

SPECIAL COUNCIL MEETING MINUTES

JULY 20, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 20, 2010, at 7:39 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the heritage, official development plan, sign and zoning by-laws.

PRESENT:

- Mayor Gregor Robertson
- Councillor Suzanne Anton
- Councillor David Cadman
- Councillor George Chow
- Councillor Heather Deal*
- Councillor Kerry Jang*
- Councillor Raymond Louie*
- Councillor Geoff Meggs
- Councillor Andrea Reimer*
- Councillor Stevenson
- Councillor Ellen Woodsworth*

CITY MANAGER'S OFFICE: Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Bonnie Kennett, Meeting Coordinator (Minutes)
Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Chow
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY
(Councillors Deal, Louie, Reimer and Woodsworth absent for the vote)

1. HERITAGE DESIGNATION: 1925 West 16th Avenue

An application by Charles Moorehead, Architect, was considered as follows:

Summary: To add the existing building to the Vancouver Heritage Register and designate it as protected heritage property.

The Director of Planning recommended approval, subject to conditions as set out in the Public Hearing agenda.

Summary of Correspondence

No correspondence had been received regarding the application.

Speakers

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

Council Decision

MOVED by Councillor Cadman

- A. THAT the building at 1925 West 16th Avenue be added to the Vancouver Heritage Register in the 'C' evaluation category, and that it be designated as protected heritage property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to designate the building located at 1925 West 16th Avenue as protected heritage property.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

2. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA): 2496 West 8th Avenue

An application by Robert Haines, Larchmont Abode Ltd., was considered as follows:

Summary: To designate the existing heritage building as protected heritage property and to seek Council's approval of a Heritage Revitalization Agreement (HRA) which will grant additional on-site density and other variances.

The Director of Planning recommended approval, subject to conditions as set out in the Public Hearing agenda.

Summary of Correspondence

No correspondence had been received regarding the application.

Speakers

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

Council Decision

MOVED by Councillor Cadman

- A. THAT the building currently located at 2496 West 8th Avenue, listed in the 'B' evaluation category on the Vancouver Heritage Register, be designated as protected heritage property.
- B. THAT Council authorize the Director of Legal Services to prepare and sign on the City's behalf a Heritage Revitalization Agreement for the building located at 2496 West 8th Avenue to:
 - secure the rehabilitation and long-term preservation of the building; and
 - grant variances in excess of those permitted in the Zoning and District Schedule applicable to the site.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the building located at 2496 West 8th Avenue as protected heritage property.
- D. THAT the Heritage Revitalization Agreement be prepared, completed, registered, and given priority, to the satisfaction of the Director of Legal Services and the Director of Planning.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

3. TEXT AMENDMENT: Miscellaneous Text Amendments

An application by the Director of Planning was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) No. 448 for 2908-3188 Celtic Avenue and CD-1 No. 482 for 1300-1336 Granville Street for miscellaneous text amendments.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received regarding the application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Cadman

- A. THAT the application to amend CD-1 #448 (By-law No. 9193) for 2908-3188 Celtic Avenue and CD-1 #482 (By-law No. 10029) for 1300-1336 Granville Street, for miscellaneous text amendments generally as presented in Appendix A, of the Policy Report dated June 8, 2010, entitled "Miscellaneous Amendments to CD-1 by-laws for 2908-3188 Celtic Avenue and for 1300-1336 Granville Street, the Protection of Trees By-law, and the 2908-3188 Celtic Avenue CD-1 Design Guidelines", be approved.
- B. THAT amendments to the 2908-3188 Celtic Avenue CD-1 Design Guidelines, generally in accordance with Appendix C, of the Policy Report dated June 8, 2010, entitled "Miscellaneous Amendments to CD-1 by-laws for 2908-3188 Celtic Avenue and for 1300-1336 Granville Street, the Protection of Trees By-law, and the 2908-3188 Celtic Avenue CD-1 Design Guidelines", also be approved.

CARRIED UNANIMOUSLY

4. TEXT AMENDMENT: Southeast False Creek (SEFC) Height Amendments

An application by the Director of Planning was considered as follows:

Summary: To amend the SEFC Official Development Plan (ODP) to increase in certain areas the maximum allowed heights by 6.25 m and the optimum heights by one storey for lower-scale buildings and two storeys for taller buildings.

The Director of Planning recommended approval.

Council also had before it a Memorandum dated July 13, 2010, from the Director of Planning, in regard to the Policy Report dated June 15, 2010, entitled "Southeast False Creek Height Review", which:

- a) provided clarification of proposed Recommendation B (i) relating to design guidelines;
- b) recommended substituting Appendix A of the Policy Report dated June 15, 2010, entitled "Southeast False Creek Official Development Plan", to reflect revised amendments to the Southeast False Creek (SEFC) Official Development Plan (ODP) based on legal advice obtained since the report was considered on June 22, 2010; and
- c) presented one additional public feedback item that was omitted from the Council report.

Summary of Correspondence

The following correspondence was received regarding the application since referral to Public Hearing:

Opposition - 6
Other - 1

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Grace MacKenzie
Lee Chappelle

Applicant Closing Comments

Brent Toderian, Director of Planning, provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Louie

- A. THAT the application to amend the Southeast False Creek Official Development Plan to increase in certain areas the maximum allowed heights by 6.25 metres and the optimum heights by one storey for lower-scale buildings and two storeys for taller buildings, generally as set out in Appendix A, of the Policy Report dated June 15, 2010, entitled "Southeast False Creek Height Review", be approved.
- B. THAT Council:
 - i. adopts the "Design Guidelines for Additional Penthouse Storeys in Southeast False Creek" attached as Appendix B of the Policy Report dated June 15, 2010, entitled "Southeast False Creek Height Review"; and
 - ii. amends the Transfer of Density Policy and Procedure to include Southeast False Creek Official Development Plan area as a receiver site for density from the Citywide density bank.

- C. THAT Appendix A of the Policy Report dated June 15, 2010, entitled "Southeast False Creek Height Review", be substituted with the revised Appendix A as set out in the Memorandum dated July 13, 2010 from the Director of Planning.

CARRIED
(Councillor Anton opposed)

**5. REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
15 and 97 East 2nd Avenue (Opsal Steel)**

An application by Gwyn Vose, IBI/HB Architects, was considered as follows:

Summary: To rezone from M-2 (Industrial) to CD-1(Comprehensive Development) District to permit the construction of a 12-storey residential tower at 15 East 2nd Avenue with a maximum floor space ratio (FSR) of 4.29 and maximum height of 38.1 metres and a 24-storey residential tower at 97 East 2nd Avenue with an FSR of 5.09 and a maximum height of 72.2 metres. As a part of the proposal, Opsal Steel, the industrial heritage building, would be rehabilitated and designated in exchange for bonus density on both sites.

The Director of Planning recommended approval, subject to conditions as set out in the Public Hearing agenda.

Council also had before it a Memorandum dated July 15, 2010, from the Assistant Director of Planning, Current Planning Division, which recommended substituting the draft Heritage Revitalization Agreement provided in Appendix D of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)" with the version attached to the memorandum. The memorandum also noted that when the June 8, 2010 Council Policy Report regarding this application was presented to Council, staff had not completed the negotiation on all of the terms of the HRA and on the conditions of zoning approval for heritage. In the interest of allowing the application to proceed without delay, staff agreed to continue the negotiation and bring forward to the Public Hearing any changes resulting from the finalized agreement.

Summary of Correspondence

The following correspondence was received regarding the application since referral to Public Hearing:

Support - 1

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Alyssa Schwann, Heritage Vancouver
Jim Green
Mark Greenberg

The following spoke in opposition to the application:

Tom Shiffman

The following expressed concerns regarding the application:

Ming-Shek Liu, Century Car Wash

Staff Closing Comments

Brent Toderian, Director of Planning, provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Anton

- A. THAT the application, by IBI/HB Architects on behalf of Bastion Development Corporation, to rezone 15 East 2nd Avenue (PID 007-647-638; Lot A, Block 8, Plan 15577, DL 200A) and 97 East 2nd Avenue (PID 005-217-245, 005-217-237, 005-217-229, 005-217-211, and 005-217-253; Lots 9 to 12 and E½ of 13, Block 8, Plan 197, DL 200A) from M-2 (Industrial) to CD-1 (Comprehensive Development District) to permit construction of mixed-use residential developments on both sites and retention of portions of the heritage buildings at 97 East 2nd Avenue, generally as presented in Appendix A of the Policy Report dated June 8, 2010, "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received Planning Department, October 19, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Design Development

1. design development to enhance the landmark qualities of the architectural expression, with particular emphasis at the southeast corner, through high quality materials, systems and details;

Note to Applicant: As part of the earning of significant height increases appropriate for a landmark site, the applicant must successfully demonstrate that the architectural expression is worthy of this special, highly visible location. Identify proposed high quality materials, systems and details on the drawings and provide material samples and photographs.

2. design development to provide a pedestrian-oriented central open space north of the Opsal Building, relocating and reducing surface parking to access directly off the lane;

Note to Applicant: Expansion and enhancement of the public realm is considered an important objective in earning height increases above the ODP recommended maximums. In consultation with Engineering Services, relocate parking to direct access along the lane, eliminating on-site parking at grade and access aisles from the centre of the site. Maintain a 1.5 m setback from the rear property line and provide a landscaped edge, such as large freestanding planters to provide a visual edge and barrier from the parking. Integrate the parking area with the timber columns of the overhead crane, providing details that protect the base from vehicular damage. Reduce parking or relocate shortfall to below grade (estimated at approximately 7 to 8 stalls). Propose an outdoor seating area adjacent to the south barn, and integrate with the public access route through the site. (Also see Heritage condition (b)7 below.)

3. design development to further mitigate the scale disparities between the Opsal Building and the east tower increasing the spatial separation between them at the lower floor levels;

Note to Applicant: As commented on by the Urban Design Panel. Consider further slimming of the east tower to lessen spatial pinch points and/or removing or reducing exterior balconies and architectural protrusions on the west elevation.

4. design development to enhance the visible presence of the Opsal Building as seen from the adjacent street corners of Quebec Street and 2nd Avenue;

Note to Applicant: Possible responses that might address this condition include: increasing the floor-to-floor height of the first-floor corner unit, setting the ground floor further back from the street edge, increasing its transparency and modifying its shape to further expose the east end gable of the Opsal Building.

5. design development to provide a future knock-out panel at the underground parking level to access the single unconsolidated lot currently used as a car wash, if and when this site is developed;

Heritage

6. design development to both retail areas at the base of the East Tower; provide views to the east façade of the South Barn from the corner of 2nd Avenue and Quebec Street and from Quebec through to the north barn; all exterior walls should be transparent and the interior layout of the retail space, designed so as to maximize views through to the barns and the link through to the lane;
7. design development to the parking and loading area adjacent to the East Tower;

Note to Applicant: Removing the 2 surface parking stalls from this area is suggested, as well as re-aligning the garbage/recycling to expand the views through the site to the back lane. Key requirements will be to maintain an open view from Quebec Street through the gantry crane through to the north barn along the lane.

8. provide visible connection from the south barn to the north barn;

Note to Applicant: Explore options of glazing the upper levels of the connecting walls between these two areas. Key issues are providing views of the truss system and volume of the North barn.

9. provide full details of the gantry crane, crane rails and the transitions points where the crane rails meet the glazed wall of the tower, and provide details for protection from vehicular traffic in the area;
10. design development to the window sizes, materials and spacing of the south façade of the south barn to reflect the historic glazing patterns and the predominately punched opening expression of the windows;

Note to Applicant: Consider the original solid-to-void ratios of the façade as the point of departure and propose a fenestration pattern consistent with this.

11. retain the original cupolas, or replace to match the existing in size, material and location;

Note to Applicant: For added light into the south barn, propose skylights on the north face of the sloped roof of the south barn. The skylights should not be visible from 2nd Avenue and should not over-scale the roof area.

12. supply details on how the original sign from the 1940s building on the corner will be re-worked into the site, along with the original painted sign on the south barn;
13. provide details on when the barns will be dismantled and where the sections of the buildings – to be catalogued, restored and reassembled – are to be stored;

Note to Applicant: As part of the Development Permit process, you will be required to submit documentation on the extent of structural features retained, clearly indicating on each truss, which members are retained and which are not. Documentation of existing heritage features can take the form of colour photographs and/or “as found drawings” of the interior public spaces to be restored and exterior elevations. [Particular attention should be paid to correct dimensioning and accurate identification of all existing heritage materials and decorative details.]

Note to Applicant: Staff continues to assert that the barns can be dismantled in advance of issuance of either the Development or Building Permits due to the condition of the building. As a reminder, should the buildings sustain damage in the interim due to a delay on the owner’s part in dismantling the barns, staff would need to advise Council on whether the bonus density was still justified.

14. clarification on all elevations and plans which existing exterior [and interior] elements are to be retained, restored, altered or removed and what is new. Supply a conservation chart on all elevations that matches the Conservation Plan authored by McGinn Engineering & Preservation Ltd. Dated. October 23, 2009 and submitted as part of the rezoning application titled “Opsal Steel” (Revised) submitted June 26, 2009. The conservation chart is to be formatted to match the example below:

Historic Feature	Existing Condition	Proposed Conservation
South Barn, windows	Some failure in lower joints, and deterioration of some of the lower jambs and sill members	Retain and restore to match existing or replicate as required. (See Window schedule for locations of retained vs. replicated windows)

15. indicate which artifacts will be retained and reused along with the locations of each;
16. provide a colour scheme and paint samples of the various components of the building’s facade proposed to be painted, including, but not limited to window and door frames, cornices and decorative elements (See Vancouver Heritage Foundation brochure titled “Paint” for general preparation and maintenance issues, and

their brochure titled "True Colours" for determining historic colours (www.vancouverheritagefoundation.org/oldhouse.html);

17. provide a Window schedule including materials, dimensions, opening type, finish, and reference to head, and sill, jamb, and window division details;

Crime Prevention Through Environmental Design (CPTED)

18. design development to take into consideration the principles of CPTED, having particular regard to:
 - reducing opportunities for theft in the underground parking,
 - providing secure access for off-site parking users,
 - providing a gate to the loading area, and
 - reducing opportunities for break and enter and vandalism;

Landscape Design

19. design development to improve the intended function of the passage between the East Tower and the Opsal Building;

Note to Applicant: There is an opportunity to enhance a north-south pedestrian connection from the street to the lane. Explore options to demonstrate sustainable design, landscaping and high-interest pedestrian programming in the open space courtyard.

20. design development to provide planting to screen lane elements such as parking, utilities and blank walls;
21. supply plant material in the public areas, similar to the historic plant material in the area (refer to the Public Realm Plan for guidance);
22. final coordination of the public realm treatment to be consistent with the Southeast False Creek Public Realm Plan;
23. provision of semi-public and semi-private spaces that complement the design of the public realm;

Note to Applicant: Aspects to consider include special paving, public art, lighting, planting, driveway crossings, pedestrian entrances and safety, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.

24. design development to maximize percentage vegetative cover;

Note to Applicant: Pursue an overall goal of 40 % vegetative area surface cover. The calculation should include tree canopy area, but not include the Opsal Building and parking ramps. Provide urban agriculture garden plots and amenities (on-site composting, hose bibs, water collection opportunities) to be located in proximity to

common patio areas and to maximize sunlight exposure. Grow plots should contain an appropriate growing medium, and be an adequate size and number to be appropriate for the size of the development. Integrate edible planting throughout the landscape. Other opportunities for planting include 'green walls', planted roofs, permanent patio planters, and vine pockets at the base of structures. Mitigate blank walls by locating continuous linear planters and climbing plants at their base.

25. provision of best current practices for reducing potable water use and managing stormwater conservation, including high efficiency irrigation, water wise planting and the use of captured storm water for irrigation (non-edible plants);

Note to Applicant: Where applicable, size and location of water storage cisterns should be noted, and water features are to use stormwater or other non-potable alternatives. Detailed technical drawings of stormwater recycling will be required at the time of development permit application.

26. provision of a detailed rationale outlining intent for the specific programming of individual outdoor spaces, including overall use, pedestrian capacity, storage (for example, compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat);
27. provision of hose bibs for all patios greater or equal to 100 sq. ft.;
28. provision of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees to be retained, paving, walls, fences, light fixtures and other landscape elements that effect overall design, including site grading;

Note to Applicant: Proposed plant materials should be clearly illustrated on the Landscape Plan which should be at 1:100 (1/8" = 1'- 0").

29. provide large scale 1/4" = 1'- 0" or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane; including planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios and privacy screens, include technical drawings of stormwater recycling;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Design underground parking to increase soil depth for planting. Planted areas are adjacent to structures and on slab to contain continuous soil volumes. Underground parking is to angle downward

at the corner (3 feet across and 4 feet down) to increase planting depth for inner boulevard trees and planters.

30. provision of large scale partial plans, elevations, sections, specifications illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, semi-private patios and privacy screens;
31. provision of a lighting plan;
32. protect lane edge trees and planting from vehicular impacts by providing metal tree surrounds, bollards or low curbs as needed;

Roof Decks

33. design development to provide urban agriculture grow plots, tool storage and hose bibs on common area roof decks;

Note to Applicant: Provide notations for hose bibs on landscape plan.

34. provide details of green roof system and soil depth sections through all roof planters;

Universal Design

35. applicant to work with a Universal Design consultant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria" as outlined in Appendix H;

Environmental Sustainability

36. applicant to meet the Southeast False Creek Green Building Strategy and the EcoDensity Rezoning Policy for Greener Buildings (Action A-1), including a minimum LEED® Silver Canada Certified standard and City of Vancouver prerequisites (with a minimum of 3 optimize energy performance points, 1 water efficiency point, 1 storm water point) with full LEED® registration and documentation, or equivalency;
37. building design to include provision for connections to, and be compatible with, the "Neighbourhood Energy Utility";

Urban Agriculture

38. design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number which are to be productive and viable;

Note to Applicant: The total amount of gardening spaces is to be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes.

Waste

39. provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics);

Note to Applicant: The development sites are to provide adequate space to accommodate 3 streams of waste removal. Include fully outfitted areas that can be made active upon implementation of organics collection system.

Greenways

40. Ontario Street amenities should be to Greenway standards:

- (i) Lighting, both street and pedestrian level, should be upgraded to SEFC and PREG standards.
- (ii) All walks should be saw-cut broom-finish concrete.
- (iii) Benches and bike racks should be provided.
- (iv) A bulge at the corner of Ontario Street and 2nd Avenue should be incorporated.
- (v) Planting should be incorporated.
- (vi) Standard Ontario Greenway Granite Marker should be included.
- (vii) Granite setts and re-cycled granite curbs should be incorporated to provide design continuity.

CONDITIONS OF BY-LAW ENACTMENT

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

Engineering

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:
- (i) consolidation of Lots 9,10,11,12 and E ½ of Lot 13. (97 East 2nd Avenue);

- (ii) statutory rights-of-way and option-to-purchase agreements over the south 5'- 0" of both sites and the west 5'- 0" of Lot A (15 East 2nd Avenue) for public access and use, and for utility purposes. Note: if the final building designs move the proposed underground parking out of this area, the City may seek to establish these portions as road;
- (iii) provision of a 1.5 m right-of-way along the north property line of both sites (the lane) for landscaping and lane-lighting purposes (excluding the heritage structure);
- (iv) release of Easement & Indemnity agreement 213818M prior to occupancy of the new building;
- (v) removal of an underground gasoline tank, if existing, prior to building occupancy and release of Easement & Indemnity agreements 443353M and B63699;
- (vi) removal and backfilling of the wooden water meter box located on Ontario Street adjacent the West Tower;
- (vii) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements, PREG (SEFC Private Lands Public Realm Plan) and Ontario greenway standards (see greenways notes below);
- (viii) improvements to the lane south of 1st Avenue (between Ontario and Quebec) in keeping with the final SEFC public realm design requirements and PREG. (SEFC Private Lands Public Realm Plan);
- (ix) provision of a CB spur from 1st Avenue to the lane south of 1st Avenue on Ontario Street;
- (x) upgrading of existing adjacent water mains to serve the sites;
 Note to Applicant: The current application lacks the details to determine if water system upgrading is necessary. Please supply fire flow rates and project details to confirm if upgrading is necessary and, if so, appropriate arrangements will be required.
- (xi) provision of car-share vehicles and designated parking spaces in accordance with Table 1;

Table 1 - Car-share vehicle requirements

less than 25 dwelling units	none required
25 to 74 dwelling units	1 car-share vehicle and designated parking space
75 to 149 dwelling units	2 car-share vehicles and designated parking spaces
150 to 174 dwelling units	3 car-share vehicles and designated parking spaces
175 to 249 dwelling units	4 car-share vehicles and designated parking spaces

Note to Applicant: A professional car-share organization satisfactory to the Director of Planning and General Manager of Engineering Services must manage the car-share vehicles. The car-share spaces must be accessible to members of the car-share organization who do not reside in the development.

- (xii) undergrounding of all existing and new utility services from the closest existing suitable service point. All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development sites are not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;

Heritage

- 2. City Council can and does approve the Municipal Heritage Designation of the existing building located at 97 East 2nd Avenue and that the required By-law(s) are enacted;
- 3. The Owner(s) enters into a Heritage Revitalization Agreement and no-development covenant, generally complying with the draft attached in Appendix D of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)", with the City incorporating the following:
 - (i) That all heritage rehabilitation work is in compliance with the Conservation Plan submitted by McGinn Engineering & Preservation Ltd., dated October 23, 2009, forming a part of rezoning and subsequent Development Permit;
 - (ii) Construction of any new buildings using the bonus density to be granted and the additional height to be permitted will be prohibited until the rehabilitation work is complete or a letter of credit is provided equal in value to the cost to complete the rehabilitation work;
 - (iii) That the heritage building be secured from vandalism during construction;
 - (iv) That the heritage building's rehabilitation be completed within 48 months of the issuance of any permit related to this development application;
 - (v) Assurance that the services of a qualified restoration architect will be retained to provide professional services relative to all aspects, including site supervision, of the interior and exterior restoration work;

And further, confirmation, to the Satisfaction of the Director of Planning and the Director of Legal Services, that the Heritage Revitalization Agreement and no-development covenants agreement is completed and registered on title in the Land Titles Office.

Community Amenity Contribution

4. The agreed Community Amenity Contribution of \$1,625,928 is to be paid to the City and such payment is to be made prior to enactment of CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

Soils

5. Do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion; and
6. Execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment.

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, consequential amendments to the Southeast False Creek Official Development Plan (By-law No. 9073), generally in accordance with Appendix C of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)", to:

- (i) increase various floor area provisions by 5 119 m² as set out in Appendix C, to the same report, and
- (ii) increase the maximum permitted height at 97 East 2nd Avenue from 47.0 m to 72.2 m;

be approved.

- C. THAT, the application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" (DD)), as set out in Appendix B of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)", be approved.
- D. THAT, Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B as set out in Appendix C of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)".
- E. THAT, Council approve the designation of the "A" listed buildings and gantry crane, at 97 East 2nd Avenue, as municipally-protected heritage property under a heritage designation by-law, be approved.
- F. THAT, Council authorize the City to enter into a Heritage Revitalization Agreement, generally in accordance with the draft HRA in Appendix D of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)", for the buildings and gantry crane at 97 East 2nd Avenue, to secure the timely rehabilitation and long-term protection and conservation of the heritage resources, and to prescribe conditions upon which the additional bonus density and the additional height for the new building at 97 East 2nd Avenue can be used.
- G. THAT the draft Heritage Revitalization Agreement provided in Appendix D of the Policy Report dated June 8, 2010, entitled "CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)", be substituted with the version attached to the memorandum dated July 15, 2010 from Kent Munro, Assistant Director of Planning, Current Planning Division, and

FURTHER THAT the heritage rezoning conditions provided in Appendix B of the above-noted report be revised as follows:

- Replace (c)3 of Appendix B with the following:
"(c)3. The Owner(s) enter into a Heritage Revitalization Agreement with the City generally in the form attached in Appendix D, incorporating, among other things, the following:

- (i) That all heritage rehabilitation work is to be carried out in compliance with, among other things, a heritage conservation plan approved by the City;
- (ii) That construction of the new west tower and any construction for the new east tower that consists of more than a bare concrete shell structure be prohibited until the rehabilitation of the heritage building is complete to the satisfaction of the Director of Planning and the City has received the Consultant's written confirmation that the work completed conforms with the Development Permit, with the Conservation Plan, and with the current Standards and Guidelines for the Conservation of Historic Places in Canada, as issued by Parks Canada;
- (iii) That, should the owner of the west site wish to proceed with construction of the new west tower in advance of completion of the rehabilitation work to the heritage building, the owner may obtain the permits required for that purpose if first the City is provided with a letter of credit for an amount equal to 120% of the then estimated cost to complete the rehabilitation work to the heritage building;
- (iv) That, should the owner of the east site prior to the completion of the rehabilitation work to the heritage building wish to proceed with any construction for the new east tower that consists of more than a bare concrete shell structure for it, the owner may obtain the necessary permits if first the City is provided with a letter or letters of credit, including the letter of credit referred to in the preceding paragraph, totalling an amount equal to 120% of the then estimated cost to complete the rehabilitation work to the heritage building. (Excavation and construction of the underground parking structure as well as construction of the concrete structure of the tower on the east site will be permitted without a letter of credit);
- (v) That the heritage building be secured from vandalism during construction;
- (vi) That a qualified restoration architect be retained to provide professional services relative to all aspects of the rehabilitation work;
- (vii) That the heritage building's rehabilitation be completed within 48 months of the issuance of the first development permit related to the proposed development on the east site;

Note to Applicant: The Heritage Revitalization Agreement is to be registered on title to the lands to the satisfaction of the Director of Planning and of the Director of Legal Services.

- Add the following new heritage condition as (c)4 and renumber the remaining conditions:

“(c)4. Secure the purchase and transfer of 11,986 square feet of heritage bonus density to the receiver site (15 East 2nd Avenue) from the donor site (97 East 2nd Avenue).

Note to applicant: “Letter B” in the City’s standard format is to be completed by both the owner of the “receiver” site and the owner of the “donor” site, and submitted to the City together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.”

CARRIED
(Councillor Woodsworth opposed)

* * * * *

At this point in the proceedings Council agreed to vary the order of the agenda in order to deal with By-laws 1 to 6.

* * * * *

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Louie

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments related to items 1 to 4.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

BY-LAWS

MOVED by Councillor Stevenson
SECONDED by Councillor Cadman

THAT Council enact the by-laws before them at this meeting as numbers 1 to 6 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

1. A By-law to designate certain real property as protected heritage property at 1925 West 16th Avenue, the Sanderson House (By-law No. 10105)
2. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property at 2496 West 8th Avenue (By-law No. 10106)
3. A By-law to designate certain real property as protected heritage property at 2496 West 8th Avenue (By-law No. 10107)
4. A By-law to amend CD-1 By-law No. 9193 (By-law No. 10108)
5. A By-law to amend CD-1 By-law No. 10029 re 1300 - 1336 Granville Street (By-law No. 10110)
6. A By-law to amend Southeast False Creek Official Development Plan By-law No. 9073 (By-law No. 10109)

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Woods

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

CARRIED UNANIMOUSLY
(Councillors Deal and Jang absent for the vote)

* * * * *

At 9:28 pm, at the conclusion of Item 5, Mayor Robertson declared Conflict of Interest on Item 6 as his wife is Chair of the Farmers' Market Board. Mayor Robertson left the meeting and did not return.

Councillor Woodsworth assumed the Chair in Mayor Robertson's absence.

* * * * *

6. TEXT AMENDMENT: Farmers' Market By-law Amendments and Interim Actions

An application by The Director of Planning was considered as follows:

Summary: To amend all District Schedules, with the exception of CD-1 (Comprehensive Development) Schedules, to add Farmers' Markets as a conditional approval use on a temporary time-limited basis, at the discretion of the Director of Planning and to reduce the permit fees in alignment with other similar fees.

The Director of Planning recommended approval, subject to conditions as set out in the Public Hearing agenda.

Council also had before it a Memorandum dated July 13, 2010, from Rob Jenkins, Assistant Director of Planning, Central Area Planning Division, which provided clarification regarding the approval process for the various by-law and policy items related to this application.

Applicant Comments

Brent Toderian, Director of Planning provided opening comments.

Summary of Correspondence

The following correspondence was received regarding the application since referral to Public Hearing:

Support - 211

70 additional pieces of correspondence in support of the application were submitted at the Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Tara McDonald, Vancouver Farmers' Market
Elizabeth Quinn, BC Association of Farmers' Markets
Terri Clark, Kerrisdale Business Association
Chris Bodnar, Glen Valley Organic Farm
Jason Apple, Gourmet Syndicate Inc.
Seann Dory, Sole Foods Urban Farm

The following spoke in general support and expressed concerns regarding the application:

Devorah Kahn

* * * * *

During the hearing of speakers it was

MOVED by Councillor Cadman

THAT, under Section 2.3 (e) of the Procedure By-law, Council extend the meeting until 11:00 pm in order to continue hearing from speakers.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

* * * * *

Staff Closing Comments

Planning Staff provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Reimer

A. THAT, in support of Farmers' Markets in the City, the application to amend the Zoning and Development By-law, the Zoning and Development Fee By-law, the First Shaughnessy Official Development Plan By-law, and the First Shaughnessy District By-law generally as set out in Appendix A of the Policy Report dated June 30, 2010, entitled "Farmers' Market By-law Amendments and Interim Actions", be approved.

B. THAT amendments to the License By-law to provide a definition and licence fee for Farmers' Market, generally as presented in Appendix C of the Policy Report dated June 30, 2010, entitled "Farmers' Market By-law Amendments and Interim Actions", be approved, and

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law, generally in accordance with Appendix C, of the above-noted report, for enactment.

C. THAT an amendment to Schedule A of the Street Vending By-law to provide for Farmers' Market vendor permit fees, generally as presented in Appendix D of the Policy Report dated June 30, 2010, entitled "Farmers' Market By-law Amendments and Interim Actions", be approved, and

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law, generally in accordance with Appendix D, of the above-noted report, for enactment.

D. THAT Council adopt the "Interim Guidelines for Farmers' Markets in the City of Vancouver" to be used in the consideration of applications for farmers' markets, generally as outlined in Appendix B of the Policy Report dated June 30, 2010, entitled "Farmers' Market By-law Amendments and Interim Actions".

- E. THAT Council direct the Director of Planning to report back on the effectiveness of these initiatives, with a report back following the 2012 winter farmers' market season.
- F. THAT Council ask the Park Board to consider recommendations A, B, C, D, and E above with a view to aligning its permits, processes and fees for farmers' markets.
- G. THAT the definition of "Farmers' Market" in Section 2 of the draft "By-law to amend the Zoning and Development By-law No. 3573 regarding farmers' markets" in Appendix A, and in Section 2 of the draft "By-law to amend License By-law No. 4450 regarding farmers' markets", in Appendix C of the Policy Report dated June 30, 2010, entitled "Farmers' Market By-law Amendments and Interim Actions", be amended by adding the words "directly by producers, or representatives who are involved in the production, of", to read as follows:

"Farmers' Market" means an open air or fully or partly covered market, for the sale directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts."

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:58 pm

* * * * *