



PUBLIC HEARING MINUTES

JUNE 5, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, June 5, 2018, at 6:09 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT:

- Mayor Gregor Robertson
- Councillor George Affleck
- Councillor Elizabeth Ball
- Councillor Hector Bremner
- Councillor Adriane Carr
- Councillor Melissa De Genova*
- Councillor Heather Deal
- Councillor Kerry Jang
- Councillor Raymond Louie
- Councillor Andrea Reimer
- Councillor Tim Stevenson

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Katrina Leckovic, City Clerk
Bonnie Kennett, Meeting Coordinator

* Denotes absence for a portion of the meeting

WELCOME

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

COMMITTEE OF THE WHOLE

Mayor Robertson 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 Deal
SECONDED by Councillor Stevenson

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

LOST

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

1. TEXT AMENDMENT: Miscellaneous Amendments – Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws

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

Summary: To make miscellaneous amendments to the Zoning and Development, Sign, and Downtown-Eastside/Oppenheimer Official Development Plan By-laws in order to improve clarity, update terminology or address inadvertent errors or omissions and to better streamline the development review process. Notable amendments include the clarification of the RT-5 and RT-5N District Schedules, the addition of Temporary Sales Offices as Outright Approved Use in the C-1, C-2, C-3A, C-5, C-5A and C-6, C-7 and C-8, FC-1, MC-1 and MC-2, IC-1 and IC-2 and HA-1 and HA-1A District Schedules, and the addition of Temporary Sales Offices as Conditional Use in the FM-1, I-1, I-1A and I-1B and FC-2 (sub-areas A and E).

The General Manager of Planning, Urban Design and Sustainability recommended approval.

Council also had before it a memorandum dated June 5, 2018, from the Assistant Director of Planning, City-wide and Regional Planning, which brought forward a correction to the Zoning and Development By-law amendments proposed in the report dated April 17, 2018, entitled “Miscellaneous Amendments – Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws” regarding “Temporary Sales Office” and clarified that this Use is only applicable to RS and RT zones. Since referral, staff recommended revisions to the posted draft by-law amending the Zoning and Development By-law as follows:

THAT the definition of General Office in Section 2 of the Zoning and Development By-law be amended to read as follows:

“General Office, which means the use of premises for any office use, including Digital Entertainment and Information Communication Technology but does not include Financial Institution, Health Care Office, Health Enhancement Centre or Temporary Sales Office;”

THAT the definition of Temporary Sales Office in Section 2 of the Zoning and Development By-law be amended to read as follows:

“Temporary Sales Office, which means the use of a building in a RS or RT zone, for a period not exceeding three years, for the sole purpose of marketing and selling dwelling units associated with a residential development.”

THAT Council remove the following proposed amendments:

“14. In section 2.2.O [Office] of the C-1, C-2, C-3A, C-5, C-5A and C-6, C-7 and C-8, FC-1, MC-1 and MC-2, IC-1 and IC-2 and HA-1 and HA-1A Districts Schedules, Council adds in alphabetical order “Temporary Sales Office.”

15. In section 3.2.O [Office] of the FM-1, I-1, I-1A, and I-1B Districts Schedules, Council adds in alphabetical order "Temporary Sales Office."

16. In section 3.2.1.O [Office] of the FC-2 District Schedule, Council adds in alphabetical order "Temporary Sales Office, but only in sub-areas A and E as shown in Figure 1."

FURTHER THAT the Director of Legal Services be instructed to prepare the enactment By-law with the proposed changes described above.

Staff Opening Comments

Hayley Hoikka, Planning Analyst, and Michelle McGuire, Senior Regulatory Policy Planner, both from Planning, Urban Design and Sustainability, provided clarification on the application and 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:

- 1 piece of correspondence in support of the application;
- 35 pieces of correspondence opposed; and
- 1 piece in the other category.

Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in opposition of the application, expressing concerns related to the HA-1 and HA-1A zoning district:

Frantz De Rycke
John Atkin
Melody Ma
Daniel Pon
Janice Wong
Karen Ward
Joseph Malone
Jane Shi

The speakers list and receipt of public comments closed at 6:51 pm.

Staff Closing Comments

Ms. McGuire responded to questions.

Council Decision

MOVED by Councillor Reimer
SECONDED by Councillor Jang

- A. THAT Council approve the application to amend the Zoning and Development By-law, generally as presented in Appendix A of the Policy Report dated April 17, 2018, entitled "Miscellaneous Amendments - Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws", to:
- (i) amend the definition for Character House in Section 2 to insert a semicolon rather than a period that was added in error;
 - (ii) amend Section 3.2.7 to remove a comma that was inadvertently inserted after RT-5 in the list of District Schedules;
 - (iii) amend Section 3.2.7 to include the RM-10 and RM-10N Districts Schedule in the list of District Schedules that was omitted in error;
 - (iv) amend Section 5.14 to correct an error in where the RM-10 and RM-10N Districts Schedule was inserted in the section;
 - (v) amend Section 11.32 to correct an error in numbering;
 - (vi) amend the RS-1, RS-1A, RS-1B, RS-2, RS-3 and RS-3A, RS-4, RS-5, RS-6, RS-7 District Schedules to include a period that was inadvertently omitted;
 - (vii) amend Section 1 of the RS-1A District Schedule to remove a period that was inserted in error in the middle of the last sentence;
 - (viii) amend Section 4.7.1 in the RS-6 District Schedule to correct an error in numbering;
 - (ix) amend the RS-7 District Schedule to:
 - 1. amend Section 1 to delete duplicate wording that was inadvertently inserted;
 - 2. amend Section 4.3.2 to insert a bracket that was inadvertently omitted;
 - (x) amend the RT-5 and RT-5N Districts Schedule to:
 - 1. amend Section 3.2.1.DW to correct the date to January 16, 2018;
 - 2. amend Section 4.6.1 to allow more flexibility around the rear yard requirement for lots with an average depth exceeding 36.5 m;

3. amend Section 4.7.6 (d) to insert a colon at the end of the subsection that was inadvertently omitted;
 4. amend Section 4.18.1 to specify that the calculation for the total number of dwellings units for a site applies to larger sites that meet the minimum site area requirement for a Multiple Dwelling or sites with a Character House;
 5. Insert Section 4.18.2 to clarify that the total number of dwelling units for all sites, excluding sites that meet the minimum site area requirement for a Multiple Dwelling or sites with a Character House, shall not exceed 2, excluding secondary suites and lock-off units;
- (xi) amend the RT-6 District Schedule to:
1. amend Section 4.7.6 (e) to insert a colon at the end of the subsection that was inadvertently omitted in error;
 2. amend Section 5.5 to correct an error in numbering;
- (xii) amend the RM-10 and RM-10N Districts Schedule to:
1. correct omissions of the date of enactment in Sections 2.2.DW and 3.2.DW;
 2. amend Section 4.4.3 to fix an incorrect section reference;
 3. amend Sections 4.5.2 and 4.6.3 to correct an error in spacing;
 4. amend Sections 4.7.2(b), 4.7.3(a), 4.7.3(b), 4.7.4, 4.7.5, and 4.7.9(d)(i) to correct an error in punctuation;
 5. amend Section 4.7.9(c)(i) to update terminology;
 6. amend Section 4.7.9(j) to correct an error in numbering;
 7. amend Section 5.1 to reformat the section to provide clarity;
- (xiii) amend the C-1, C-2, C-3A, C-5, C-5A and C-6, C-7 and C-8, FC-1, MC-1 and MC-2, IC-1 and IC-2 and HA-1 and HA-1A District Schedules to include Temporary Sales office as an Outright Approval Use;
- (xiv) amend the FM-1, I-1, I-1A and I-1B District Schedules to include Temporary Sales Office as a Conditional Approval Use;
- (xv) amend the FC-2 District Schedule to include Temporary Sales Office as a Conditional Approval Use but only in sub-areas A and E as shown in Figure 1 of the District Schedule; and

- (xvi) amend Schedule G - Stipulated Rents at Initial Occupancy for Secured Market Rental Housing to rename it as Schedule H Stipulated Rents at Initial Occupancy for Secured Market Rental Housing, due to a duplication in Schedule names.
- B. THAT Council approve the application to amend the Sign By-law, generally as presented in Appendix B of the Policy Report dated April 17, 2018, entitled "Miscellaneous Amendments - Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws", to:
- (i) amend Section 2.1 to clarify that signs not intended to be seen from the street are not regulated by the Sign By-law;
 - (ii) amend Section 6.18 to allow a sign with neon or neon-like LED lighting as a window sign that does not require a permit;
 - (iii) delete Subsections 9.11 (o), 9.11 (i), 10.7 (o), 10.7 (i), 12.7 (o), 12.7 (i), 13.8 (n), 13.8 (i), 14.7 (l), 14.7 (i) to allow business identification signs in commercial lanes in response to the approved Council motion on February 20, 2018; and
 - (iv) amend Sections 9.20, 10.15, 11.12, 12.14 and 13.15 to insert the height restriction for Projecting Signs that was inadvertently deleted and to delete the old subsection(s) limiting the number of Projecting Signs for a premises that was not deleted due to an error in numbering.
- C. THAT Council approve the application to amend the Downtown-Eastside/Oppenheimer Official Development Plan By-law, generally as presented in Appendix C of the Policy Report dated April 17, 2018, entitled "Miscellaneous Amendments - Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws" to amend Section 4.2.1 to correct an error in numbering.
- D. THAT the definition of General Office in Section 2 of the Zoning and Development By-law be amended to read as follows:
- "General Office, which means the use of premises for any office use, including Digital Entertainment and Information Communication Technology but does not include Financial Institution, Health Care Office, Health Enhancement Centre or Temporary Sales Office;"
- E. THAT the definition of Temporary Sales Office in Section 2 of the Zoning and Development By-law be amended to read as follows:
- "Temporary Sales Office, which means the use of a building in a RS or RT zone, for a period not exceeding three years, for the sole purpose of marketing and selling dwelling units associated with a residential development."

F. THAT Council remove the following proposed amendments:

“14. In section 2.2.O [Office] of the C-1, C-2, C-3A, C-5, C-5A and C-6, C-7 and C-8, FC-1, MC-1 and MC-2, IC-1 and IC-2 and HA-1 and HA-1A Districts Schedules, Council adds in alphabetical order “Temporary Sales Office.”.

15. In section 3.2.O [Office] of the FM-1, I-1, I-1A, and I-1B Districts Schedules, Council adds in alphabetical order “Temporary Sales Office.”.

16. In section 3.2.1.O [Office] of the FC-2 District Schedule, Council adds in alphabetical order “Temporary Sales Office, but only in sub-areas A and E as shown in Figure 1.”

G. THAT the Director of Legal Services be instructed to prepare the enactment By-law with the proposed changes described in D, E and F above.

CARRIED UNANIMOUSLY (Vote No. 02954)

2. TEXT AMENDMENT: Text Amendments to CD-1 (Comprehensive Development) By-laws to enable Public Bike Share

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

Summary: To amend the by-laws for 17 CD-1 (Comprehensive Development) Districts to enable Public Bike Share as a permitted use within those districts and to add 14 new locations to the area where Public Bike Share is permitted as described in section 10.36.1 of the Zoning and Development By-law. The proposed amendments achieve the intent of earlier zoning and development permit approval processes and correct inadvertent omissions.

The General Manager of Planning, Urban Design and Sustainability recommended approval.

Summary of Correspondence

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

Speakers

Mayor Robertson called for speakers for and against the application.

Joseph Malone spoke in support of the application.

The speakers list and receipt of public comments closed at 7:01 pm.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council approve the application, generally presented in Appendix A of the Policy Report dated May 1, 2018, entitled "Text Amendments to CD-1 (Comprehensive Development) By-laws to enable Public Bike Share", to:

- (i) amend 17 CD-1 (Comprehensive Development) By-laws to include Public Bike Share as a permitted use; and
- (ii) amend Section 10.36.1 of the Zoning and Development By-law by adding 14 site locations to the Public Bike Share service area.

CARRIED UNANIMOUSLY (Vote No. 02955)

3. TEXT AMENDMENT: Measures to Retain the Rental Housing Stock – Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan

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

Summary: To better protect and retain the existing rental stock in Vancouver, amendments are proposed to the Rental Housing Stock Official Development Plan and the associated zoning districts that are intended to provide clarity in the implementation process. As well, measures are proposed to encourage reinvestment in the existing stock, including support for owners of purpose-built rental buildings, and potential policy measures by the City and senior governments to incentivize needed improvements and strengthen protections for renters.

The General Manager of Planning, Urban Design and Sustainability recommended approval.

Staff Opening Comments

Edna Cho and Sarah Ellis, Planners, Planning, Urban Design and Sustainability, presented the application and responded to questions.

Summary of Correspondence

Two pieces of correspondence in support of the application 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.

Speakers

Mayor Robertson called for speakers for and against the application.

Rachel Selinger, Metro Vancouver Housing Strategist, Generation Squeeze, spoke in support of the application and Liam McClure, Tenant Advocate, Vancouver Tenants Union, spoke in opposition.

The speakers list and receipt of public comments closed at 7:47 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT Council approve the application to amend the Official Development Plan Regarding Areas of Real Property in Certain RM, FM and CD-1 Zoning Districts (the "Rental Housing Stock Official Development Plan"), relating to the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B and RM-5C, RM-5D, RM-6, and FM-1 District or District Schedules, generally as presented in Appendix A of the Policy Report dated April 17, 2018, entitled "Measures to Retain the Rental Housing Stock - Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan", to achieve the following:
- (i) Revise the rental housing policy in Section 2.4 to:
 - a. lower the "trigger" for when rental replacement is required from six or more units to three or more units, in order to better protect the rental stock;
 - b. ensure residential dwelling types with three or more units, including multiple conversion dwellings, are subject to rental replacement requirements; and
 - c. clarify rental replacement obligations, including:
 - 35 per cent family housing requirement for new developments and major renovations;
 - discretion for less than one for one replacement for renovations where the existing rental units are sleeping or housekeeping units, with the objective of maximizing rental replacement with fully self-contained units;
 - (ii) remove the definition for "rate of change" in Section 1 to simplify and strengthen rental replacement requirements, by decoupling the requirements from changes in the stock; and

- (iii) revise the definition of “rental housing unit” in Section 1 to clarify when rental replacement is required, including an exclusion for units in hotels and in stratified building(s) where the majority of the units were individually owned within the last three years and the building is in the process of dissolving the strata corporation for the purposes of redevelopment.

- B. THAT Council approve the application to amend the Zoning and Development By-law to require rental replacement for new developments having three or more dwelling units in the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B and RM-5C, RM-5D, RM-6, and FM-1 District Schedules generally as presented in Appendix B of the Policy Report dated April 17, 2018, entitled “Measures to Retain the Rental Housing Stock - Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan”.

- C. THAT, to provide guidance in the administration of the provisions of the Rental Housing Stock Official Development Plan, the General Manager of Planning, Urban Design and Sustainability be instructed to prepare and issue an Administrative Bulletin for use by staff and applicants, generally as set out in Appendix C of the Policy Report April 17, 2018, entitled “Measures to Retain the Rental Housing Stock - Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan”.

- D. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability bring forward revisions to the “Strata Title and Cooperative Conversion Guidelines”, generally as set out in Appendix D of the Policy Report dated April 17, 2018, entitled “Measures to Retain the Rental Housing Stock - Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan”, to require that the conversion of a development under the Strata Property Act or Cooperative Association Act meets requirements aligning with the revisions to the Zoning and Development By-law.

- E. THAT Council receive for information the findings of the Building Reinvestment Study as contained in Appendix E of the Policy Report dated April 17, 2018, entitled “Measures to Retain the Rental Housing Stock - Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan”.

- F. THAT Council instruct staff to explore a partnership with LandlordBC on a pilot program to support existing landlords with capital and energy planning through building condition and energy assessments in existing rental buildings, as set out in Appendix G of the Policy Report dated April 17, 2018, entitled “Measures to Retain the Rental Housing Stock - Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan”;

FURTHER THAT the source of funds for the start-up budget of the pilot program, anticipated to be \$100,000, is to be accommodated within the existing 2018 Planning, Urban Design and Sustainability operating budget.

- G. THAT Council direct staff to ensure all City of Vancouver procurement policies and best practices are followed in this sole source procurement.
- H. THAT Council instruct staff to explore options to encourage reinvestment in the existing rental stock, including:
 - (i) exploring the feasibility of municipal tools to encourage improvements in existing rental housing; and
 - (ii) working with senior governments to encourage the development of programs to support capital and energy efficient upgrades, such as financing, tax incentives, grant assistance, and initiatives to promote long-term capital and energy-efficiency planning.
- I. THAT Council direct staff to continue discussions with the Province for enhanced protection under the Residential Tenancy Act (RTA) in the case of renovations and redevelopment of existing rental housing.
- J. THAT Council direct staff to report back on the impact and implications of implementing the Province's proposed charter changes allowing zoning for rental tenure; and applying this to areas covered by the Rental Housing Stock Official Development Plan.

CARRIED UNANIMOUSLY (Vote No. 02969)

4. REZONING: 3510 Fraser Street

An application by DYS Architecture was considered as follows:

Summary: To rezone 3510 Fraser Street from C-2 (Commercial) to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use development with a seniors centre at-grade and 58 secured seniors social housing units above. A height of 21.1 metres (72.5 feet) and a floor space ratio (FSR) of 3.5 are proposed.

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

Council also had before it a memorandum dated May 30, 2018, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, which recommended amendments to the draft CD-1 By-law in Appendix A of the Policy Report May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street". Since referral, staff determined a revision is required to the posted draft CD-1 By-law posted for 3510 Fraser Street as follows:

THAT subsection 4.4 (c) of the draft CD-1 By-law posted for 3510 Fraser Street be amended as follows:

- 4.4 (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical

equipment or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which are at or below the base surface, except that the Director of Planning may also permit the exclusion of such floors or portions of floors that are located above base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;

Staff Opening Comments

Sarah Crowley, Rezoning Planner, Planning, Urban Design and Sustainability, presented the application and responded to questions.

Applicant Comments

Tiffany Duzita, Director, Community Land Trust, provided comments on the application and, along with Stuart Alcock, President, 411 Seniors Centre Society, responded to questions.

Summary of Correspondence

One piece of correspondence in opposition of the application 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.

Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in support of the application:

Anthony Kupferschmidt, Executive Director, West End Seniors' Network
Stuart Alcock, President, 411 Seniors Centre Society
Joseph Malone
Owen Brady

Jenna MacLellan spoke in opposition to the application.

The speakers list and receipt of public comments closed at 8:39 pm.

Applicant Closing Comments

Luke Harrison, Director/Chief Executive Officer, Vancouver Affordable Housing Agency, provided closing comments.

Council Decision

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

- A. THAT the application by DYS Architecture (DYS) on behalf of Vancouver Affordable Housing Agency (VAHA), as agent for the registered owner, the City of Vancouver (the City), to rezone 3510 Fraser Street [*Lot A Block 54 District Lot 301, Group 1 New Westminster District Plan BCP50970, PID 028-868-218*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.5 to 3.5 and the maximum building height from 13.8 m (45 ft.) to 21.1 m (72.5 ft.) to permit the development of a six-storey mixed-use building with a seniors centre at grade and 58 secured seniors social housing units, generally as presented in Appendix A of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL FOR THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by DYS Architecture and stamped "Received City Planning Department, March 23, 2018", 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 the common amenities, as follows:
 - (i) Convert the north-east units on Levels 4 and 5 to amenity rooms;
 - (ii) Add access doors and substantial glazing, to connect the amenity rooms to the adjacent rooftop terraces;
 - (iii) Consider converting the proposed amenity room at Level 6 into two studio units;

Note to Applicant: East elevation, Level 6, may become more solid.

2. Design development to reduce apparent bulk and massing on the east side of the building, and improve the interface to the RS-1 neighbour, as follows:

- (i) Remove the projecting terrace at the south end of the building, Level 2;
- (ii) Remove the balcony at the north-east corner, Level 6;
- (iii) Further animate the east elevation by adding windows and, where feasible, increasing the size/height of strip windows;

Note to Applicant: The three private balconies should be reconfigured to more closely align with floor below. Consider deleting the shared terrace and replacing with a low-maintenance gravel roof. To achieve a more neighbourly expression, it's recommended to add and/or increase windows particularly at Levels 2 and 3.

3. Design development to improve the building elevations, as follows:

- (i) Delete sunshades on north and east elevations;
- (ii) Consider adding sunshades to the west (Fraser Street) elevation;
- (iii) Refine the dark grey "frame" element;
- (iv) Consider using a lighter-coloured exterior cladding inside the inset balconies the inset balconies (ie. at the north-west corner);
- (v) Consider lowering the weather canopy to approximately 3.5m above grade (where the white band is currently indicated), to improve its performance and create a more "enclosed" sidewalk space.

Note to Applicant: Sunshades should be integrated into a rational passive design approach. To improve the legibility of the "frame" element, a significant change in plane between the frame and the brown inset should be created. There should also be a rational, consistent approach to how the frame wraps corners.

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

Note to Applicant: Strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or to reduce these risks. For more information, see the guidelines at

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

Crime Prevention through Environmental Design (CPTED)

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

Sustainability

6. 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

7. Design development to expand the size and programming of common amenity space(s) to provide a more usable space;

Note to applicant: This should include additional opportunities for social interaction, such as additional benches and seat walls for passive seating and gathering. Urban agriculture plots should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

8. Design development to improve privacy and mitigate overlook of the common terraces on Levels 2 and 4 onto neighbouring site to the east, by relocating and/or adding planting beds along the east edge.

Note to Applicant: The plants should be visible from the neighbouring property.

9. Design development to buffer the surface parking area by the addition of substantially more planting beds, to include the addition of minimum three significant, larger scale deciduous trees on site, for the provision of a higher quality landscape and additional future canopy.
10. Provision of a revised arborist report to recommend tree protection measures for the two retained trees on the east neighbouring site, in context of the proposed site plan.

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

11. 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.

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

13. At time of development permit application, the following:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale and should match the architectural site plan.
- (ii) 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.
- (iii) A high-efficiency automatic irrigation system to be provided for all planted areas.
- (iv) 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.

- (v) Provision of improved graphic readability by deleting grey tones to ensure the plan reads well in black and white.

Engineering

- 14. Parking, loading and bicycle spaces shall be provided and maintained according to the provisions of the Vancouver Parking By-Law

Note to Applicant: Parking relaxations will apply to the site and shall be discussed in full at the Development Permit stage. (See Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street")

- 15. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
- 16. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
- 17. Provision of a new driveway crossing to current standards on East 19th Avenue.

Note to Applicant: A crossing application is required.

- 18. Provision of a wide, continuous weather protection on both frontages.

Note to Applicant: A separate application is required to the General Manager of Engineering Services for any canopy/awning encroaching over public property. 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 weather protection for the sidewalk users.

- 19. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin

storage If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent to the street.

20. Provision of an updated landscape plan to reflect the offsite improvements being sought in the rezoning is required. The following statements are to be noted on the landscape plan:
 - (i) All sidewalks between the curb and property line are to be reconstructed fully at the applicant's expense."
 - (ii) The landscape plan is to be noted as "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."
21. Installation of parking regulatory signage on Fraser Street and East 19th Avenue adjacent the site to the satisfaction of the General Manager of Engineering Services".
22. Design development to resolve conflict between drive aisle and bike room access.
23. Provision of automatic door openers on the doors providing access to the bicycle room and note on plans.
24. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Dimension maneuvering aisle width.
 - (ii) Additional parking space width is required for parking space 2.
 - (iii) Provide dimensions showing length and width of parking spaces.
 - (iv) Provision of additional information on the drawings showing the vertical clearance from the drive aisle surface to the portion of the building on level 2.
 - (v) Dimension bike storage locker sizes and dimension the access aisle widths within the bike room.
 - (vi) Provision of Class B bicycle parking on private property as per the Parking By-Law.
 - (vii) Provision of disability parking requirements.

Refer to the Parking and Loading Design Guidelines at the following link: <http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>

25. Staff are seeking a detailed response toward the IRMP requirements outlined in the *Green Buildings Policy for Rezoning*s. As the project moves to detailed design, provide a revised Rainwater Management Plan (RMP), that details how the rainwater management system meets the IRMP requirements for quantity and quality and addresses the following:
- (i) How will the 600 mm of peat be addressed in the construction? Will it be removed? If it remains in place, then is there a strategy to deal with settling or for keeping moisture in the peat? This should be considered in the rainwater management plan.
 - (ii) The stormwater management report indicates there is limited potential for infiltration. What infiltration rate used for the detention/infiltration system sizing? What will the drain down time be for a full 24 mm event?
 - (iii) If the 20.9 m³ infiltration will not be achieved through the detention system, then consider a green roof. The volume retained in the green roof can be applied to the 24 mm retention goal.
 - (iv) It is noted that a portion of the paved parking lot will be graded towards a landscaped area to the east of the site. Calculations need to be provided to show that the runoff from the paving can be accommodated in the landscaped area. The northern section of the landscaped area is directly adjacent to a neighbouring property. How will the runoff directed to the landscaped area not simply enter the perimeter drain to this property or otherwise adversely impact the property.
 - (v) There is no indication on the drawings as to the location of the detention system. Where is this located? If it is located beneath the on-site parking the applicant should consider permeable pavers throughout the parking area and access drive

Note to Applicant: Provision of on-site backflow prevention is required for sanitary and storm service connections.

Note to Applicant: Development to be serviced to the existing 200 mm sanitary sewer and 525 mm storm sewer along East 19th Ave.”

Note to Project Coordinator: A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.

Affordable Housing

26. Submission of a draft operating budget and rent schedule demonstrating a viable optimisation of affordability on this site with a minimum of 30% of housing units in the building renting to households with incomes below the BC Housing Income Limits or such other greater percentage of housing units rented to such households with a view of maximizing affordability while ensuring the financial viability of the project, with a review of same prior to issuance of an occupancy permit, all to the satisfaction of the General Manager of Arts, Culture and Community Services.
27. Prior to issuance of the Development Permit, applicant to install and display a sign on the site, throughout construction, that acknowledges that social housing is being provided as part of the City of Vancouver's initiatives. Sign design, format and location to be approved by the City.

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

Engineering

1. Release of Easement & Indemnity Agreement 529166M (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.

2. Provision of an easement agreement for the encroaching portions of the house from the adjacent easterly lot (the North ½ of Lot B, Block 54, District Lot 301, Plan 187).
3. Provision of a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one (1) Shared Vehicle and the provision and maintenance of one (1) Shared Vehicle Parking Space for use exclusively by such on terms and conditions satisfactory to the General Manager of Engineering

Services and the Director of Legal Services, including the following:

- (i) Provide (1) Shared Vehicle to the development for a minimum period of (3) years.
 - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle.
 - (iii) Provide and maintain the Shared Vehicle Parking Space for use exclusively by such shared vehicles.
 - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space.
 - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle unless otherwise agreed to by the general manager of Engineering Services and the Director of Legal Services; and
 - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
 - (vii) Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed at no cost to the City and all necessary 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 is provided.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services is 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 stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course Bylaw. The plan shall achieve the following objectives:
 - (a) Retain or infiltrate 50% of the 6-month event (24 mm);
 - (b) Treat the 6-month (48 mm) onsite; and
 - (c) Maintain the pre-development 2 year 24hr storm event rate and volume. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

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

- (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 street trees adjacent to the site where space permits.

- (v) Provision of a 2.3 m (7'-6") sod lawn front boulevard and a light broom finish saw cut concrete sidewalk on Fraser Street between the front boulevard and the property line.
 - (vi) Provision of a 2.14 m (7'-0") sod lawn front boulevard and a light broom finish saw cut concrete sidewalk on East 19th Avenue between the front boulevard and the property line.
 - (vii) Removal of the existing driveway crossing on Fraser Street and East 19th Avenue and provision of new curb and gutter.
 - (viii) 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.
 - (ix) Provision of intersection lighting upgrade to LED standards (all four intersection poles are to receive upgraded lighting).
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.

In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

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

Affordable Housing

6. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Service to enter into a Housing Agreement securing all dwelling units as social housing for 60 years or life of the building, whichever is greater, which will contain the following terms and conditions:

- (i) A no separate sales covenant.
- (ii) A no stratification covenant.
- (iii) A provision that none of the dwelling units in the building will be rented for less than one month at a time.
- (iv) Requiring such units to be used for "social housing", as that term is defined in the Vancouver Development Cost Levy By-law No. 9755.
- (v) Requiring such units to be made available to seniors, as defined within the Housing Agreement.
- (vi) Including such other terms and conditions as the Director of Legal Services and the General Manager of Arts, Culture and Community Services may require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to Section 595.2 of the *Vancouver Charter*.

Soils

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

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

- B. THAT the draft CD-1 By-law provisions (Floor Area and Density - section 4.4 (c)) in Appendix A of the Policy Report dated May 1, 2018 entitled "3510 Fraser Street" be amended as follows:
- 4.4 (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which are at or below the base surface, except that the Director of Planning may also permit the exclusion of such floors or portions of floors that are located above base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length.
- C. THAT, if Council approves in principle this rezoning and the Housing Agreement described in Appendix B of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- D. 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 May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street", be approved.
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendments to the Parking By-law, generally set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street".

- F. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendments to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 3510 Fraser Street".
- G. THAT A through F above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City 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. 02959)
(Councillor De Genova absent for the vote)

5. REZONING: 855 Kingsway

An application by Cornerstone Architecture was considered as follows:

Summary: To rezone 855 Kingsway from C-2 (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 50 secured for-profit affordable rental housing units. A height of 24.3 metres (79.7 feet) and a floor space ratio (FSR) of 3.3 are proposed.

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

Summary of Correspondence

Twelve pieces of 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:

Speakers

Mayor Robertson called for speakers for and against the application.

Rachel Selinger, Metro Vancouver Housing Strategist, Generation Squeeze, spoke in support of the application.

The speakers list and receipt of public comments closed at 8:47 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT the application by Cornerstone Architecture on behalf of 1026651 B.C. Ltd. to rezone 855 Kingsway [*Lots 13 and 14 Block 90 District Lot 301 Plan 187; PIDS: 004-994-281 and 004-994-183 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.5 to 3.3 and the maximum building height from 13.8 m (47.3 ft.) to 24.3 m (79.7 ft.) to permit the development of a six-storey mixed use building with commercial at grade and 50 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated May 1, 2018 entitled "CD-1 Rezoning: 855 Kingsway", 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 prepared by Cornerstone Architecture, and stamped "Received City Planning Department on January 24, 2018", 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 reduce the apparent massing of the building by setting back the upper 5th and 6th floor 6 ft. from the primary face of the building off of Kingsway.

Note to Applicant: This upper massing setback is required to better comply with the massing profile anticipated within the C-2 zoning and guidelines.

2. Design development to enhance the legibility of the residential entry.

Note to Applicant: The main residential entry should be clearly legible. Changes of material, lighting and architectural elements can be used to enhance visibility of the entrance.

3. Design development to ensure the amenity area is a flexible functional area.

Note to Applicant: the column located in the center space limits its use. Provide confirmation that there is direct access from the indoor amenity area to the outdoor amenity area.

4. Design development to create visual interest to the two internal side yard elevations.

Note to Applicant: this can be accomplished through variations in the materials or texture.

5. 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>

6. Provision of a vertical ventilation shaft that can exhaust air from the ground floor Commercial retail units through the highest roof.

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

Note to Applicant: The strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features to reduce these risks. For more information, see the guidelines at

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

Crime Prevention through Environmental Design (CPTED)

8. 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

9. 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

10. Design development to better articulate, provide more opportunities for social interaction and expand the programming of common outdoor amenity space on Level 1, as follows:
 - (i) Improve programming for the space between Children's Play area and indoor Amenity Room to be a more meaningful space, without increasing surface paving.
 - (ii) Increase landscape buffer between Children's Play area and Loading.
 - (iii) Enable and provide a minimum 3 ft. wide landscape buffer next to both east and west property lines.
 - (iv) Provide high quality, creative and natural materials in landscaped areas, especially in the Children's Play area.
 - (v) Provide additional passive seating areas such as benches and seat walls.

11. Design development to improve sustainability, expand programming and improve usability of rooftop outdoor Amenity space by the addition of Urban Agriculture plots.

Note to Applicant: Urban agriculture plots should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

12. Design development to improve sustainability by the provision of an extensive green roof on the flat upper rooftop.
13. 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.

14. Provision of 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 and be minimum 3 ft. for trees and 2 ft. for shrubs.
15. Provision of a high-efficiency automatic irrigation system to for all planted areas.
16. Provision of a Landscape Lighting Plan for security purposes.

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

17. Coordination of new proposed street trees with Engineering and the Park Board, confirming quantities, species, sizes and locations, and addition of the following note on the plans:

Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Eileen Curran at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. New street trees to be confirmed prior to issuance of the building permit. Call Cabot Lyford at Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion.

Note to Applicant: The applicant must contact Park Board and Engineering prior to final DP submission and ensure this information is included on the Plant Schedule.

18. Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note:

"Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees. Methods of tree protection for street trees to be approved by Park Board".

Note to Applicant: Methods of tree protection for street trees (as approved by Park Board) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection.

19. Provision on the landscape drawings of landscape features intended to create a bird friendly design.

Note to Applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. 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>.)

20. Provision of the following to ensure complete information:
 - (i) Plans to be at a correct, known scale (not reduced) and to match architectural scale;
 - (ii) Details to be referenced on plans;
 - (iii) Complete coordination, notations and references;
 - (iv) Complete schedules for hard and soft materials (the use of artificial turf will not be supported on any surfaces); and
 - (v) Improved graphic readability by deleting grey tones or submit plans in colour.

Engineering Services

21. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.
22. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & 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 is required for any major crane erection / removal or slab pour that requires additional street use beyond that already identified in the project street use permissions.
23. 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.
24. 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.

25. Provision of an updated Site Plan and Landscape drawings showing and noting the SRW line on Kingsway.

26. Provision of Class B bike parking on private property as per the By-law.

Note to Applicant: Please ensure Site Plan and landscape drawings illustrate all Class B bike parking requirements to ensure all racks are installed on private property and bicycles secured to rack do not encroach onto public property.

27. Provision of an updated plan showing the access route for 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.

28. Provision of automatic door openers on the doors providing access to the bicycle rooms.

29. Design development to improve the parkade layout and access design and compliance with the Parking and Loading Design Supplement, and Bicycle Parking Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Clarify if hatching and a handrail is required on the main ramp for pedestrian egress.

Note to Applicant: The ramp may need to be widened to maintain a 20 ft. drive aisle width.

- (ii) Provision of a reduced slope and cross-fall at the bottom of the main ramp.

Note to Applicant: this is to reduce the overall combined cross slope of approximately 7%. Refer to section drawing A4.5 to confirm if the elevations at the south wall of the parkade can be raised while still maintaining the required vertical clearance for disability parking.

- (iii) Provision of measures to address conflicts between vehicles at the bottom of the ramp.

Note to Applicant: Engineering recommends improving visibility through provision of view portals in the parkade

ramp wall and installation of a parabolic mirror at the bottom of the ramp.

- (iv) Provision of a section drawing through residential small car stall 13 with overhead projections and vertical clearances under projections dimensioned on the drawings.
- (v) Provision of 8 ft. 6 in. stall width between the wall and the column for single module parking stall Visitor 3.

Note to Applicant: column encroachments are not permitted in single module stalls.

Affordable Housing

- 30. That the proposed unit mix, 16% 2-bedroom units and 20% 3-bedroom units be included in the Development Permit drawings.

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

- 31. 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.

- 32. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that for-profit affordable 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.

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 13 and 14, Block 90, DL 3016, Plan 187 to create a single parcel.

2. Release of Easement & Indemnity Agreement 330533M (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 building setback and a surface Statutory Right-of-Way (SRW) on Kingsway adjacent the site to achieve a 5.5 m (18 '0") sidewalk from the back of the existing City curb to the building face. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrance at grade such as structure, stairs, door swing, landscape and bicycle parking but must accommodate portions of structure on Level P1 and Levels 2 to 6 within the SRW agreement.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until security for the services is provided.
 - (i) Provision of 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 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.
 - (iii) In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street

right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

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

- (iv) Provision of new CIP light broom finish concrete sidewalk with saw cut joints on Kingsway adjacent the site between the front boulevard and the property line and new 1.2M exposed aggregate utility strip at the curb with 4 piece standard tree surrounds where they can be accommodated.
- (v) Upgraded street lighting on Kingsway adjacent the site to current LED standards including a review of the existing lighting to determine its adequacy and a lighting design as required

Affordable Housing

- 5. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or the life of the building, and subject to the following additional conditions:
 - (i) A no separate-sales covenant;
 - (ii) A no stratification covenant;
 - (iii) That none of such units will be rented for less than one month at a time;
 - (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, 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 proposed starting rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	855 Kingsway Average Starting Rents
Studio units	\$1,385
1-bedroom	\$1,638
2-bedroom	\$2,459
3-bedroom	\$3,109

- (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.
- (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

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

Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on 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 registered 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 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 this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 855 Kingsway", 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 this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD -1 Rezoning: 855 Kingsway", 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 May 1, 2018, entitled "CD-1 Rezoning: 855 Kingsway".
- 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 the 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. 02960)

6. REZONING: 1506 West 68th Avenue and 8405-8465 Granville Street

An application by IBI Group was considered as follows:

Summary: To rezone 1506 West 68th Avenue and 8405-8465 Granville Street from C-2 and C-2C (Commercial) Districts to CD-1 (Comprehensive Development) District, to permit the development of a 10-storey mixed-use building, containing 45 market residential dwelling units on floors three to ten, all over commercial uses at grade and office on the second floor. A height of 41.5 m (136 ft.) and a floor space ratio (FSR) of 3.60 are proposed.

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

Staff Opening Comments

Thien Phan, Rezoning Planner, Planning, Urban Design and Sustainability, presented the application and responded to questions.

Summary of Correspondence

Three pieces of correspondence opposed to the application 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.

Speakers

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

The speakers list and receipt of public comments closed at 8:59 pm.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT the application by IBI Group, on behalf of Wangzhang Homes Ltd., the registered owner, to rezone 1506 West 68th Avenue and 8405-8465 Granville Street [*Lots 5 and 6, Both Except the East 10 Feet, Now Road, and Lot A, Except Part in Explanatory Plan 16296, all of Block 5, District Lot 325, Plan 4061; and Lots 1 and 2, Both Except the East 10 Feet, Now Road, of Lot 21, Block 7, District Lot 325, Plan 6768; PIDS: 009-496-696, 009-496-726, 011-970-804, 010-818-367, and 010-818-464, respectively*] from C-2 and C-2C (Commercial) Districts to CD-1 (Comprehensive Development), to a floor space ratio (FSR) of 3.60 and height of 41.5 m (136 ft.) to permit the development of a ten-storey mixed-use building, containing ground floor commercial, second floor office, and 45 market residential units on floors three to ten, all above three levels of underground parking, generally as presented in Appendix A of the Policy Report dated January 18, 2018, entitled "CD-1 Rezoning: 1506 West 68th Avenue and 8405-8465 Granville 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 IBI Group., on behalf of Wangzhang Homes Ltd., the registered owner, and Westland Corp., and stamped "Received Planning & Development Services (Rezoning Centre), October 3, 2017", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application of by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to mitigate privacy and overlook towards western single family neighbours.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings to illustrate specific built features such as translucent guards on balconies that face other residential properties, taller plantings or similar features.

2. Consideration to provide bird friendly strategy for the design of the building with development permit application.

Note to Applicant: Strategy should identify any particular risks with regard to the *Bird Friendly Design Guidelines* and propose design features to reduce these risks

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>.

3. Design development to reduce balcony area to the maximum 12% FSR exclusion.

Note to Applicant: Ensure all dwelling units continue to contain one private outdoor balcony.

Crime Prevention through Environmental Design (CPTED)

4. 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.

Landscape Design

5. Design development to enhance presentation to the lane at grade along north property line by adding a substantial planted buffer in the lane setback, consisting of evergreen, woody shrubs.
6. Design development to ensure visual access between the Level 3 indoor amenity room and outdoor children's play area, for parental supervision.

Note to Applicant: The planting in front of the window should consist of lower plants which will not block views.

7. 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.

8. 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.
9. 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.

10. A high-efficiency automatic irrigation system to be provided for all planted areas.

11. 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.

12. Provision of improved graphic readability by deleting grey tones to ensure the plan reads well in black and white, or submit plans in colour only.

Sustainability

13. 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 phased developments, it is expected that the individual development permits will meet the requirements of the *Green Buildings Policy for Rezoning*s in effect at the time of development permit application. 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).

Engineering

14. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (eg, 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.
15. A review of the existing street tree locations adjacent the site and scale/size of tree to determine a construction methodology that

- will ensure the protection of the trees and tree canopies during the construction period and post occupancy.
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. Delete additional street tree proposed on Granville Street at the corner of 68th Avenue. The existing tree barely clears the rear of an articulated bus, and any additional trees planted between it and the bus ID may interfere with operator sightlines, as well as bus door clearances.
 19. 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.*
 20. 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.
 21. 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.

22. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on drawings.
23. 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.
24. Design Development to remove the door swing infringing into the parkade on drawing A1.04 near gridline 3.
25. Provision of Class B bicycle parking on private property as per the Parking By-law.
26. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Dimension all parking and loading spaces.
 - (ii) Dimension overall distance of parking spaces located adjacent to walls to confirm that the additional width is provided.
 - (iii) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay.
 - (iv) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for utilities and other services.
 - (v) 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 two feet from the wall on the inside radius. The slope and length of the ramp sections must be shown on the submitted drawings.
 - (vi) Additional design elevations are required to confirm the slope and crossfall within the parking levels do not exceed the requirements. Slope and crossfall to be shown on the drawings.
 - (vii) A 1.5 m access corridor for all disability spaces is required and must be noted on the drawings.

- (viii) Provision of additional information showing the overhead security gate separating the residential parking spaces from the commercial parking spaces. Provide dimensions for the gate.

Note to Applicant: A man door is currently not shown. Confirm if a man door is required to be provided and show the man door on drawings if required.

- (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) Modify the bicycle parking to meet bylaw and design supplement requirements.
- (xi) Bicycle room(s) must not contain more than 40 bicycle spaces except where the additional bicycle spaces are comprised of lockers.
- (xii) Design development to improve the relationship between all users of bike room(s).

Note to Applicant: Separate bike rooms are required for commercial and residential uses. End of trip facilities to be accessible to commercial users without relying on residential bike area for access.

- (xiii) Provision of Class B loading spaces to the satisfaction of the General Manager of Engineering Services. Design Development to meet the requirements of the Parking and Loading Design Supplement.
- (xiv) Provision of stair-free internal access from the Class B loading space(s) to the CRUs.
- (xv) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels.

Housing

- 27. The proposed unit mix, 26 two-bedroom (58%) and eight three-bedroom (18%) units, is to be included in the Development Permit drawings.

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

28. The development is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a kitchenette and accessible washroom in the indoor common amenity room.

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

29. Provision of the 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 with your development permit application.

30. Provision of a Tenant Relocation Plan as per Section 2.1 of the Tenant Relocation and Protection Policy.

31. Provision of a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.

32. Provision of a notarized declaration to be submitted 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.

33. Provision of 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.

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

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

1. Consolidation of Lots 5 and 6, Both Except the East 10 Feet, Now Road, and Lot A, Except Part in Explanatory Plan 16296, all of Block 5, District Lot 325, Plan 4061; and Lots 1 and 2, Both Except the East 10 Feet, Now Road, of Lot 21, Block 7, District Lot 325, Plan 6768 to create a single parcel.
2. Release of Easement & Indemnity Agreement BV474015-19 (current building encroachments onto City street) 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 building setback and surface Statutory Right-of-Way (SRW) for public pedestrian use over a portion of the site, adjacent to Granville Street and 68th Avenue, to achieve a 5.5 m offset distance from the back of the existing curb to the desired 5.5 m dimension. 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 existing underground parking structure within the SRW agreement.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of 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 \$550,000 cash payment towards future sewer upgrades adjacent to the site.
- (iii) 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.

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

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

- (v) Provision of a new 1.53 m (5 ft.) exposed aggregate front boulevard and a light broom finish saw cut concrete sidewalk between the front boulevard and the building face adjacent to the site on Granville Street including standard curb ramps.

- (vi) Provision of a 1.83 m (6 ft.) sod grass front boulevard and a light broom finish saw cut concrete sidewalk between the front boulevard and the building face adjacent to the site on 68th Avenue.
- (vii) Provision of upgraded street lighting and pedestrian lighting on Granville Street 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 a standard concrete lane crossing on the south side of 68th Avenue at the lane west of Granville Street including new curb returns and ramps on both sides of the lane entry.
- (ix) Provision of a new catch basin and sewer line extension in the lane west of Granville Street near the south end of the site to ensure lane runoff does not enter the parkade.
- (x) Signal modifications at Granville Street and 68th Avenue to including LED lighting (new LED lights on each pole at all four corners of the intersection), countdown timers, and an accessible pedestrian signal.

Green Infrastructure

- 5. Provision of a detailed response toward the Integrated Rainwater Management (IRMP) requirements outlined in the *Green Buildings Policy for Rezoning*s, and the following:
 - (i) As the project moves to detailed design, provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the Citywide Integrated Rainwater Management Plan (IRMP) requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review. The proponent should take into account the following:
 - a. In this instance of a zero lot line design staff will consider:
 - i. The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume;
 - ii. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems.
 - iii. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated;

- b. 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 24mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48mm in 24 hours will also need to be demonstrated;
- c. Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas;
- d. Provide outline area/volume calculations to support the overall rainwater management strategy;
- e. Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices;
 - i. Planters designed as flow-through planters can be used to meet the treatment volume requirement.
 - ii. Consider increasing the depth of soil throughout planted areas and shallow ponding depths within the planted areas as part of the calculations.
- f. 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 to Applicant: Legal agreements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

Sustainability

- 6. 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.

Environmental Contamination

7. If applicable:
 - (i) Submit a site profile to the Environmental Services Department;
 - (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, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Community Amenity Contribution (CAC)

8. Pay to the City the Community Amenity Contribution of \$2,300,000 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 in a form and on terms and conditions satisfactory to the Director of Legal Services. The \$2,300,000 is to be allocated as follows:
 - (i) \$1,150,000 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Marpole area.
 - (ii) \$1,035,000 (45%) towards childcare and community facilities in and around the Marpole area; and
 - (iii) \$115,000 (5%) to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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

- 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 January 18, 2018, entitled "CD-1 Rezoning: 1506 West 68th Avenue and 8405-8465 Granville Street", be approved.
- C. THAT A and B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City 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. 02961)

7. REZONING: 4459 Rupert Street

An application by Lang Wilson Practice in Architecture Culture Inc. was considered as follows:

Summary: To rezone 4459 Rupert Street from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a

four-storey mixed-use building with commercial-retail at grade, and 12 secured for-profit affordable rental housing units on the upper floors. A height of 15.0 metres (49 feet) and a floor space ratio (FSR) of 2.6 are proposed.

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

Staff Opening Comments

Simon Jay, Rezoning Planner, Planning, Urban Design and Sustainability, responded to questions.

Applicant Comments

Cynthia Wilson, Principal and Co-Founder, Lang Wilson Practice in Architecture Culture, provided opening comments.

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:

- 16 pieces of correspondence in support; and
- 5 pieces of correspondence opposed.

Speakers

Mayor Robertson called for speakers for and against the application.

Craig Jorgensen spoke in support of the application.

The speakers list and receipt of public comments closed at 9:15 pm.

Council Decision

MOVED by Councillor Jang
SECONDED by Councillor Louie

- A. THAT the application by Lang Wilson Practice in Architecture Culture Inc., on behalf of Rejoyce Investment Corp., to rezone 4459 Rupert Street [*Lot 3 Except the West 8 feet now Lane Block 4 South East 1/4 of Section 49 Town of Hastings Suburban Lands Plan 1705; PID: 006-139-515*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.2 to 2.6 and the building height from 10.7 m (35.1 ft.) to 15 m (49.18 ft.), to permit the development of a four-storey mixed use building with commercial at grade and 12 secured for-profit affordable rental housing units, generally as

presented in Appendix A of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 Lang Wilson Practice in Architecture Culture Inc and stamped "Received City Planning Department, June 2, 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. Consideration for design development to reduce the height and mass of the stair shaft as it appears above the roof line as much as possible.
- 2. Submission of a bird friendly strategy for the design of the building is encouraged in the application for a development permit.

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

Crime Prevention through Environmental Design (CPTED)

- 3. 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.

Affordable Housing

- 4. That the proposed unit mix, 50% 2-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not

go lower than 35% of the dwelling units designed to be suitable for families with children.

5. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured for-profit affordable 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

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

Note to Applicant: Consider providing additional parking spaces at grade to achieve the minimum required parking on site. Contact the Parking Management Branch for more information.

7. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & 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.
8. 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.
9. 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.
10. 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.

11. Provision of separated garbage storage for residential and commercial uses.
12. Delete special sidewalk treatments from public property and show standard broomed finishes.
13. Provision of 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."
14. 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.
15. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
16. Design development to improve the elevator size and access for the Class A bicycle spaces provided in the basement.

Note to Applicant: As the Class A bicycle spaces are required to use the elevator, a larger elevator with double doors and widened elevator entrance is required. The elevator is to be a freight style elevator to comfortably accommodate two people with two bicycles and provide minimum interior dimensions of 5'-6" x 6'-8". Consider durable finishes in the elevator and the hallways required for bicycle access.

17. All Class B bike parking to be provided on private property and should not encroach in any way on public property. Consider providing a single u-rack on private property.
18. 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) Remove bollard located within the disability stall;
 - (ii) Provision of design elevations within the parking and loading areas to calculate the slope and crossfall;

- (iii) Provision of an improved plan showing the pole location within the lane to confirm that the pole does not obstruct access to the parking stall;

Note to Applicant: Note the minimum vertical clearance on all section drawings. 2.3m of vertical clearance is required for access and maneuvering to all disability spaces.

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

Note to Applicant: The route must be 'stairs free' and confirm the use of the elevator. This is required for documentation purposes."

Sustainability

- 19. 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

- 20. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape, by ensuring planting depth exceeds BCSLA standards (not including drainage layer).

Note to Applicant: Current plans do not exceed the standard planting depths and should be revised accordingly.

- 21. Provision of section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features.

Note to Applicant: Planter section details must confirm with dimensions the depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future, at a depth that exceeds BCSLA standard (Refer to condition 20).

22. Coordination of new proposed street trees with Engineering and the Park Board, confirming quantities, species, sizes and locations, and addition of the following note on the plans:
Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Eileen Curran at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. New street trees to be confirmed prior to issuance of the building permit. Call Cabot Lyford at Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion.

Note to Applicant: The applicant must contact Park Board and Engineering prior to final DP submission and ensure this information is included on the Plant Schedule.

23. Provision of a high-efficiency automatic irrigation system to be provided for all planters.
24. Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note:

“Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees. Methods of tree protection for street trees to be approved by Park Board”.

Note to Applicant: Methods of tree protection for street trees (as approved by Park Board) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection.

25. Provision on the landscape drawings of landscape features intended to create a bird friendly design.

Note to Applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. 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>.)

26. Provision of the following for complete information:
 - (i) Plans to be at a correct, known scale (not reduced) and to match architectural scale;
 - (ii) Details to be referenced on plans; and
 - (iii) Improved graphic readability by deleting grey tones or submit plans in colour.

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 General Manager of Arts, Culture and Community Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Release of Indemnity Agreement 23865M (support agreement) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to issuance of the development permit, 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 at the DP stage.

2. Provision of a building setback and a surface Statutory Right of Way (SRW) on Rupert Street to achieve a 4.5 m (14'- 9") sidewalk from the back of the existing City curb to the building face. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrances such as structures, stairs, door swings, chairs and tables, landscaping and bicycle parking. The SRW agreement will accommodate portions of the basement level and levels 2 & 3 within the SRW area.
3. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 1 Shared Vehicle and the provision and maintenance of 1 Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provide 1 Shared Vehicle to the development for a minimum period of 3 years;

- (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle;
- (iii) Provide and maintain the Shared Vehicle Parking Space for use exclusively by such shared vehicle;
- (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
- (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
- (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
- (vii) Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9m.

4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until security for the services 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 upgraded street lighting adjacent the site to LED standard.
 - (iii) Provision of CIP light broom finish saw cut concrete sidewalk on the site frontage between the existing front boulevard and the property line. Note that as adjacent properties redevelop the front boulevard and sidewalk alignment will be adjusted to deliver a consistent front boulevard width and treatment with grass and trees.
 - (iv) Provision of signal modifications at the intersection of Rupert & 29th, including countdown timers and LED lighting.
 - (v) Provision of a restoration bond to secure any repair to the macadam lane adjacent the site to pre-construction condition should construction activities inflict significant damage to the lane surface. Restoration is at the full discretion of the General Manager of Engineering Services.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.

In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

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

6. Submission of a stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course Bylaw. The plan shall achieve the following objectives:
- (i) Retain or infiltration the 6-month storm event volume (24 mm) onsite;
 - (ii) Treat the 2-year event (48 mm) onsite;

- (iii) Maintain the pre-development 5 year storm event rate; and
- (iv) The predevelopment estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

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 securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years 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) 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 proposed starting rents subject to adjustment as contemplated by the Vancouver Development Cost Levy-By-law;

Unit Type	4459 Rupert St - Proposed Average Starting Rents
1-bedroom	\$1,642
2-bedroom	\$2,333

- (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 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 the Vancouver *Development Cost Levy By-law*; and

- (vii) 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 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

- 8. 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 registered 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 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 this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert Street".
- E. THAT A through D above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, 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. 02962)

ADJOURNMENT

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:17 pm.

* * * * *

The foregoing are Minutes of the Public Hearing of June 5, 2018, adopted by Council on June 19, 2018.

MAYOR

CITY CLERK