



PUBLIC HEARING MINUTES

SEPTEMBER 18 AND 19, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, September 18, 2018, at 3:08 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting recessed and reconvened on Wednesday, September 19, 2018, at 1:06 pm.

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

ABSENT: Councillor Kerry Jang (Medical Leave - September 18, 2018)

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Katrina Leckovic, City Clerk
Terri Burke, 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 Louie
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Zoning and Development By-law and the East Fraser lands Official Development Plan and related CD-1 By-laws.

LOST

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

(Councillor De Genova absent for the vote)

(Councillor Jang absent on Medical Leave for this item on September 18, 2018)

1. HERITAGE DESIGNATION: 349 West Georgia Street (Former Main Post Office)

An application by Musson Cattell Mackey Partnership was considered as follows:

Summary: To designate as protected heritage property the exterior and selected interior elements of the existing building at 349 West Georgia Street (Former Main Post Office), which is listed on the Vancouver Heritage Register in the 'A' evaluation category.

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

Summary of Correspondence

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

Speakers

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

The speakers list and receipt of public comments were closed at 3:14 pm.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Reimer

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the Vancouver Charter, a by-law to designate as protected heritage property the exterior and selected interior

elements of the existing building at 349 West Georgia Street [Block 46, District Lot 541, Plan VAP210 (the "site")], known as the Former Main Post Office (the "heritage building"), which is listed on the Vancouver Heritage Register in the 'A' evaluation category.

- B. THAT A above be adopted on the following conditions:
- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 03328)
(Councillor De Genova absent for the vote)
(Councillor Jang absent on Medical Leave for this item on September 18, 2018)

2. HERITAGE DESIGNATION: 1170 Barclay St (the Florida)

An application by Hearth Architecture was considered as follows:

Summary: To add the existing heritage building at 1170 Barclay Street (the Florida) to the Vancouver Heritage Register in the 'B' evaluation category, to designate the exterior and the structure of the heritage building as protected heritage property, and to enter into a Heritage Revitalization Agreement which secures the rehabilitation and long-term preservation of the heritage building, and permits an addition to the building.

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

Summary of Correspondence

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

Speakers

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

The speakers list and receipt of public comments were closed at 3:17 pm.

Council Decision

MOVED by Councillor Deal

SECONDED by Councillor Carr

- A. THAT Council add the existing building at 1170 Barclay Street [PID: 004-753-143, Lot 8, Block 21, District Lot 185, Plan 92 (the "site")] known as the Florida (the "heritage building") to the Vancouver Heritage Register in the 'B' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate the exterior and the structure of the heritage building as protected heritage property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment under Section 592 of the *Vancouver Charter* a by-law for the City to enter into a Heritage Revitalization Agreement (HRA) to:
 - (i) secure the rehabilitation and long-term preservation of the heritage building; and
 - (ii) vary the Zoning and Development By-law as necessary to permit an addition to the building as detailed in Development Permit Application Number DE418401 (the "DP Application") and as more particularly described in the report dated August 13, 2018, entitled "1170 Barclay Street - (the Florida) - Heritage Designation and Heritage Revitalization Agreement".
- D. THAT the Heritage Revitalization Agreement shall be completed, noted, registered, and given priority on title to the site to the satisfaction of the Director of Legal Services.
- 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 in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 03329)

(Councillor De Genova absent for the vote)

(Councillor Jang absent on Medical Leave for this item on September 18, 2018)

3. TEXT AMENDMENTS: East Fraser Lands Official Development Plan 10-year Review Planning Program: Progress Update and By-law Amendments for a New Community Centre Site and Affordable Housing

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

Summary: To amend the East Fraser Lands (EFL) Official Development Plan (ODP) and related CD-1 By-laws to allow for redistribution of existing floor area from the community centre site to adjacent market development sites; to increase the maximum floor area to allow addition of 5,129 square metres (55,208 square feet) of affordable housing on Parcels 1 and 13; to remove EFL specific parking requirements to create alignment with the Parking By-law; and to make minor miscellaneous amendments to the EFL ODP and related CD-1 By-laws.

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

Summary of Correspondence

The following correspondence had been received since being referred to public hearing and prior to the close of the speakers list and receipt of public comments:

- 16 pieces of correspondence in support of the application;
- 4 pieces of correspondence in opposition of the application;
- 1 piece of correspondence related to other aspects of the application.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation on the application and responded to questions.

Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in support of the application:

Kyla Epstein, Vancouver Public Library Board Chair,
George Chow, MLA, Vancouver-Fraserview
Kimberley Berger, Executive Director, South Vancouver Family Place Society
Beau Jarvis, Executive Vice President, Wesgroup Properties
Rachel Selinger, Generation Squeeze
Daniel K. Chung
Davon Hussack

Billie Aadmi

Esther Moreno spoke in general support of the application with conditions.

The speakers list and receipt of public comments were closed at 4:09 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff provided closing remarks and responded to questions.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Deal

- A. THAT Council approve the application to amend the East Fraser Lands Official Development Plan By-law No. 9393, generally in accordance with Appendix A of the Policy Report dated July 10, 2018, entitled “East Fraser Lands Official Development Plan 10-year Review Planning Program: Progress Update and By-law Amendments for a New Community Centre Site and Affordable Housing”, to achieve the following:
 - (i) A standalone site for a future community centre in East Fraser Lands; and
 - (ii) Increase the total density to allow for an additional 5,129 sq. m (55,208 sq. ft.) of Affordable Housing in Area 1 and Area 2.

- B. THAT Council approve the application to amend the Zoning and Development By-law, generally in accordance with the Policy Report dated July 10, 2018, entitled “East Fraser Lands Official Development Plan 10-year Review Planning Program: Progress Update and By-law Amendments for a New Community Centre Site and Affordable Housing” to:
 - (i) Amend CD-1 (567) By-law No. 10943 for the East Fraser Lands Waterfront Precinct, to increase the maximum height from 19 to 24 storeys, to reduce the maximum floor area from 112,961 sq. m (1,215,902 sq. ft.) to 103,917 sq. m (1,118,552 sq. ft.) and to make housekeeping amendments, generally as presented in Appendix B of the above-noted report, subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT FOR CD-1 (567)

- (a) 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

In addition to the design development conditions approved by Council for the CD-1 rezoning of East Fraser Lands (Town Square, Park and Waterfront Precincts), as recorded in the Public Hearing Minutes, Tuesday, September 16, 2008, the Director of Planning or the Development Permit Board shall consider the following conditions:

1. Submission of revised Design Guidelines for the parcels that are modified under this text amendment (i.e. Parcels 26, 27, 29/30, 31 and 32 in Area 1), to the satisfaction of the Director of Planning.

Note to Applicant: The draft design guidelines in Appendix E of the above-noted report require further staff review, and will be subject to further revision and refinement.

2. Design development to improve the interface to mitigate the impact of above grade parkades on the street elevation and improve the interface of private development with the public realm.

Note to Applicant: In cases where parkades must protrude above grade, increased setbacks to accommodate enhanced landscaping, breaks or terracing in the massing, stair access and/or views to internal courtyards, enhanced cladding treatments of exposed parkade walls, and other design treatments are recommended to achieve visual porosity and animation in the pedestrian realm.

Parcel 29/30

3. Design development to limit tower floorplate, above 21.3 m (70 ft.) in height, to 697 sq. m (7,500 sq. ft.), measured to the far extent of the building massing including inset or enclosed balconies, but excluding projecting balconies.
4. Design development to create consistent streetwalls along River District Crossing (High Street) and Mews G, with a minimum 2.4 m (8 ft.), above the 5th storey.

Parcel 31

5. Design development to animate key street frontages, by locating active uses along the plaza, River District Crossing (High Street) and Mews G.

Note to Applicant: Active uses may include multi-purpose and/or activity rooms, gymnasium, lobby, library reading rooms, etc. Where possible, the rooms should have secondary entries onto the street and/or plaza, to create opportunities for indoor/outdoor programming.

6. Design development to provide a principle entry facing River District Crossing (High Street), and to provide a secondary entry and visual connection from Mews G to the plaza.
7. Design development to align the building frontage on North Arm Avenue with the massing on the adjacent Parcel 27, to create a consistent streetwall and framed view down the street end to the plaza.
8. Design development to locate childcare and associated outdoor spaces at Level 2 or above, and to rationalize the massing of the upper storeys to create larger, more functional outdoor play spaces.
9. Design development to optimize and rationalize the use of double height spaces, to create views between key “public” spaces (i.e. lobby, mezzanine) and between spaces with related programs (i.e. fitness room and gymnasium).

Note to Applicant: To maximize efficiency, double- and over-height spaces should not be provided for back-of-house or administrative uses.

Design development to provide power and water to support events and activities in the Public Plaza area.

Parcel 32.1 and Parcel 32.2

10. Design development to align the building face to create a framed view, along Road B, to the riverfront down the street end.
11. Design development to accommodate a continuous waterfront pedestrian/bike facility (each path minimum 4.0 m wide, plus separation and clearance width), including a minimum 3.3 ft. (1.0 m) landscape setback where adjacent to the building face.

Note to Applicant: In the event that a lease cannot be secured for the foreshore, Parcels 32.1 and/or 32.2 may need to be adjusted to ensure the waterfront pathways can be accommodated on Public land or through statutory rights-of-way. Any affected density assigned to Parcel 32.1 or 32.2 will be shifted to another site within the CD-1 boundary.

12. Design development to achieve a high standard of architectural and urban design innovation and excellence, in which the buildings serves to frame, complement and animate the public plaza.
13. Design development to Parcel 32.1, as follows:

- (i) align the building frontage on North-Arm Avenue with the massing on the adjacent Parcel 28, to create a consistent streetwall and framed view to the plaza;
 - (ii) terrace the massing down towards the plaza and towards the riverfront, and to sculpt the massing to maximize public views;
 - (iii) create active retail use at grade, with a primary frontage on the plaza to engage and animate the public realm; and
 - (iv) create an active, transparent building frontage on the plaza and street frontages, with a major retail space(s) at grade.
14. Design development to Parcel 32.2, to sculpt the massing and building height to maximize public and private views to the plaza and riverfront.

CONDITIONS OF BY-LAW ENACTMENT FOR CD-1 (567)

- (b) That, prior to enactment of the by-law amending CD-1 (567), the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Updated Subdivision Plan

1. Obtain approval of and deposit for registration of an updated subdivision plan that creates updated parcels and roads, generally as defined in the East Fraserlands Design Guidelines document and provides for delivery to the City, revised roads (which includes the waterfront walkway/bikeway) and lands for parks and open space.

Note to Applicant: Revisions to the subdivision plan and parcel locations must comply with Section 75 of the Land Title Act [RSBC 1996] with respect to access to water provisions. Further design development will be needed if waterfront tenure cannot be achieved.

Note to Applicant: Update existing legal agreements as required to append the updated subdivision plan and reflect any consequential amendments.

Amended Services Agreement

2. Revisions to the Services Agreements to account for impacts from the density re-allocation and revision to the subdivision plan, that

detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called the “Services”) such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-way for the Services are provided. The Services Agreements shall be revised to include:

- (i) Revision of Road B to 20.0 m (65.6 m);
- (ii) Revision of Mews G to be defined as Road G and width 23.0 m (75.5 ft.);
- (iii) Provision of statutory right of way on each side of High Street to achieve 23.0 m (75.5 ft.) width; and
- (iv) Amend item (e): “the provision of a floating dock attached to the pier structure at the Waterfront Plaza, generally as shown in the East Fraserlands Design Guidelines subject to the execution of a maintenance agreement for the dock” to reflect the updated Area 1 Waterfront shoreline, parcel and plaza design (see condition 3).

Amended Shoreline Works Agreement

- 3. Revisions to the Shoreline Works Agreement to incorporate changes to the subdivision plan. Shoreline Works are to include structures, including a flood wall, if necessary in Area 1 Central Waterfront, to the satisfaction of the City Engineer.

Provision of Statutory Rights-of-Ways (SRWs), minimum 7.5 m (24.6 ft.) clear width measured from the toe of the shoreline works or floodwall, in favour of City Engineer for shoreline works, maintenance and installation. Structures will be maintained by City Engineer; walkways will be maintained by the applicable owner under public access SRWs, where applicable.

Foreshore Tenure

- 4. Make arrangements to convey to the City such propriety rights in lands to be used for public open spaces, parks, roads, walkways/bikeways and the community centre as considered appropriate by the City Manager.
- 5. Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services in consultation with the Park Board to enter into a no development covenant on Parcels 32.1, 32.2, 35 and 36 until such time as the City or Wesgroup Properties can secure tenure of the portion of park in the Provincial foreshore lease, at no cost to the City. The

City and Wesgroup agree to collaboratively explore the benefits of a direct lease between the City and the Province for the foreshore park. However, the City acknowledges that this may not be achievable. Further, if tenure cannot be achieved by either party, an alternate parcel configuration may need to be considered to accommodate a continuous waterfront walkway/bikeway outside of the leasehold area.

6. Revision of statutory right-of-way agreements for public access to reflect:

- (i) Continuous waterfront bike and pedestrians connection, paths to be at least 4.0 m (13.1 ft.) wide each, plus additional width for separation and clearances.

Note to Applicant: the intent is for this walkway and bikeway to be primarily on public land; there may be constrained locations which require SRWs on private lands.

- (ii) Changes to parcel forms of development and passageways traversing parcels, as required, to meet the intent of the adopted design guidelines.

Conveyance of Closed Roads

7. Make arrangements to transfer ownership of lands as necessary to support the proposed draft subdivision plan, accompanying these CD-1 and ODP amendments.

Note to Applicant: The closure of North Arm Avenue between River District Crossing and Road A is proposed to expand waterfront plaza, it is anticipated that modifications to the subdivision plan will result in a net increase in lands dedicated to the City.

8. Provision of Statutory Rights of Way (SRW) in favour of City Engineer, at least 10m in width, center over the existing storm main in the Road B street end, south of North Arm Ave, for utility and public access purposes.

Updated Parks Agreements

9. Revisions to the Parks Agreements to account for impacts from the density re-allocation and revisions to the subdivision plan that detail provision of space in Area 1, as required by the East Fraser Lands Official Development Plan, including sections 3.5.7 and 6.1.1.

Note to Applicant: Required park space is to be calculated as outlined in section 3.5.7 of the East Fraser Lands Official Development Plan.

- (ii) Amend CD-1 (499) By-law No. 10195 for East Fraser Lands Area 2 South, to increase the maximum floor area from 106,743 sq. m (1,148,963 sq. ft.) to 115,787 sq. m (1,246,311 sq. ft.) and to make housekeeping amendments generally as presented in Appendix D of the above-noted report, subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT FOR CD-1 (499)

- (a) 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

In addition to the design development conditions approved by Council for the East Fraser Lands – Area 2 and Kerr Street Properties rezoning, as recorded in the Regular Council Minutes, Thursday, January 21, 2010, the Director of Planning or the Development Permit Board shall consider the following conditions:

- 1. Submission of revised Design Guidelines for the parcels that are modified under this text amendment (i.e. Parcels 11, 13, 24, 25 and 28 in Area 2), to the satisfaction of the Director of Planning.

Note to Applicant: The draft design guidelines in Appendix E of the above-noted report, require further staff review, and will be subject to further revision and refinement;

- 2. Design development to improve the interface to mitigate the impact of above-grade parkades on the street elevation and improve the interface of private development with the public realm.

Note to Applicant: In cases where parkades must protrude above grade, increased setbacks to accommodate enhanced landscaping, breaks or terracing in the massing, stair access and/or views to internal courtyards, enhanced cladding treatments of exposed parkade walls, and other design treatments are recommended to achieve visual porosity and animation in the pedestrian realm.

Parcel 11

- 3. Design development to relocate taller massing to the northwest corner of the site, to minimize shadowing on public parks and on site open spaces.

Note to Applicant: Shadows on the Kinross Park and the playfield Park must not exceed those in the original rezoning.

4. Design development to shape the building massing, to create a strong, articulated edge to the Neighbourhood Park, and to terrace down to a lower building (not exceeding four storeys) at the waterfront.

Parcels 24, 25, 28

5. Design development to limit tower floorplate, above 22.9 m (75 ft.) in height, to 605 sq. m (6,500 sq. ft.), measured to the far extent of the building massing including inset or enclosed balconies, but excluding projecting balconies.
6. Design development to locate and shape taller building forms to mitigate shadowing on Playfield Park.

CONDITIONS OF BY-LAW ENACTMENT FOR CD-1 (499)

- (b) That, prior to enactment of the by-law amending CD-1 (499), the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

1. Obtain approval of and deposit for registration of an updated subdivision plan that creates updated parcels and roads, generally as defined in the East Fraserlands Design Guidelines document and provides for delivery to the City, revised roads and lands for parks and open space, if any changes are proposed in Area 2.

Note to Applicant: Revisions to the subdivision plan and parcel locations must comply with Section 75 of the Land Title Act [RSBC 1996] with respect to access to water provisions.

Note to Applicant: Update existing legal agreements as required to append the updated subdivision plan and reflect any consequential amendments.

- (iii) Amend CD-1 (566) By-law No. 10941 for East Fraser Lands Town Square Precinct, to add 1,770 sq. m (19,052 sq. ft.) of Affordable Housing on Parcel 13, to increase the height from 20 storeys to 25 storeys, and to make housekeeping amendments generally as presented in Appendix F of the above-noted report;
- (iv) Amend CD-1 (498) By-law No. 10194 for East Fraser Lands Area 2 North, to add 3,359 sq. m (36,156 sq. ft.) of Affordable Housing on Parcel 1, and

- to make housekeeping amendments generally as presented in Appendix G of the above-noted report;
- (v) Amend CD-1 (565) By-law No 10942 for East Fraser Lands Park Precinct to make housekeeping amendments generally as presented in Appendix H of the above-noted report; and
 - (vi) Amend Schedule C, Streets Requiring Landscaped Setbacks, to remove the requirement for landscaped setbacks on sections of Boundary Road, Kerr Street, and Kinross Street, generally as presented in Appendix I of the above-noted report.
- C. THAT, subject to enactment of the amendments to the respective CD-1 By-laws, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward the following for Council adoption:
- (i) Updates to the Area 2 and Kerr Street Properties Design Guidelines, generally as presented in Appendix J of the Policy Report dated July 10, 2018, entitled “East Fraser Lands Official Development Plan 10-year Review Planning Program: Progress Update and By-law Amendments for a New Community Centre Site and Affordable Housing”; and
 - (ii) Updates to the Phase 1 Design Guidelines, generally as presented in Appendix K of the above-noted report.
- D. THAT A to C above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the 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. 03330)
(Councillor Jang absent on Medical Leave for this item on September 18, 2018)

4. REZONING: 1444 Alberni Street and 740 Nicola Street

An application by Musson Cattell Mackey Partnership in partnership with Robert A.M. Stern Architects was considered as follows:

Summary: To rezone 1444 Alberni Street and 740 Nicola Street from DD (Downtown District) to CD-1 (Comprehensive Development) District to permit the development of two residential towers containing 314 market strata units, 129 market rental units and a 56-space childcare centre. A maximum height of 135.2 metres (443.5 feet) and a floor space ratio (FSR) of 14.48 are proposed.

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

Summary of Correspondence

The following correspondence had been received since being referred to public hearing and prior to the close of the speakers list and receipt of public comments:

- 6 pieces of correspondence in support of the application;
- 8 pieces of correspondence in opposition of the application;
- 1 piece of correspondence related to other aspects of the application.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a brief presentation on the application and responded to questions.

Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in support of the application:

Stephen Regan
David Hutniak
Ron Johnson

The following spoke in opposition to the application:

Hans Haebler
John Yano
Virginia Richards
Ann Robson

The speakers list and receipt of public comments were closed at 5:08 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff provided closing remarks and responded to questions.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Reimer

- A. THAT the application, by Musson Cattell Mackey Partnership in partnership with Robert A.M. Stern Architects, on behalf of Alberni Street Nominee Ltd., the registered property owner, to rezone 1444 Alberni Street and 711 Broughton Street [*PID 007-561-938; Lot 1 (Explanatory Plan 10081) Block 43 District Lot 185 Plan 92*] and 740 Nicola Street [*PID 009-175-105; Lot 16 Block 43 District Lot 185 Plan 92*], from DD (Downtown District) to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 6.00 to 14.48 and the building height from 91.4 m to 135.2 m to permit the development of two residential towers containing 314 market strata units, 129 market rental units and a 56-space childcare centre, generally as presented in Appendix A of the Policy Report dated July 16, 2018, entitled "CD-1 Rezoning: 1444 Alberni Street and 740 Nicola 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 Musson Cattell Mackey Partnership and received September 1, 2017, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to the overall proportions of both tower forms to minimize their apparent bulkiness, particularly in the east-west dimension.

Notes to Applicant: Design development is needed for the towers to appear more slender. This can be achieved by: sculpting the facades to enhance overall verticality; increasing the depths of the step-backs in massing; and lowering the shoulders of the tower

base to better emphasize the shaft. Maintain a minimum of 24 m (80 ft.) separation between tower faces.

The average floor plates of the proposal are 615 sq. m (6,623 sq. ft.) for the east tower and 617 sq. m (6,643 sq. ft.) for the west tower, while the maximum tower floor plate under the *West End Community Plan* is 603.9 sq. m (6,500 sq. ft.). The increase in floor plate sizes is to account for the Passive House ventilation system and extra wall thickness. Should the ventilation and extra wall thickness no longer be required, the maximum floor plate of 603.9 sq. m (6,500 sq. ft.) outlined under the Plan shall be adhered to.

2. Design development to the upper portion of the towers to further refine and enhance their architectural contribution to the city skyline and the public view cone.

Note to Applicant: Further sculpting of the tower crowns by lowering the shoulders of the shaft will enhance the tower tops as distinct elements.

3. Design development to rework the massing of the east face of the building to provide a sense of depth and variation and to provide massing relief to the Broughton Street frontage.

Note to Applicant: The intent is to reduce the massing impact of the uninterrupted shear face of the east façade. This can be achieved by stepping the east face of the tower back from the east face of the podium, and by finessing the proportions and depths of step-backs to integrate the tower into the podium, rather than producing an abrupt horizontal seam between tower and podium.

4. Design development to the south face of the residential podium to improve the livability of south-facing rental units and to enhance the rear elevation of the podium.

Note to Applicant: Improve the sense of privacy for street-level units facing onto the lane with increased setbacks and landscaping, and by raising the interior floor level relative to the grade of the lane. Balconies of upper-level podium units should be increased for usability. Reduce the apparent bulk of the rear elevation by increasing setbacks and stepping in the massing.

5. Design development to enhance the laneway interface at grade level as much as possible.

Note to Applicant: Consider pedestrian lighting, landscaping, seating, and other public realm improvements such as high quality paving treatments.

6. Design development to consolidate the amenity spaces and ensure that indoor amenity spaces are co-located with sufficiently sized and well-proportioned outdoor amenity spaces.

Note to Applicant: Reduce the number of amenity spaces to improve their scale, configuration, and usability. Consider shared amenity spaces for the entire development.

7. Design development to maintain the high quality materials, and to maintain the level of detailing implied and necessary to accomplish and construct the proposed design aesthetic. (This includes Haddington stone, granite accents, the bronze entry doors, metal railings, and sculpted stone panel detailing.)

8. Design development to ensure service equipment including window washing infrastructure, and cell tower and antennae elements do not protrude into the public view cone(s).

9. Design development to the entries of street-level units facing onto Alberni Street to better address the public realm.

Note to Applicant: Entrances should be enhanced through the use of elements such as low walls, steps, special paving, special planting features, architecturally integrated canopies projecting from the building and special lighting. Entry steps should be simplified as shorter straight runs perpendicular to the street. Reduce the differential between the height of entry level and adjacent sidewalk elevation as much as possible. No unit entry should be greater than 0.6 m (2 ft.) below the grade of the adjacent sidewalk.

10. Design development to provide direct circulation to edible landscaping without conflicting with other uses such as the child day care facility.

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

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>.

Landscape

12. Design development to increase the long-term suitability of the proposed at-grade landscape by lowering and/or sloping the underground parking structure as follows:

- (i) Provide a minimum 0.9 m (3 ft.) depth of growing medium for all landscape along the ground level. This growing medium should be uninterrupted from underground utilities, walls, structures, drainage layer, etc. Raised Planters cannot be accepted within the central courtyard.
 - (ii) The portions of the underground parking garage that are underneath landscaped areas should be designed and constructed to have a high level of structural integrity to accommodate trees for their entire lifespan without cracking or needing replacing.
13. Design development to provide a central courtyard that is more representative of the West End's character by providing:
- (i) a minimum of five 'Part 1' additional trees from Schedule D of the Protection of Trees By-law; and
 - (ii) a diverse mix of medium to large statured evergreen and deciduous shrubs.

Note to Applicant: The West End is known for having green, leafy and inviting streetscapes which are composed of large, statured trees planted amongst a range of shrubs in an informal fashion. A proposal that has low plantings arranged in a formal manner, segregated from the public realm with walls and fences, cannot be supported. Features such as the walls and wrought iron fences should be designed to be less formal or be deleted.

14. Design development to improve the expression of the townhomes along Alberni Street by, as much as possible, limiting the stairs needed to enter each unit.

Note to Applicant: Explore using grade alterations within the interior of the building to limit the amount of stairs needed outside the building.

15. Design development to provide substantial planting along the perimeter of the 7th floor mezzanine.

Note to Applicant: Provide evergreen arching shrubs or trees along the north and south perimeters of the 7th floor mezzanine. To ensure long-term vitality of the landscape screen, the size of the planters will need to be expanded in order to meet or exceed BCSLA standards.

16. Design development to provide substantial planted landscaping along the Broughton Street streetscape in order to soften the massing of the building.

Note to Applicant: Consider small, statured trees between windows which will allow natural light into units yet prevent direct views from the sidewalk into the units.

17. Design development to increase the planted landscaping along the lane with small statured trees, shrubs and planted laneway bulges.

Note to Applicant: Explore having a landscape feature between the 'Class B' Loading Bay and the opening for the underground parking garage.

18. Design development to coordinate with staff from the Vancouver Parks and Recreation regarding what should be shown on the proposed plans within the minimum 6.1 m (20 ft.) dirt site to be transferred to the City, adjacent to Nicola Street.

Note to Applicant: Staff require that this site left blank on the plans as it is part of the future park proposed within the Nicola Street right of way.

19. Design development to delete water features.

Note to Applicant: Water features should be replaced with landscaping.

20. Design development to provide cross-section details of all landscape planters.

Note to Applicant: Planted areas at grade should show the specified growing medium of the planters as required in previous conditions. All other planted areas should meet or exceed BCSLA standards.

Engineering

21. The owner or representative is advised to contact Engineering Services to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that there is 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.
22. 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.

23. 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.
24. Delete what appear to be curb returns in the lane. There is existing roll-over curb that runs the length of the lane which is to be maintained.
25. 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.*
26. 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 Services for review.
27. Delete the portions of balconies and projecting window surround which encroach into the lane (pages A102-105).
28. Deletion of balcony encroachments into the 20-foot setback.
29. Deletion of the existing planters on Nicola Street that are being considered for retention within the 20-foot setback area.
30. Deletion of the bike racks proposed to be located within the setbacks on Alberni Street and Nicola Street.
31. Deletion of landscape proposed within the 20-foot setback area on Nicola Street.
32. Deletion of the sidewalks and specialty treatments in the lane. Provision of standard treatment in the lane.

33. Clarify garbage pick-up operations. Confirmation that a waste hauler can access and pick up from the locations shown is required. Pick-up operations should not require the use of public property for storage, pick up or return of bins to the storage location. Applicant is showing garbage/recycling rooms on L1 and L2.
34. Provide automatic door openers at all doors leading to and providing access to the bicycle room(s).
35. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, as follows:

Tech Table

- (i) Note to Applicant: Calculations for required daycare spaces should reference the City's Childcare Design Guidelines, Section 4.1.6:
<http://vancouver.ca/docs/planning/childcare-design-guideline-1993-February-4.pdf>

Drawings

- (ii) Provision of a section drawing showing parking level elevations, vertical clearances, security gates including mechanical projections for the main ramp, and through the loading bays.

Note to Applicant: This is to confirm vertical clearances for same. Minimum 2.3 m clearance is required to access Class A loading and disability spaces; minimum 3.8 m clearance is required to access Class B loading spaces.

- (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bays, and at all entrances. Include width of the main ramp and distance between all breakpoints.

Note to Applicant: This is to calculate and confirm slopes and crossfalls throughout the parking areas.

Parking Ramps

- (iv) Clarify use of small ramp west adjacent to parkade access ramp. Include dimensions and ramp slopes.

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.

- (v) Provide corner cuts at right-angle turns for improved two-way vehicle visibility and maneuvering.

Note to Applicant: Corner cuts in the southeast corner of P1 through P3 would be acceptable.

Parking Spaces

- (vi) All types of parking and loading spaces to be numbered, dimensioned and labelled on the drawings as daycare or residential spaces.
- (vii) Provide a 6.6 m (21.7 ft.) maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.
- (viii) Dimension all columns encroaching into parking stalls.
- (ix) Improved wheelchair access from disability parking spaces to the elevators is required.

Note to Applicant: Note space 81 on P2 through P4, and space 83 on P5.

Loading Bays

- (x) Provision of 0.30 m (1 ft.) additional width for the Class A loading spaces adjacent to wall.
- (xi) Provide convenient, internal, stair-free access to/from all site uses and towers.

Bicycle Room, Bike Racks, and Bikeways

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

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

- (xiii) Include Class B bicycle parking on architectural drawings, in addition to those shown on landscape plans.

Sustainability

- 36. 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 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).

37. The applicant commits the proposed development to exceed the sustainable design and emissions improvements required by the *Green Buildings Policy for Rezoning*s and the *Rezoning Policy for Sustainable Large Developments*, and to demonstrate leadership in sustainable design as required by the *General Policy for Higher Buildings*, through the following:
 - (i) Passive House Design: the development shall be designed to certify under the Passive House standard, including a thermal energy demand of no more than 15 kWh/sq. m annually.

Crime Prevention Through Environmental Design (CPTED)

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

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

Housing/Tenant Relocation

39. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of

the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the *Tenant Relocation and Protection Guidelines*.

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

40. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
41. Provide a notarized declaration, prior to issuance of a development permit which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
42. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.
43. Provide residential amenity spaces as follows:
 - (i) Indoor Amenity – Design development to include a common indoor amenity room for residents with kitchenette, storage closet and accessible washroom equipped with baby change table adjacent to an outdoor amenity area.
 - (ii) Outdoor Amenity – Design development to include an outdoor common area for residents including an area suitable for a range of opportunities for creative and motor-skills developing play for children with a range of ages (play equipment is neither necessary nor encouraged, but landscape features which encourage creative play and motor skills development such as boulders, logs, pathways, water-play elements, sand-play, etc. are encouraged).

Note to Applicant: The amenity spaces for the market rental and strata housing should comply with the *High Density Housing for Families with Children Guidelines*.

Child Day Care Facility

44. Design development to ensure that the 56-space childcare centre is licensable by Community Care Facilities Licensing and meets the intent of the City's *Childcare Design Guidelines and Childcare Technical Guidelines*. Each program within the childcare centre is required to have an adequate amount of contiguous indoor and outdoor space.

Note to Applicant: Based on the City's *Childcare Design Guidelines* a 56-space childcare centre will require a minimum gross indoor area of 7,320 sq. ft. and an approximate outdoor area of 7,590 sq. ft.

45. Design development to ensure that the indoor and outdoor spaces of the childcare centre are designed to maximize opportunities for healthy child development while ensuring an operationally sustainable facility for the non-profit operator.
46. Design development of the outdoor childcare space to maximize solar access and to ensure that the full outdoor area is supervisable and licensable. Storage must be accommodated on site for program equipment and strollers (for both parents' use and for the program's use).

Note to Applicant: All work pertaining to the design, construction, fit, furnish, equip and supply for the childcare centre shall be to the satisfaction of the City's Managing Director of Social Policy and Projects, the City's Director of Facilities Planning and Development, and to the Regional Manager of Community Care Facilities Licensing.

47. Design development to minimize the number of balconies overhanging the outdoor play space and to ensure mitigation of fallen or thrown objects from any remaining overhanging balconies.
48. Clarify the intended use of daycare garbage spaces on L01 and L03.

Note to Applicant: Note that daycare garbage room should be large enough to accommodate garbage and recycling for the childcare, and should be located in an area easily accessible by daycare staff (close to the daycare elevator).

49. Provide seven pick-up/drop-off parking spaces, and two staff parking spaces, dedicated and signed to the childcare.
50. Clarify that the childcare is situated no higher than 24.4 m (80 ft.) via evacuation routes.

51. Provide plans outlining how access to and use of the residential outdoor amenity spaces will be entirely separate from access to the daycare and that there would be minimal impact on the safety, security and daily operations of the daycare.

Note to Applicant: Staff are concerned that the close proximity of the outdoor amenity space will impact either the privacy of the childcare activities, and/or the access to natural light should a privacy barrier be erected. If there is access to the daycare level by residents, additional security measures will be required.

Note to Applicant: A provincially licensed childcare facility must be secured at all times, with access granted only to staff, children enrolled in the childcare, and their caregivers at pick-up/drop-off.

Public Park

52. Delete any features on the plans shown within the future park, including within the dedicated land along the western edge of the subject site offered by the applicant.

Note to Applicant: The design, construction and programming of the future park, including on the dedicated land, are to be determined through a separate, Park Board led process. The Park Board led process will confirm the amenities to be included in the park including on the dedicated land. Elements such as bike racks, landscaping, trees, planters or structures related to private development, as well as potential public art, as shown in the rezoning application, are not supported in the 6.1 m (20 ft.) dedicated land.

Further, site grading of the park, including the dedicated area, will be determined by the Park Board during the design of the park in order to best accommodate the park design and proposed park programming. The proposed westerly building elevation cannot limit any future possibility for park grades. A consistent, even grade from lane to the street must remain possible. Final grading, which may include a series of terraces, would be further explored and determined through the future park design process.

53. Delete any sidewalk or pathway locations through the future park.
Note to Applicant: Sidewalk and pathway locations through the future park will be determined by the General Manager of Parks and Recreation and the General Manager of Engineering Services, and cannot be as shown in the development permit application without consultation with staff.
54. Design development to ensure that, other than subsurface drainage associated with the building, no subsurface building

structure or infrastructure shall be located within the park or the dedicated area.

55. Design development to ensure no building encumbrances or encroachment to the air space above the park including the dedicated area, e.g. no overhanging structures/balconies/window bays within the dedicated area.

Note to Applicant: Any building encroachment into the 6.1 m (20 ft.) park dedication area is not permitted. The intent of this space is for park use. If additional space is required to accommodate the building façade, including balconies, water tables, or cornice projections, all these features must be accommodated within the rezoning site, not within the 6.1 m (20 ft.) park dedication that is to be transferred to the City.

56. Design development to ensure no direct building access into the dedicated area.

Note to Applicant: A collector pathway would be required within private property.

57. Ensure Park Board arborist approval is obtained for the tree protection plan for all trees within the park and street trees. Plans to be submitted for Park Board approval.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Subdivision of Lot I (Explanatory Plan 10081) and Lot 16, Block 43, District Lot 185, Plan 92 to create a single parcel for the development site and a new 20 foot wide park parcel adjacent to Nicola Street. The new park parcel is to be transferred (“dedicated”) to the City for park purposes.

Note to Applicant: This 20-foot wide park site is to be transferred to City in Fee Simple Ownership and shall:

- (i) be a dirt site (no parking structure or other infrastructure underneath);

- (ii) be transferred to City ownership, free and clear of any financial charges, liens and other encumbrances; and
- (iii) meet all environmental conditions/remediation requirements for park use (verified by appropriate written documentation/certification).

2. Release of Easement & Indemnity Agreements 469603M (support), E36923 & 440228M (commercial crossings) prior to building occupancy.

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

3. Provision of statutory right of way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the north property line to give an overall distance of 4.5 m (14.8 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings and benches at-grade, but the SRW agreement will accommodate underground parking Levels P1 to P6 and portions of building levels 1 and 2 within the SRW area.
4. Provision of a shared use agreement to the satisfaction of the General Manager of Engineering Services for the loading spaces between the daycare and residential uses.

Note to Applicant: The shared use agreement should specify allocated time periods for shared use by residential vs. daycare units. Label the space as "Residential and Daycare Loading".

5. Provision of additional transportation demand management strategies in Green Mobility Plan, including:
 - (i) Provision of additional residential Class A bicycle spaces, for a minimum total of 1.8 spaces per unit;
 - (ii) Provision of Class A and Class B bicycle spaces for the daycare; and
 - (iii) Provision of 100% EV-ready vehicle parking spaces.

Note to Applicant: Additional information regarding the proposed private shared bicycle fleet must be provided to determine its suitability in meeting the requirements of the Green Mobility Plan. Contact John Turecki in Engineering Services for further information.

6. Provision of a letter of commitment to post occupancy monitoring of the Transportation Demand Management (TDM) measures proposed. Including provision of a limited TDM plan update to be delivered approximately 1 year after occupancy outlining the following:
 - (i) Travel mode survey for the all employees;
 - (ii) Current and future TDM measures being implemented and the uptake; and
 - (iii) Each update to capture summer and winter data for the mode split and TDM uptake.

Note to Applicant: A \$10,000 Letter of Credit will be required to secure the studies. Completed studies are to be submitted to the Parking Management Branch of the City.

7. 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) Upgrade the existing 150 mm sanitary sewer along Alberni Street, from the development to Nicola Street (approximately 54 m). The estimated size of the upgraded sanitary sewer is 250 mm.
 - (iii) *RAINWATER MANAGEMENT PLAN* – Provision of a comprehensive site-wide Rainwater Management Plan (RMP) prepared by a subject matter expert (Engineer), that demonstrates how the project will meet the requirements for peak flow control, volume retention, and treatment, and which will address the following:

- a. Peak Flow Rate Control:
 1. The peak flow rate from the 2-year post-development storm event shall be maintained at the pre-development level.
 2. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post-development estimate shall utilize the 2100 IDF curve to account for climate change.

- b. Treatment and Volume Retention:
 1. Runoff from the first 24 mm of rainfall from all areas, including rooftops, paved areas, and landscape must be retained and treated on site (landscapes over native subsoils with appropriately sized topsoil meets the 24 mm retention requirement);
 2. Surfaces designed for motor vehicle use and other high pollutant generating surfaces require an additional 24 mm of treatment beyond the first 24 mm retained (for a total of 48 mm treated).
 3. Water quality volume (24 mm for low pollutant generating surfaces like roofs and 48 mm for high pollutant generating surfaces like driveways) that leaves the site must be treated to a standard of 80% TSS removal by mass by using either individual BMPs that meet the standard or treatment trains of BMPs that, when combined, meet the standard. For proprietary treatment devices:
 - (i) Provide product information for all treatment practices.
 - (ii) Products need to be certified by TAPE - The Technology Assessment Protocol – Ecology Program, Washington State Department of Ecology’s process for evaluating and approving emerging rainwater treatment BMPs. The applicant may propose other technologies but must provide

supporting information that shows the technology meets the standard.

4. The applicant must prioritize methods of retention according to the three tiers below. Justification must be provided for using a lower tier retention option. The tiers are as follows:
 - (i) 1st tier priority green infrastructure practices: Provide volume reducing green infrastructure practices. For example, rainwater can be kept on site for rainwater harvesting for re-use, green roofs, and soil infiltration;
 - (ii) 2nd tier priority green infrastructure practices: Provide treatment and retention in non-infiltrating landscapes. For example, rainwater can be directed to absorbent landscape on slab, closed bottom planter boxes, and lined bioretention systems;
 - (iii) 3rd tier priority green infrastructure practices: Provide treatment and detention as per the rate control requirement.
- c. Submission requirements for development permit stage must include the following elements:
 1. Pre-development site plan showing orthophoto and existing drainage areas and appurtenances.
 2. A proposed site plan that delineates drainage areas, including the area measurements for pervious/impervious areas, and identifies appropriately sized green infrastructure practices for each of those areas.
 3. Hydrologic and hydraulic analysis prepared by a qualified professional in the area of rainwater management showing how the site will meet the requirements.
 4. If lower tier green infrastructure options are chosen, then justifications must be included in the RMP report.

5. Details on how the targets set out above will be achieved through the development phases and once all development phases are complete.
6. Include supplementary documentation for any proprietary products that clearly demonstrates how they contribute to the targets.
7. The plan and report must demonstrate that access has been provided for maintaining the rainwater management system, such as providing truck access for pumping out sediment traps.
8. Maintenance and operation guide for the rainwater management system that will be provided to the eventual owner or party responsible for maintenance.

Note to Applicant: On-site drainage is required to be treated on site; it cannot be treated on public property (i.e. on the future park site).

Note to Applicant: The Development to be serviced to the upgraded 250 mm sanitary sewer along Alberni Street.

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

- (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: 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 1.524 m (5 ft.) sod lawn front boulevard and light broom finish saw cut concrete sidewalks between

the front boulevard and the property line along the Alberni Street frontage of the site.

- (vi) Provision of a new 1.524 m (5 ft.) sod lawn front boulevard and Triangle West sidewalk treatment between the front boulevard and the property line along the Broughton Street frontage of the site.
 - (vii) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (viii) Removal of the existing driveway crossings and provision of new curb and gutter and sidewalks on Alberni Street adjacent the site.
 - (ix) Deletion of the existing planters on Nicola Street that are being considered for retention within the 20-foot setback area.
 - (x) Provision of street to park design and re-construction on Nicola Street adjacent to the site or cash payment for street to park improvements within the Triangle West area including design. Improvements will generally include all park improvements within the existing street right-of-way and 20-foot setback area, walking and cycling facilities, provisions for emergency access and improved street and pedestrian LED lighting including a lighting analysis and design, and adjustment to all existing infrastructure to accommodate the proposed improvements.
 - (xi) Provision of a new full traffic signal at Alberni and Broughton streets.
 - (xii) Provision of \$400,000 for changes to existing signals due to future Nicola Park.
8. 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.

Childcare

9. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, Managing Director of Social Policy and Projects and Director of Facility Planning and Development, for the turn-key delivery of an air space parcel with improvements on one level for the 56-space childcare facility, an adjacent outdoor space of contiguous dedicated childcare outdoor area as part of the development at this site, subject to the following provisions:

- (i) The facility is to meet the City's Childcare specifications, and comprises of a minimum of 8,778 sq. ft. interior space and a minimum of 7,590 sq. ft. of exterior space, located on the 7th floor of the development, fully fit-out and finished, equipped (FF&E), including storage and any additional amenity spaces and along with dedicated parking stalls required under the Parking By-law.

Note to Applicant: For information, FF&E is estimated at \$2,500 per childcare space. At 56 spaces, the total cost would be approximately \$140,000.

- (ii) All within a fee-simple Airspace Parcel (with shared systems maintained by the market residential airspace parcel strata or commercial airspace parcel strata/owner (as applicable), with fair and equitable sharing of costs related thereto), transferred to City ownership (free and clear of any financial charges, liens and other encumbrances);
- (iii) Delivery Date: by Q1 2024 (with the goal to deliver as soon as possible, but under no circumstances later than end of Q4 2024);
- (iv) The delivery of the facility is to be secured by a Letter of Credit (LC), provided to the City prior to building permit issuance, the amount of which will be settled as part of the rezoning enactment documents; all LC's must be in compliance with and in the form set out in the City's Letter

of Credit Policy AF-002-02:

<https://policy.vancouver.ca/AF00202.pdf>

- (v) The facility is to achieve Passive House Certification, consistent with the rest of the development; and
 - (vi) To the extent possible, the facility to be built with separate dedicated building systems so that its operating costs are accounted for and managed separately from the balance of the development.
10. Prior to enactment, the City to provide a \$2,950,000 cash contribution towards the facility.
11. Total CAC Credit for this facility is \$7,050,000 based on a valuation of \$10,000,000 offset by the \$2,950,000 City contribution.

Housing

12. 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 129 rental housing residential units, as market rental housing, for the longer of 60 years and 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 minimum of 13 units (10%) at approx. 7,704 sq. ft. of rentable floor area as secured market rental housing, plus related parking at moderate income rates as set out in the Moderate Income Rental Housing Pilot Program. See Figure 1 in Appendix B of the Policy Report dated July 16, 2018, entitled "CD-1 Rezoning: 1444 Alberni Street and 740 Nicola Street", for the general location of these units.
 - a. The average starting monthly rents of the units secured at moderate income rates for the longer of 60 years and life of the building, will be at or below the following rates, applicable at the time of initial occupancy:
 - Five (5) studio units - \$950 per month

- Five (5) one bedroom units - \$1,200 per month
- Three (3) two bedroom units - \$1,600 per month

as set out in section 2a of the “Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements And Available Incentives: Admin Bulletin” and rent increases will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy.

Note to Applicant: A rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services.

- b. The applicant will verify eligibility of new tenants for the units secured at moderate income rates:
 1. For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent).
 2. There should be at least one occupant per bedroom in the unit.
- c. The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every 5 years after initial occupancy:
 1. For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent).
 2. There should be at least one occupant per bedroom in the unit.
- d. On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the Moderate Income Rental Housing Units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income

units, and a summary of the results of eligibility testing for all units.

- e. Compliance with the City approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit; and
- f. 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 Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Sustainability

- 13. 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.

Community Benefit Agreement

- 14. Execute an Inner-City Local Employment and Procurement Agreement between the applicant and the City identifying and committing to targets across the life-cycle of the development project up to and potentially including post-occupancy.

Note to Applicant: Based on consultation with industry, community, and suppliers, the Community Benefit Agreement policy framework brings value by allowing for flexibility in terms of options for social hiring and social purchasing - this includes not limiting opportunities strictly to construction phase but including site prep, and possibly building and site services after build out is complete (janitorial, landscaping, gift baskets for new condo owners etc.)

Social Policy

15. In lieu of providing three food assets on site, as described in the Rezoning Policy for Sustainable Large Developments, the following contributions to neighbourhood food assets are suggested. The owner shall, at its sole cost and on terms and conditions satisfactory to the Director of Legal Services, and the Managing Director of Social Policy and Projects, make arrangements for the following:

- (i) A \$50 gift certificate for each unit for the Vancouver Farmers Market is to be provided for the building residents to assist the new residents in connecting with this important local resource.

Note to Applicant: The City of Vancouver will require a letter of credit to ensure compliance.

- (ii) A \$25,000 grant to the Gordon Neighbourhood House, a leader in sustainable food systems in the West End, to enhance and expand their food initiatives.

Note to Applicant: The City Vancouver will require a letter of credit to ensure compliance.

Community Amenity Contribution (CAC) – Cash Payments

16. Pay to the City the cash CAC of \$67,982,700, to be allocated towards the achievement of public benefits in accordance with the West End Public Benefits Strategy.

17. Payment Terms are as follows:

- (i) \$22,950,000 must be paid prior to enactment of the rezoning by-law;
- (ii) \$20,000,000 must be paid on the earlier of the following dates:
 - a. the issuance of the first Development Permit; and
 - b. the date that is 12 months (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 12 months following the date of rezoning enactment until the date that such amount is fully paid; and
- (iii) \$25,032,700 (the “Outstanding Balance”) must be paid on the earlier of the following dates:

- a. the issuance of the Building Permit; and
- b. the date that is 24 months (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 24 months following the date of rezoning enactment until the date that such amount is fully paid.

However, if the Applicant wishes to build the project in two phases (i.e. obtain building permits for one tower first, and complete that tower first (with occupancy permits issued), before obtaining building permits for the other tower), the Outstanding Balance must be paid based on the pro rata percentage of the proportion of area approved via Building Permits, upon issuance of the Building Permit for each phase of the development.

For Phase 1, the pro rata percentage of the Outstanding Balance must be paid on the earlier of following dates:

- c. at issuance of the Building Permit of Phase 1; and
- d. 24 months following the date of the rezoning enactment (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 24 months following the date of rezoning enactment until the date that such amount is fully paid.

The remaining balance of the Outstanding Balance must be paid on the earlier of the following dates:

- e. at issuance of the Building Permit for Phase 2; and
- f. 48 months following the date of the rezoning enactment (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 24 months following the date of rezoning enactment until the date that such amount is fully paid.

- (iv) The deferred cash balance of \$45,032,700 will be secured via a letter of credit (LC), in the City's standard form, provided to the City prior to enactment of the rezoning by-law. This letter of credit (LC) will be used to pay the City, and will be drawn down by the City on the aforementioned due dates. However, if the development

does not proceed to Development Permit stage or any portion thereof does not proceed to obtain building permits, the City will draw down the entire remaining balance of the LC by the date (or next business day) that is 2 years after the date of enactment of the rezoning by-law.

- (v) If the Applicant should sell (in whole or in part) its interest in the development on the Rezoning Lands or shares in the Applicant or corporations which hold legal or beneficial interest in the Applicant or this development, then the City may immediately draw down the entire remaining balance of the LC upon the closing of such sale transaction.
- (vi) The deferred payment and any interest, as applicable, will also be secured by a Development Permit hold and Building Permit hold, which will be registered on title prior to rezoning enactment and, if required, an additional Occupancy Permit hold for the development, to be released only on confirmation of receipt by the City of the full amount of the total cash CAC Offering (plus interest, if applicable).

18. The cash CAC payment is subject to the following conditions:

- (i) The Applicant's commitment to design and develop this project to achieve Passive House Certification for the entire development was fundamental in the pro forma analysis and resolution of the community benefits offering at this lower amount (relative to what would be expected for a development on Alberni Street in Vancouver). Achieving Passive House Certification for the entire development is considered a public benefit as it helps to achieve the City's objectives for sustainability and meeting the City's goal of being the "Greenest City" in the world. Therefore, the requirement for Passive House Certification will be secured through rezoning conditions, including agreements registered against title to the Rezoning Lands. If the Applicant chooses to make alterations to the elements of the development's design which result in the removal of such Passive House premium cost items, then the City may require the applicant/owner to pay an additional cash CAC, based on the revised pro forma, prior to building permit issuance.

Note to Applicant: This condition will be secured by building permit hold and a Section 219 covenant.

- (ii) The Applicant agrees to provide complete transparency to the City with respect to all the costs for this development. Therefore, the Applicant will fully disclose its

contracts and accounting of costs (with support documentation) for this development to the City (and/or its delegated staff/consultant(s)) so that the City is able to determine the incremental cost for developing a Passive House Project at this scale. This information is only for the City's knowledge to assist in costing future Passive House Projects; the City will not seek recourse if such costs are determined to be lower than the estimated premium costs used in the pro forma analysis to determine the total public benefits package noted herein.

Other Public Benefits (not included in value of CAC offering)

19. Local Buyers First – The applicant's voluntary commitment to support residents who live or work in Metro Vancouver by giving them the first opportunity to purchase new pre-sale homes in the new development on the subject site, which includes the following:
 - (i) For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for this development (or each phase of the development, if applicable, the "Exclusive Local Buyer Period"), only those who live or work in Metro Vancouver will be eligible to purchase homes in this development, and all such buyers will be required by the applicant to sign a statutory declaration attesting that they live or work in Metro Vancouver, they do not intend to assign the Contract prior to completing the purchase of their unit, they intend for the title to the unit to be registered in their name in the Land Title Office upon the completion of the purchase of their unit and they intend to occupy the unit they are purchasing.
 - (ii) The text of the statutory declaration will be agreed upon in advance of the rezoning enactment by the Applicant and the City's Director of Legal Services.
 - (iii) There shall be no foreign marketing during this Exclusive Local Buyer Period.
 - (iv) No buyer shall be allowed to purchase more than one (1) unit within this Exclusive Local Buyer Period.

Public Art

20. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the

satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please call Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

Environmental Contamination

21. If applicable:

- (i) Submit a site profile to the Environmental Protection Branch (EPB);
- (ii) As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the *Vancouver Charter*, and
- (iii) If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official

having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated July 16, 2018, entitled "CD-1 Rezoning: 1444 Alberni Street and 740 Nicola Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law, pursuant to Section 565.2 of the Vancouver Charter, for enactment prior to enactment of the zoning 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.
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED (Vote No. 03332)
(Councillors Affleck, Ball, Carr and De Genova opposed)
(Councillor Jang absent on Medical Leave for this item on September 18, 2018)

* * * * *

At 5:46 pm on Tuesday, September 18, 2018, Council recessed and reconvened at 6:30 pm.

* * * * *

5. REZONING: Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice

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

Summary: To make amendments to the RS-1, RS-1A, RS-1B, RS-5 and RS-6 District Schedules to increase housing choice in those areas by introducing Two-Family Dwelling (duplex) use; to provide more flexibility in the regulations for currently-permitted Two-Family Dwelling use within the RS-2 and RS-7 District Schedules; and to introduce Two-Family Dwelling with secondary suite or

lock-off unit as permitted dwelling uses to each RS District Schedule being amended.

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

Council also had Memorandum dated September 7, 2018, from the General Manager, Planning, Urban Design and Sustainability, which summarized the changes made to the proposed by-law and related guidelines since referral.

Specifically, changes were made to the proposed regulations since referral to:

- clarify permitted uses by replacing 'Principal Dwelling Unit with a Lock-off Unit in a Two-Family Dwelling' with 'Lock-off Unit in conjunction with a Two-Family Dwelling, provided that there is no more than one Lock-off Unit for each dwelling unit';
- clarify that the maximum site area for two-family dwellings includes two-family dwellings with lock-off units; and
- decrease the maximum building depth regulation for two-family dwellings and two-family dwellings with secondary suites from 45% to 40%, so as to better match the maximum allowable floor space ratio for these uses and to promote consistency with other permitted uses, including one-family dwellings.

The posted by-law and Summary and Recommendation for this item have been prepared to reflect the changes outlined above.

In addition, amendments were made to the Principal Dwelling Unit Combined with a Lock-off Unit Guidelines (Appendix B of the Policy Report dated June 27, 2018, entitled "Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice", to clarify that the guidelines apply to both Lock-off Units and Principal Dwelling Units with a Lock-off Unit. A related change is made to the Strata Title Policies for RS, RT and RM Zones, (Appendix C of the above-noted report). Consequential amendments are required to correct references to the Principal Dwelling Unit Combined with a Lock-off Unit Guidelines in other Council approved policies and guidelines.

"A" below has been changed from the original Summary and Recommendation to reflect the changes noted above and the changes are reflected in bold italics.

Summary of Correspondence

The following correspondence had been received since being referred to for public hearing and prior to the close of the speakers list and receipt of public comments:

- 194 pieces of correspondence, plus one letter with 50 endorsements, in support of the application;
- 319 pieces of correspondence in opposition of the application, plus one petition with eleven signatures and another petition regarding character house retention;
- 3 pieces of correspondence related to other aspects of the application.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a brief presentation on the application and responded to questions.

Speakers

Mayor Robertson called for speakers for and against the application.

* * * * *

During the hearing of speakers, at 10:10 pm on Tuesday, September 18, 2018, Council recessed and reconvened on Wednesday, September 19, 2018, at 1:06 pm.

* * * * *

The following spoke in support of the application:

Scott de Lange Boom
Jennifer Maiko Bradshaw
Reilly Wood
Stuart Smith
Rachel Selinger
Brendan Dawe
Peter Waldkirch
Jens von Bergmann
RomanLisagor
Brendan Vance
David Stroud
Michael Mortensen
Jake Fry
Ralph Segal
John Boxall
Karen Sawatzky
Javier Campos
Aaron Jasper
Owen Bradey

The following spoke in opposition to the application:

Hilary Reid
David Chen
Elizabeth Murphy
Maureen Charron
Josip Dasovic
Joan Bunn

Jonathan Rubenstein
Marjorie Schurman
Breton Crellin
Dale Leibel
Debbie Gosselin
Mirza Raza
Olivia Edwards
Ronald Hatch
Dan Jekubik
Colleen Hardwick
Mary Ann Cummings
Rebecca Lockhart
Rohana Rezel
Esther Yuen
Judy Graves
John Yano
David Sexton
Joan Rush
David Gardner
Evelyn Jacobs
Richard Nantel
Robert Chester
Marty yan
Denise Allen
Sean Cassidy
Janice Colado
Lisa Christianson
Franco Peta
Larry Bengé

Jeanette Jones and Carmen Paterson spoke to other aspects of the applications.

The speakers list and receipt of public comments were closed at 4:32 pm on Wednesday, September 19, 2018.

* * * * *

VARY AGENDA

*MOVED by Councillor Stevenson
SECONDED by Councillor Deal*

THAT Council vary the order of the agenda to deal with Item 6, entitled “REZONING: Amendments to the Zoning and Development By-law for RT-7 and RT-8 Zones (Kitsilano) and RT-10 and RT-10N Zones (Kensington-Cedar Cottage) to Increase Housing Choice”, prior to a recess and the completion of Item 5, “REZONING:

Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice”.

**CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY**

Note: For ease of reference the minutes are recorded in numerical order.

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At 5:04 pm on Wednesday, September 19, 2018, Council recessed and reconvened on at 6:39 pm.

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Councillor Jang advised he had reviewed the proceedings of the Public Hearing he had missed on September 18, 2018, and would therefore be participating in discussion and decision on the application.

Councillor Reimer advised she had reviewed the proceedings of the Public Hearing she had missed on September 19, 2018, and would therefore be participating in discussion and decision on the application.

* * * * *

Staff Closing Comments

Planning, Urban Design and Sustainability staff provided closing remarks and responded to questions.

Council Decision

MOVED by Councillor Jang
SECONDED by Councillor Reimer

- A. THAT Council approve the application to amend:
 - (i) the RS-1, RS-1A, RS-1B, RS-5 and RS-6 District Schedules to provide more housing choice by introducing Two-Family Dwelling, Two-Family Dwelling with Secondary Suite, and Lock-off Unit in conjunction with a Two-Family Dwelling as permitted dwelling uses;
 - (ii) the RS-2 and RS-7 District Schedules to provide more flexibility in the regulations for Two-Family Dwelling use and to introduce Two-Family Dwelling with Secondary Suite, and Lock-off Unit in conjunction with a Two-Family Dwelling as permitted dwelling uses; and

- (iii) Section 10.21 to introduce a maximum dwelling unit size for lock-off units to more clearly differentiate these small units from secondary suites;

all as generally set out in Appendix A of the Policy Report dated June 27, 2018, entitled "Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice", **revised as set out in the Memorandum dated September 7, 2018, entitled "Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice- RTS 12677" and further revised to clarify that:**

- (a) **the maximum site area for a two-family dwelling, including a lock-off unit in conjunction with a two-family dwelling, is less than 511 m² in the RS-1, RS-1A, RS-1B RS-2, RS-5, RS-6 and RS-7 District Schedules; and**
 - (b) **that a rear yard with a minimum depth of 40 percent of the depth of the site shall be provided for two-family dwellings or two-family dwellings with secondary suites in the RS-1 District Schedule.**
- B. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for Council adoption related amendments to the Principal Dwelling Unit Combined with a Lock-off Unit Guidelines, generally in accordance with Appendix B of the Policy Report dated June 27, 2018, entitled "Amendments to the Zoning and Development By law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice".
- C. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for adoption revised Strata Title Policies for RS, RT and RM Zones generally in accordance with Appendix C of the Policy Report dated June 27, 2018, entitled "Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice".
- D. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for Council adoption revised RS-7 Guidelines, generally in accordance with Appendix D of the Policy Report dated June 27, 2018, entitled "Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two Family Dwellings (Duplexes) to Increase Housing Choice".
- E. THAT A through D above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for any 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 any rezoning by-laws; 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 (Vote No. 03358)

REFERRAL MOVED by Councillor De Genova
SECONDED by Councillor Affleck

THAT Council refer Item 5, entitled "REZONING: Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice", to be considered by the next Council after November 5, 2018;

FURTHER THAT any recommendations that are brought back by staff include robust consultation, including opportunities to attend open houses accessible to the public city-wide.

not put

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During discussion, Councillor Louie rose on a Point of Order to inquire if the Amendment was in order. Following the advice of the City Clerk, the Mayor advised the amendment was out of order as per Section 4.3 (c) of the Procedure By-law, as to refer the application back to staff for further consultation would require re-submitting a new application which is out of order as it conflicts with or presents substantially the same question as a motion still within the control of Council because it had not been finally disposed of.

* * * * *

REFERRAL MOVED by Councillor De Genova

THAT Council refer Item 5, entitled "REZONING: Amendments to the Zoning and Development By-law for Most RS Zones to Allow Two-Family Dwellings (Duplexes) to Increase Housing Choice", to be considered by the next Council after November 5, 2018.

not put

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The Mayor advised Councillor De Genova to confirm the wording for her referral. Councillor De Genova later choose not move her referral motion.

* * * * *

Following the referrals being not put, the motion was put and CARRIED (Vote No. 03358), with Councillors Affleck, Ball, Carr and De Genova opposed)

6. REZONING: Amendments to the Zoning and Development By-law for RT-7 and RT-8 Zones (Kitsilano) and RT-10 and RT-10N Zones (Kensington-Cedar Cottage) to Increase Housing Choice

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council resolves they do not have time to hear Item 6, entitled "REZONING: Amendments to the Zoning and Development By-law for RT-7 and RT-8 Zones (Kitsilano) and RT-10 and RT-10N Zones (Kensington-Cedar Cottage) to Increase Housing Choice", and that this item be considered at another time, after November 5, 2018.

carried (Vote No. 03356)

AMENDMENT MOVED by Councillor De Genova
SECONDED by Councillor Affleck

THAT the motion be amended by striking the words "November 5, 2018, and inserting "January, 2019".

LOST (Vote No. 03355)
(Councillors Bremner, Carr, Deal, Jang, Louie, Reimer, Stevenson, and Mayor Robertson opposed)

The amendment having lost the motion was put and CARRIED (Vote No. 03356) with Councillor Bremner opposed.

ADJOURNMENT

MOVED by Councillor Louie
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:59 pm.

* * * * *