



PUBLIC HEARING MINUTES

MAY 22, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, May 22, 2018, at 6:03 pm, in the Council Chamber, Third Floor, City Hall.

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| PRESENT: | Acting Mayor Raymond Louie Councillor George Affleck* Councillor Hector Bremner Councillor Adriane Carr Councillor Melissa De Genova Councillor Kerry Jang* Councillor Andrea Reimer Councillor Tim Stevenson |
| ABSENT: | Mayor Gregor Robertson (Leave of Absence – Civic Business) Councillor Elizabeth Ball (Medical Leave) Councillor Heather Deal (Leave of Absence – Civic Business) |
| CITY CLERK'S OFFICE: | Terri Burke, Meeting Coordinator Lori Isfeld, Meeting Coordinator |

* Denotes absence for a portion of the meeting.

WELCOME

Acting Mayor Louie 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

Acting Mayor Louie 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 Jang
SECONDED by Councillor Reimer

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

LOST

(Councillors Bremner, Carr, De Genova, Jang, Reimer, Stevenson and Acting Mayor Louie opposed)
(Councillor Affleck absent for the vote)

1. TEXT AMENDMENT: Zero Emissions Buildings Catalyst Tools

An application by the General Manager of Planning, Urban Design and Sustainability was considered as follows:

Summary: To make amendments to Section 3 and Section 11 of the Zoning and Development By-law, to provide the Director of Planning with the ability to relax regulations in District Schedules for Zero Emissions Buildings containing six or more dwelling units, and to allow up to a 5% Floor Space Ratio increase for Zero Emissions Buildings containing six or more dwelling units; and to seek Council approval of the Zero Emissions Buildings Catalyst Policy. The recommendations provide policy and regulations that better enable the Director of Planning to support Zero Emissions Buildings in advance of codification of GHG reductions in the Building By-law. The policy would also provide clarity and guidance for staff and applicants for how the amendments can be applied to eligible buildings. These by-law amendments would cease to be in effect after December 31, 2025.

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

Summary of Correspondence

The following correspondence had been received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 4 pieces of correspondence in support of the application.

Speakers

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

Akua Schatz, Canada Green Building Council, spoke in support of the application.

The speakers list and receipt of public comments were closed at 6:17 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to questions.

Council Decision

MOVED by Councillor Reimer
SECONDED by Councillor Stevenson

- A. THAT the application to amend the Zoning and Development By-law to allow the Director of Planning to relax regulatory provisions of the By-law, and to allow for an incremental increase of permitted floor area of up to 5% for buildings designed to achieve the Passive House or International Living Future Institute Zero Energy standard, generally in accordance with Appendix A of the Policy Report dated April 18, 2018, entitled “Zero Emissions Buildings Catalyst Tools”, be approved.
- B. THAT the Zero Emissions Buildings Catalyst Policy (attached as Appendix B to the Policy Report dated April 18, 2018, entitled “Zero Emissions Buildings Catalyst Tools”), which provides the Director of Planning with guidance to advance the Zero Emissions Building Plan, be approved;

FURTHER THAT staff be directed to implement the tools provided in the policy to advance the design and construction of Zero Emissions Buildings in Vancouver;

AND FURTHER THAT staff develop administrative guidelines as required to support implementation of the Zero Emissions Building Catalyst Policy.

- C. THAT Council direct staff to review the CaGBC Zero Carbon Building Standard and consider an alternative compliance pathway that secures significantly lower greenhouse gas emissions over the life of the building through design and construction requirements, and report back to Council by September with recommendations for including the Standard in the Zero Emissions Building Catalyst Policy, the General Policy for Higher Buildings, and/or the Green Building Policy for Rezoning, as appropriate.

CARRIED UNANIMOUSLY (Vote No. 02910)

2. REZONING: 425 West 6th Avenue

An application by IBI Group Architects was considered as follows:

Summary: To rezone 425 West 6th Avenue from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a 10-storey office building with commercial retail use at grade. A height of 43.2 m (141.7 ft.) and a floor space ratio (FSR) of 7.11 are proposed.

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

Council also had before it a memorandum dated May 15, 2018, from the Assistant Director of Planning, Rezoning Centre, which noted that after finalizing the Policy Report dated April 17, 2018, entitled “CD-1 Rezoning: 425 West 6th Avenue”, staff confirmed the height calculation of View Cone 9.1 and concluded there was a technical error in section 5 “Building

Height” of the draft CD-1 by-law in Appendix A of the above-noted report, and that the posted by-law had been changed to the following:

5. Building height, measured from base surface, must not exceed 43.6 m, except that no part of the development shall protrude into the approved view corridors, as set out in the City of Vancouver View Protection Guidelines.

The memorandum also noted that the applicant had requested additional uses for inclusion in the CD-1 by-law, and that staff had supported the addition of the following uses:

- (a) Retail Uses
 - Vehicle Dealer
- (b) Manufacturing
 - Clothing Manufacturing
 - Creative Products Manufacturing
 - Information Communication Technology Manufacturing
 - Jewellery Manufacturing
 - Miscellaneous Products Manufacturing – Class B
- (c) Wholesale Uses
 - Wholesaling – Class A
 - Wholesaling – Class B

The posted by-law for this application had been prepared to reflect the changes outlined in this memorandum. Therefore, no action was required on the part of Council.

Staff Opening Comments

Planning, Urban Design and Sustainability staff presented the application. Engineering Services staff responded to questions regarding parking.

Applicant Comments

Members of the applicant team were available for questions.

Summary of Correspondence

The following correspondence had been 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 opposition to the application.

Speakers

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

The following spoke in opposition to the application:

Serena Sawyer
Louise Webb

The speakers list and receipt of public comments were closed at 6:31 pm.

Applicant Closing Comments

Nathan Gurvich, Cressey Development Group provided closing comments.

Staff Closing Comments

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

Council Decision

MOVED by Councillor Reimer
SECONDED by Councillor Bremner

- A. THAT the application by IBI Group on behalf of Cressey (West 6th) Holdings Ltd., to rezone 425 West 6th Avenue [*Lots 9 and 10, Block 12, District Lot 302, Plan 5832; PIDs: 011-068-264 and 010-723-196 respectively; and Lots A, B and C, all of Lots 11 and 12, Block 12, District Lot 302, Plan 7117; PIDs: 010-723-200, 010-723-218 and 010-723-226 respectively*] from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 3.00 to 7.11 to permit the development of a 10-storey office building with commercial retail use at grade and a maximum building height of 43.2 m (141.7 ft.) generally as presented in Appendix A of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 425 West 6th 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 IBI Group and stamped "Received City of Vancouver, November 21, 2017", subject to the following conditions, 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 building massing and setbacks, to better relate to the scale of the streetscape and improve its architectural expression, as follows:
 - (i) On Levels 2 to 4, set back the west “podium” element by 0.9 m from the south PL, to align with Level 1 building face;
 - (ii) On Level 5, maintain the proposed 3.0 m setback from the floor below (noting that this requires moving the south wall back 0.9 m); and
 - (iii) On Levels 6 to 8, add a minimum 3.0 m setback from the south PL to the floor below, to create a significant change in plane between the “podium” element and this “transitional” volume.

Note to Applicant: This condition will result in a reduction in floor area of approx. 245 m² to 7.11 FSR. (This density reduction is reflected in the CD-1 By-law.). Other setbacks (i.e. from north, west, and east PLs), should be maintained as proposed.

2. Design development to improve the building elevations, as follows:
 - (i) Extend fritting to corners, on the west “faceted” volume;
 - (ii) Provide horizontal fritting on the podium elevation, to better express the horizontal streetwall and to contrast the vertical, “faceted” volume; and
 - (iii) Consideration to refine the design of solar shading devices, taking into account an overall simplification of the building detailing, as well as maintenance (i.e. window washing).

Note to Applicant: Further simplification and refinement of the building elevations are recommended at the Development Permit stage.

3. Design development to improve the interface of the public realm as follows:
 - (i) Reconfigure, reduce or remove the water feature on Yukon Street, to improve access to retail units;
 - (ii) Reconfigure the stair in the east sidewalk, to avoid conflicts with the PBS station and the retail entrance; and

(iii) Consider adding opportunities for seating on Yukon Street (potentially integrating into the water feature).

4. Design development to improve the common outdoor spaces, by adding weather protection at doorways to rooftop patios.

Note to Applicant: Weather protection is typically provided as cantilevered canopies, 4 ft. depth. Larger covered areas may be proposed, but may be included in floor space calculations.

5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design;

Note to Applicant: Refer to the *Bird Friendly Design Guidelines* for examples, and provide a design rationale for any features provided

(<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.)

Landscape

6. Design development to enhance the sustainable character of the building by enabling the rooftop terrace planting to be visible from the street.

Note to Applicant: This can be achieved by locating the planting beds around the perimeter of the terraces.

7. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

8. Provision of an arborist report to justify tree removal of any proposed removals and recommend tree protection measures for the retained trees.

Note to Applicant: If required, a Letter of Assurance should also be submitted to ensure that arborist will supervise any work within the tree protection zones.

9. 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.

10. A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan

should be a minimum 1:100 or 1/8" scale and should match the architectural site plan.

11. Section details at a minimum scale of 1/2"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details 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 standard.
12. A high-efficiency automatic irrigation system to be provided for all planted areas.
13. A Landscape Lighting Plan to be provided for security purposes.

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

Sustainability

14. All new buildings in the development will 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 Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning*s – *Process and Requirements* (amended April 28, 2017 or later) http://bylaws.vancouver.ca/Bulletin/G002_2017April28.pdf.

Engineering

15. The owner or representative is advised to contact Engineering Services 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.

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 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. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.
18. A review of the existing street tree locations and scale/size of tree 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.
19. Place the following statement on the landscape plan: *“This plan is “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 Services, Development Services and/or your Engineering, Building Site Inspector for details”.*
20. Update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to Engineering Services for review.
21. A solar shade application to Engineering Development Services is required for the portions of metal sunshades proposed to encroach over West 6th Avenue. The sunshades are to be lightweight and demountable, and the applicant must provide rationale for these sunshades.
22. Provision of generous and continuous weather protection on Yukon Street and West 6th Avenue.

Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over

public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.

23. Delete the water feature from the 4 ft. dedication on Yukon Street and show standard city sidewalk treatments.
24. The proposed 16 m x 4 m PBS space as shown on private property at the northeast corner of the site along Yukon Street is acceptable provided applicant confirms there are no fire connections on the building wall along the length of the PBS space. Consideration for placement of building elements (e.g. fire department connections, HVAC vents, etc.) and landscaping that require frequent access and maintenance directly adjacent to the PBS space so as not to conflict or cause frequent disruption to the PBS station.
25. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
26. Provision of a 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.

27. Existing wood pole(s) in lane conflict with parking access. Arrangements to the satisfaction of the General Manager of Engineering Services and the appropriate public utility companies for pole relocation(s) are required. Written confirmation from all utilities including any City of Vancouver utility for relocation of the wood poles and any infrastructure attached to the poles. Should this result in the need for kiosks, cabinets, transformers or similar needs the space for these items is to be provided for on site.
28. Provision of gridline numbers for reference on the drawings.
29. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay and additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services.

- (ii) Provision of additional loading space width and load throats for the Class B loading spaces.
- (iii) Dimension all columns and column encroachments.
- (iv) Provision of additional information on the drawings showing dimensions and vertical clearance for the overhead security gate.
- (v) Provision of additional information showing the overhead door separating the residential parking spaces from the commercial parking spaces.
- (vi) Provision of design elevations on both sides of the parking ramp at all breakpoints and at all entrances.
- (vii) Additional design elevations are required to confirm the slope and cross fall within the parking levels do not exceed 5%. Slopes and cross fall to be clearly shown on the drawings.
- (viii) Provision of parking spaces that do not infringe upon the drive aisle or other parking spaces.

Note to Applicant: Parking spaces 18 and 19 on Parking P1 are locations that need adjusting. The corresponding parking spaces on each parking level should be checked.

- (ix) 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on the drawings.
 - (x) Dimension the access aisle width in the bicycle storage rooms.
 - (xi) Dimension the size of the bicycle spaces.
 - (xii) Clarify and show the slope of the internal loading corridor from the Class B loading space(s) to the CRUs on the drawings.
30. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.

Green Infrastructure

Provision of a detailed response toward the IRMP requirements outlined in the *Green Buildings Policy for Rezonings*, and the following:

31. As the project moves to detailed design, provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for infiltration, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review.
 - (i) In this instance of a zero lot line design staff will consider:
 - a) The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume;
 - b) Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems; and
 - c) The second 24 mm of rainfall within 24 hours as a water quality volume to be treated.
 - (ii) Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24 mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48 mm in 24 hours will also need to be demonstrated.
 - a) The drawings indicate that much of the growing medium is above the level of adjacent paving. In such cases staff do not accept that these elevated growing medium volumes contribute to the storage and/or treatment of rainwater that has been directed towards these areas from adjacent surfaces; and
 - b) Provide confirmation that the stone paving is permeable.
 - (iii) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
 - (iv) Provide outline area/volume calculations to support the overall rainwater management strategy. Include the area measurement for all pervious/impervious areas and demonstrate that each of the receiving infiltration/treatment areas can accommodate the proposed runoff volumes without being inundated.

- (v) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices.
 - a) Planters designed as flow-through planters can be used to meet the treatment volume requirement;
 - b) Consider increasing the depth of soil throughout planted areas and include shallow ponding depths within the planted areas as part of the calculations.
- (vi) The building/public realm should be designed to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.

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

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

1. Consolidation of Lots 9 and 10, Plan 5832; and Lots A, B and C of Lots 11 and 12, Plan 7117, all of Block 12, District Lot 302 to create a single parcel and subdivision of that site to result in the dedication of the easterly 4 ft. (the building line area) for road purposes.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required.

2. Provision of a Statutory Right of Way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the south property line to give an overall distance of 4.5 m (14'-9") from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings, benches, landscape and bicycle parking at grade but the SRW agreement will accommodate portions of Levels 2 to 6 within the SRW area.

3. Provision of a natural watercourse agreement. Records indicate a natural watercourse passes through this site, a legal agreement ensuring that should the watercourse be discovered or impact the site during development and beyond that its flow will not be obstructed.
4. Provision for a Right of Way for space to accommodate a Public Bike Share (PBS) Station.

Size: At a minimum a 16m x 4m sized station must be accommodated. The physical station with docked bicycles is 2m wide and has a required bicycle maneuvering zone of 2m for a total width of 4m. The 2m maneuvering space may be shared with pedestrian space.

Location: The station must be located on private property while still clearly visible to the public with 24/7 public access and allowing easy access to the street.

Surface treatment: A hard surface is required with no utility access points within 150mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.

Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.

Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.

Power: Provide and maintain electrical power and electrical service to the public bike share station from the lands, at the sole cost and expense of the Owner prior to occupancy of the building.

5. Release of Easement & Indemnity Agreement 144375M (commercial crossing) and Covenant/SRW BG175059-61 (Parking) prior to building occupancy.

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

6. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided.

No development permit for the site will be issued until the security for the services are provided.

- (i) Provision of 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.
- (ii) Provision of a full traffic signal at the intersection of Yukon St and W 6th Ave including all adjustments to existing infrastructure to allow for the signals installation.
- (iii) Provision of curb bulges along W 6th Ave on both the north and south side of 6th Ave at Yukon St including all adjustments to existing infrastructure to allow for the curb bulge installation.
- (iv) Provision of a 1.53 m (5'-0") sod lawn front boulevard and light broom finish saw cut concrete sidewalk between the front boulevard and the new property line on Yukon St.
- (v) Provision of a standard exposed aggregate front boulevard and light broom finish saw cut concrete sidewalk between the front boulevard and 0.3 m building strip on W 6th Ave adjacent the site.
- (vi) Provision of a new curb return and ramps at the 6th Avenue and Yukon Street corner of the site.
- (vii) Provision of standard concrete lane crossing on the west side of Yukon Street at the lane south of 5th Avenue including new curb returns and ramps on both sides of the lane entry.
- (viii) Replacement of the existing concrete vault covers located in the grass boulevard along the Yukon St frontage of the site. There are two (2) vault covers that require replacement to more slip resistant and safe walking surfaces as they will be located in the main City sidewalk.
- (ix) Provision of upgraded street lighting adjacent to the site to current LED standards including a review of the existing lighting to determine its adequacy and a lighting design as required. Note the existing street light at the lane entry is to

be relocated as well as upgraded to allow for a standard lane entry to be constructed.

7. 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 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.

8. Provision of a stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Watercourse By-law. The plan shall achieve the following objectives:
 - (i) The 10-year post development; storm event rate shall be maintained to the pre-development level.
 - (ii) The pre-development estimate shall utilize the 2014 IDF curve, whereas
 - (iii) The post development estimate shall utilize the 2100 IDF curve to account for climate change.

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

Sustainability

9. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

Public Art

10. 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.

Note to Applicant: Please contact 311 to be directed to the Public Art Program Manager to discuss your application.

Environmental Contamination

11. 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.

Non-stratification Covenant

12. Enter into a Covenant pursuant to Section 219 of the *Land Title Act* prohibiting both the separate sale and the strata subdivision of all commercial and office floor space.

Commercial Linkage Contribution

13. Pay to the City a contribution of \$990,977, 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

\$990,977 is to be allocated toward funding of childcare facilities and/or affordable housing in and around the Metro Core area.

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 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 April 17, 2018, entitled "CD-1 Rezoning: 425 West 6th Avenue", be approved.
- C. 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 April 17, 2018, entitled "CD-1 Rezoning: 425 West 6th Avenue".
- D. THAT A to C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and 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. 02911)

3. REZONING: 2109 East Hastings Street

An application by Mosaic Avenue Developments and Yamamoto Architecture was considered as follows:

Summary: To rezone 2109 East Hastings Street from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building with commercial uses at grade and 42 secured for-profit affordable rental housing units. A height of 22.9 m (75.1 ft.) and a floor space ratio (FSR) of 3.20 are proposed.

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

Staff Opening Comments

Planning, Urban Design and Sustainability staff presented the application.

Applicant Comments

Members of the applicant team were available for questions.

Summary of Correspondence

The following correspondence had been received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 8 pieces of correspondence in support of the application.

Speakers

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

The following spoke in support of the application:

Patricia Barnes, Executive Director, Hastings North BIA
David Hutniak, Landlord BC
Brendan Dawe
Erika Bell

The speakers list and receipt of public comments were closed at 7:02 pm.

Staff Closing Comments

Engineering Services staff responded to questions regarding parking.

Council Decision

MOVED by Councillor Stevenson
SECONDED by Councillor Reimer

- A. THAT the application by Mosaic Avenue Developments Ltd. and Yamamoto Architecture Inc. on behalf of Mosaic Hastings and Lakewood Holdings Ltd. to rezone 2109 East Hastings Street [*Lots 15 and 16, Except (A) the North 20 Feet and (B) Part in Explanatory Plan 7029, Block 40, District Lot 184, Plan 178; PIDS: 014-014-904 and 014-014-921 respectively*] from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 3.00 to 3.20 and the maximum building height from 13.8 m (45.3 ft.) to 22.9 m (75.1 ft.) to permit the development of a six-storey mixed-use building with commercial uses at grade and 42 secured for-profit affordable rental housing units above and 42 underground parking spaces, generally as presented in Appendix A of the Policy Report dated April 17, 2018 entitled "CD-1 Rezoning: 2109 East Hastings Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Yamamoto Architecture Inc. and stamped "Received City Planning Department, August 24, 2017", subject to the following conditions, 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 enhance the pedestrian scale and interest on both East Hastings and Lakewood Drive by providing the following:
- a) Reduce extent of blank walls at the street interface. Alternatively, high quality materials combined with intensive detailing can be considered.

Note to Applicant: due to the sloped site condition, finished floor (corner CRU) varies from approximately 1'-0" to 5'-0" above surrounding grade which results in high blank walls.

- b) Lower weather canopies (for the retail frontage) along Lakewood Drive.

Note to Applicant: canopy height varies from 14'-16' due to a sloping site. Stepping the canopy height to align with the

sloping grade can improve weather protection and relationship to pedestrian scale.

2. Design development to enhance the lane interface and improve transition to the neighbouring residential front yard, by providing the following:

- a) Setback rear exit stairs to align with exterior face of amenity room.

Note to Applicant: resulting outdoor space to be revised to amenity room patio and landscaped.

- b) Consolidate service functions and simplify volumetric expression.
- c) Provide quality and durable exterior finishes, in particular, facing the property across the lane.

3. Provision to contribute to public realm along East Hastings Street by adhering to SRW setbacks outlined in the Grandview-Woodland Community Plan.

Note to Applicant: Building massing must not encroach into SRW.

4. The proposed unit mix, providing 12 studio units, 14 one-bedroom units, 14 two-bedroom units and 2 three-bedroom units, is to be included in the development permit drawings. The two and three bedroom units account for 38 per cent of the units.

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 per cent of the dwelling units designed to be suitable for families with children.

5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

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

Crime Prevention through Environmental Design (CPTED)

6. Design development to consider the principles of CPTED, having particular regard for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;

- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

7. All new buildings in the development will 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>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later).

Landscape Design

8. Provision of an arborist report that assesses requirements for any necessary canopy or root pruning for street trees.
9. Further coordination with Park Board and the project arborist at the development permit stage to protect tree roots and careful management of any tree pruning work associated with building setback clearances and public realm improvements.
10. Provision of a fully detailed Landscape Plan.

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

11. Provision of details and sections (1/4"=1' or 1:50) showing the growing medium, soil, building wall and proposed climbing plant system, typically cables or metal grid, to which climbing plants may be established on the walls of the building.
12. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on architectural expression, open space and public realm.

13. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 ft. long and 18 in. deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

14. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: Hose bibs are requested to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

15. Provision of a Landscape Lighting Plan to be provided for security purposes.

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

16. Provision of an updated Stormwater Management Plan.

Note to Applicant: Only required if design development results in changes to site that alter the storm water calculations at the development permit stage.

Engineering Services

17. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.

18. The owner or representative is advised to contact Engineering Services 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.

19. 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.
20. 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. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.
21. Confirmation that the existing wood pole on site (at the north east corner) can be relocated or eliminated as it blocks the parkade ramp.
22. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.
23. Please place the following statement on the landscape plan: *“This plan is “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.”*

Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to engineering for review.

24. Design development to comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services (GMES). The following items are required:

- (i) Provision of design elevations on both sides of the loading bay, and the disability stall at the lane to calculate the slope and crossfall.

Note to Applicant: The slope and crossfall must not exceed 5 per cent.

- (ii) Provision of minimum vertical clearance for the loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans.

- (iii) Design development to provide unfettered access to the Class B loading space.

Note to Applicant: Access to the full width of the loading space is required. Consider modifying the garbage room to achieve this.

- (iv) Provision of 'stairs free' loading access from the Class B loading space to all CRUs and note on plans.

Design development to achieve 'stairs free' loading access for the partition shown within the restaurant space and note on plans.

Note to Applicant: Engineering acknowledges the submission of civil design drawings and will add it to the design review cue but it is to be noted that the approval of the rezoning does result in approval of the civil design drawings, a separate review will follow.

- 25. Provision of double throats for the Class B loading space as shown.

Note to Applicant: The width of the lane is reduced to 4.2m at Templeton Drive. Through the Development Permit review process, staff is willing to consider a reduced 2nd loading bay throat.

- 26. Design development to provide Class B loading access to the residential elevator core.

Note to Applicant: The bicycle facility on Lakewood Drive will remove parking or stopping on the east side of the street.

- 27. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

28. Provision of an improved plan showing 6 Class B bicycle spaces on private property.

Note to Applicant: Locate the bike rack in close proximity to the lobby entrance with 'stairs free' access. Ensure that bicycles locked to the rack do not encroach over the property line.

29. Design development to provide generous and continuous weather protection on East Hastings Street frontage.

Green Infrastructure

30. Clarification of the stormwater management plan is required such that a final agreed upon plan is accepted, including any legal arrangement necessary to ensure the ongoing operation of plan requirements.
31. Staff are seeking clarification on a number of points in the detailed calculations for the stormwater management facility design:
 - (i) The objective for the first 24mm per day is stated as being 'capture'. The intent of the policy is to deal with the 1st 24mm through infiltration or reuse at source, this would include detain for reuse.
 - (ii) Please confirm the area calculations for the tree planters, soft landscaping and pervious paving used in the details calculations, they appear incorrect.
 - (iii) There is double accounting in the available storage in growing medium. The area for the tree planters has also been included in the area calculation for 450mm depth.
 - (iv) The permeable pavers must have a base of CLEAR crushed gravel. The void ratio of clear crushed gravel is typically 0.35, not 0.2.
 - (v) The summary compares 'capture capacity' of the softscape and pervious pavers against the overall 24mm capture target. The summary should use the 24 mm rainfall figure for both softscape and pervious pavers against the 24 mm capture target. Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious without runoff being directed towards the absorbent areas.
32. Where infiltration is not feasible due to zero lot line development or geotechnical conditions, the 24 mm infiltration goal can be achieved through retention. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems.

33. Detention tanks shall be considered only where alternative approaches to rainwater retention prove unacceptable. Where detention tanks are to be proposed they shall store water for alternative uses on site. Detention tanks are not considered to form part of the treatment chain of the first 24 mm if the rainwater captured is not for reuse.
34. The second 24 mm of rainfall must be cleaned before entering the detention tank. The detention tank as shown is not considered to be designed for water quality treatment.
35. As the project moves to development permit, provide a revised Rainwater Management Plan (RMP), that details how the rainwater management system meets the IRMP requirements.

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

Affordable Housing

36. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them.

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, make arrangements for the following:

Engineering Services

1. Consolidation of Lots 15 and 16, Both Except (A) the North 10 Feet and (B) Part in Explanatory Plan 7029, Block 40, District Lot 184, Plan 178 to create a single parcel.
2. Release of Easement & Indemnity Agreement 470769M (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.

3. Provision of a Statutory Right of Way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the south property line to give an overall distance of 5.5 m (18 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings, planters and benches at-grade but the SRW agreement will accommodate underground parking Levels P1 & P2 and minor portions of building levels 2 to the roof within the SRW area.

Note to Applicant: The face of the brick columns, door-swings (no more than 1'-0" over the SRW line) and portable planters are shown within the SRW area and must be removed.

4. Provision of a shared use loading agreement between commercial and residential uses for the Class B loading space.

Note to Applicant: The parking on the east side of Lakewood Drive will be removed and will not be available for residential loading activity.

5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.

- (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands based on the Fire Underwriters Survey document water supply for public protection 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 per cent of any water system upgrading that may be required.
- (ii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The

developer is responsible for 100 per cent of any sewer system upgrading that may be required.

- (iii) 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.
 - (iv) Provision of 1.53 m (5'-0") exposed aggregate front boulevard, 0.31m (1'0") hardscape building strip, and light broom finish saw cut concrete sidewalk between the front boulevard and building strip on East Hastings Street frontage.
 - (v) Provision of a 2.5 m wide raised protected bike lane adjacent to Lakewood Drive frontage, with 1.53 m (5'-0") sod grass front boulevard with trees, 1.83 m (6'-0") light broom finish saw cut concrete sidewalk, and landscaped back boulevard to property line including adjustments to all existing infrastructure to allow for the installation of the bike facility. City to provide geometric design for construction.
 - (vi) Provision of a standard concrete lane crossing including new curb returns and curb ramps on both sides of the lane entry located north of Hastings Street on the east side of Lakewood Drive as per City standard.
 - (vii) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (viii) Provision of signal modifications including countdown timers, LED intersection lighting and an accessible pedestrian signal at the intersection of E Hastings Street and Lakewood Drive.
6. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but 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.

Affordable Housing

7. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing all residential units as for-profit affordable housing units for the longer of 60 years and life of the building, subject to the following additional conditions:

- (i) A no separate-sales covenant;
- (ii) A no stratification covenant;
- (iii) That none of such units will be rented for less than one month at a time;
- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into and again prior to development permit issuance;
- (v) That the average initial starting monthly rents for each unit type will be at or below the following rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

| Unit Type | 2109 East Hastings Street Proposed Average Starting Rents |
|------------------|--|
| Studio units | \$1,496 |
| 1-bedroom | \$1,730 |
| 2-bedroom | \$2,505 |
| 3-bedroom | \$3,365 |

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance,

and to allow for the rents to be increased annually from the time of the Public Hearing to initial occupancy, as per the maximum increases authorized by Section 3.1B(c) of the Vancouver Development Cost Levy By-law; and

- (vii) Such other terms and conditions as the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services may in their sole discretion require.

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

Environmental Contamination

10. As 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 the 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 provided to the City.

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

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

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

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

- B. THAT, if Council approves in principle the rezoning of 2109 East Hastings Street and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 2109 East Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the above-noted report.
- C. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 2109 East Hastings 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 April 17, 2018, entitled "CD-1 Rezoning: 2109 East Hastings 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 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. 02914)
(Councillor Jang absent for the vote)

4. REZONING: 1619-1651 East Broadway

An application by IBI Group was considered as follows:

Summary: To rezone 1619-1651 East Broadway from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 10-storey mixed-use building consisting of commercial use at grade and 85 residential units above, comprised of a mixed-tenure of secured market rental and strata-titled housing. A height of 33.2 m (109 ft.) and a floor space ratio (FSR) of 4.0 are proposed.

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

Staff Opening Comments

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

Applicant Comments

Tony Wai, IBI Group responded to questions.

Summary of Correspondence

The following correspondence had been received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 2 pieces of correspondence in support of the application; and
- 5 pieces of correspondence opposed to the application.

Speakers

Acting Mayor Louie called for speakers and none were present.

The speakers list and receipt of public comments were closed at 7:14 pm.

Council Decision

MOVED by Acting Mayor Louie
SECONDED by Councillor Bremner

A. THAT the application by IBI Group Architects, on behalf of Jameson Development Corp. and 0923172 B.C. Ltd., the registered owners, to rezone:

- 1619 East Broadway [*Lots 9 and 10, both of Lot 2, West 1/2 of Block D of Block 154, District Lot 264A, Plans 1680 and 1771; PIDs: 014-472-635 and 014-472-643 respectively*]; and
- 1651 East Broadway [*The West 30 feet of Lot 7 and Lot 8, both of Lot 2, West 1/2 of Block D of Block 154, District Lot 264A, Plans 1680 and 1771; PIDs: 014-472-651 and 014-472-627 respectively*],

from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit a 10-storey mixed-use building consisting of commercial use at grade and 85 residential units above, comprised of a mixed-tenure of secured market rental and strata-titled housing, at a maximum floor space ratio (FSR) of 4.0 and height of 33.2 m (109 ft.), generally as presented in Appendix A of the Policy Report dated April 17, 2018 entitled "CD-1 Rezoning: 1619-1651 East Broadway", 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 IBI Group Architects and stamped "Received City of Vancouver, May 4, 2017", subject to the following conditions, 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 ensure all dwelling units meet the minimum dwelling unit area set out in Section 10 of the Zoning and Development By-law.

Note to Applicant: Strata dwelling units must have a minimum area of 37 m². Rental units less than 37 m² may be considered, if the unit's design and location provides satisfactory living accommodation. Under no circumstance can a rental unit be smaller than 29.7 m². Dwelling unit area is taken from the interior of the demising walls, paint to paint. Enclosed balcony and storage room areas do not count in the total unit area.

2. Design development to improve the livability of all units.

Note to Applicant: This can be accomplished through:

- (i) Eliminating units on levels 2 and 3 whose sole outlook is to the internal property lines. In both the existing context and the future development scenarios, these units do not meet a satisfactory livability standard.
- (ii) Provision of an operable exterior window to all sleeping areas.
- (iii) Confirming, where a bedroom is inboard of an enclosed balcony, the enclosed balconies' internal wall is clear glazing with an operable window.
- (iv) Limiting the number of balconies, enclosed and open, to one per unit. Corner units are permitted two open balconies, one per exposure, to allow for natural ventilation.
- (v) Provision of high and low operable windows for all south facing units, to allow for natural ventilation and passive cooling.

3. Provision of viable, flexible commercial area at grade.

Note to Applicant: Staff are seeking commercial at grade that can accommodate a large variety of retail use, with adequate depth for back-of-house functions. This can be accomplished through:

- (i) Increasing the commercial floor area by extending the first storey building mass to the eastern property line.
- (ii) Relocation of service rooms and commercial parking below grade to allow for additional commercial area at grade.

4. Design development to align the entry lobby with the neighbour to create a cohesive street interface.

5. Provision of an indoor amenity area with an associated outdoor amenity area with adequate area to support the large number of residents.

Note to Applicant: The amenity area should be a minimum of 1,000 sq. ft. and equipped with a bathroom and kitchenette.

6. Design development to ensure all storage areas meet the requirements set out in the *Bulk Storage and In-suite Storage Administrative Bulletin* (<http://bylaws.vancouver.ca/bulletin/b004.pdf>)

7. Design development to ensure all enclosed balconies meet the requirements set out in the *Balcony Enclosure for New Buildings Administrative Bulletin* (<http://bylaws.vancouver.ca/BULLETTIN/B005.pdf>)
8. Provision of a vertical ventilation shaft that can exhaust air from the ground floor commercial retail units through the highest roof, for every 75 ft. of linear storefront facing E Broadway.

Crime Prevention through Environmental Design (CPTED)

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

Sustainability

10. All new buildings in the development will 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>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin [Green Buildings Policy for Rezoning – Process and Requirements](#) (amended April 28, 2017 or later).

Landscape

11. Design development to the second floor amenity deck and structural, as follows:
 - (i) Substantial increase in area dedicated to intensive green roof to accommodate larger soil volumes, trees and layered planting (large expanses of paving can contribute to heat island effect and a lost opportunity to better manage rainwater through the landscape treatment);
 - (ii) Addition of continuous permanent planters nearer to the lane edge to present a greener interface to the north;

- (iii) Larger area dedicated to children's play balanced with a reduction in area noted as "gathering"; and
- (iv) Increase in the amount of urban agriculture plots by using a standard rectangular, raised plot design with universally accessible maneuvering space in between the plots.

12. Integration of grades, retaining walls, walkways and structural design with the architecture to ensure adequate soil volumes.

Note to Applicant: Soil depths should exceed BCLNA Landscape Standard. To avoid raised planters above grade, at the perimeter of the building angle the corner of the underground slab downward (1 m across and 1.2 m) to maximize contiguous soil volumes. Wherever possible, planted landscapes on slab should be designed to maximize soil depths.

13. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

14. Provision of detailed architectural and landscape cross sections (minimum 1/4 in. scale) through common open spaces, semi-private patio areas and the public realm.

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

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

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

16. Provision of plan details and documentation/calculations that support achievement of LEED storm water credit(s) and integrated rainwater management, including absorbent landscapes, soil volumes and detention systems.

Note to Applicant: Landscape related solutions and detention systems should be shown on the plan. The LEED consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

17. Provision of a "Tree Management Plan".

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters. The landscape architectural tree management plan provides useful information with regard to important cross sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architects version should change its title label to differentiate it from the arborist tree plan.

18. Provision of an arborist "letter of undertaking" to include signatures by the owner, contractor and arborist.

Note to Applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

19. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: Street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604-871-6131) to confirm tree planting locations and Park Board (604-257-8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 ft. long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion."

20. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: Hose bibs are requested to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

21. Provision of an outdoor Lighting Plan.

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

Housing

22. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant’s unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the *Tenant Relocation and Protection Guidelines*.

Note to Applicant: An updated list of tenants must be submitted at the time of development permit application.

23. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
24. Provide a notarized declaration, prior to issuance of a development permit which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
25. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.
26. Prior to development permit issuance, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating the proposed total unit mix of 10 studio (11.2%), 47 one-bedroom (52.8%), 22 two-bedroom (24.7%) and 10 three-bedroom (10.6%) units, and in accordance with the *Family Room: Housing Mix Policy for Rezoning Projects*, ensure a minimum 25% two-bedroom units and a minimum 10% three-bedroom units for all strata-titled residential units, and a minimum 35% two-bedroom units or more for all secured market rental residential units, in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

27. The building is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
28. Design development is needed to the common outdoor amenity area on level 2 to include planters, which would be suitable for urban agricultural activity by residents and to include the necessary supporting infrastructure to support such activity by residents (yard waste composter, a potting bench, tool storage closet or chest, irrigation system / hose bib).
29. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

Note to Applicant: Play equipment is not required for the children's play area but a soft surface play area and creative landscape/play features (such as balancing logs and boulders, sandbox, a small/tangible water stream or feature, creative motor-skills developing features, etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

30. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.

Engineering

31. The owner or representative is advised to contact Engineering Services 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.
32. 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.

33. 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.
34. Clarify residential garbage pick-up operations. The current design appears to rely on use of the 10% portion of the parking ramp to access the compactor. Confirmation that the pick-up operation can be achieved safely using the ramp in this manner. Reconfiguration is recommended such that a 5% maximum grade for pick up operations/vehicle manoeuvring is achieved.
35. Provide improved access to the commercial garbage room; confirm door size and access to and from the pickup point without reliance on use of public property.
36. Provide automatic door openers on the doors providing access to the bicycle room and note on plans.
37. Provision of a 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.

38. Provide grid lines on drawings for reference.
39. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Show all columns and note the column dimensions on drawings.
- (ii) Dimension all parking spaces.

Note to Applicant: Provide additional stall width for stalls adjacent to walls and dimension on drawings.

- (iii) Provide the slopes and crossfall within the parkade.

Note to Applicant: Additional design elevations are required within the parkade to calculate slopes and crossfall. Slope and crossfall to be shown on drawings.

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

Note to Applicant: Where there is a curved ramp, provide grades 2 ft. from the wall on the inside radius. The slope and length of the ramp sections must be shown on the submitted drawings.

- (v) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay.

Note to Applicant: Ensure adequate vertical clearance is provided, including utilities, mechanical projections, and other services throughout the parkade.

- (vi) Clearly note on the plans the required 2.3 m of vertical clearance for access and maneuvering to all disability spaces.
- (vii) Provision of independent access to the Mechanical and Electrical Rooms on Level P1 that does not rely upon the Bike Room for access.
- (viii) Provision of internal access from the Commercial parking to the Commercial units that does not require walking in the lane.

- 40. Provision of Class B loading spaces to the satisfaction of the General Manager of Engineering Services. The following must be addressed:

- (i) Provision of improved loading access from the Class B loading spaces to the CRUs and the elevator core.
- (ii) Provision of stair-free internal access from all loading spaces to the elevator that does not rely upon the lane or maneuvering aisles.
- (iii) Provision of a minimum 1.2 m (4'-0") wide loading dock behind the loading spaces to facilitate goods loading/unloading.

Note to Applicant: Consider flipping the loading spaces so that trucks enter from Woodland Dr and/or consider moving the loading spaces to the west property line so that loading spaces are perpendicular to the lane. Refer to the Parking and Loading Design Guidelines for required aisle widths and throat widths.

- (iv) Update the landscape plan with the following note: *"The off-site works are "NOT FOR CONSTRUCTION" and a copy of this plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."*

- (v) Provision of an updated landscape plan that reflects the improvements sought for this rezoning. Please submit a copy of the landscape directly to Engineering Services for review.
- (vi) Provision of a reasonable commercial effort to seek removal of a portion of the decorative metal fence and small concrete upstand that is located on the lot immediately to the east preventing the creation of a more continuous walkway in both properties setback areas at grade. Should this request be agreed to by the neighbour then please delete what appears to be hedging along the eastern property line where it extends into the SRW setback.

Note to Applicant: The easterly side of the building shown on the north elevation (Page 23) appears to have been drawn incorrectly as the setbacks from the east property line do not agree with those shown on the plan views.

Note to PC: Applicant is showing one large bike room on Level P1. Confirm if separate bike rooms are required for the Residential (Market) and Residential (Secured) and that the bicycle room meets the requirements of Section 6 (6.3.5).

Note to PC: Is a security gate required in the parkade separating the Residential (Market) and Residential (Secured) parking.

- 41. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.

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, the General Manager of Arts, Culture, and Community Services, and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 1. Consolidation of Lots 8, 9, 10, and the West 30 Feet of Lot 7, all of Lot 2, West ½ of Block D of Block 154, District Lots 264A, Plans 1680 and 1771 to create a single parcel.
- 2. Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site,

adjacent to East Broadway 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 proposed underground parking structure within the SRW agreement.

3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, 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.
 - (ii) Upgrading and regrading of approximately 150 m of 250 mm sanitary sewer on 6th Avenue from Keith Drive to Glen Drive.
 - (iii) 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.
 - (iv) Provision of new CIP sidewalk and exposed aggregate utility strip in keeping with area standards. Delete reference to nonstandard treatments and show a continuation of the sidewalk pattern that exists immediately east of the site.

- (v) Provision of upgraded street lighting on the site frontage to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (vi) Provision of street trees adjacent the site where space permits.
 - (vii) Provision of adjusted parking regulatory signage on E Broadway adjacent the site should it be necessary.
4. 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 Watercourse By-law. The plan shall achieve the following objectives:
- (i) Retain or infiltration of 50% of the 6-month storm event volume (24 mm) onsite;
 - (ii) Treat the 6-month event (48 mm) onsite;
 - (iii) Maintain the pre-development 2014 IDF-10 year storm event rate; and
 - (iv) The post development estimate shall use the 2100 IDF curve to account for climate change.

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

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 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.

Housing

6. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing the residential units comprised of a minimum of 50% of the total residential floor area, as secured market rental housing for the longer of 60 years or the life of the building, subject to the following additional conditions:
 - (i) a no separate-sales covenant;
 - (ii) a no stratification covenant;
 - (iii) that none of such units will be rented for less than one month at a time;
 - (iv) compliance with the City approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit; and
 - (v) such other terms and conditions as the General Manager of Arts, Culture and Community Services and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by both a Section 219 Covenant and a Housing Agreement to be entered into by the City, by by-law, enacted pursuant to section 565.2 of the *Vancouver Charter*.

Environmental Contamination

7. 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.

Community Amenity Contribution (CAC)

8. Pay to the City a contribution of \$3,000,000, 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 \$3,000,000 contribution is to be allocated to support delivery of the *Grandview-Woodland Community Plan Public Benefits Strategy*.

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 the rezoning of 1619-1651 East Broadway, and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 1619-1651 East Broadway", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the above-noted report.
- C. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 1619-1651 East Broadway", 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 April 17, 2018, entitled "CD-1 Rezoning: 1619-1651 East Broadway".

- 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 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. 02915)
(Councillor Jang absent for the vote)

ADJOURNMENT

MOVED by Councillor Stevenson
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:22 pm.

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