



PUBLIC HEARING MINUTES

MAY 24, 2016

A Public Hearing of the Council of the City of Vancouver was held on Tuesday, May 24, 2016, at 6:08 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Raymond Louie, Acting Mayor
Councillor George Affleck
Councillor Elizabeth Ball
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Heather Deal
Councillor Tim Stevenson

ABSENT: Mayor Gregor Robertson (Civic Business)
Councillor Kerry Jang
Councillor Geoff Meggs (Leave of Absence)
Councillor Andrea Reimer (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Nicole Ludwig, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

1. SIGN BY-LAW AMENDMENT: Floating Signs

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

Summary: To amend the Sign By-law to broaden the scope of the by-law, to alter the definition of a sign to include signs on water, and to regulate floating signs.

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

Staff Opening Comments

Heather Burpee, Senior Planner, Planning and Development Services, presented the application and responded to questions.

Summary of Correspondence

Council received the following correspondence related to this application since referral to public hearing and prior to the close of the speakers list:

- 16 emails in support;
- 22 emails opposed.

Speakers

The Acting Mayor called for speakers for and against the application.

Shideko Nagashima spoke in support of the recommendations, noting that floating signs would fundamentally change the environment of the area.

Frank Mara and George Gerogoulas spoke in opposition to the recommendations, noting Burke Billboards has invested a substantial amount of time and money in the floating sign, and that it should be treated no differently than signs that are right near the waters edge. Mr. Mara noted that the City has twice issued a business licence to Burke Billboards.

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

Staff Closing Comments

In closing, staff clarified that the business licences issued to Burke Billboards were for a home-based mobile advertising business, and there has no enquiry made to the City for a sign permit. Staff also responded to questions.

Council Decision

MOVED by Councillor Stevenson

THAT the by-law to amend the Sign By-law, generally as set out in Appendix A of the Policy Report dated April 26, 2016, entitled "Sign By-law Amendment - Floating Signs", be approved.

CARRIED UNANIMOUSLY (Vote No. 01259)

2. REZONING: 101 East 2nd Avenue

An application by Proscenium Architecture + Interiors Inc., on behalf of 125 Second Developments Ltd. (Beedie Development Group) was considered as follows:

Summary: To rezone 101 East 2nd Avenue from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of a three-storey retail and office building for Mountain Equipment Co-op (MEC), including a green roof and three levels of underground parking. A height of 24 metres (79 feet) and a floor space ratio (FSR) of 2.04 are proposed

The Acting General Manager of Planning and Development Services recommended approval, subject to approval of the conditions set out in the summary and recommendation of the Public Hearing agenda.

Applicant Comments

Sandy Treagus, Chief Financial Officer, Proscenium Architecture + Interiors Inc., provided an overview of the application.

Summary of Correspondence

Council received the following correspondence related to this application since referral to public hearing and prior to the close of the speakers list:

- one email in support;
- three emails opposed.

Speakers

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

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

Staff Closing Comments

Rachel Harrison, Planning and Development Services, responded to questions.

Council Decision

MOVED by Councillor Deal

- A. THAT the application by Proscenium Architecture + Interiors Inc., on behalf of 125 Second Developments Ltd. (Beedie Development Group), to rezone 101 East 2nd Avenue [*Lot 1, Block 7, District Lot 200A, Group 1, New Westminster District, Plan BCP41958; PID:027-997-430*] from M-2 (Industrial)

District to CD-1 (Comprehensive Development) District, to allow for a three-storey commercial building containing retail space, office uses, and a fitness centre with a total floor area of 5,724 m² (61,613 sq. ft.) and density of 2.04 FSR, generally as presented in Appendix A of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd 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 Proscenium Architecture + Interiors Inc. and stamped "Received City Planning Department, October 7, 2015", subject to the following conditions, provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design development to provide a larger open space on grade at the corner of Quebec Street and 2nd Avenue leading to the main entrance to the store.

Note to Applicant: Intent is to better serve pedestrian activity on both streets, especially given the anticipated upgrades to Quebec Street serving non-vehicle traffic. This can be accomplished without a substantial reduction of commercial floor area by relocating the open space proposed along the arterial road to the corner. Consideration should be given to moving the main doors closer to the corner.

2. Provision of a 2.0 ft. setback on grade from Quebec Street.

Note to Applicant: Intent is to create more space along the west edge for a green and landscaped edge of the building, given the intended expansion of the roadway to accommodate active transportation along Quebec Street. Also see Landscape conditions.

3. Design development to the lane-facing elevation to create visual interest for pedestrians at the lane level while protecting residences above the lane to the north.

Note to Applicant: Intent is balance the interest and activity afforded by views into and from the commercial space for

pedestrians in the lane, with the privacy of nearby residents. A more active colour and material palette, or similar refinements should be used on this side to offset the service elements required on the north side of the store.

4. Design development to the east elevation to provide more visual interest to the exposed sidewalls along the property line.
5. Relocation of the proposed water feature from the Quebec Street right of way onto the site.

Note to Applicant: Based on the draft design of the Quebec Street road improvements, this area cannot accommodate the features shown. However, they should be moved onto private property rather than lost.

6. Consideration to create pedestrian access to the store or another active use on the north side to add desirable activity to the lane.
7. Consideration to the provision of a more significant architectural element at the corner to mark the intersection and entry.

Note to Applicant: This can be accomplished with a visually prominent architectural or green building feature in the southwest portion of the site.

8. Provision of a preliminary design package indicating the commercial signage approach for the site.
9. Notation on the drawings of the lighting and acoustic mitigation features or specifications that will be installed to mitigate the effect of equipment and lights to nearby residences.

Note to Applicant: Features should include full cutoff lights or shrouds to confine building light to the property, quieting measures on gates, and acoustic shrouds on equipment.

10. Consideration to supply a bird friendly strategy for the design of the building and landscape 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>

Crime Prevention through Environmental Design (CPTED)

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

Note to Applicant: Design should note measures to create a well landscaped lane edge that is green and attractive for pedestrians passing by, while avoiding unintended uses.

Sustainability

12. 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, 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.

Landscape Design

13. Design development to improve north facing lane interface by the following:
 - (i) Provision of a more substantial landscape buffer, without overhead cover, to enable plant establishment and ensure future plant viability.
 - (ii) Provision of further softening of the north façade, by the provision of a sustainable, low maintenance and functional green facade. This could be in the form of a

cable trellis with vines, rather than high maintenance modular pre-planted "living wall".

14. Design development to expand programming of the roof decks on Level 3 to include urban agriculture plots and provide more active communal gathering spaces for staff.
15. Design development to improve relationship of public to private open spaces along Quebec Street and 2nd Avenue, by the provision of a landscaped buffer in setback, while confirming adherence to the Southeast False Creek Public realm guidelines and Engineering setback requirements.

Note to Applicant: If 5.5 m setback on 2nd Avenue is provided (See Condition (b) 2), then a 1 metre wide planting can accommodate some landscape buffer.

16. Sidewalks are to be reconstructed from curb to property line fully at the applicant's expense.
17. A landscape plan and civil works plan is to be submitted for review to Engineering Services a minimum of eight weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering Services or Kevin Cavell at 604.873.7773 for details.

Note to Applicant: The civil works plans should be initiated as soon as possible following development permit issuance with co-ordination of the civil and landscape plans to be confirmed prior to the start of construction.

18. Provide at the time of Development Permit stage:
 - (i) A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, 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 inches scale.
 - (ii) A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, 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 inches scale.

- (iii) A high-efficiency irrigation system to be provided on all planted rooftops, in all landscape common areas on structure and hose bibs in patio areas as needed (illustrated on the Landscape Plan).
- (iv) New street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran at 604.871.6131 (Engineering Streets Division) regarding street tree spacing and quantity. Contact Amit Gandha at 604.257.8587 (Park Board) regarding tree species.
- (v) 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.

- (vi) Large scale sections (1/4 inches = 1 ft. or 1:50) illustrating the buildings to public realm interface facing the street.

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).

- (vii) Any emergency generators, transformers, and 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.

Engineering

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

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

- (i) Provision of at minimum two Class B loading spaces with the following minimum dimensions: 11.0 m long, 3.0 m

wide, and 4.0 m high, with adequate maneuvering space to allow vehicles to access the loading bay.

Note to Applicant: Ensure adequate vertical clearance is provided for utilities and other services over the loading access and stalls to maintain 4.0 m of vertical clearance.

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

Note to Applicant: This is to calculate the slope and cross fall. Check elevations shown as ramp slope calculates to 16% using the design elevations on drawing A202. If a longer ramp is required, it may affect the vertical clearance required for the Class B loading spaces.

- (iii) Provision of an improved plan showing all poles and guy wires within the lane and the required maneuvering for the largest delivery vehicle to access the site. Identify any pole relocations, corner cuts, additional ramp widths or building modifications required to accommodate the loading. The plan should show the routing of the delivery vehicles to and from the street.

Note to Applicant: The truck maneuvering shown on the parking ramp on drawing A202 is not acceptable as 2-way flow on the ramp is required for vehicle access. Consider additional corner cuts at the top and bottom of the ramp.

- (iv) Provision of signage and a signal system at the top of the ramp to indicate when the loading spaces on P1 are occupied.

Note to Applicant: A qualified transportation engineer must provide details on the system and locations of all lights, signs and detection devices on the plans.

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

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. 4.0 m of vertical clearance is required for the Class B loading spaces and maneuvering.

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

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

20. Provision of a draft lane lighting plan that locates the lane lighting, ensures that standard in-ground pole bases or engineered bases will be provided for support of the poles and identifies the in-ground conducting necessary to energize the lighting. The plan should identify if any kiosks/boxes/transformers/electrical panels are necessary for the operation of the lighting and on-site space for this equipment is to be identified.
21. Clarification of the various planters and features within the 1.5 m lane Statutory Right-of-Way is required to ensure the Statutory Right of Way area can act as intended, to allow for a public realm edge between the lane and the building.
22. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

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

23. The generic footings shown on pages A311 and A312 would encroach beyond the ultimate property lines. The final footing design must not encroach.
24. Delete reference to storm overflow connection to City storm from landscape plans (Item 14) any drainage is to be achieved on-site prior to typical service connections to storm and sanitary services.

Neighbourhood Energy Utility

25. The proposed plan for site heating and cooling, developed in consultation with the City, shall be provided prior to the issuance of development permit, to the satisfaction of the General Manager of Engineering Services.
26. The building(s) heating and domestic hot water system shall be designed to be compatible with the Southeast False Creek Neighbourhood Energy Utility system to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Energy Utility System By-law* (No. 9552) and Southeast False Creek *NEU*

Developer Document (2016) for specific design requirements, which include provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with staff to ensure adequate provisions for Neighbourhood Energy Utility compatibility are provided for in the mechanical design. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

27. The building mechanical system must utilize the energy transfer station for all of its space heating and domestic hot water requirements, and the building mechanical system must not incorporate any additional heat production equipment including, but not limited to, boilers, water source heat pumps, air source heat pumps, furnaces, hot water heaters, geo-exchange systems, electric baseboards, or heat producing fire places except that:
- (i) A building may incorporate a solar system to generate heat energy;
 - (ii) A building may incorporate hybrid heat pumps for space cooling, provided the compressor cannot operate in heating mode;
 - (iii) A building may incorporate heat recovery ventilation (air to air heat exchangers) and waste heat recovery from refrigeration or active cooling systems for the purposes of supplementing the heat energy provided:
 - a. The systems used for heat recovery from refrigeration or active cooling do not provide any supplemental heating when there is no active cooling service required;
 - b. The approach to heat recovery is consistent with this Schedule (i.e. hydronic systems with centralized mechanical equipment); and
 - c. Waste heat recovery systems do not cross property lines.

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

28. 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.
29. Provision of a dedicated room in a location suitable for connecting to the Southeast False Creek Neighbourhood Energy Utility distribution piping for each Energy Transfer Station that is required for servicing the development as to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The Southeast False Creek Neighbourhood Energy Utility has pre-serviced this site off of Quebec Street. The Neighbourhood Energy Utility room is to be in close alignment with the preservice location.

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

Engineering

1. Dedication of the westerly portion of the site defined on Plan BCP41959 (Option to Purchase & Statutory Right of Way area) for road purposes. Deletion of all below-grade and above-grade structures and encroachments from the proposed option and dedication areas. A subdivision is required to effect the dedications. A subdivision plan and application to the Subdivision and Strata Group is required. The dedications must be completed prior to enactment of the rezoning by-law.

Note to applicant: The option agreement (BB0801866) is to be discharged simultaneously with the deposit of the dedication plan.

2. Provision of a 1.5 m (5 ft.) building setback and a surface Statutory Right of Way to achieve a 4.5 m standard concrete sidewalk between the back of curb and building on 2nd Avenue. This zone shall be free and clear of obstacles including door swings, planters, tables, chairs, benches, rock gardens, bike racks, and parked bicycles but may allow for the below grade parking/structure and certain above-grade encroachments above the 2nd storey level and standard weather protection canopies that meet the requirements of the Vancouver Building By-law. If the applicant wishes to maintain the bicycle parking proposed

along 2nd Ave, a further widening of the Statutory Right-of-Way to 5.5 m is required.

3. Provision of a 1.5 m x 1.5 m corner-cut and a surface Statutory Right-of-Way in the ultimate southwest corner of the site for sidewalk purposes. This zone shall be free and clear of obstacles including door swings, planters, tables, chairs, benches, rock gardens, bike racks, and parked bicycles but may allow for the below grade parking/structure and certain above-grade encroachments above the 2nd storey level and standard weather protection canopies that meet the requirements of the Vancouver Building By-law.
4. Provision of a statutory right of way over the north 1.5 m of the site for landscaping and lane lighting purposes.
5. Release of Easement & Indemnity Agreement 212711M (commercial crossing) prior to building occupancy.

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

6. 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 sidewalk improvements adjacent the site that are consistent with the Southeast False Creek public realm plan and public realm enrichment guide.
 - (ii) Provision of lane improvements consistent with the Southeast False Creek public realm plan including, granite setts adjacent the lane edge and standard concrete lane crossing on the east side of Quebec Street at the lane north of 2nd Avenue.
 - (iii) Provision of new curb alignment, pavement and street lighting on Quebec Street adjacent the site including relocation and adjustment of all impacted utilities both above and below grade including adjustment, relocation or replacement of portions of the traffic signal network at the Quebec Street and 2nd Avenue intersection to accommodate the new road geometry.

- (iv) Provision of new curb alignment and pavement on 2nd Avenue adjacent the site including relocation and adjustment of all impacted utilities both above and below grade, new street lighting with trolley pole bases and adjustment of the curb east of the site to meet the existing curb alignment should it be necessary.
 - (v) Provision of street trees adjacent the site where space permits.
 - (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (vii) 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.
7. Provision of all existing and new 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.

Consultation with BC Hydro and all other effected Utilities is required by the applicant to identify the extent of existing overhead utilities that can be undergrounded or eliminated. The extent of undergrounding that can be achieved is to be clearly identified on the development permit drawings.

Neighbourhood Energy Utility

8. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connecting to and securing adequate space for the Southeast False Creek Neighbourhood Energy Utility, which may include but are not limited to agreements which:
 - (i) Provision of a Statutory Right of Way to the City granting the operator of the Southeast False Creek Neighbourhood Energy Utility access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy Utility connection and operation, on such terms and conditions as may be reasonably required by the operator;
 - (ii) Grant a Statutory Right-of-Way to the City for Neighbourhood Energy Utility pipes to run through the parkade level 1 for the purposes of servicing the adjacent site.

Soils

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

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

- B. THAT the application to amend Sections 4.2 and 4.3.1 in the Southeast False Creek Official Development Plan (By-law No. 9073) to increase the maximum permitted floor area for non-residential uses in Area 3C from 10,215 m² to 17,822 m², and to establish a pre-dedication site area for 101 East 2nd Avenue, generally as set out in Appendix C of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue", be approved.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigning Schedule B (DD)], generally as set out in Appendix D of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix D of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue".
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix D of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue".
- F. THAT A through E above, be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City

and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; 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. 01260)

3. REZONING: 3365 Commercial Drive and 1695-1775 East 18th Avenue

An application by Cressey 18th Avenue Holdings Ltd. (Inc. No 0969486) was considered as follows:

Summary: To rezone 3365 Commercial Street and 1695-1775 East 18th Avenue from RS-2 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District. The rezoning proposal is to create two sub-areas with a combined floor space ratio (FSR) of 2.40. Sub-area 1 proposes 110 secured market rental units, with a maximum building height of 18.3 m (60 ft.) and an FSR of 2.70. Sub-area 2 would contain the heritage house currently located at 3365 Commercial Drive, restored and converted into two units, and a two-unit infill building. The heritage house would be relocated to face 18th Avenue and be added to the Vancouver Heritage Register. A maximum height of 9.4 m (30 ft.) and an FSR of 0.96 are proposed in Sub-Area 2.

The Acting General Manager of Planning and Development Services recommended approval, subject to the conditions set out in the summary and recommendation of the Public Hearing agenda.

Council also had before it a memo from the Assistant Director of Planning - Midtown Division, which advised Council that the conditions of approval for the application had been revised related to the delivery of a Public Bike Share (PBS) station, since staff had determined there is not an appropriate location on the site for a PBS station.

Staff Opening Comments

Yardley McNeill, Planning and Development Services, presented the application and responded to questions.

Summary of Correspondence

Council received the following correspondence related to this application since referral to public hearing and prior to the close of the speakers list:

- six emails in support;
- 41 emails opposed;
- one email related to other aspects of the application.

Speakers

The Acting Mayor called for speakers for and against the application.

The following spoke in support of the application noting that the development will provide much-needed purpose-built rental housing stock, many of the trees are in decline, and that density is being kept on the arterial route:

Dak Molnar, President, Balmoral Shopping Centres Std.
Bob Ambardar
Tom Skinner

The following spoke in opposition to the application, noting concerns with the proposed height and density, that local amenities are already stretched beyond capacity, high rents, and existing and future traffic in the area:

Valerie Kalk
Nancy Sweedler
Ann Webborn
Antonio Correia
Ilone Winters
Debra Wilson
Joseph Jones
Jeanette Jones
Ken Baker
Brian McGibney
George Liem
Peggy Mersereau
Lesley McLean
Bunny Leblanc
Julia Berga
Grace MacKenzie
Brian Waite
Lee Chapelle
Chris Flerlage
Bob Ambardar
Greg Ryan

The speakers list and receipt of public comments closed at 9:28 pm

Staff Closing Comments

Ms. McNeill, along with Kent Munro, Assistant Director of Planning – Midtown, Daniel Naundorf, Housing Policy and Projects, and Alina Cheng, Engineering Services, responded to questions.

Councillor Stevenson indicated he had questions to ask the applicant's arborist. The Acting Mayor indicated Councillor Stevenson should hold his questions of the arborist until the applicant's closing comments are heard.

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At approximately 9:30 pm, Councillor Carr enquired whether a motion to extend the meeting was needed. The Acting Mayor indicated it was not yet time for such a motion.

At 9:45 pm, Councillor De Genova enquired whether a motion to extend the meeting was needed. The Acting Mayor indicated there was still time before such a motion was required.

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Applicant Closing Comments

Jason Turcotte, Cressey Architecture, provided closing comments, noting that there is a need in Vancouver to increase the supply of rental housing, and that without an effort to increase the supply of dedicated rental housing, ground will continue to be lost on demand. Mr. Turcotte, along with Trevor Cox, Diamond Head Consulting, also responded to questions.

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At 9:52 pm, Councillor De Genova rose on a point of order to move a motion to extend the length of the meeting to finish the business on the agenda. The Acting Mayor noted it was not yet a requirement for Council to extend the length of the meeting, and therefore Councillor De Genova's statement was not a point of order.

At 9:55 pm, Councillor De Genova rose on a point of order to move a motion to extend the length of the meeting to finish the business on the agenda. The Acting Mayor instructed Councillor Stevenson to ask questions of the applicant's arborist.

At 9:57 pm, while Councillor Stevenson was asking questions of the Applicant's arborist Councillor De Genova rose on a point order to move a motion to extend the length of the meeting. The Chair ruled Councillor De Genova out of order as she had interrupted Councillor Stevenson and it was not yet a requirement for Council to extend the length of the meeting.

Subsequently, at 9:58 pm it was

MOVED by Councillor De Genova

THAT the length of the meeting be extended to conclude the business of the agenda.

not put

The Acting Mayor ruled Councillor De Genova out of order, as she had interrupted Councillor Stevenson's questions and it was not yet a requirement for Council to extend the length of the meeting. Councillor De Genova challenged the ruling of the Chair.

The Chair then put the question:

Shall the ruling of the Chair be sustained?

CARRIED

(Councillors Affleck, Ball, Carr, and De Genova opposed)

A two-thirds majority of those present is required to overrule the ruling of the Chair. Therefore the ruling of the Chair was SUSTAINED.

Subsequently, at approximately 10 pm, it was

MOVED by Councillor Affleck

THAT the length of the meeting be extended to complete the business on the agenda.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

* * * * *

Council Decision

MOVED by Councillor Deal

- A. THAT the application by Cressey 18th Avenue Holdings Ltd. (Inc. No. 0969486), to rezone 3365 Commercial Drive [Lot 4, Blocks A and B, District Lot 753, Plan 8865; PID: 009-908-056], 1695 East 18th Avenue [Lot 5, Blocks A and B, District Lot 753, Plan 8865; PID: 009-649-123], 1707 East 18th Avenue [Lot 3 Except the South 7 feet, Now Road Block A, District Lot 753, Plan 1795; PID:014-282-810], and 1775 East 18th Avenue [Lot 1, Block A, District Lot 753, Plan 1795; PID: 005-338-115], together with City-owned land at 1733 East 18th Avenue [Lot 2, Block A, District Lot 753, Plan 1795; PID: 009-908-200], from RS-2 (Residential) District to CD-1 (Comprehensive Development) District to among other things, increase the floor space ratio (FSR) to 2.40 to permit the construction of a 3½- to six-storey residential building containing 110 secured for-profit affordable rental units, and to restore, rehabilitate and designate the exterior

of a heritage building known as the Myers Residence on the westerly portion of the site into two strata residential units adjacent to a new two-unit strata infill building, generally as presented in Appendix A of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th 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 Yamamoto Architecture Inc. and stamped "Received December 2, 2015", subject to the following conditions, provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Architectural expression will employ an improved palette of high quality durable materials and a refined detail finish throughout the buildings.

Note to Applicant: Materials and architectural expression at detailed design stage should ensure legibility of the buildings as residential rather than institutional use.

2. Provision of extensive green roof to the 3½-storey rental block to improve sustainability measures.

Note to Applicant: This will also provide visual relief to the occupants of the six-storey rental block.

3. Design development to provide a 2.1 m setback to the north corner of the six-storey building to improve the transition to the neighbouring site.

Note to Applicant: Adjustments to the form should be in-keeping with the overall design, noting that the angled corner should be maintained. Staff do not anticipate a reduction in floor area as a consequence of this condition.

4. Design development to mitigate direct overlook between the infill building and adjacent development to the west.

Note to Applicant: Detailed design development should include reflected elevations of the building at 1665 East 18th Avenue.

5. Design development to substantially enclose the upper level of the infill building within a pitched roof form to improve compatibility with the adjacent development.
6. Design development to mitigate direct overlook from upper levels of the six-storey building to existing adjacent development to the west.

Note to Applicant: This can be accomplished with the use of translucent glazing to a 36 inch height at the balcony guard rail or similar measures.

7. Consideration design development to the bridge component on the rental building to add visual interest and improve lobby entrance legibility.
8. Design development to emphasize townhome scale massing of Levels 1 to 3 on the 3½-storey rental block fronting East 18th Avenue.
9. Design development to mitigate solar heat gain on the south elevation.

Note to Applicant: This can be accomplished through the provision of external solar shading devices.

Crime Prevention through Environmental Design (CPTED)

10. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:
 - (i) theft in the underground,
 - (ii) break and enter,
 - (iii) mischief and vandalism such as graffiti, and
 - (iv) mitigate possible CPTED concerns in the parking area.

Landscape Design

11. Design development to retain trees nos. 1646, 1647, 1648, 1649, 1650 and 1678.

Note to Applicant: The analysis will require additional arborist reporting and details of construction work near trees. Explore

opportunities to retain additional healthy trees, with special consideration to companion trees. Retention of tree no. 1678 will require modifications to the underground parkade and open space plan including the child's play area. To optimize tree protection, employ special construction methods, such as vertical shoring and setback and limit excavation outside the dripline. The proposal should not rely on canopy encroachments or surface disturbances (such as intensive re-landscaping). Avoid landscape or grading proposals that may cause unnecessary compaction of roots and changes to the existing growing conditions (i.e. water availability and drainage).

12. 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.

13. Design development to 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.

14. Consideration to explore design options that respect the City of Vancouver, Bird Friendly Design Guidelines.

Note to Applicant: refer to
<http://www.vancouver.ca/commsvcs/guidelines/B021.pdf>

15. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. 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.

16. Provision of a "Tree Management Plan".

Note to Applicant: 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 dimensioned 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 strategy (i.e. vertical shoring, shotcrete).

17. 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.

18. Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.
19. Provision of the necessary infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common amenity locations.
20. 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 square feet (9.29 sq. m). On the plan, illustrate hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed.

21. Provision of an outdoor Lighting Plan.

Note to Applicant: Consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

22. Provision of an updated, detailed arborist report.

Note to Applicant: The expanded arborist report should inform design. Include any construction limitations such as the location of construction materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements.

23. Provision of a registered biologist report, where applicable.

Note to Applicant: The report is a cautionary measure should tree removals be scheduled from March 15 to August 15, the period generally accepted as the bird nesting window.

24. Provision of a letter of assurance for arborist supervision.

Note to Applicant: Arborist supervision is typically necessary when any work is required within a minimum root protection zone of a retained tree. The arborist should discuss the details of any supervision requirements within the arborist report, particularly if the plans depict any work that encroaches into a minimum root protection zone. Typically, an assurance letter will outline up to four key construction points where the arborist shall be contacted to attend the site. The letter must be signed by the owner, the contractor and the arborist.

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

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

Housing

26. The proposed unit mix including 30 two-bedroom and 11 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.

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

28. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

29. The rental building is to comply with the High Density Housing for Families with Children Guidelines and include a common amenity room with a kitchenette (and an accessible washroom adjacent to this amenity room).

Sustainability

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

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

Heritage Conservation

31. Revise the Statement of Significance (SOS) for the building at 3365 Commercial Drive to reflect advice from the Vancouver Heritage Commission SOS Sub-Committee.

Engineering

32. Provision of crossings to the satisfaction of the General Manager of Engineering Services, please show a standard commercial crossing design on site and landscape plans. A crossing application is required.
33. Clarification of the garbage pick-up operations for the heritage building. It appears residents must travel through unsecured portions of the parkade to access the garbage room.
34. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

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

35. Make arrangements for provision of additional street trees between the property line and back of city sidewalks to the satisfaction of the General Manager of Engineering Services in consultation with the General Manager Vancouver Board of Parks and Recreation.
36. Update landscape and site plan to reflect the change in sidewalk locations and size sought by this rezoning application. Show front boulevard trees and offset sidewalk along the Commercial Drive frontage of the site.
37. Delete pavers and special sidewalk treatments from public property and show standard concrete treatments. Note to applicant: An interconnected water service will be required for this development. Please contact Water Design branch for details.
38. Parking, loading, and bicycle spaces shall be provided and maintained according to the provisions of the Vancouver Parking By-law except that a minimum of 2 Class A loading spaces shall be provided for the site.
39. Compliance with the Bicycle Parking and Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Please refer to the Bicycle Parking and Parking and Loading Design Guideline and Supplements for details.

Bicycles:

- (i) Clearly label the path intended to be used by residents to bring bikes to and from the bicycle rooms to outside the building.
- (ii) Provision of horizontal bicycle spaces not located within a bicycle room to be within a hard shell locker.
- (iii) Provide automatic door openers on the doors along routes providing access to the bicycle room(s).

Parking Spaces:

- (iv) Any column 2' in length must be set back 2' from either end of the parking space.
- (v) Dimension all columns encroaching into parking stalls.
- (vi) 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.

Parking Ramps and Drive Aisles:

- (vii) Relocate loading space to a more typical stall configuration, its current location obstructs maneuvering for passenger vehicles.
- (viii) Provision of design elevations on both sides of the parking ramp at all breakpoints.
- (ix) Provision of a minimum 20' wide overhead security gate between the visitor parking area and the secured residential parking.

Note to Applicant: if it is not possible to provide a 20' opening, then a 12' gate should be provided to prevent the possibility of vehicle conflict when two cars are passing through the gate.

- (x) Mark hatchings on the floor in the gap between two parking spaces at the southwest corner of the main parkade to identify this as pedestrian space.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Consolidation of Lots 1, 2, and 3 (Except the South 7 Feet Now Road), Block A, Plan 1795; Lots 4 and 5, Blocks A and B, Plan 8865; All of DL 753 to create a single parcel.
2. Dedication of a 2.1 m x 2.1 m corner-cut at the 18th Avenue and Commercial Drive intersection of the site for road purposes. (The

2.1 meters is to be measured along the edge of each of the street frontages).

3. Provision of a natural watercourse agreement. Records indicate a natural watercourse passes through this site, a legal agreement ensuring that should the watercourse be discovered or impact the site during development and beyond that its flow will not be obstructed. On-site management of the watercourse is required.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of minimum 1.8 m wide concrete sidewalk broom finish with saw cut joints and a minimum 1.2 m sod front boulevard with street trees on both Commercial Drive and East 18th Avenue adjacent the site. Note: a modified sidewalk design will be required to address a conflict with the existing traffic signal controller kiosk and the new sidewalk location.
 - (ii) Provision of a concrete curb and gutter on East 18th Avenue for the full length of the development including asphalt paving to centerline of the road. Work to include adjustment of all utilities necessary to accommodate the installation of the new curb and pavement.
 - (iii) Provision of improved street lighting on East 18 Avenue. Work to include a review of adequacy of existing lighting and addition of lighting should it be determined and upgrading of the existing lighting to meet current standards which may include LED lighting.
 - (iv) Provision of new curb ramps at the intersection of Commercial Drive and East 18 Avenue to current City standards. Work to include replacement of the curb return at this location to accommodate the new ramps should it be necessary.
 - (v) Provision of audible signals at the intersections of Commercial Dive and East 18 Avenue and at Commercial Street and Victoria Diversion.
 - (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required.

Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- (vii) Provision of upgraded storm and sanitary sewer to serve the site. Sub-area 2 (Rental Site) places additional load on the combined system, as a result, approximately 40 m of existing combined sewer on Commercial Drive from the manhole adjacent to 3365 Commercial Drive to the downstream manhole must be upgraded to a minimum 200 mm sanitary sewer and 250 mm storm sewer at the applicant's cost. The work is currently estimated at \$110,000 (2015 dollars).
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Housing

6. 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 the life of the building or 60 years, subject to the following additional conditions:
- (i) No separate-sales covenant.
 - (ii) A non-stratification covenant.
 - (iii) None of such units will be rented for less than one month at a time.

- (iv) At least 25% of the units must have two or more bedrooms and be designed to meet the City's "High Density Housing for Families with Children Guidelines".
- (v) A rent roll indicating the proposed initial monthly rents for each rental unit.
- (vi) A covenant from the owner to, prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Chief Housing Officer and the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with the Housing Agreement on either a per unit or a per square foot basis.
- (vii) Such other terms and conditions as the 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.

Heritage

7. The owner enters into a Heritage Restoration Covenant for the rehabilitation, registration and long-term protection of the heritage building. The agreement is to be completed and registered in the Land Title Office to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the rezoning by-law.

Note to Applicant: The agreement must be signed by the owner and any party with a financial charge on the title to give priority. The purpose of the agreement is to secure the protection of the heritage building during and after construction and ensure its rehabilitation in a timely manner consistent with a conservation plan, in addition to allowing the City to place a commemorative plaque on the building or lands, and related matters. Please contact the heritage planner to receive a copy of the draft agreement for review.

8. Designation of the exterior of the heritage building as a protected heritage property, pursuant to sections 593 and 594 of the Vancouver Charter and enactment of the Heritage Designation By-law by Council.
9. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

Soils

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

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

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

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

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th Avenue", the Director of Legal Services be instructed to prepare the

necessary Housing Agreement By-law for enactment, prior to enactment of the amending by-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.

- C. THAT, subject to approval in principle of the rezoning, the existing building, known as "The Myers Residence" at 3365 Commercial Drive [Lot 4, Blocks A and B, District Lot 753, Plan 8865; PID: 009-908-056], be added to the Vancouver Heritage Register in the 'C' evaluation category.
- D. THAT, subject to approval in principle of the rezoning, Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- E. THAT A through D above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; 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.

not put

REFERRAL MOVED by Councillor Stevenson

THAT the decision on the application be referred to a Regular Council meeting in July 2016 in order to receive information from the City Arborist regarding the issue of the trees on the property.

not put

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Councillor Carr rose on a point of order to note that previous rulings on referrals at public hearings have been that they are not in order, and that Council should be making a decision to approve or not approve the application. The Acting Mayor ruled that the referral is in order because the referral requests further information from staff so that Council can make a decision based on full facts, rather than referring the application back to hear further from the public. He noted that a referral on the decision to a future meeting, in order to

receive for more information from staff is in keeping with previous Council actions. Councillor Carr challenged the ruling of the chair.

The Acting Mayor then put the question:

Shall the ruling of the Chair be sustained?

CARRIED

(Councillors Affleck, Ball, Carr, and De Genova opposed)

A two-thirds majority of those present is required to overrule the ruling of the Chair. Therefore, the ruling of the Chair was SUSTAINED.

The Acting Mayor clarified the nature of the referral, specifically, that the referral is to request more information from staff, particularly since there were concerns that the City Arborist was not at the Public Hearing to respond to questions regarding trees.

Councillor De Genova rose on a point of order to ask why referrals at public hearings were not previously allowed, but this referral is being allowed. The Chair ruled Councillor De Genova out of order as her point of order was the same as the previous point of order, specifically, to discuss ruling that the referral is in order, and that ruling of the Chair had been upheld. Councillor De Genova challenged the ruling of the Chair on the current point of order.

The Chair then put the question:

Shall the ruling of the Chair be sustained?

CARRIED

(Councillors Affleck, Ball, Carr, and De Genova opposed)

A two-thirds majority of those present is required to overrule the ruling of the Chair. Therefore, the ruling of the Chair was SUSTAINED.

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At 10:21 pm, Councillors Affleck, Ball, Carr, and De Genova left the Council Chamber, resulting in a loss of quorum of the Committee of the Whole. The meeting was effectively ended. Subsequently, the meeting was adjourned by the Meeting Coordinator.

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