



## PUBLIC HEARING MINUTES

APRIL 5, 2016

A Public Hearing of the City of Vancouver was held on Tuesday, April 5, 2016, at 6:06 pm, in the Council Chamber, Third Floor, City Hall.

<b>PRESENT:</b>	Mayor Gregor Robertson Councillor George Affleck Councillor Elizabeth Ball Councillor Melissa De Genova Councillor Heather Deal* Councillor Raymond Louie Councillor Geoff Meggs Councillor Andrea Reimer Councillor Tim Stevenson
<b>ABSENT:</b>	Councillor Adriane Carr (Leave of Absence) Councillor Kerry Jang (Leave of Absence)
<b>CITY CLERK'S OFFICE:</b>	Maria Castro, Meeting Coordinator Leslie Tuerlings, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson  
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

- 1. TEXT AMENDMENT: Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, the Downtown-Eastside/Oppenheimer Official Development Plan, the RM-7 and RM-7N Guidelines and the License By-law**

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

- Summary: **A.** To amend the Zoning and Development By-law to: **1)** increase the allowable projection of covered porches into the front yard, and the basement area directly below, for multiple dwellings, in the RM-7/7N and RM-8/8N districts; **2)** allow an increase in the maximum number of storeys from two and partial third storey to three and a partial fourth storey for multiple dwellings with 4 or more dwelling units on sloping sites in the RM-7/7N district to improve liveability; **3)** add a

definition for Theatre use in Section 2 Cultural and Recreational Uses to ensure consistency of interpretation and to provide clarification; 4) amend the definition and regulations for Neighbourhood Grocery Store to establish the sale of groceries and convenience goods as the primary purpose and permit the selling and serving of prepared food as an ancillary use; 5) clarify that a relaxation of the maximum floor space ratio of a building may be considered in exchange for the provision of a cultural facility in the C-3A, C-5, C-5A and C-6 and FC-1 districts; 6) amend the RM-8/8N Districts Schedule to clarify that the maximum floor space ratio achievable through payment of amenity/affordable housing shares must comply with the District Schedule and the Zoning and Development By-law; 7) allow a relaxation to the floor area distribution requirement for the first and second storeys for new development located in a floodplain in the RS-6 District Schedule; 8) clarify that a laneway house is permitted only in conjunction with an existing one-family dwelling or one-family dwelling with a secondary suite; 9) amend the RT-10 and RT-10N Districts Schedule to correct a referencing error; and 10) amend the HA-1 and HA-1A and HA-2 District Schedules to correct a section numbering error.

- B. To amend the Downtown Official Development Plan (DODP) and the Downtown-Eastside/ Oppenheimer Official Development Plan (DEOD ODP) to clarify that a relaxation of the maximum floor space ratio of a building may be considered in exchange for the provision of a cultural facility.
- C. To amend the RM-7 and RM-7N Guidelines to ensure that the guidelines are consistent with the above amendments to the RM-7/7N and RM-8/8N Districts Schedule.

The Acting General Manager of Planning and Development Services recommended approval.

### Summary of Correspondence

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

### Staff Opening Comments

Jacque Gijssen, Senior Cultural Planner, Cultural Services, and Paul Cheng, Senior Development Planner, Urban Development, responded to questions asked by Council at referral.

### Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application, with one speaker expressing the need to increase seating capacity:

Colette Griffiths and Christopher Allen  
Pascal Roy, Le Marche St. George

The speakers list and receipt of public comments closed at 6:30 pm.

### **Staff Closing Comments**

Heather Burpee, Planner III, City-Wide and Regional Planning, responded to questions.

### **Council Decision**

MOVED by Councillor Deal

- A. THAT the by-law to amend the Zoning and Development By-law, generally as set out in Appendix A of the Policy Report dated February 10, 2016, entitled "Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, the Downtown Eastside/Oppenheimer Official Development Plan, the RM-7 and RM-7N Guidelines and the License By-law", be approved.
- B. THAT the by-laws to amend the Downtown Official Development Plan and the Downtown-Eastside/Oppenheimer Official Development Plan, generally as set out in Appendices B and C of the Policy Report dated February 10, 2016, entitled "Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, the Downtown Eastside/Oppenheimer Official Development Plan, the RM-7 and RM-7N Guidelines and the License By-law", be approved.
- C. THAT, subject to approval of the amended definition of Neighbourhood Grocery Store in Section 2 of the Zoning and Development By-law, the Director of Legal Services be instructed to bring forward for approval at the time of enactment of the amending by-law the related amendment to the License By-law, generally as set out in Appendix D of the Policy Report dated February 10, 2016, entitled "Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, the Downtown Eastside/Oppenheimer Official Development Plan, the RM-7 and RM-7N Guidelines and the License By-law".

- D. THAT, subject to approval of the amendments to the RM-7/7N and RM-8/8N Districts Schedule, the Acting General Manager of Planning and Development Services be instructed to bring forward for approval at the time of enactment of the amending by-law, amendments to the RM-7 and RM-7N Guidelines, generally as set out in Appendix E of the Policy Report dated February 10, 2016, entitled "Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, the Downtown Eastside/Oppenheimer Official Development Plan, the RM-7 and RM-7N Guidelines and the License By-law".

CARRIED UNANIMOUSLY (Vote No. 01134)

**2. HERITAGE DESIGNATION AND HERITAGE REVITALIZATION AGREEMENT (HRA):  
2088 Charles Street (Carlsen Residence)**

An application by Paul Ferone, Milodelia Homes, was considered as follows:

Summary: To add the existing building at 2088 Charles Street, known as the Carlsen Residence, to the Vancouver Heritage Register in the 'B' evaluation category, designate its exterior as protected heritage property, and approve a Heritage Revitalization Agreement (HRA) for the site. The application proposes variances to the Zoning and Development By-law and the Subdivision By-law, as set forth in Development Permit Application Number DE419160, to subdivide the site to create a new parcel at the rear and construct a new One-Family Dwelling.

The Director of Planning and Development Services in consultation with the Director of Legal Services, recommended approval.

**Summary of Correspondence**

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

**Speakers**

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

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

**Council Decision**

MOVED by Councillor Deal

- A. THAT Council add the existing building at 2088 Charles Street [*PID: 015-210-901; Lot 37 of Lot 2 Blocks C and D, Block 136, District Lot 264A, 715 and 1771; PID: 015-210-871; Lot 36 of Lot 2 Blocks C and D, Block 136, District Lot 264A, 715 and 1771 (the "site")*], known as the Carlsen Residence (the "heritage building"), to the Vancouver Heritage Register in the 'B' evaluation category.

- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law authorizing the City to enter into a Heritage Revitalization Agreement in respect of the heritage building to:
  - (i) secure the rehabilitation and long-term preservation of the heritage building; and
  - (ii) vary the *Zoning and Development By-law* and the *Subdivision By-law* in respect of the site to permit the construction of a new One-Family Dwelling (the "new building") on a newly created separate parcel as proposed under Development Permit Application No. DE419160 (the "DP Application") and as more particularly described in the Policy Report dated January 27, 2016, entitled "Heritage Designation and Heritage Revitalization Agreement - 2088 Charles Street (Carlsen Residence)".
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site, to the satisfaction of the Director of Legal Services and the Director of Planning.
- E. THAT A to D above, be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
  - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 01135)

### 3. REZONING: 5021-5079 Quebec Street

An application by Aragon (35<sup>th</sup>/Quebec) Properties Ltd. was considered as follows:

Summary: To rezone 5021-5079 Quebec Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building, containing a total of 42 dwelling units. A height of 19.8 m (65 ft.) and a floor space ratio (FSR) of 2.30 are proposed.

The Acting 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 for Public Hearing and prior to the close of the speakers list and receipt of public comments.

### Speakers

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

The speakers list and receipt of public comments closed at 6:38 pm.

### Council Decision

MOVED by Councillor Reimer

- A. THAT the application by Aragon (35th/Quebec) Properties Ltd. to rezone 5021-5079 Quebec Street [*Amended Lots 10 and 11 (See 26278L), Amended Lot 12 (See 89662L) and Amended Lot 14 (See 588439L), Block 4, District Lot 637, Plan 3774; PIDs 012-214-043, 004-382-935, 012-214-051 and 012-214-060 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 2.30 FSR and the building height from 9.5 m (35 ft.) to 19.8 m (65 ft.) to permit the development of a six-storey residential building, containing a total of 42 dwelling units, as generally presented in Appendix A of the Policy Report dated February 23, 2016, entitled "CD-1 Rezoning: 5021-5079 Quebec 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 The Office of Macfarlane Biggar Architects + Designers and stamped "Received Planning Department, July 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. The maximum building height, measured above the base surface to top of parapet, shall not exceed 19.8 m.

2. Architectural expression will employ a palette of high quality durable materials and a refined detail finish.

Note to Applicant: The materials as indicated in the current submission satisfy this condition.

3. Architectural variation should be expressed through a varied patterning of the location of the projected balconies.

Note to Applicant: The balcony design as indicated in the current submission satisfies this condition and should be maintained through further stages of design; consideration should be given to the use of a varied palette of colour and materials to further express the balconies as an architectural element.

4. External balcony expression will be achieved by means of deep cantilevers rather than by means of external structural support.

Note to Applicant: The balcony design as indicated in the current submission satisfies this condition.

5. Design development to improve daylight access to common stair cores.

Note to Applicant: Detailed design development of common stairs with side yard orientation should provide with window openings to allow the entry of natural light.

6. Design development to mitigate direct overlook to the north.

Note to Applicant: Detailed design development should minimize the negative impact on privacy amenity to the existing adjacent dwelling through mitigation of direct overlook. Consideration could be given to differentiating this façade through the use of recessed balconies rather than projecting if practicable without loss of unit livability.

7. The proposed unit mix including 19 two-bedroom and 14 three-bedroom units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units.

### Landscape

8. Design development to ensure the safe retention of trees #1 and #2.  
Note to Applicant: Trees are identified in the arborist report by Michael Mills, dated April 9, 2015. While the proposal indicates that existing trees will be retained and integrated, there may be further design requirements at the development permit stage, including arborist reporting. To optimize the root protection zone, a minimum setback distance beyond the drip line may be necessary, subject to further review.

9. Design development to grades, retaining walls, walkways and structural design, such as underground parking, to maximize soil volumes (exceed BCLNA Landscape Standard) to accommodate new and existing trees and landscaping.

Note to Applicant: Wherever possible, take advantage of natural soils and the water table by locating new trees at grade beyond the edge of the underground slab. To avoid raised planters above grade, angle the corner of the underground slab downward (1 m across and 1.2 m) to maximize contiguous soil volumes. Planted landscapes on slab should be designed to maximize soil depths by lowering the slab, wherever possible, or providing tree wells, if necessary.

10. Design development to the property line landscape treatment to setback, terrace and screen retaining walls.

Note to Applicant: Where space will allow, retaining walls associated with perimeter landscape grading should be terraced in 0.6 m increments and setback from the property line to allow for adequate softening and transition to grade.

11. Design development to the location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

12. At time of development permit, provision of:

- (i) A detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. Where applicable, phased development should include separate landscape plans for individual buildings and adjacent open space. The Plant list should include the common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) A Tree Removal/Protection Plan.

Note to Applicant: Given the size and complexity of the site, provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be



removed and retained, including any tree protection barriers and important construction management directives drawn out of the arborist report(s), such as clearly illustrating the limit of excavation and footing design (shotcrete and vertical shoring). Tree replacements are likely best located on the proposed phased landscape plans.

- (iii) Provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through tree protection zones, all proposed common open spaces and semi-private patio areas.

Note to Applicant: In tree protection areas, the sections should illustrate and dimension the limit of excavation, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

- (iv) Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.
- (v) Provision of the necessary supporting infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common gardening locations.
- (vi) Provision of a partial irrigation plan.

Note to Applicant: Provide high efficiency irrigation for all planted areas, including urban agriculture areas and individual hose bibs for all private patios of 100 sq. ft. (9.29 m<sup>2</sup>). On the plan, illustrate hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed.

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

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

#### **Sustainability**

- 14. Provision of a Recycling & Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site,

to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

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

15. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the Green Buildings Policy for Rezoning. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

### Housing Policy

16. Design development to ensure that a minimum of 35% of the proposed market strata units are designed to be suitable for families with children, including some three bedroom units.
17. Design development of indoor and outdoor common amenity space to demonstrate ability for proposal to meet the common amenity needs of a family-oriented building, as per the *High-Density Housing Guidelines for Families with Children*.

### Engineering

18. Delete the portion of handrail shown projecting over the Quebec Street property line on page A202.
19. Provision of a bicycle wheel ramp or runnel on the stairs on Quebec Street leading to the main lobby and Class B bicycle racks.
20. Provision of class B bike racks 48" apart and located 36" from any adjacent wall etc.

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

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

- (i) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement.
  - (ii) A column 2' in length must be set back 2' from either the opening to or the end of the parking space. A column 3' long may be set back 1'.
  - (iii) Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4' from the end of the stall. Provide a minimum 1' setback from the drive aisle for all columns.
  - (iv) Dimension all columns encroaching into parking stalls.
  - (v) Identify and label the overhead security gate on submitted plans.
  - (vi) Provision of a landscape plan to 1:100 scale is required.
  - (vii) Provision of design elevations on both sides of the parking ramp at all break points including notation of the length of ramp at the specified slope.
  - (viii) Provision of automatic door openers on all bicycle room doors and doors leading to the street or lane from the bike rooms.
22. Any plantings on the back boulevards must meet the following requirements:
- (i) The adjacent property owner is to be responsible for all plantings adjacent the site and on public property proposed by this development.
  - (ii) All plant material located within the same continuous planting area and on street right-of-way within 10 m, as measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m, as measured from the sidewalk.
  - (iii) All plant material within the street right-of-way which is located outside of the areas described above shall not exceed 1 m in height, measured from the sidewalk.
  - (iv) All plant material shall be planted in such a way that it does not encroach on the adjacent roadway, sidewalk, bike lane or lane

at maturity. A minimum 1'-0" setback of turf is to be provided from all public sidewalks where plantings are proposed.

23. 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.
24. The buildings heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

25. 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.
26. Provide for 21 m<sup>2</sup> of 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.
27. 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 Amended Lots 10 and 11 (See 26278L), Amended lot 12 (See 89662L) and Amended Lot 14 (See 588439L), Block 4, DL 637, Plan 3774 to create a single parcel.
2. Provision of a 1.8 m wide surface statutory right of way for public access along the northern edge of the site connecting Quebec Street to the lane west of Quebec Street.

Note to applicant: The surface right of way will also allow for the proposed underground parking structure.

3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
  - (ii) Provision of upgraded storm and sanitary sewers from the north property line of the site to the manhole in the intersection of Quebec Street and 35th Avenue. Storm and Sanitary pipe sizes are to be determined and provided to the satisfaction of the General Manager of Engineering Services. The work is currently estimated at \$280,000.00 in 2015 dollars.
  - (iii) Provision of a standard double corner bulge on the northwest corner of Quebec Street and 35th Avenue adjacent the site. Work to include modifications to all related sidewalks, curb ramps and utilities to accommodate the installation of the corner bulge.
  - (iv) Provision of a 2.14 m wide saw cut, cast in place, concrete sidewalk on 35th Avenue adjacent the site.
  - (v) Provision of a 1.8 m wide saw cut, cast in place, concrete sidewalk on Quebec St. adjacent the site.

- (vi) Provision of upgraded street lighting to LED lighting adjacent the site to meet current standards for its use.
  - (vii) Relocation of the existing fire hydrant on 35th Avenue at the lane to be clear of the proposed new sidewalk on 35th Avenue.
  - (viii) Provision of street trees adjacent the site where space permits.
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), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the Cambie Corridor Plan that may include but are not limited to agreements which:
- (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;
  - (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation; and
  - (iii) grant use of and access to suitable space required for the purposes of an energy transfer station as established in the Neighbourhood Energy Connectivity Standards Design Guidelines, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant:

- a. Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.

- b. The Development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available at that time, the agreement will provide for future connection.
- c. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

### Soils

- 6. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);
  - (ii) As required by the Manager of Environmental Protection 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 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 from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer 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.

### Community Amenity Contribution (CAC)

- 7. Pay to the City the cash component of the Community Amenity Contribution of \$673,955 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and is allocated to the Affordable Housing Reserve.

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 the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, as generally set out in Appendix C of the Policy Report dated February 23, 2016, entitled "CD-1 Rezoning: 5021-5079 Quebec Street".
- C. THAT A and B above, be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning, are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY  
(Councillor Deal absent for the vote) (Vote No. 01137)

#### 4. REZONING: 526-548 West King Edward Avenue

An application by Scott Romses, Romses Architecture, was considered as follows:

Summary: To rezone 526-548 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building, containing a total of 42 dwelling units. A height of 20.0 m (66 ft.) and a floor space ratio (FSR) of 2.35 are proposed.



The Acting 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

Two pieces of correspondence in opposition to the application were received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments.

### Staff Opening Comments

Graham Winterbottom, Rezoning Planner, Vancouver South Division, responded to questions asked by Council at referral.

### Speakers

The Mayor called for speakers for and against the application.

Carey Murphy spoke in opposition to the application, expressing concerns regarding the building's size, proximity to neighbouring residential buildings and a lost sense of "openness".

The speakers list and receipt of public comments closed at 6:57 pm.

### Staff Closing Comments

Graham Winterbottom, Rezoning planner, Vancouver South Division, and Ann McLean, Senior Development Planner, Urban Design, responded to questions.

### Council Decision

MOVED by Councillor Louie

- A. THAT the application by Romses Architects on behalf of Tianco Investment Group Inc., the registered owners, to rezone 526-548 West King Edward Avenue [*Lots 5, 6 and 7, all of Block 680 District Lot 526 Plan 6539; PIDs 010-870-873, 010-870-881, 010-870-890, 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 2.35 FSR and the height from 10.7 m (35 ft.) to 20 m (65.77 ft.) to permit the development of a six-storey residential building with four two-storey townhouses fronting the lane, containing a total of 67 dwelling units, as generally presented in Appendix A of the Policy Report dated February 23, 2016, entitled "CD-1 Rezoning: 526-548 West King Edward Avenue", be approved subject to the following conditions:

#### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Romses Architects Inc., on behalf of Tianco Investment Group Inc., and stamped "Received Planning Department, December 16, 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 improve livability of ground floor units adjacent to the east lane.

Note to Applicant: These units have their main floor 2 to 3 feet below grade, and are within 8ft of the lane. Light access and resident comfort can be improved in these units by raising the floor elevation by 1 ft. to el. 233 ft. or by creating two-storey units along this edge.

2. Design development to projecting balconies on the north and south facades of the main building, to reduce the appearance of bulk and mass.

Note to Applicant: This can be achieved by revising the material construction on the sides to the balconies to provide a lighter, more open appearance. Vertical or horizontal louvers could achieve this. Further, sliding screens cannot be accommodated the north-facing balconies as they further increase the appearance of mass, and do not provide solar shading. If these devices are maintained, the balconies cannot be considered as floor space exclusion.

3. Design development to comply with Horizontal Angle of Daylight requirements.

Note to Applicant: This can be achieved by converting the below-grade living space in the townhouse units to include storage space. The proposed living space is too far below grade to achieve a supportable horizontal angle of daylight (HAD). To achieve appropriate HAD, the townhouses would have to be raised at least 4 ft., which is not supportable. To be excluded from floor area, private below grade storage rooms may not exceed 10 m<sup>2</sup>. The stair and corridor to access parking, and other non-storage uses at this level in the townhouse is included in floor area.

4. Design development to reduce massing along south lane.

Note to Applicant: This can be achieved by removing the 3 ft. deep decks on the second floor of the townhouse units that project into the 4 ft. setback. These decks may be treated as "Juliet" style decks with guards in front of the sliding doors.

5. Design development to reduce massing over the 4 storey portion of the building;

Note to Applicant: This can be achieved by internalizing the stair that projects past the east wall at the 5th level of the building. Privacy screens at this level should not exceed 48" in height. Privacy should be achieved with layered evergreen planting.

6. Confirmation that the proposed setbacks from the property line shall remain consistent with the rezoning application submission unless conditions state otherwise.

Note to Applicant: The proposed building setbacks submitted can be considered as a minimum setback but could be increased if warranted by the design development process, noting that no built elements can project into setbacks.

7. Design development to improve amenity spaces.

Note to Applicant: This can be achieved by providing better connection between the ground floor amenity room and the adjacent outdoor space. Alternately a second amenity room could be added and located adjacent to the fifth floor roof deck. At least one amenity room should be a minimum of 400 sq. ft. in size and accommodate an accessible washroom and kitchenette.

8. Design Development to improve interface of site circulation.

Note to Applicant: This can be achieved by internalizing the stair from the east second floor corridor so that it exits into the north south courtyard. Provide a landscape buffer between the exit pathway on the west side and the adjacent property. Retaining should be absolutely minimized along this path edge.

9. Design development to reduce overlook potential to neighbouring properties.

Note to Applicant: This can be achieved by setting back railing for the roof decks and providing perimeter planters on both the west and southeast roof decks. These planters should be located adjacent to neighbouring properties (including the lane edge) and accommodate planting that will provide year-round visual screening to neighbouring properties. Coordinate information on architectural and landscape drawings.

10. Design development to improve the public realm interface at West King Edward Avenue.

Note to Applicant: Reduce the height of the planters in front of the proposed patios of the private unit entries, so they are about 1m above grade and provide a transition to the higher patios. Confirm that

landscape walls adjacent to the common entry stair and ramp do not exceed approximately 1 m.

11. Provision of authentic, high-quality, durable exterior finish materials.

Note to Applicant: The proposed high quality materials including brick, cladding panels, stone and wood contribute to the design of the proposal and should be included in the Development Permit application.

12. Provision of notation on the drawings to indicate the location of significant building services.

Note to Applicant: Servicing such as a pad mounted transformer (PMT) or mechanical venting, etc. should be located so that it does not have a negative impact on the public realm, or private outdoor space. It should be screened from view. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

13. Submission of a bird friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to Applicant: Strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

14. The proposed unit mix including 13 two-bedroom, 9 three-bedroom and 1 four-bedroom units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25% of the dwelling units.

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

15. 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**

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

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

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

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

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

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

19. Provision of a Landscape Plan consistent with the draft Cambie Corridor Public Realm Plan.
20. Design development to ensure locations of hydro kiosk in areas screened by soft landscape, or in 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.

21. At time of development permit application:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 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) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (v) New proposed street trees should be noted "Final species, quantity and spacing 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 Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (vi) 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;
- (vii) 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.

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

### Sustainability

- 22. 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.

- 23. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be

incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

### Housing Policy

24. Design development to ensure that a minimum of 25% of the proposed market strata units are designed to be suitable for families with children, including some three bedroom units.

### Engineering Services

25. Delete the portions of structure shown encroaching over the east property line into the lane on page A2.03 (note: this appears to be merely a drafting error).
26. Clarify garbage storage and pick-up space and clearly notate on the plans. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. and Note; pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.
27. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

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

- (i) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: A column 2' in length must be set back 2' from either the opening to or the end of the parking space, otherwise additional stall width is required. Refer to the Parking and Loading Design Guidelines at the following link:

<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>

- (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, and at all entrances.

Note to Applicant: The slope and length of the ramp sections must be shown on the submitted drawings. Confirm the ramp slope as drawing A2.03 shows a 15% slope and drawing A2.04 shows 12.5%. 15% slopes may be acceptable if a 7.5% to 10%

transition ramp is provided at the bottom for at least 4m in length. Ramps which have a 15% slope and are exposed to the weather must be heated.

- (iii) Modification of the parking ramp design as the slope must not exceed 10% for the first 20' from the property line.
- (iv) Provision of all Class A bicycle spaces to be located on the P1 parking level or at grade.
- (v) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside. Please indicate a clear and continuous line from the bicycle storage areas to the outside.

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

- (vi) Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
- (vii) Number and dimensioned all stalls.

- 28. 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.
- 29. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.  
Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.
- 30. 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.
- 31. 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.

32. 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  
Note to applicant: The development should tie sanitary and storm connections into the existing sanitary and storm mains in the lane west of Cambie St. An interconnected water service will be required for this development.

### 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 5, 6 and 7, Block 680, DL 526, Plan 6539 to create a single parcel and subdivision of that site to result in the dedication of a 10'x10' corner-cut truncation in the southeast corner of the site for lane purposes.  
  
Note to Applicant: All portions of the building above and below grade are to be deleted from the required corner-cut area.
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 on W. King Edward Avenue. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should

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

- (ii) Provision of street re-construction adjacent to the site on W. King Edward including the following:
    - a. new concrete curb and gutter,
    - b. 2.44 m wide raised protected bike lane,
    - c. 1.8 m wide concrete sidewalk with saw-cut joints,
    - d. Provision of LED pedestrian scale lighting.
    - e. A review of existing street lighting adjacent the site and upgrading of that lighting to meet current LED lighting standards where necessary.
    - f. Work to include adjustment of all effected utilities and services to accommodate the geometric changes. (Note: geometric design concept to be provided by the City).
  - (iii) Provision of street trees adjacent the site where space permits.
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), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the Cambie Corridor Plan that may include but are not limited to agreements which:
- (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;

- (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation; and
- (iii) grant use of and access to suitable space required for the purposes of an energy transfer station as established in the Neighbourhood Energy Connectivity Standards Design Guidelines, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant:

- a. Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.
  - b. The Development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available at that time, the agreement will provide for future connection.
  - c. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.
6. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.

**Soils**

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

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

#### Heritage Density Transfer

8. Secure the purchase and transfer 347 m<sup>2</sup> (3,736 sq. ft.) of heritage density (which has a value of \$242,838) 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)

9. Pay to the City the cash component (being \$2,185,541) of the total Community Amenity Contribution of \$2,428,379 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 \$2,185,541 is to be allocated as follows:
  - (i) \$1,214,190 (50% of total CAC package) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area; and
  - (ii) \$971,352 (40% of total CAC package) towards childcare and community facilities in and around the Cambie Corridor Plan area; and

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 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 the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, as generally set out in Appendix C of the Policy Report dated February 23, 2016, entitled "CD-1 Rezoning: 526-548 West King Edward Avenue".
- C. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, as generally set out in Appendix C of the Policy Report dated February 23, 2016, entitled "CD-1 Rezoning: 526-548 West King Edward Avenue".
- D. THAT A to C above, be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 (Vote No. 01138)

#### 5. REZONING: 6505, 6507 and 6541 Main Street

An application by Orr Development (1980) Corp, was considered as follows:

Summary: To rezone 6506, 6507 and 6541 Main Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building containing 75 for-profit affordable rental housing units and commercial uses at grade. A height of 21.3 m (70 ft.) and a floor space ratio (FSR) of 3.60 are proposed.

The Acting 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 and receipt of public comments:

- 1 piece of correspondence in support of the application; and
- 4 pieces of correspondence opposed to the application.

### Speakers

The Mayor called for speakers for and against the application.

Pall Beesla spoke in support of the application but expressed concerns regarding rental housing affordability and its impact on seniors. Mr. Beesla also noted that the community's heritage and history should be recognized and reflected in cultural art and business locally.

The speakers list and receipt of public comments closed at 7:33 pm.

### Applicant Closing Comments

Alex Orr, Orr Development (1980) Corp, addressed the concerns raised by the speaker with respect to cultural arts and tenant displacement.

### Staff Closing Comments

Cynthia Lau, Rezoning Planner, Vancouver South Division, and Ann McLean, Senior Development Planner, Urban Design, responded to questions.

### Council Decision

MOVED by Councillor Reimer

- A. THAT the application by Orr Development (1980) Corp. to rezone 6505, 6507 and 6541 Main Street [*Lot A, Block 2, District Lot 651, Group 1 New Westminster District, Plan BCP48414 and Lot 5, except part in Plan 4463, Block 2, District Lot 651, Plan 2102; PIDs 028-607-384 and 015-128-237 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.50 to 3.60 FSR and the building height from 13.8 m (45 ft.) to 21.3 m (70 ft.) to permit the development of a six-storey mixed-use building with 75 secured for-profit affordable rental housing units, as generally presented in Appendix A of the Policy Report dated February 11, 2016, entitled "CD-1 Rezoning: 6505, 6507 and 6541 Main 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 Yamamoto Architecture Inc., on behalf of Orr Development Corp., and stamped "Received, Planning and Development Services, August 13, 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 enhance the interface with the public realm.
  - (i) Provision of weather protection along both 49th Avenue and Main Street.
  - (ii) Design development to activate the expansive, largely blank west facing wall at 49th Avenue and the lane. Consider additional fenestration, materiality or 'super graphics' and elements to reflect local heritage and history.
2. Design development to enhance livability.
  - (i) Provision of an expanded area for urban agriculture and that it be relocated to terraced planter along the lane. Consider a balanced reduction in adjacent private patios to accommodate this (see Landscape Condition 6).
  - (ii) Supplement the number of proposed feature trees on the Level 2 roof deck, with additional trees to enhance visual interest. Consider locating these in a narrow planter along the northwest building corner.
3. Design development of the proposed setbacks from the property line shall remain consistent with the rezoning application submission.

Note to Applicant: The proposed building setbacks submitted can be considered as a minimum setback but could be increased if warranted by the design development process.
4. Provision of high quality and durable exterior finishes proposed in this rezoning submission will be carried forward and remain through the development permit process.

- (i) Recommend consideration be given to the appropriateness of metal cladding in close proximity to grade, at the lane. It may be subject to undue damage and over time result in a worn appearance. Consider other high quality, more robust materials.
5. The proposed unit mix including 24 two-bedroom and 5 three-bedroom units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25% of the dwelling units.
6. Design development to ensure the protection, enhancement and creation of bird habitat, as well, to reduce potential threats to birds by incorporating the Bird-Friendly Design Guidelines.

### Landscape Design

7. In coordination with Design Condition 2(i), the expansion of the second floor amenity space should include an integrated planter at the west edge containing regularly spaces trees.

Note to Applicant: The edge planter should have a minimum 1 m wide, inside dimension with optimized soil volume. Ensure that urban agriculture uses are complimented with hose bib access, irrigation, tool storage, bench seating, work station and compost.

8. Design development to locate site utilities and vents on private property and integrated discreetly into the building, avoiding landscaped and common areas.

Note to Applicant: Utility placement at the lane, such as the PMT, can create alcoves that may invite opportunities for mischief. To avoid unnecessary alcoves, the applicant should explore design solutions such as integrating the utilities into the building or enclosure with a sliding gate or equivalent solution. Coordination with BC Hydro will be needed.

9. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 9.3 m<sup>2</sup> (100 sq. ft.).

Note to Applicant: The hose bib condition is intended to encourage patio gardening. Should there be maintenance concerns related to the nature of tenancy, further coordination with staff will be needed the development permit stage.

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

Note to Applicant: Public and private trees should be planted at grade and not placed in above grade planters to achieve soil depth. Variations in the slab may be required in combination with appropriate growing



medium. In the horizontal plane, soils should be contiguous, wherever possible.

11. At time of development permit application:

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

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

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

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

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

12. 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**

13. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED

Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

### Housing Policy and Projects

14. That the proposed average unit sizes be revised to be consistent with the average maximum allowable unit size under the Vancouver Development Cost Levy By-law.

Note to Applicant: Studio units are presently marginally over the average allowable maximum unit sizes under the Vancouver Development Cost Levy By-law.

15. Design development to ensure that a minimum of 25 percent of the proposed rental housing units are designed to be suitable for families with children, including some three bedroom units.
16. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette and an accessible washroom.
17. A common outdoor amenity area, ideally co-located with the common amenity room, is to be provided which includes an area suitable for a range of children's play activity.

### Engineering Services

18. Where encroaching over property lines, a canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. Canopies are defined as a rigid roof like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (see Vancouver Building By-law section 1A.9.8).
19. Clarification if doors are intended along the 49th Avenue frontage. Although the City does not seek on-site space for the public bike share system, it is the City's intention to place a system along this frontage on public property, so please ensure there is an unobstructed space of 16 m across this frontage.
20. 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.

21. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the Neighbourhood Energy Connectivity Standards – Design Guidelines for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

22. 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.
23. Provision of 21 m<sup>2</sup> of 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.
24. 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.
25. Parking, loading, and bicycle spaces shall be provided and maintained according to the provisions of the Vancouver Parking By-law except:  
  
At minimum one Class B loading space must be of sufficient length and have a sufficient loading throat to accommodate an MSU truck with 10 m overall length. Any other required Class B loading space(s) must provide space to accommodate a 9 m SU-9 truck.
26. Provision of automatic door openers on the doors providing access to the bicycle room(s) noted on plans and identify the route intended to be used by residents to travel to and from the bicycle rooms to the building exterior.
27. 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 Guidelines:

- (i) Provision of a 2.74 m x 2.74 m (9 ft. x 9 ft.) corner cut through the inside radius at the bottom of the main parking ramp is required.  
Note to Applicant: This is to ensure two-way vehicle movement through the turn at the bottom of the main parking ramp for customer's vehicles. This may result in the loss of one commercial parking space.
- (ii) Clarification that a scissor lift or a raised loading platform is provided at the rear of the loading spaces.
- (iii) Confirmation that the overhead security gate will operate with a key fob, otherwise a card mounted reader will require an increase of the parking ramp to 6.7 m (22 ft.) in width.
- (iv) Modification of the parking ramp design to include:
  - a. The slope must not exceed 10% for the first 6.1 m (20 ft.) from the property line.
  - b. Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances.  
  
Note to Applicant: The parking ramp slope does not calculate as noted on the plans.
  - c. Label design elevations in imperial scale.
- (v) Clarification if bicycle racks are proposed for public property, if so a separate application to the General Manager of Engineering Services is required.

Note to Applicant: Class B bicycle parking (bike racks) supplied on public property cannot be counted towards the on-site by-law requirement that would apply to this project.

- 28. Update the landscape plan to reflect the off-site improvements sought as part of the rezoning.

#### 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 Services

1. Consolidation of Lot A, Block 2, District Lot 651, Group 1 New Westminster District, Plan BCP48414 and Lot 5, except part in Plan 4463, Block 2, District Lot 651, Plan 2102 to create a single parcel and subdivision of that site to result in the dedication of the north 2.63 m (8.66 ft.) for road purposes.
2. Release of SRW BB3021411-14 currently registered on the title of Lot 5.
3. Provision of building setback and a surface Statutory Right of Way (SRW) to achieve a 5.5.m distance from the back of the City curb to the building face adjacent the east property line of the site. 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. The SRW agreement must accommodate underground parking and cantilevered upper portions of the building from the second floor to the roof within the SRW area.
4. Upon demolition of the existing building on lot A, cancellation of the off-site parking covenant (BM240784-87) registered on Lot A.
5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
  - (ii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the

- upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
- (iii) Provision of a standard concrete pedestrian lane crossing and new curb returns on both sides of the lane entry at the lane west of Main Street on the south side of 49th Avenue.
  - (iv) Provision of new concrete sidewalks adjacent the site in keeping with the treatment patterns for the area (Main Street Showcase). All new sidewalks are to be sawcut to meet the approved pattern.
  - (v) Provision of a new bus shelter on Main Street adjacent the site subject to a more detailed review by City staff. The applicant is to pay all costs associated with installation of a bus shelter, foundations, drainage, electrical if required and the shelter itself will be supplied and installed by the City's street furniture contractor. Should adequate space not be available to accommodate a bus shelter then the applicant is to make provision for benches to be located on private property for use by the public and extended or improved weather protection is to be provided for bench users.
  - (vi) Provision of street trees adjacent the site where space permits.
  - (vii) Relocation or removal of the existing wood pole (BC Hydro/Telus) in the lane that obstructs access to the proposed loading bays. Written confirmation from all affected utilities is 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, and subject to the following additional conditions:
- (i) A no separate-sales covenant.
  - (ii) A no 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 agreed 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 subject to adjustment as contemplated by the Vancouver Development Cost Levy By-law.

Unit Type	6505, 6507 and 6541 Main Street Proposed Average Starting Rents
Studio	\$1,260
1-bedroom	\$1,675
2-bedroom	\$2,084
3-bedroom	\$2,606

- (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 DCL 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 Council approval in principle of this rezoning and the Housing Agreement, as generally set out in section (c) of Appendix B of the Policy Report dated February 11, 2016, entitled "CD-1 Rezoning: 6505, 6507 and 6541 Main Street", the Director of Legal Services be instructed to prepare the



necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) prior to enactment of the CD-1 By-law, generally as set out in Appendix C of the Policy Report dated February 11, 2016, entitled "CD-1 Rezoning: 6505, 6507 and 6541 Main Street".

- C. THAT, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigned Schedule B (C-2)], generally as set out in Appendix C of the Policy Report dated February 11, 2016, entitled "CD-1 Rezoning: 6505, 6507 and 6541 Main Street", be approved.
- D. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, as generally set out in Appendix C of the Policy Report dated February 11, 2016, entitled "CD-1 Rezoning: 6505, 6507 and 6541 Main Street".
- E. THAT A to D above, be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 (Vote No. 01139)

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Ball

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Louie  
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 for items 1, 2, 3, 4 and 5.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

MOVED by Councillor Louie  
SECONDED by Councillor DeGenova

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:50 pm.

\* \* \* \* \*