



PUBLIC HEARING MINUTES

FEBRUARY 20, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, February 20, 2018, at 6:05 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck
Councillor Elizabeth Ball
Councillor Hector Bremner
Councillor Adriane Carr
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Andrea Reimer
Councillor Tim Stevenson

ABSENT: Councillor Melissa De Genova

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator
Terri Burke, Meeting Coordinator

WELCOME

The Mayor acknowledged we are on the unceded homelands of the Musqueam, Squamish and Tsleil-Waututh Nations, and we give thanks for their generosity and hospitality on these lands.

COMMITTEE OF THE WHOLE

The Mayor reminded Council that, based on advice from the City Clerk, it is not necessary for Council to sit as Committee of the Whole during a Public Hearing; however, in order to comply with the Procedure By-law, a motion to go into Committee of the Whole should be put to a vote and failed by Council.

MOVED by Councillor Louie
SECONDED by Councillor Ball

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

LOST

(Councillors Affleck, Ball, Bremner, Carr, Deal, Jang, Louie, Reimer, Stevenson and Mayor Robertson opposed)

1. TEXT AMENDMENT: 1529 West Pender Street

An application by Franci Architecture was considered as follows:

Summary: To amend the text of CD-1 (Comprehensive Development) District (312) By-law No. 7200, to allow conversion to office use of 684 square metres of vacant retail store space in an existing building located at 1529 West Pender Street.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Summary of Correspondence

No correspondence was received on this application since it was referred to public hearing and prior to the close of the speakers list and receipt of public comments.

Speakers

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

The speakers list and receipt of public comments closed at 6:13 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Stevenson

- A. THAT the application by Franci Architecture, on behalf of BCIMC Realty Corporation (Quadreal Property Group), to amend the text of CD-1 (Comprehensive Development) District (312) By-law No. 7200, to allow conversion to office use of 684 square meters of vacant retail store space in an existing building located at 1529 West Pender Street [*PID:024-333-387; Lot 1 Block 42 District Lot 185 and of the Public Harbour of Burrard Inlet Group 1 New Westminster District Plan LMP39928*], generally as presented in Appendix A of the Policy Report dated January 16, 2018, entitled "CD-1 Text Amendment: 1529 West Pender Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

1. Design of the front interior space of street-level commercial units should provide visual interest for pedestrians on Pender Street and window treatments should maintain transparency.

Note to Applicant: To maintain transparency, windows should not be blocked out with opaque or translucent film.

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

CARRIED UNANIMOUSLY (Vote No. 02647)

2. REZONING: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)

An application by Mallen Gowing Berzins Architecture Inc. was considered as follows:

Summary: To rezone 5679 Main Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a new six-storey mixed-use building with 46 secured market rental housing units. A height of 23.0 metres (75 feet) and a floor space ratio (FSR) of 3.50 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability staff responded to questions.

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:

- 10 pieces of correspondence in support of the application;
- 1 piece of correspondence in opposition to the application; and
- 1 piece of correspondence related to other matters.

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 6:18 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to questions.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT the application by Mallen Gowing Berzins Architecture Inc., on behalf of Rendition (E41) Developments Inc., the registered owner, to rezone 5679 Main Street [*Lots 12 to 15, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane; and Lot 16, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane, (C) Part in Reference Plan 5645 Now Road; all of Block L, West Part of District Lots 639 and 640, Plan 1393; PIDs: PID 014-070-910, 014-070-928, 014-071-037, 014-071-061 and 014-071-754, respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.50 to 3.50 and the building height from 13.8 m (45 ft.) to 23.0 (75 ft.) to permit the development of a six-storey mixed-use building with 46 secured market rental housing units, generally as presented in Appendix A of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the prepared form of development be approved by Council in principle, generally as prepared by Mallen Gowing Berzins Architecture Inc. on behalf of Rendition (E41) Developments Inc., and labeled "Received September 29, 2017 Rezoning - PDS", provided that the Director of Planning 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 Director of Planning, who shall have particular regard for the following:

Urban Design

1. Design development to the north side of the building, to reduce the massing and improve the building elevation, as follows:

- (i) Delete the northeast corner of Unit W10 on Level 6 (currently shown as a washroom);
- (ii) Add windows to the exit stair, to improve transparency and encourage active use; and
- (iii) Consideration to add a window on the north wall of the second bedroom of Unit W7 on Levels 4 and 5.

Note to Applicant: Only the exit stair massing should project into the 8 ft. upper storey setback.

2. Design development to improve livability of the units by providing appropriate storage either in-suite or at the parkade level.

Note to Applicant: Many in-suite storage rooms are compromised by the location of laundry facilities, and do not appear to comply with the Bulk Storage bulletin.

3. Design development to improve the building elevations by indicating all exterior materials.

Note to Applicant: Further conditions may follow from the response to this condition.

4. Design development to the public realm design, as follows:

- (i) Provide a demountable weather protection canopy, minimum 6 ft. deep; and
- (ii) Provide a sidewalk treatment consistent with Engineering Services requirements.

Note to Applicant: Weather protection canopy should be clearly indicated and dimensioned on the floorplan and section drawings. Patios on City property should be removed from the drawings. A patio use may be approved under a separate, future permit. Landscape design should be amended to not obstruct or interfere with the use of the sidewalk.

5. The proposed unit mix, including 9 studio units (19%), 21 one-bedroom units (46%), and 16 two-bedroom units (35%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only 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 designed to be suitable for families with children.

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

Note to Applicant: Refer to the *Bird-Friendly Design Guidelines* for examples of built features that may be applicable. For more information, see the guidelines at:
<http://guidelines.vancouver.ca/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

7. Identify on the drawings strategies that consider the principles of CPTED including the following conditions:
 - (i) Limiting opportunities for nuisance activities, mischief in alcoves, and blind corners;
 - (ii) Limiting unobserved access or activity and encouraging natural visual surveillance;
 - (iii) Mail theft;
 - (iv) Site lighting developed with considerations for safety and security; and
 - (v) Reduced opportunities for graffiti.

Note to Applicant: Alcoves and other similar visually hidden areas should be designed so as to not be covered or have limited cover and be well lit.

Opportunities for graffiti can be mitigated by reducing areas of exposed wall and by covering with vines, hedges or a rough finish material.

8. Design development to improve visibility and security in the underground parking in accordance with the Parking By-law including:
 - (i) Overhead lighting and step lights at exit stairs and doors;
 - (ii) 24 hour lights and walls painted white; and
 - (iii) Visibility at doors, lobbies, stairs and other access routes.

Landscape Design

9. Design development to the integration of the architecture, grades, retaining walls, walkways and structural elements, such as underground parking, to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible.

10. Design development to increase the amount of permanent rooftop planting and presence of vegetation by increasing the width of private patio edge in combination with more robust tree planters.
11. Explore opportunities to add additional soft landscaping to the building edges at grade.

Note to Applicant: The at grade public-private realm contains large expanses of paving. In coordination with Engineering staff, efforts should be made to add low maintenance planting to the building perimeter at grade, especially along Woodstock Avenue. It is noted that this will be challenging at points of access/egress and pedestrian paths.

12. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.
13. Design development to locate site utilities and vents onto private property and integrated discreetly into the building, avoiding landscaped and common areas.

Note to Applicant: This includes the exploration of opportunities to screen the pad mounted transformer at the lane with a trellis and gates. Further coordination with BC Hydro will be necessary.

Sustainability

14. Confirm that the building is on track to meet the requirements of the preceding *Green Buildings Policy for Rezonings* (as amended up to January 14, 2016), 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 of 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.

15. In lieu of the requirements outlined in Condition 14, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning*s (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Building are summarized at:
<http://guidelines.vancouver.ca/G015.pdf>.

Engineering

16. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
17. Provision of a stormwater and rainwater management plan that meet the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course By-law. The plan shall achieve the following objectives;
 - (i) Retain or infiltrate 50% of the 6-month storm event volume (24 mm) onsite;
 - (ii) Treat the 6-month event (48 mm) onsite; and
 - (iii) Maintain the pre-development 2-year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note to Applicant: Legal arrangements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

18. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent

utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

19. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
20. Confirmation that the proposed garbage space provides adequate bin storage. Please review the garbage and recycling design supplement to determine garbage space for the commercial portion of the development. The current provision of totters only is likely not an adequate provision. More typical 2 or 3 yard bins may be necessary.
21. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning.
22. The following statement is to be placed on the landscape plans:

"The landscape plan is to be noted as 'NOT FOR CONSTRUCTION' and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."
23. Clearly show existing transit shelter on the Site Plan and Landscape Plans.
24. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

Provision of additional design elevations on both sides of the parking ramp at all breakpoints and both sides of the loading bay.

Note to Applicant: The length of the ramp slopes and all sections of ramp to be shown on the submitted drawings.
25. Modification of the parking ramp design as follows:
 - (i) The slope must not exceed 10% for the first 20 ft. from the property line.

- (ii) The slope must not exceed 12.5% after the first 20 ft. from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m in length.
- (iii) Provide a corner cut through the inside radius at the bottom of the main parking ramp to enable two vehicles to pass each other unobstructed.
- (iv) Provision of vehicle turn movements that show vehicle turning tracks the length of the curved ramps on the submitted plans to ensure that two vehicles can pass unobstructed.

Note to Applicant: Engineering recommends providing a minimum ramp width of 23.5 ft. through the curved section of the parking ramps to achieve two way flow.

- (v) Provide measures to address conflicts between vehicles on the ramps. Parabolic mirrors are recommended at the tops and bottoms of all ramps and through the curved sections of the ramps.
- (vi) Provision of updated section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay.

Note to Applicant: Label minimum clearance for parking levels on the drawings, including overhead gate and mechanical projections.

- (vii) Show and dimension all columns on the drawings.
- (viii) Provide a 6.6 m (21.66 ft.) maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.
- (ix) Provision of additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4 ft. from the end of the stall.

26. Modification of the loading bay design:

- (i) The slope of the loading bay must not exceed 5%.
- (ii) Provide a double throat for the Class B loading spaces.
- (iii) Confirm minimum vertical clearance for the two small car stalls located on P2 under the ramp from P1 to P2.

- (iv) Provision of an updated 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.

- (v) Provision of automatic door openers on the doors providing access to the bicycle room(s).

Note to Applicant: Engineering does not support the proposed lane closure as it would lead to vehicle circulation through the neighbourhood to achieve access to the parking and loading.

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, Urban Design and Sustainability, 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 Lots 12 to 15, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane; and Lot 16, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane, (C) Part in Reference Plan 5645 Now Road; all of Block L, West Part of District Lots 639 and 640, Plan 1393 to create a single parcel and subdivision of that site to result in the dedication of the easterly 7 ft. (2.134 m) and the southerly 2 m for road purposes. A subdivision plan and application to the Subdivision and Strata Group is required.
2. Following dedications, provision of an additional building setback to achieve a 5.5 m (18 ft.) boulevard, measured from the back of the existing curbs on both Main Street and 41st Avenue. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/statutory right-of-way (SRW) dimension. The SRW will be free of any encumbrances such as structures, stairs, door swing, landscaping and bicycle parking at grade but the encroaching building portions shown below grade and at the 3rd storey and above will be accommodated within the SRW agreement.

Note to Applicant: Should the setback be determined to be less than 2 ft., then an SRW will not be sought over the setback areas.

3. Release of Easement and Indemnity Agreement 305021M (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.

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 security for the services is provided.

- (i) Provision of an upgrade to the traffic signal at the intersection of 41st Avenue and Main Street through provision of upgraded intersection lighting and a traffic camera upgrade including all supporting equipment, cabinet/kiosk and signal modifications to accommodate the upgrade.

- (ii) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (iii) Provision of new CIP light broom finish sidewalk and exposed aggregate front utility strip with saw cut joints to be located between the curb and the building face on all building frontages.

- (iv) Provision of upgraded LED street lighting on Main Street, Woodstock Avenue and on 41st Avenue to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.

- (v) Provision of standard concrete commercial lane crossings at both lane entries for the lane west of Main Street at 41st Avenue and Woodstock Street.

- (vi) Provision of new curb ramps and curb returns where necessary on the Main Street frontage at 41st Avenue and at Woodstock Avenue.
 - (vii) Provision of removal of the existing boulevard crossing and reconstruction of the sidewalks and curb to current standards.
 - (viii) Provision of adjustments to the transit stop and transit shelter to accommodate building design and/or transit stop needs including adjusted shelter location should it be necessary.
 - (ix) Provision of street trees adjacent the site where space permits.
 - (x) Provision of adjusted parking regulatory signage adjacent the site as needed.
 - (xi) 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
 - (xii) 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.
26. 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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. In addition, 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.

Note to Applicant: Please ensure that in your consultation with BC Hydro, an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Housing

27. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement and/or Section 219 Covenant to secure all 46 residential units as secured market rental housing units pursuant to the City's Rental 100 Program, for the longer of 60 years or the life of the building, subject to a no-separate-sales covenant and a no-stratification covenant, and such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City at by-law enactment pursuant to Section 565.2 of the *Vancouver Charter* and/or a Section 219 Covenant.

Environmental Contamination

28. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 covenant that there will be no occupancy of any buildings or improvements on this site constructed pursuant to this rezoning until separate

Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been issued 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 registerable charges pursuant to 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 and at no cost to the City.

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, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 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 property owner(s) and their mortgagee(s), but prior to enactment of the CD-1 By-law contemplated by the above-noted, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Community Services.
- C. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)".
- 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 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. 02648)

3. REZONING: 431-455 West King Edward Avenue

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

Summary: To rezone 431-455 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit a new four-storey residential building and two-storey townhouses at the lane with 42 secured market rental units. A building height of 14.6 metres (48 feet) and a floor space ratio (FSR) of 2.01 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions 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
- 1 piece of correspondence related to other matters.

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 6:25 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Stevenson

- A. THAT the application by Integra Architecture Inc., on behalf of 1022003 B.C. Ltd., the registered owner, and CIBT Education to rezone 431-455 West King Edward Avenue [*Lots 13 to 15, Block 661, District Lot 526, Plan 2913; PIDs: 013- 343-700, 013-343-742, and 013-343-769 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 2.01 FSR and the height from 10.7 m (35 ft.) to 14.6 m (48 ft.) to permit the development of a four-storey residential building containing a total of 42 secured market rental housing units, generally as presented in Appendix A of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 431-455 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 Integra Architecture Inc. on behalf of CIBT Education, and stamped "Received Planning and Development Services (Rezoning Centre) July 14, 2016", provided that the Director of Planning 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 Director of Planning, who shall have particular regard for the following:

Urban Design

1. Design development to provide a substantial break (no less than 10 ft.) in the laneway townhouse building which will result in two separate buildings.

Note to Applicant: A single building in excess of 80 ft. is not supported in the *Cambie Corridor Plan*. This refinement will improve the scale and livability of the townhouse buildings at the lane.

2. Design development to improve the courtyard performance by increasing its dimension and by lowering it to be closer to natural grade and better related to units that are located along it.

Note to Applicant: This may be achieved by optimizing the parking structure and/or lowering the elevation of the main building. Units in the main building can be considered along the courtyard to provide amenity to the units, and to enliven the courtyard space.

3. Design development to re-locate the indoor amenity space to the rooftop and along with it, provide a co-located outdoor amenity space. An increase is sought on each of these spaces by providing no less than 700 sq. ft. for the indoor amenity and 1,400 sq. ft. for the outdoor amenity space.

Note to Applicant: A southern sun exposure must be provided to ensure viability of landscape enhancements and urban agriculture plots.

4. Design development to provide a children's play area at grade, in line with the *High-Density Housing for Families with Children Guidelines*.
5. The proposed unit mix, including 5 one-bedroom units (12%), 24 two-bedroom units (57%), 11 three-bedroom units (26%), and 2 four-bedroom units (5%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only 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 designed to be suitable for families with children.

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

Note to Applicant: Refer to the *Bird-Friendly Design Guidelines* for examples of built features that may be applicable. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

7. Design development to respond to CPTED principles, having particular regard for the following:
 - (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 Design

8. Design development to improve the livability of the common courtyard by the following:
 - (i) Widen the distance between buildings to achieve a more usable space, with the common walkway to be a minimum 8 ft. wide.
 - (ii) Provide more usable common space in the area between the two townhouse buildings by replacing some of the planted area with additional seating or other common uses.

- (iii) Provide more opportunities for informal seating and gathering by including some lawn areas, seat walls and additional benches.
 - (iv) Delete water feature and replace with a planting bed, flush with the courtyard rather than raised, for a smooth, unobstructed visual experience. This will require alterations to the parkade height in order to allow adequate depth of soil.
 - (v) Orient planting beds along the walkway towards the common side, in layers with lower plants in front of taller ones.
 - (vi) Relocate the children's play area, including benches for parent supervision, closer to the common courtyard, where visual access for adult supervision of children can take place. The play area should receive maximum solar orientation and should not be covered.
9. Design development to include the addition of minimum four significant, larger scale deciduous trees in free soil areas (on free grade) for the provision of a higher quality landscape and additional future tree canopy.
- Note to Applicant: This can be accommodated in the 8 ft. setbacks along the side yards at both ends of the common courtyard.
10. Design development to provide a more conservative tree removal strategy to enable the retention and protection of all or some of the adjacent east property trees.
- Note to Applicant: A revised arborist report should recommend tree retention, based on further assessment of health and condition. Trees which are not viable will require a Letter of Consent from the property owner for removal.
11. Design development to fourth level common terrace through the following:
- (i) Provision of additional planters at the terrace edge and visible from the street; and
 - (ii) Provision of urban agriculture plots following the City's *Urban Agriculture Guidelines* for the Private Realm and including infrastructure as required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

12. 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.

13. Consideration to improve sustainability by the provision of an extensive green roof.

14. A full Landscape Plan for proposed landscape is to be submitted. The Landscape Plan should illustrate proposed plant materials (with common botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 or 1/8" scale and should match the architectural site plan.

15. Section details at a minimum scale of 1/2"=1' scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details should show dimensioned rootballs to confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. The depth should exceed BCSLA standards.

16. Sections (1/4"=1' or 1:50) illustrating the buildings to the public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The sections 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 sections.

17. New proposed street trees should be coordinated with the Park Board and Engineering and 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.

18. A high-efficiency automatic irrigation system is to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.

19. A Landscape Lighting Plan is 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.

Sustainability

20. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for the 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.

21. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezoning* (as amended up to January 14, 2016), 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 of 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.

22. In lieu of the requirements outlined in condition 21, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning* (amended February 7 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at:
<http://guidelines.vancouver.ca/G015.pdf>.

Engineering

23. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
24. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering Garbage and Recycling Storage Facility Design Supplement for recommended dimensions and quantities of bins.

Note 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.

25. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown. If this cannot be confirmed, then an on-site garbage bin staging area is to be provided adjacent the lane.
26. Provision of a landscape and site plan that reflects the off-site improvements sought for this rezoning. Please submit an updated plan for review.
27. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Provision of direct, stair-free access from the laneway to the apartment elevator core for loading.

Note to Applicant: Parking may not be available on King Edward Avenue in front of the site for loading due to certain street improvements.
 - (ii) Provision of an updated parking floor plan showing the full extent of the main parking ramp on the plans.
 - (iii) Provision of additional design elevations throughout the parking level, both sides of the manoeuvre aisle at all break points and at all entrances to calculate the slope and crossfall and ensure City building grades are correctly met at the property lines.

- (iv) Confirmation that the slope shown from elevation 211.88 ft. to 208.50 ft. is correct.
- (v) Provision of a section drawing showing elevations, vertical clearances, and security gates for the parking level.
- (vi) Label minimum clearance for parking levels on the plan and section drawings, including at overhead gate and mechanical projections.

Note to Applicant: Minimum 2.3 m overhead clearance is required for access and maneuvering to all disability spaces.

- (vii) Show all overhead gates on drawing A-2.000.
- (viii) Provision of 13' -1 ½" width and 7' -6 ½" vertical clearance for disability stall 12.

Note to Applicant: Consider providing two disability stalls and a shared access aisle at stall 46 and 47.

- (ix) Provision of an updated plan showing the access route from the Class A bicycle spaces to reach the outside. The route must be 'stairs free' and confirm the use of the parking ramp or elevator, if required.
- (x) Provide automatic door openers on the doors providing access to the bicycle room(s).

Note to Applicant: An interconnected water service is 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, Urban Design and Sustainability, 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 Lots 13 to 15, Block 661, District Lot 526, Plan 2913 to create a single parcel and subdivision of that site to result in the dedication of the south 0.75 m for road purposes.

Note to Applicant: Delete all landscaping features (metal railing, gates, gate column, etc.) from the area to be dedicated.

2. Provision of a shared access agreement between the subject site and the adjacent site at 467-495 West King Edward Avenue (Lots 10 to 12, Block 661, District Lot 526, Plan 2913) to secure access to the proposed underground parking.
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 street reconstruction on King Edward Avenue adjacent to the site to generally include the following:
 - a. New curb and gutter.
 - b. A 2.5 m wide raised protected bike lane.
 - c. A 1.22 m (4 ft.) sod grass boulevard with street trees.
 - d. A 1.83 m (6 ft.) wide broom finish concrete sidewalk with saw cut joints.
 - e. Work to include adjustments of all existing infrastructure to accommodate new road geometry and street changes.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the *Cambie Corridor Public Realm Plan*.

- (ii) Provision of street trees adjacent the site where space permits.
- (iii) Provision of upgraded street lighting and pedestrian scale lighting adjacent the site.
- (iv) Provision of adequate water service to meet 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.

- (v) Provision of a stormwater detention tank to maintain pre- and post-development run-off flows to meet the 1 in 5 year storm standard (the net change in capacity is to be zero). A stormwater storage covenant will be required.

Note to Applicant: Sewer connection is to be to the 300 mm combined sewer in the lane north of King Edward Avenue.

- 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 (SRW). 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

- 5. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement securing all residential units as rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or the life of the building, subject to the following 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; and
 - (iv) Such other terms and conditions as the General Manager of Community Services 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 the City by by-law enacted pursuant to Section 565.2 of the *Vancouver Charter*.

Environmental Contamination

6. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 covenant that there will be no occupancy of any buildings or improvements on this site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been issued 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 registered charges pursuant to the *Land Title Act*.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over other such 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 and at no cost to the City.

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, if after Public Hearing, Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 431-455 West King Edward Avenue", the Director of Legal Services be

instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the property owner(s) and their mortgagee(s) prior to enactment of the CD-1 By-law contemplated in the same report.

- C. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 431-455 West King Edward Avenue".
- D. THAT A through C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditures or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the sole risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 02549)

4. REZONING and HERITAGE DESIGNATION: 6 West 17th Avenue (Turner Dairy)

An application by ASIR Studio was considered as follows:

Summary: To rezone 6 West 17th Avenue (Turner Dairy) from RS-7 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the adaptive reuse of the existing three-storey building, including heritage restoration and designation and 13 market residential units. A height of 10.7 metres (35 feet) and a floor space ratio (FSR) of 1.56 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability staff reviewed the application and responded to questions.

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:

- 27 pieces of correspondence in support of the application; and
- 11 pieces of correspondence in opposition to the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Varouj Gumuchian, Riley Park - South Cambie Visions Group
Anne Pearson
David Craig

The following spoke in opposition to aspects of the application:

Arpal Dosanjh
Mary Cowan and Philip Di Tomaso
Michael Smit
Pam Hossack
Lauren McEwen

The speakers list and receipt of public comments closed at 7:38 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability and Engineering Services staff responded to questions.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Reimer

- A. THAT the application by ASIR Studio on behalf of Durabil Holdings Ltd., the registered owner, to rezone 6 West 17th Avenue [*Lots 12 and 13, Block 524, District Lot 526, Plan 2354; PIDs: 014-202-387 and 014-202-425 respectively*] from RS-7 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 1.56 FSR to permit the conversion, rehabilitation and protection of the existing dairy building, the hanging roof truss of the stables building and infill residential development

containing a total of 13 dwelling units, generally as presented in Appendix A of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning and Heritage Designation: 6 West 17th Avenue (Turner Dairy)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the prepared form of development be approved by Council in principle, generally as prepared by ASIR Studio on behalf of Turner Dairy Developments, and labeled "Received April 19, 2017 Rezoning - PDS", provided that the Director of Planning 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 Director of Planning, who shall have particular regard for the following:

Urban Design

1. Design development to reduce the apparent height of the townhouse building at the lane.

Note to Applicant: A 6 ft. setback should be provided at the south elevation, in addition to the proposed spacing between the units at the third storey.

2. Design development to improve the interface with the public realm along West 17th Avenue.

Note to Applicant: Reduce height of the gates at the courtyard entry to no more than 3 ft. to ensure a visually permeable connection between the private and public realm. The breezeway may be secured and gated, noting that the enclosure at the street edge should be highly transparent.

3. Design development to the breezeway to improve daylighting of the space.

Note to Applicant: The breezeway should be an open space with no significant obstructions. Delete the deck and stair projections into the breezeway, and provide entry to Unit 13 at the ground floor. Entry canopies may be provided for each unit.

4. Design development to provide improved daylighting of units facing the breezeway, while also considering privacy and overlook.

Note to Applicant: Provide additional windows adjacent the breezeway where possible, including at the private light wells. The design of the windows, including sill height, screening or translucent glazing, should be considered to reduce overlook issues.

5. Design development to reduce potential overlook impact from the roof deck to the adjacent site to the west.

Note to Applicant: Provide landscape screening at the western edge of the roof deck at Unit 5.

6. Design development to the west setback and path to improve compatibility with the adjacent site.

Note to Applicant: A substantial landscape border should be provided as a buffer to the adjacent front yard. The height of the west fence and gate should not exceed 3.5 ft.

7. Design development to improve the visibility of the entries to the ground-oriented units.

Note to Applicant: This can be achieved by adding canopies, as well as feature glazing or cladding and lighting.

8. Design development to provide private and common outdoor space, including a children's play area, consistent with the expectations of the *High-Density Housing for Families with Children Guidelines*.

Note to Applicant: The courtyard is noted as communal and should incorporate children's play space. Play equipment is not required, but a soft surface play area and a variety of landscape/play features which provide creative play opportunities for a range of ages is encouraged. Each unit should also have private outdoor space of a size commensurate with the type of unit, as determined by the number of bedrooms.

9. Design development to provide high-quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: The intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance. Milled siding, including the original siding, should be used where possible.

10. Design development to retain the existing historic elevator in the courtyard as an architectural feature.

11. The proposed unit mix, including 2 one-bedroom units (15%), 5 two-bedroom units (38%), 5 three-bedroom units (38%) and 1 four-bedroom unit (8%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25% two-bedroom and 10% three-bedroom units.

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

Note to Applicant: Refer to the *Bird-Friendly Design Guidelines* for examples of built features that may be applicable. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

13. 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.

Landscape Design

14. Resolution of the conflict between the proposal and the three trees on the neighbouring site, labelled as #7, 8 and 9 on the arborist tree plan.

Note to Applicant: The arborist report states the trees are not in good structural condition and could become unstable with the proposed foundation demolition work. To facilitate the project, removal of the trees would be supported subject to the provision of written neighbour consent letter(s) to accompany the tree removal/replacement application. In the event that a letter of consent cannot be obtained from the adjacent owner, design development and further arborist consultation will need to demonstrate retention of the trees.

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

16. Provision of a detailed landscape plan illustrating soft and hard landscape treatment.

Note to Applicant: Plant material should be clearly illustrated on the landscape plan and keyed to a standard 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 landscape/grades and public utilities such as lamp posts, hydro poles and fire hydrants.

17. Provision of a tree plan.

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

18. Illustration of any measures that support integrated rainwater management that may include absorbent landscapes, soil volumes and detention technology.

Note to Applicant: A brief written rationale should be provided to describe the approach to rainwater management.

19. Provision of large scale, dimensioned landscape sections (typical) through planted areas.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball, including the slab-patio-planter relationship, the lane interface, common areas and upper patios.

20. Provision of high-efficiency irrigation for all planted areas and individual hose bibs for all private patios of 9.3 sq. m (100 sq. ft.) or larger.

Note to Applicant: Provide a separate partial irrigation plan (one sheet size only) that illustrates symbols for hose bib and stub out locations. There should be accompanying written notes on the same plan and/or landscape plan describing the intent and/or standards of irrigation.

Sustainability

21. Provision of a deconstruction plan for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.

Note to Applicant: The deconstruction plan should be provided at the time of development permit application. The plan must be specific about materials that are being diverted. A template plan is available for reference.

22. Confirmation that the application is on track to meeting the *Green Buildings Policy for Rezoning* including a minimum of LEED® Gold rating, with a minimum of 63 points in the LEED® rating system, 1 point each for water efficiency and stormwater management, and a minimum of 6 points under Optimize Energy Performance.

Note to Applicant: Provide a LEED® checklist and sustainable design strategy outlining how the proposed points will be achieved, a letter of confirmation from an accredited professional confirming that the building has been designed to meet these goals, and a receipt including registration number from the CaGBC. The checklist, registration number and strategy should be incorporated into the drawing set. Application for certification of the project will also be required under the policy. Changes to the existing building should be considered with respect to improved energy performance and recycled materials and be included in the heritage conservation plan and documentation.

23. In lieu of the requirements outlined in Condition 22, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning* (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Building are summarized at:
<http://guidelines.vancouver.ca/G015.pdf>.

Engineering

24. Clarification is required as to whether the frame for the second floor horizontal window for units 11, 12 and 13 is proposed to encroach into the lane. There should be no encroachment over the property line.

Note to Applicant: Pages A2.2 and A3.0 in the drawing booklet indicate the potential encroachment over the property line.

25. Show City building grades on the site plan and provide additional design grades at all entries along the property lines.

26. Clarification of proposed grades for all existing entries intended to remain. It appears that existing entries will not be able to meet building grades and may require steps or ramping to meet adjacent sidewalks and City building grades. Clarification of grades is required.
27. Adjustment or relocation of the proposed connector sidewalk on 17th Avenue to avoid conflict with existing street trees to the west of the site.
28. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way. Confirmation that the existing gas service on Ontario Street is to be relocated or set back behind the property line.
29. A review of the existing street tree locations, scale and size of trees to determine if the proposed building location will have a negative impact on retention of the trees and a review to determine a construction methodology that will ensure the protection of the trees and tree canopies during the construction period and post-occupancy.
30. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Provide a signed letter from the BC Safety Authority which supports the provision of the vehicle elevator/lift device.
 - (ii) Design development to improve maneuvering into and out of the car elevator.

Note to Applicant: A widened car elevator may be required.
 - (iii) Provision of a review of the parking design by a qualified transportation consultant.

Note to Applicant: This review must analyze vehicle turning movements into and out of the car elevator and show the vehicle turning movements on the submitted plans.
31. Confirmation that disability parking is required for the project and, if so, the following conditions apply:
 - (i) Provision of minimum vertical clearance for the car elevator and the underground parking.

Note to Applicant: Updated section drawings are required showing elevations and the vertical clearances labelled on the drawings. 2.3 m of vertical clearance is required for access and maneuvering to disability parking.

- (ii) Design development to improve access to and from the Class A bicycle parking.

Note to Applicant: Class A bicycle parking at grade is preferred over the use of the car elevator.

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, Urban Design and Sustainability, 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 Lots 12 and 13, Block 524, District Lot 526, Plan 2354 to create a single parcel.
2. Release of Indemnity Agreement 3357M (commercial crossings) 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.

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 a standard concrete lane crossing on the west side of Ontario Street at the lane south of 17th Avenue.
 - (ii) Provision of speed humps in the lane south of 17th Avenue between Ontario and Manitoba Streets. The number and location of speed humps is to be determined by the General Manager of Engineering Services.
 - (iii) Provision of new 1.83 m (6 ft.) CIP light broom finish concrete sidewalk with saw cut joints adjacent the site on Ontario Street.

- (iv) Removal of the existing boulevard crossing on Ontario Street and provision of full height curb, gutter and sidewalk in its place.
 - (v) Upgraded street lighting adjacent the site frontages to current standards including review of the existing lighting to determine its adequacy and a lighting design as required.
 - (vi) Should the existing sidewalks on 17th Avenue adjacent the site be significantly damaged during construction activities then the sidewalk is to be replaced to current City standards consisting of a minimum of 1.8 m wide concrete walks or a width directed by the General Manager of Engineering Services with a light broom finish and saw cut joints. Replacement is to be determined at the sole discretion of the General Manager of Engineering Services.
 - (vii) Provision of adequate water service to meet 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
 - (viii) 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.
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 System Vista, Vista switchgear, pad mounted transformers, LPT 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. In addition, 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.

Note to Applicant: Please ensure that in your consultation with BC Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Heritage

5. That the owner enters into a Heritage Restoration Covenant (which will include a Section 219 Covenant, Statutory Right of Way and Equitable Charge) for the rehabilitation and conservation of the Turner Dairy at 6 West 17th Avenue (the heritage building) to the satisfaction of the Director of Planning and the Director of Legal Services, and that the agreement is registered on title to the lands in the Land Title Office to the satisfaction of the Director of Legal Services.

Note to Applicant:

Please contact James Boldt in the Heritage Group at james.boldt@vancouver.ca regarding the Heritage Restoration Covenant.

The Heritage Designation By-law generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning and Heritage Designation: 6 West 17th Avenue (Turner Dairy)", would, if approved, designate the exterior of the heritage building and the interior hanging roof truss system as protected heritage property prior to enactment of the CD-1 By-law.

The Applicant is to ensure that the consolidation of the lots occurs only after the Heritage Designation By-law is enacted and notice of the designation is put on title.

Environmental Contamination

6. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);

- (ii) As required by the Manager of Environmental Services 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 Services 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 Services, 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 this site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been issued to the City.

Community Amenity Contribution

7. Pay to the City a Community Amenity Contribution of \$568,000 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 \$568,000 is to be allocated as follows:
- (i) \$284,000 towards the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Planning area;
 - (ii) \$227,200 toward childcare and community facilities in and around the Cambie Corridor Planning area; and
 - (iii) \$56,800 to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.

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 registerable charges pursuant to 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 and at no cost to the City.

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.

- C. THAT Council add to the Vancouver Heritage Register in the 'C' evaluation category, the existing building known as the Turner Dairy (the "heritage building") at 6 West 17th Avenue [*Lots 12 and 13, Block 524, District Lot 526, Plan 2354; PIDs: 014-202-387 and 014-202-425 respectively*].
- D. THAT the heritage designation of the heritage building's exterior and the interior hanging roof truss system at 6 West 17th Avenue [*Lots 12 and 13, Block 524, District Lot 526, Plan 2354; PIDs: 014-202-387 and 014-202-425 respectively*] as protected heritage property, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning and Heritage Designation: 6 West 17th Avenue (Turner Dairy)", be approved.
- E. THAT, subject to the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning and Heritage Designation: 6 West 17th Avenue (Turner Dairy)".
- F. 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 the expenditures of funds or incurring of costs is at the sole risk of the person making the expenditures or incurring the costs;
 - (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 the 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. 02650)

5. REZONING: 400 West Georgia Street

An application by Merrick Architecture was considered as follows:

Summary: To rezone 400 West Georgia Street from Downtown District (DD) to CD-1 (Comprehensive Development) District to permit a 24-storey office building with commercial space on the ground floor. A building height of 91.8 metres (301 feet) and a floor space ratio (FSR) of 17.87 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval, subject to the conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability reviewed the application and responded to questions.

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:

- 16 pieces of correspondence in support of the application.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Charles Gauthier, President, Downtown Vancouver Business Improvement Association
Norm Taylor, Managing Director, CBRE Ltd.

The speakers list and receipt of public comments closed at 8:43 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT the application by Merrick Architecture, on behalf of Homer Street Office Properties Inc. (Westbank Projects Corp.), to rezone 400 West Georgia Street [*PID 030-317-304; Lot A Block 55 District Lot 541 Group 1 New Westminster District Plan EPP75095*] from Downtown District (DD) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 7.00 to 17.87 to allow for the construction of a 24-storey office building with a floor

area of 34,850 sq. m (375,135 sq. ft.), generally as presented in Appendix A of the Policy Report dated January 16, 2018 entitled "CD-1 Rezoning: 400 West Georgia Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Merrick Architecture, and stamped "Received City Planning Department, October 12, 2017", provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to improve the interface with the public realm at the ground floor at both Homer Street and Georgia Street, with particular regard to the floor level for the proposed patio areas.

Note to Applicant: For the proposed restaurant facing Homer Street, the restaurant and outdoor patio floor level should be at approximately the same level as the adjacent sidewalk, and not sunken. The patio space should be set back to 5.5 m from the curb to provide room for public realm improvements along Homer Street, including a wider sidewalk and double row of Tulip street trees consistent with Library Square Design Guidelines. Active uses should be provided along the Georgia Street frontage and turning the corner to the lane entry, including contiguous outdoor patio seating.

2. Design development to ensure that the planting strategy for the green walls is sustainable over time, and design consideration is given to the appearance of the screens without greenery.
Note to Applicant: Large-scale elevation and section details should be provided for the proposed perforated metal screens with 'slots' at the base to support growing medium and planting. Plant species should be selected with due consideration for solar orientation, water management and maintenance. Elevation details should illustrate the appearance of the screens without greenery.
3. Design development to the public realm consistent with the expectations of the *Library Square and Georgia Street Design Guidelines*.

Note to Applicant: Street trees are to be provided in accordance with the guidelines. The surface treatment should be pavers and not a poured surface. The paver dimensions and colour should reference and compliment the pavers at Library Square.

4. Design development to the penthouse elements to be more consistent with the proposed tower design.
5. Design development to ensure compliance with the intent of the City of Vancouver *View Protection Guidelines*.

Note to Applicant: Any change to the roof profile must not create additional protrusion into the unshadowed portion of the view corridor at the southeast corner of the building beyond the approved form of development, as illustrated in the application drawings dated October 12, 2017.

6. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: The intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance. Consider the use of fritted glass to screen office furniture and fixtures. Further information should be provided regarding the proposed automated interior blind system intended to provide a more uniform appearance to the building at night.

Sustainability

7. Any new building in the development must meet the requirements of the preceding Green Buildings Policy for Rezoning (as amended up to January 14, 2016), 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 of 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.

Engineering

8. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning application, including details of both the Georgia Street public realm and Library Precinct sidewalk treatments. The proposed lane treatments are to be removed from the plans and a separate application to the City Engineer is required.
9. The following notes are to be placed on the landscape and site plans:

“The landscape plan is to be noted as ‘NOT FOR CONSTRUCTION’ and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive ‘For Construction’ approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”
10. Provision of a stormwater and rainwater management plan that meet the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course By-law. The plan shall achieve the following objectives:
 - (a) Retain or infiltrate the 6-month storm event volume (24 mm) on site;
 - (b) Treat the 2-year event (48 mm) on site; and
 - (c) Maintain the pre-development 2014 IDF-10 year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note: Legal arrangements may be required to ensure ongoing operations of certain stormwater storage, rainwater management and green infrastructure systems.
11. The owner or representative is advised to contact Engineering to acquire the project’s permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.

12. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

13. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
14. Provision of additional design grades that clearly show the grades intended for the SRW setbacks such that water does not drain over the property line and grades are consistent with City building grades and typical City sidewalk grades (2-3% crossfall max.).
15. Additional design grades are required at the property line adjacent to all entries ensuring City building grades are accurately met.
16. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs for all uses and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. Note: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.
17. Clarification of the need for provision of car share vehicles to meet the parking by-law and if necessary the following car share condition must be satisfied and the number of car share vehicles confirmed, prior to issuance of the development permit.

“Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of up to 7 Shared Vehicle(s) and the provision and maintenance of up to 7 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), [with such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw], on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (a) Provide up to 7 Shared Vehicle(s) to the development for a minimum period of [3 years].
- (b) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s).
- (c) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles.
- (d) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s).
- (e) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle.
- (f) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under Section 219 of the *Land Title Act* of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
- (g) A letter from a car share organization, deliverable prior to development permit, in support of the provision of shared vehicles at this location at building occupancy, as well as information from the Car Share Organization about expected use in the area by non-residential users.
- (h) Provision of vehicle use information and building occupant usage of the car share vehicles from the car share operator, and travel mode survey of building occupants including questions regarding modal shift due to the presence of shared vehicles on-site, approximately 1 year after building occupancy, the information is to be in a form acceptable to the Director of Planning in consultation with the General Manager of Engineering Services. A letter of credit securing the delivery of the requested statistics will be required.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m and the letter of commitment from the car share company must also show acceptance of the general location and configuration of the shared vehicle spaces."

18. Delete the knock-out panels shown on all parking levels from the drawings.

19. Provision of an updated Bunt Transportation Review as follows:
 - (a) Updated parking tables and analysis.
 - (b) Additional information on the calculations used to support 2 Class B loading spaces.
 - (c) Suitability of a 70% occupancy rate;
 - (d) Clarification of the chances of loading demand exceeding supply.
 - (e) Provide examples of precedent sites where 70% occupancy is shown to work effectively.
20. Provision of a Loading Management Plan.
21. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (a) Provision of all stalls to be numbered and labelled.
 - (b) Provision of section drawings showing elevations, vertical clearances, and security gates for the main ramp and through the loading bays.
Note to Applicant: Label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.
 - (c) Provision of additional design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bays and at all entrances.
 - (d) Modification of the parking ramp design as follows:
 - (i) The slope must not exceed 10% for the first 20 ft. from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4m in length.
 - (ii) Provision of two-way vehicle flow through the curved sections of the main ramp down to P2.
 - (e) Provision of minimum 2.3 m vertical clearance for access and manoeuvring to all disability parking and for Class A loading.
 - (f) Modification of the loading bay design as follows:
 - (i) Provision of 3 Class B loading spaces, or 2 class B loading spaces and 2 class A loading spaces to be at grade with the remaining loading to be

- provided on the first level of parking and designed to be easily recognizable as loading spaces.
- (ii) The slope and crossfall of the loading bays must not exceed 5%.
 - (iii) Additional loading bay width for the second and subsequent loading spaces (each additional space must be 3.8 m wide).
22. Provision of a dedicated bicycle elevator with doors on both ends to allow bicycles to easily roll in from one end and roll out the other. The elevator to be a freight style elevator to comfortably accommodate two people with two bicycles and provide the following minimum interior dimensions (5'-6" x 6'-8").
23. Provision of automatic door openers on the doors providing access to the bicycle room(s) and to be noted on the drawings."
24. Clarify "fuel pump box" as noted adjacent the loading bays on the site plan.
- Note: The Development is to be serviced to the existing sewers in the lane west of Homer Street.
25. Meet the January 1, 2018 Vancouver building code plumbing fixture rates.

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 Arts, Culture and Community 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. Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site, adjacent to Georgia Street and Homer Street, to achieve a 5.5 m offset distance from the back of the existing curb to the building face. A survey plan prepared by a British Columbia Land Surveyor showing the existing dimension from the back of the City curb to the existing property line to determine the final setback and SRW width is required. The SRW will be free of any encumbrance such as structure, stairs, door swing and plantings at grade and is to accommodate the parking levels P1 to P6 and levels 5 to the roof within the SRW area.

Note to Applicant: The sunken patio, raised stage, and vent grate on Homer Street shown within the required SRW area are to be relocated out of the SRW area and the grades within the SRW are to generally meet City building grades.

2. Release of Easement & Indemnity Agreements 95531M, 520739M and extension agreement E58559 (all for commercial crossings); and Easement and Indemnity Agreement BX300224, Statutory Right of Way BX300226 and Equitable charge BX300228 (all pertaining to an existing building encroachment) prior to building occupancy.

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

3. Confirmation of required parking such that the applicant can identify the use of Parking Pay-in-lieu, Car Share relaxation or off-site parking agreements or a combination of the above to meet the required parking and where possible completion of such arrangements prior to zoning enactment or issuance of the related development permit. Note where off-site parking is provided a development application may be necessary for the parking donor site. If provision of Car Share vehicles is contemplated, see condition (b)16 for requirements.
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.
 - (a) Provision of Library Square streetscape design elements on Homer Street including sidewalk paving, trees, tree surrounds, street and pedestrian lighting, etc.
 - (b) Provision of the Ceremonial streetscape design elements on Georgia Street including sidewalk paving, trees, tree surrounds, street lighting, etc.
 - (c) Provision of standard concrete lane crossing on the south side of 400 blk. Georgia Street at the lane west of Homer Street.
 - (d) Provision of upgraded street lighting on all site frontages to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.

- (e) Provision of updated intersection lighting to LED standard (all 4 corners of the traffic signal poles at the Homer Street /Georgia Street Intersection are to receive LED lighting).
- (f) Confirmation that any relocated wood poles in the lane adjacent the site will not impact existing lane lighting, should any relocated pole include lighting impacts, provision of and upgrading of the lane lighting to current standard will be required.
- (g) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work. Note: as-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
- (h) 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
- (i) Upgrade approximately 205 m of sanitary sewers as follows:
 - (i) Upgrade the existing 200 mm Sanitary Sewer on Robson Street, from the lane west of Homer to Homer Street, to a 300 mm pipe.
 - (ii) Upgrade the existing 200 mm Sanitary Sewer on Homer Street, from Robson Street to Smithe Street to a 300 mm pipe.

Note: Final pipe size to be determined through detailed sewer design process.

- 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Public Art

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

Note to Applicant: Please contact Karen Henry, Public Art - Cultural Services, at 604.673.8282, to discuss your application.

Soils

7. If applicable:
 - (a) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (b) 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
 - (c) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and the Director of Legal Services,

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

Childcare Contribution

8. Pay to the City a contribution of \$3,422,820 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 \$3,422,820 is to be allocated toward childcare facilities in and around the Metro Core area.

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

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

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

- B. THAT, the application to amend the Sign By-law to establish regulations for the CD-1, generally as presented in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 400 West Georgia Street", be approved.
- C. THAT subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 400 West Georgia Street".
- 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 C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 400 West Georgia 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; 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. 02651)

ADJOURNMENT

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:51 pm.

* * * * *