumes for landscape planters should exceed BC Landscape Standard (latest edition) with the goal to provide a minimum 4-foot depth of growing medium for large species trees planted in ground, and 3-foot depth for trees on structure. Trees planted on structures should be consolidated within a continuous trench, where possible, to improve planting condition. Where possible, alter (drop) slab to achieve soil depths to accommodate substantial trees and shrubs below the level of courtyards and pedestrian pathways.

15. Provision of adequate sunlit areas for Urban Agriculture activity.

Note to Applicant: Raised planters, tool storage, composting, potting bench, harvest table and hose bibs should be incorporated on the plan to enable residents to practice urban agriculture. The design should reference the Urban Agriculture Guidelines for the Private Realm and should maximize sunlight, integrate into the overall landscape design, and provide universal access.

16. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to applicant: Strategies could include high efficiency (drip) irrigation, the use of drought tolerant plants and mulching.

17. Design development to incorporate the principles of the Draft City of Vancouver Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the city.

Note to Applicant: Incorporate a diversity of native and non-invasive plants within the planting scheme.  
<http://vancouver.ca/files/cov/bird-friendlystrategy-design-guidelines-draft-2014-09-01.pdf>

18. Provide at the Development Permit stage:

- (i) A legal survey,
- (ii) A fully labelled Landscape Plan, Sections and Details,

- (iii) Provision of larger-scale section drawings at  $\frac{1}{4}''=1'-0''$  / 1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard plaza areas, and
- (iv) An external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents and birds.

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

- 19. Design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for:
  - (i) theft in the underground parking areas,
  - (ii) residential break and enter,
  - (iii) mail theft,
  - (iv) mischief in alcoves and vandalism, such as graffiti.

#### **Cultural Amenity**

- 20. Design and finish the cultural amenity for Artist Studio-Class B purposes (inclusive of Class A and B use).

Note to Applicant: See guidelines for Class B Artist Studios which require a higher degree of ventilation for artists working with more toxic substances, higher degree of sound proofing for possible use of amplified music and industrial machinery, and industrial fittings.

- 21. Design and finish of flex meeting space and presentation windows fronting on East 3rd Avenue for use by the studio artists and social residents for gathering purposes and to display artworks and to maximize pedestrian amenity.

#### **Housing**

- 22. That the proposed unit mix for the social housing units of, 43% studio, 30% 1- bedroom and 27% 2-bedroom units, be included in the Development Permit drawings.

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

- 23. Design development to the rooftop to incorporate a common amenity area for social housing tenants, including a soft surface

play area for children with creative landscape/play features which allow for motor-skills development and which can be used by a range of ages.

Note to Applicant: Natural low-maintenance features such as balancing logs and boulders are encouraged as they provide a myriad of creative play opportunities, and, if not used for play, simply provide a visually pleasing landscape.

24. Design development to the rooftop to provide edible landscaping and/or opportunities for urban agriculture including the necessary infrastructure to support urban agricultural activity such as accessible garden plots, compost bins, tool storage chest, potting bench and hose bib(s) in accordance with the "Urban Agriculture Guidelines for the Public Realm".
25. Add an additional washroom in the cultural amenity space and enhance design development to the washrooms connected to these amenity areas to add a baby change table.
26. Provision of a Final Tenant Relocation Plan to the satisfaction of the Chief Housing Officer, which in addition to the terms already agreed to, will include an updated list of tenants and rents, current as of the time of Development Permit application.
27. 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 of 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.
28. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodations; summarizes the total monetary value given to each tenant (moving costs, rents, any other compensation); and includes a summary of all communication provided to the tenants.

### **Sustainability**

29. Confirmation of 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 to achieve a minimum of LEED Gold Certification, a 22% reduction in energy consumption compared the current City of Vancouver Building

By-law (ASHRAE 90.1 2010), one water efficiency point, and one storm water point. The City's ASP will be required to achieve a minimum 30% reduction in energy consumption compared to the current City of Vancouver Building Bylaw (ASHRAE 90.1 or NECB 2011).

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

### **Neighbourhood Energy Utility (NEU)**

30. The proposed plan for site heating and cooling, developed in consultation with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
31. The buildings heating and domestic hot water system shall be designed to be compatible with the SEFC NEU system to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: This building will be governed by the Energy Utility System By-law (9552). The applicant shall refer to the SEFC NEU Developer Document (2014) for specific design requirements, which include provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for NEU compatibility are provided for in the mechanical design. Prior to issuance of building permit a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied, will be required.

32. The building mechanical system must utilize the energy transfer station for all of its space heating and domestic hot water requirements, and the building mechanical system must not incorporate any additional heat Studio equipment including, but

not limited to, boilers, water source heat pumps, air source heat pumps, furnaces, hot water heaters, geo-exchange systems, electric baseboards, or heat producing fire places except that:

- (i) A building may incorporate a solar system to generate heat energy,
- (ii) A building may incorporate hybrid heat pumps for space cooling, provided the compressor cannot operate in heating mode,
- (iii) A building may incorporate heat recovery ventilation (air to air heat exchangers) and waste heat recovery from refrigeration or active cooling systems for the purposes of supplementing the heat energy provided:
  - a) the systems used for heat recovery from refrigeration or active cooling do not provide any supplemental heating when there is no active cooling service required,
  - b) the approach to heat recovery is consistent with this Schedule (i.e. hydronic systems with centralized mechanical equipment), and
  - c) waste heat recovery systems do not cross property lines.

Note to Applicant: Exceptions for on-site heat production may be approved by the City Engineer, provided the total heat production produced by all exceptions does not exceed 1% of the total annual thermal energy needs of the building.

- 33. 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.
- 34. Provision of a dedicated room in a location suitable for connecting to the SEFC NEU distribution piping for each Energy Transfer Station that is required for servicing the development as to the satisfaction of the General Manager of Engineering Services.

### Engineering

The following are to be addressed at the Development Permit stage:

- 35. Provision of a landscape and site plan that general references all of the off-site improvements sought through this rezoning.



36. Delete reference to potential lane closure.
37. Provision of automatic door openers on the doors providing access to all bicycle room(s).
38. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (i) Provision of an improved plan showing the manoeuvring for trucks to access the loading bay.

Note to Applicant: The design of the loading spaces has changed since the analysis provided in the Bunt traffic study and an update is required.

- (ii) Relocate the Class A bicycle spaces on the mezzanine level to P1.

Note: Engineering does not support the use of stairs or a shared elevator with retail and market residential use for Class A bicycle access.

- (iii) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

- (iv) Provision of wheel ramps for the stairs out to Main Street and the lane from the southern breezeway.

Note to Applicant: This is for the stairs adjacent to the social housing bicycle spaces in the southern building.

- (v) Provision of additional design elevations within the loading areas for the 3 Class B spaces and the plaza adjacent to the loading spaces to calculate the slope and cross fall.

Note to Applicant: The slope and cross fall must not exceed 5%.

- (vi) Provision of a section drawing through the loading bay for the 2 Class B loading spaces showing elevations, 3.8m of

vertical clearance, and security gates. Provide a section and cross section drawings through the outdoor loading space to confirm the concrete banding and plaza is at the same elevation as the loading space.

- (vii) Provision of the required manoeuvring aisle width for stalls 162, 163, 251 and 252.

Note to Applicant: A 6.6m aisle width is required for the full width of the parking stall as the angled wall limits the space available for manoeuvring.

- (viii) Provide a dimension of 2.3m of vertical clearance on the parking ramp on Section D.

#### 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 Amended Lot 6 (See 318655L) Except Part in Explanatory Plan 7242, Amended Lot 7 (See 318656L), Lot 8, Lot A (Explanatory Plan 5598); and Lot 11, All of Block 14, District Lot 200A, Plan 197 to create a single parcel and subdivision of that site to result in the dedication for road purposes of a northerly portion of the site to achieve an East 2nd Avenue road width of 104 feet at this location. (See engineering services for clarifying sketch). No portion of the building is to encroach over the portion of the site to be dedicated for road, as appears to be shown on pages A104 to A110.

Note to Applicant: Arrangements should be made to release Easement BV91327 (existing building encroachment onto Lot 8) at the time of subdivision.

2. Release of Easement & Indemnity Agreement 387806M (commercial crossing) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to enactment of the CD-1 By-law, with release to occur prior to issuance of an occupancy permit for the site. Provision of a

letter of commitment will satisfactorily address this condition for enactment of the CD-1 By-law. Prior to building occupancy the applicant is to supply a written request to the City, a current title search and a copy of the documents along with executable discharge documents to effect the releases.

3. Provision of building setback and a surface statutory right of way to achieve a 5.5.m distance from the back of the City curb to the building face on Main Street and on the 2nd Avenue frontage (note, the setback is to be measured following the 2nd Avenue dedication and from the future curb alignment established for 2nd Avenue). A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/statutory right of way dimensions.
4. Provision for a statutory right of way for space to accommodate a Public Bike Share (PBS) Station, in accordance with following provisions:
  - (i) Size: At a minimum a 19 m x 4 m sized station should be accommodated (or a size agreed to by Engineering Services). The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4m,
  - (ii) Location: The station should be located on private property (or a location agreed to by Engineering Services) while still clearly visible to the public with 24/7 public access,
  - (iii) Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval,
  - (iv) Grades: The surface must be levelled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided,
  - (v) Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day, and

- (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station, at the owner's expense.
5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the following services are provided:
- (i) Provision of new sidewalks around the site consistent with the Mount Pleasant Public Realm Plan and the standard commercial sidewalk treatments applicable to the location.
  - (ii) Installation of a bus stop and shelter along the Main Street frontage of the site. The shelter is to be supplied and installed by the City of Vancouver's street furniture contractor with the foundations, drainage and any required electrical service funded by the applicant.
  - (iii) Provision of a drinking fountain on public property on 3rd Avenue. The fountain is to be serviced with a separate service connection and once installed is to be maintained by the City.
  - (iv) Provision of upgraded street lighting and pedestrian-scale lighting along the Main Street frontage of the site.
  - (v) Provision of street trees where space permits adjacent the site.
  - (vi) Provision of standard concrete lane crossings on the lane entry on the north side of 3rd Avenue Av and the south side of 2nd Avenue at the lane west of Main Street. Work to include the replacement of curb returns and the provision of upgraded curb ramps on both sides of the lane entries to meet current standards.
  - (vii) Provision of a cash contribution of \$75,000 towards a signalized pedestrian crossing on Main Street at or near 3rd Avenue.
  - (viii) 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,

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

#### **Neighbourhood Energy Utility**

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connecting to and securing adequate space for the Southeast False Creek Neighbourhood Energy Utility (SEFC NEU), which may include but are not limited to agreements which:
- (i) Grant the City Engineer, and other employees of the city, access to the building(s) mechanical system and thermal

energy system-related infrastructure within the development for the purpose of enabling SEFC NEU connection and operation, on such terms and conditions as may be reasonably required by the Applicant,

- (ii) Grant a Statutory Right of Way for NEU pipes to run through the parkade level P1 for the purposes of servicing adjacent buildings.

### Housing and Cultural Amenity

- 8. Make arrangements to design, construct, equip and finish to the City's Housing Design and Technical Guidelines no less than 1,570 m<sup>2</sup> (16,900 sq. ft.) comprising of 30 units of social housing, and no less than 372 m<sup>2</sup> (4,000 sq. ft.) of cultural amenity space, inclusive of studio spaces, office, and flex meeting/presentation space and storage, in addition to outdoor roof amenity space and associated parking, to the satisfaction of the Chief Housing Officer, the Managing Director of Cultural Services, the Director of Facilities Planning and Development and the Director of Legal Services that provides for the following:

- (i) Transfer to the City at a nominal cost an air space parcel or, at the City's request, two air space parcels containing the social housing units and cultural amenity space (the "Air Space Parcels") together with the appropriate rights and obligations applicable to the ownership and operation of the Air Space Parcels including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations,
- (ii) Grant a perpetual right in favor of the City and the users of the Air Space Parcels, in the form of a statutory right of way, for access to and non-exclusive use of:
  - a) parking spaces in the underground parkade in accordance with the Parking By-law requirements for the Air Space Parcels,
  - b) bicycle spaces in the underground parkade in accordance with the Parking By-law requirements for the Air Space Parcels,
  - c) loading area adjacent to and connecting to the street loading and the cultural amenity space, and
  - d) garbage and recycling areas.

- All at no cost to the City and the Air Space Parcels occupants,
- (iii) Minimize the obligations of the cultural amenity space toward contributions to the common area costs of the overall development, to reflect those costs which are deemed to be directly attributable to the cultural amenity space or which are related to any part of the development for which the users or invitees of the cultural amenity space may (from time to time) have the use of and/or access to,
  - (iv) Provision of interior signage in common areas of the property clearly specifying City-approved use of the cultural amenity space for Class B artist studios to ensure that all owners and occupants of the development are aware of the approved use; a minimum of one sign shall be placed in a clearly visible location of all common entranceways and/or lobbies within the development, and
  - (v) Compliance with the Tenant Relocation Plan attached to this report in Appendix E; and
  - (vi) Such other terms and conditions as the Chief Housing Officer, Managing Director of Cultural Services and the Director of Legal Services may require.

Note to Applicant: Design development will be required through the Development Permit process, including consideration for the proximity and access to the garbage, recycling and compost rooms.

- 9. Enter into a Housing Agreement with the City pursuant to section 565.2 of the Vancouver Charter securing the social housing units and related amenity space as social housing for 60 years or the life of the building, whichever is greater, and containing covenants prohibiting (i) the subdivision of those units by strata plan, (ii) the separate sale of any of such units, and (iii) rental for less than a month at a time; and such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may require.
- 10. Provision of a cash CAC to be placed in a Facility Reserve in the amount of \$250,000 to be held by the City in an interest-bearing account and used for facility related costs of the cultural amenity space.

### Public Plaza

11. Provision of a statutory right-of-way for the public plaza which will include provisions to secure community access and priority use of the plaza for the users of the community amenity space as well as the general public.

### Public Art

12. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

### Soils

13. Submit a site profile to the Environmental Protection Branch (EPB).
14. As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement and do all things and/or enter into such agreements deemed necessary to fulfil the requirements of Section 571(B) of the Vancouver Charter; and

If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated there from on terms and conditions satisfactory to the Manager of Environmental Protection, 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) / Final Determination (to state that the site is not a contaminated site) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal



Covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

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

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

- B. THAT, 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 October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue".
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigned Schedule B (C-3A)], generally as set out in Appendix C of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue".
- E. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the above-noted report.

- F. THAT, subject to approval in principle of the rezoning and the Housing Agreement and the Cultural Amenity Space Agreement described in section (c) of Appendix B of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue", Council allocate \$500,000 from previously unallocated Community Amenity Contributions (CACs) received in conjunction with other recent development approvals in Mount Pleasant (to supplement the recommended allocation of \$250,000 CAC from this rezoning), towards a Facility Reserve to support facility related expenses associated with the secured cultural amenity space.
- G. THAT A to F above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning, are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

**6. REZONING: 6729-6769 Cambie Street**

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

Summary: To rezone 6729-6769 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building fronting Cambie Street and three two-storey townhouses fronting a public pedestrian pathway along the southern property line, containing a total of 56 dwelling units. A height of 21.0 metres (69 feet) and a floor space ratio (FSR) of 2.49 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

No correspondence was received since the application was referred to Public Hearing and prior to the close of the speakers list.

## 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 7:48 pm.

## Council Decision

MOVED by Councillor Carr

- A. THAT the application by GBL Architecture Inc. on behalf of 0995296 B.C. Ltd., the registered owners, to rezoning 6729, 6749 and 6769 Cambie Street [Lots 33 to 35, Block 896 District Lot 526 Plan 10198; PIDs 009-592-962, 009-592-971, 009-592-997 respectively] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.49 FSR and the height from 10.7 m (35 ft.) to 21.0 m (69 ft.) to permit the development of a six-storey residential building with three two-storey townhouses fronting the lane and three two-storey townhouses fronting a public pedestrian pathway along the southern property line, containing a total of 56 dwelling units, generally as presented in Appendix A of the Policy Report dated October 6, 2015, entitled "CD-1 Rezoning: 6729 6769 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 Inc., on behalf of Minglian Holdings and stamped "Received Planning Department, March 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:

### Urban Design

1. Design development to enhance the interface with the public realm

Note to Applicant: Given the sloping cross-fall of the site, ensure adequate grading or stepped planters against perimeter terraces at grade, so as not to require guards.

2. Design development to comply with required setbacks

Note to Applicant: Maintain 2.4 m (8'-0") min. clear north side yard setback. Consider shifting exit stair south to align with gridline J and extend the transitional exterior exit stair east to Cambie.

3. Design development to enhance the livability of the courtyard space.

Note to Applicant: Extend planter along south side of parking entry ramp to gridline 3. Provide ample planter width to accommodate both maintenance and sufficient planting to screen against what is effectively a blank wall at the south end of the courtyard. This may require shifting the ramp north.

4. Design development to ensure privacy and reduce overlook

Note to Applicant: Provide sufficient depth of buffer planting along the west edge of roof decks on Level 3/4 so as to reduce possible overlook issue with neighbours to the west.

### Crime Prevention through Environmental Design (CPTED)

5. 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.

### Landscape

6. Design development to enable the retention and protection of as many existing healthy viable trees as possible, including Tree #2 (*Acer palmatum*) and Tree #17 (*Thuja plicata*);

Note to Applicant: This will require adjustments to the architectural site plan and parking structure.

7. Design development to expand programming to include more substantial outdoor spaces, including opportunities for a broader range of residents to form a complete community. This should include children's play for families with kids, passive community spaces for socializing and gathering, more enhanced urban agriculture with raised beds for the disabled and expanded common green amenity areas. The amount of open space available should allow for more orientation toward common shared spaces, rather than private. See also Urban Design condition (b)3.

Note to Applicant: Shared gardening areas should 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.

8. Design development to improve public/private realm interface and encourage connectivity. Interface with public realm should provide a hierarchy delineating private, semi-private, semi-public and public spaces, within the guidelines for CPTED. Streetscape improvements should include additional trees, coordinated with increased patios which can accommodate furniture. There should be visual and wayfinding pedestrian connections to bike trails, playgrounds and other neighbourhood amenities.
9. Design development to ensure location of hydro kiosk in area screened by soft landscape, or in an internal mechanical room. Any other emergency generators, transformers or gas meters 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;
10. Provision requirements at the time of Development Permit application:
  - (i) A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future;
- (iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

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

- (iv) Proposed new 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 parkade slab and minimum of hose bibs 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.
- (viii) Provision of the following statement on the landscape plan; a landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact your Engineering Services, building site Inspector or Kevin Cavell at 604.873.7773 for details.

### 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% 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. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including achieving Gold certification under LEED® For Homes - Multi-family Mid-rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

### Housing Policy

13. That the proposed unit mix, 28% 1-bedroom, 46% 2-bedroom units and 25% 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

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

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

- (i) Provision of an improved section drawing A3.02 to show the O/H gate and note the 2.3 m of minimum vertical clearance for the main ramp.
- (ii) Modification of the parking ramp design as ramps which have a 15% slope and are exposed to the weather must be heated. Provide notation on drawings.
- (iii) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.  
  
Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.
- (iv) Provide automatic door openers on the doors providing access to the bicycle room(s).
- (v) Provide a 1.2m (4') setback from the PL for the planters located at the top of the parking ramp to improve visibility of oncoming traffic in the lane.
- (vi) Provision of an improved drawing A1.01 to show columns that comply with the Parking and Loading Design Supplement within the parking area.
- (vii) Provision of a 6.1 m wide O/H gate and note on plans.
- (viii) All parking stalls are to be clearly numbered and dimensioned.

### **Neighbourhood Energy Utility**

- 15. 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.
- 16. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply 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.

17. 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.
18. 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, at development permit.
19. 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. Consolidation of Lots 33, 34 and 35, Blk. 896, DL 526, Plan 10198 to create a single parcel.
2. Provision of a 12'-6" wide, surface, statutory right of way between Cambie Street and the lane west of Cambie Street along the southern property line of the consolidated site for use by the public. The statutory right of way is to permit a portion of the underground parkade to encroach below the right of way area and is to provide overhead clearance of a minimum of 18'-0" or as otherwise satisfactory to the Director of Planning in consultation with the General Manager of Engineering Services.

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 security satisfactory to the General Manager of Engineering Services for the services is provided.
  - (i) Improvements along Cambie Street and lane adjacent the site as follows:
    - Provision of a new 1.8 m wide concrete sidewalk on Cambie Street adjacent the site with broom-finish and saw-cut control joints.
    - Provision of street re-construction adjacent to the site which includes the following: new curb and gutter, new or relocated catch basins, treed boulevard, raised protected bike lane, new and/or improved street and pedestrian lighting, a transition to the existing on street painted bike lane which may extend beyond the site and any other associated works including utility relocations or adjustments to accommodate the proposed bike lane. (Note: Concept design to be provided by the City.)
    - Relocation of the existing wood pole in the lane that conflicts with the proposed parking access. Written confirmation that the pole can be relocated is required from BC Hydro and any other Utility company that may have infrastructure connected to this pole.
    - Relocation and adjustment of the existing speed humps in lane that conflict with the proposed parking access.
    - Provision of street trees adjacent the site where space permits.
  - (ii) 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.

- (iii) 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.

Note to Applicant: Current staff review anticipate upgrades for the provision of storm and sanitary sewers in the lane west of Cambie Street from the development site to 54th Avenue and tie into the Metro Vancouver's trunk sewer, which is an approximate length of 250 m.

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

- (i) Require buildings within the development to connect to the City designated NES at such time that a system becomes available.
- (ii) Prohibit the owner 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.
- (iii) 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.
- (iv) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City designated NES.

#### Soils

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

### Heritage Density Transfer

7. Secure the purchase and transfer 325 m2 (3,544 sq. ft.) of heritage density (which has a value of \$230,373) from a suitable donor site.

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

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

### Community Amenity Contribution (CAC)

8. Pay to the City the cash component of the Community Amenity Contribution of \$2,073,357 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 \$2,073,357 is to be allocated as follows:
  - (i) \$1,151,865 to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area; and
  - (ii) \$921,492 (40% of total CAC package) towards childcare and community facilities in and around the Cambie Corridor Plan area.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are considered advisable by

the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, 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 October 6, 2015, entitled "CD-1 Rezoning: 6729 - 6769 Cambie Street".
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated October 6, 2015, entitled "CD-1 Rezoning: 6729 - 6769 Cambie Street".
- D. THAT A through C above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at 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;
  - (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 De Genova and Deal absent for the vote)

**7. REZONING: 698 East 64th Avenue and 8027, 8029, and 8031 Fraser Street**

An application by Cornerstone Architecture was considered as follows:

**Summary:** To rezone 698 East 64th Avenue and 8027, 8029, and 8031 Fraser Street from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a five-storey mixed-use building, containing a total of 37 secured for-profit affordable rental housing units. A height of 16.0 metres (52.5 feet) and a floor space ratio (FSR) of 2.67 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**

Council received four pieces of correspondence opposed to the application since the application was referred to Public Hearing and prior to the close of the speakers list.

**Staff Opening Comments**

Staff from Housing Policy and Projects responded to questions.

**Applicant Comments**

Scott Kennedy, Cornerstone Architecture, provided a brief overview of the application and responded to questions.

**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 7:58 pm.

**Council Decision**

MOVED by Councillor Carr

- A. THAT the application by Cornerstone Architecture on behalf of 0922264 B.C. Ltd. as registered owner of Lots 7 to 9 and 0785472 B.C. Ltd. as registered owner of Lot A of Lot K to rezone 698 East 64th Avenue and 8027, 8029 and 8031 Fraser Street [Lots 9 to 7 all of Subdivision K and Lot A of Lot K, Block 30, District Lot 313, Plan 3968; PIDs 002-512-548, 002-512-530, 002-512-521 and 011-985-216 respectively] from C-1 (Commercial) District to CD-1

(Comprehensive Development) District, to increase the floor space ratio from 1.20 to 2.67 and the building height from 10.7 m (35 ft.) to 16.0 m (52.5 ft.) to permit the development of a five-storey mixed-use building with 37 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated September 3, 2015, entitled "CD-1 Rezoning: 698 East 64th Avenue and 8027, 8029 and 8031 Fraser 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 Cornerstone Architecture, on behalf of Altima Construction Ltd., and stamped "Received, Planning and Development Services, February 18, 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 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 reduce the impact of the development on the neighboring single family site to the west, as follows:
  - (i) reduce the extent of the building return along 64th Avenue to provide a larger setback to the single-family site;
  - (ii) relocate the garbage storage room.

Note to Applicant: Garbage storage should be located within the parkade with any exterior doors located at the south end of the lane, which is more service oriented. The proposed location would have noise and visual impacts on the adjacent site, as well as the public realm.

2. Design development to provide improved outdoor amenity space.

Note to Applicant: A larger, more functional amenity deck should be provided at the fifth floor with a minimum dimension of 15 ft. from the southern edge of the roof. A transparent guardrail detail may be provided at the south elevation for improved sense of openness and views to the river. Provide wider doors/openings



at the amenity room to the deck to better integrate indoor and outdoor space, and allow for greater flexibility of use.

3. Design development to screen mechanical units at the roof top.

Note to Applicant: Mechanical units and screening should be illustrated on the roof plan and elevation drawings. Units should be consolidated in a central location where possible to avoid visual clutter.

4. Design development to provide improved access to daylight and ventilation at the dwelling units.

Note to Applicant: Compliance with Horizontal Angle of Daylight regulations should be demonstrated, particularly at bedrooms located behind inset enclosed balconies. Maximize the glazing at the exterior wall of bedrooms at enclosed balconies. Doors to the enclosed balconies should be glazed and a window may be provided adjacent; closets at the exterior wall may be relocated.

5. Design development to meet the intent of the Balcony Enclosure for New Buildings Administrative Bulletin.

Note to Applicant: Enclosed balconies should be articulated as distinct elements, and not be flush with the principle façade. Maximize the glass area at the enclosed balconies to admit natural light to the interior space beyond and provide windows openable from the inside to facilitate natural ventilation.

6. Provision of high quality and durable exterior finishes proposed in this rezoning submission will be carried forward and remain through the development permit process.

#### **Landscape Design**

7. Design development to provide additional and higher quality common outdoor space.

Note to Applicant: A larger space is required to accommodate a variety of uses. There is a heavy band of planting which encroaches upon the area. These planters should be moved to create a rooftop garden, which would take advantage of views and create more efficient amenity space.

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

8. 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**

9. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water point. If Passive House standard is proposed as an alternative, provide documentation to demonstrate compliance.

Note to Applicant: Provide a letter from a Passive House Accredited Building Certifier, stating that the building's design and specifications have been reviewed and the building can be certified as a Passive House. Refer to the Green Building Policy for Rezoning - Process and Requirements Administration Bulletin for further details.

### **Housing Policy and Projects**

10. That the proposed unit mix, 57% 1-bedroom, 35% 2-bedroom units, and 8% 3-bedroom units be included in the Development Permit drawings.

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

### **Engineering Services**

11. Update the landscape plan and site plan to reflect the off-site obligations set out in this rezoning.
12. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The existing wood pole in lane conflicts with the proposed parking access. Confirmation from all affected

public utility companies that the pole can be relocated is required.

#### 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. Consolidation of Lots 7, 8 and 9 of Subdivision K, and Lot A of Lot K; all of Block 30, DL 313, Plan 3968 to create a single parcel.
2. Provision of building setback and a surface SRW to achieve a 5.5 m distance from the back of the City curb to the building face. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
3. Provision of a knock-out panel and a shared access agreement (legal agreement) for shared vehicular access onto 8061 Fraser Street (Lot 4 of Lot K, Block 30, DL 313, Plan 3968).
4. Release of Right of Way Agreement 315954M (support agreement) and Easement & Indemnity Agreement H46910 (landscape encroachment) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

5. 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 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 minimum 1.83 m (6 ft.) wide cast-in-place concrete sidewalk with broom finish and saw-cut joints on 64th Avenue adjacent the site.

- (ii) Provision of a double curb bulge on the corner of Fraser Street and 64th Avenue including upgraded curb ramps to meet current City standards. Work to include relocation or adjustment of all existing infrastructure impacted by the corner bulge installation.
  - (iii) Provision of a standard concrete lane crossing on the south side of 64th Avenue at the lane entry west of Fraser Street including updated curb returns and ramps on both sides of the lane entry.
  - (iv) Provision of street trees adjacent the site where space permits.
  - (v) 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.
  - (vi) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
6. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network

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

### Housing Policy and Projects

7. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years and life of the building, subject to the following additional conditions:

- (i) A no separate-sales covenant.
- (ii) A non-stratification covenant.
- (iii) That none of such units will be rented for less than one month at a time.
- (iv) That a rent roll be provided indicating the proposed initial monthly rents for each rental unit.
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents:

Unit Type	Proposed Rent
1-bedroom	\$1,319
2-bedroom	\$1,605
3-bedroom	\$2,061

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of Chief Housing Officer and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in accordance with the Housing Agreement in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by the Vancouver Development Cost Levy By-law.

- (vii) Such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may in their sole discretion require.

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

### Soils

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

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

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

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

- B. THAT, subject to approval in principle of this rezoning and of the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 3, 2015, entitled "CD-1 Rezoning: 698 East 64th Avenue and 8027, 8029 and 8031 Fraser Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the above-noted report.
- C. THAT, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigning Schedule B (C-1)], generally as set out in Appendix C of the Policy Report dated September 3, 2015, entitled "CD-1 Rezoning: 698 East 64th Avenue and 8027, 8029 and 8031 Fraser Street", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B generally as presented in Appendix C of the Policy Report dated September 3, 2015, entitled "CD-1 Rezoning: 698 East 64th Avenue and 8027, 8029 and 8031 Fraser Street", be approved.
- E. THAT A through D above be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at 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;
  - (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

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson

SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

**ADJOURNMENT**

MOVED by Councillor Carr

SECONDED by Councillor Reimer

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:01 pm.

\* \* \* \* \*