



SPECIAL COUNCIL MEETING MINUTES

JUNE 16, 2011

A Special Meeting of the Council of the City of Vancouver was held on Thursday, June 16, 2011, at 7:37 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, sign and heritage by-laws.

PRESENT: Councillor George Chow, Acting Chair
Councillor Suzanne Anton
Councillor David Cadman
Councillor Kerry Jang
Councillor Geoff Meggs
Councillor Andrea Reimer*
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Mayor Gregor Robertson (Leave of Absence - Civic Business)
Councillor Heather Deal
Councillor Raymond Louie

CITY CLERK'S OFFICE: Terri Burke, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Councillor Chow in the Chair, to consider proposed amendments to the zoning, sign and heritage by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

1. HERITAGE DESIGNATION: 1021 West Hastings Street (University Club Façade)

This item was withdrawn from the agenda.

2. REZONING: 1650 Quebec Street

An application by Mr. Hermann Nuessler, Bosa Properties Inc. was considered as follows:

Summary: To rezone from M-2 (Industrial) and FC-1 (Commercial) to CD-1 (Comprehensive Development) to permit the development of an 18-storey residential strata building on Quebec Street, and an eight-storey building on Main Street with ground floor retail uses and seven floors of rental housing under the Short Term Incentive for Rental (STIR) program. The total floor area proposed is 20 820 m² (224,114 sq. ft.), and the proposed floor space ratio is 5.0.

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

Staff Opening Comments

Planning staff reviewed the application and responded to questions.

Applicant Comments

Tom Staniszki, NSDA Architects, reviewed the application.

Summary of Correspondence

Council had received one letter neither for nor against the application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Stephan Bohus
Grace McKenzie
Gordon Waselnuk
Adin Wridgway
Robert McNutt

Staff Closing Comments

Planning staff responded to questions and provided closing comments.

Council Decision

MOVED by Councillor Meggs

- A. THAT the application by Bosa Properties Inc. to rezone 1650 Quebec Street (PID 007-766-858; Lot 8, Block E, DL's 200A and 2037, Plan 14963) from M-2 Industrial and a portion of 1615 Main Street (PID 008-758-158; Lot F, Except Part in Plan 14963, Block 2, DL 200A, and of DL 2037, Plan 12966) from FC-1 East False Creek District, both to a CD-1 Comprehensive Development District to permit an 18-storey residential strata building and an eight-storey mixed-used rental building with a total floor area of 20 820 m² (224,114 sq. ft.), generally as presented in Appendix A of the Policy Report dated May 3, 2011, entitled "CD-1 Rezoning - 1650 Quebec 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 Neale Staniszkis Doll Adams Architects, and stamped "Received Planning Department, October 5, 2010", provided that the Director of Planning or the Development Permit Board, as the case may be, 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 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 reduce the massing and scale of the tower, reshaping in the following manner:
 - (i) greater articulation and expression of the building to reduce the apparent mass and lend a lighter, more vertical appearance;

Note to Applicant: Explore an architectural language that give greater emphasis and distinctiveness to the four quadrants of the building (similar to the south west corner), further deemphasizing the square rectilinear shape of the floor plan.
 - (ii) reduce the building width, slimming the higher massing facing Quebec Street;

Note to Applicant: The higher massing should have a slimmer profile facing Quebec Street, to improve views looking west and east, reduce shadowing and improve

adjacent scale relationships. Redistributed floor area may either be retained by incremental lengthening of the floor plate in the east west axis, relocating floor area to the low rise through the addition a partial floor and/or extension of the floor plate and the possible addition of another floor, with marginal increases in height (see item (iii)).

- (iii) further shape the upper floors of the higher massing to enhance and visually complete the top of the building;

Note to Applicant: Further reduction and shaping of the upper massing is advised. Building height may be marginally increased by approximately 2 m with consideration to add an additional floor through marginal reduction of the floor-to-floor height and provided the overall height remains within the permitted maximum.

2. design development to the architectural expression to better respond to different solar orientations;

Note to Applicant: Architectural elements should derive from a more functional response to the differing solar orientation of the building elevations, in particular, the south and west elevations.

3. clarification on the drawings of the proposed sustainable features;

Note to Applicant: The proposal has indicated an intention to exceed the SEFC Green Building Strategy, LEED® silver equivalent, as a minimum. Staff are seeking clarification of those features on the final approved permit drawings. Identify in particular those items which will reduce building energy and water consumption. Describe the energy and water conserving principles that are being observed.

4. clarification on the drawings showing all building elevations;

Note to Applicant: The west elevation of the Main Street building, (Building 2 on the drawings) has not been shown on the drawings. High blank walls, as suggested by the location of the parking ramp on the floor plan will require further design development to improve its relationship to the adjacent buildings and surrounding open space.

5. clarification on the drawings providing a detailed west elevation of the mid-rise building;

Note to Applicant: Consider material treatment and expression of the exterior wall enclosing the parking ramp.

Crime Prevention through Environmental Design (CPTED)

6. design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft;
 - (iv) mischief in alcoves and vandalism, such as graffiti;

Landscape Design

7. provide a variety of spaces consistent with the SEFC Public Realm Plan;

Note to Applicant: include special paving, the use of granite to demarcate the historic shoreline (size of pavers and method of installation to be consistent with the Olympic Village), lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.
8. provide a landscape design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, waste, soil, habitat), urban agriculture (e.g., compost, gardening tools), access and security;
9. relocate composting facilities from indoor space in tool storage area to an exterior space located on the same level as the raised urban agriculture;
10. provide flexibility of design for all amenity decks containing programming such as urban agriculture or child play areas, such that the basic structure and aesthetics of these amenity areas allows for future alternate uses of the spaces;
11. provide adequate sunlit spaces for Urban Agriculture. The spaces should include areas for tool storage, composting, and seating. At least two hose bibs should be provided for each Urban Agriculture area;
12. provide maximum plant growing depth (exceed BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes;
13. provide hose bibs for all patios greater than 100 sq. ft. in area;
14. provide edible food plants in the landscape areas beside the walkway between the buildings and in the green space adjacent to the lane. Areas specifically programmed for the growing of edible plants should have strategically located, so as to be

- accessible to regular care and maintenance by the building occupants;
15. provide, at time of development permit application, an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents;
 16. provide, at the time of development permit application, a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale;
 17. provide, at the time of full development permit application, large scale sections (1/4"=1' or 1:50) illustrating the townhouse to public realm interface at the streets, lanes and woonerfs. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths;

Engineering

18. engage the services of Transportation consultant to redesign all parking ramps to ensure a fully functional and safe two-way design;

Note to Applicant: The following issues require attention in this redesign:

- (i) Provision of an improved corner-cut through the inside radius at the bottom of the main parking ramp to enable inbound and outbound vehicles to pass each other without incident;
- (ii) Provide a minimum of 24 ft. separation between the ramp and the adjacent parallel drive aisle to ensure a functional and safe two-way drive aisle and two-way ramp operation;
- (iii) The stairwell door should not open onto the top of the parking ramp as shown on P1 drawing;
- (iv) Provision of correct number of loading bays and the required loading bay throats as per the Parking By-law;
- (v) Clarify garbage provision and access to the proposed location on P1 as it appears to be unworkable as shown. Separate garbage rooms are required for residential and commercial uses. Once the garbage room location is finalized please provide a letter from a waste hauler indicating that they can access and pick up from the locations shown and that the space provided is adequate for the project. (Note: pick up operations should not rely on any storage of bins on the lane for pick up purposes.

Please visit Engineering Services, Solid Waste web site and review our guidelines for waste pick up at development sites for recommended space allocations.);

Social Planning

19. design development to improve accessibility of shared garden plots on level 16 of Building 1 and level 7 of Building 2 by ensuring that there be a maximum reach of 18 inches from the perimeter to the middle of the plots;
20. design development of outdoor areas on level 16 of Building 1 and level 7 of Building 2 to better accommodate children's play and social gatherings by including:
 - (i) a covered outdoor space for shelter;
 - (ii) an outdoor children's play area (manufactured play equipment is not required nor desired); and
 - (iii) outdoor seating areas for rest and social interaction;

Housing

21. ensure that a minimum of 25 percent of the dwelling units contain two bedrooms;
22. design development to ensure that all indoor amenity rooms comply with the High Density Housing for Families with Children Guidelines;

Note to Applicant: Each of the indoor amenity rooms should have an accessible washroom, a kitchenette and adequate storage area.

Universal Design

23. applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" as outlined in Appendix E;

Environmental Sustainability

24. applicant to meet the SEFC 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;

Energy

25. provide energy efficient design and show modelling results to meet or exceed the Commercial Buildings Incentive Program (CBIP) standard for energy efficiency;
26. provide full building design to meet ASHRAE 90.1 (2004) in its entirety (with the exception of outright energy efficiency, which is covered under the previous provision) including:
 - (i) improved envelope options such as “continuous insulation”, increased r-values, and thermal breaks for balconies and slab extensions
 - (ii) energy efficient lighting,
 - (iii) air exchange effectiveness,
 - (iv) full best-practice building systems commissioning,
 - (v) daylighting, and
 - (vi) provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning, outlining provision for this service, is to be submitted at the time of application for Building Permit.

27. provide vertical glazing to a maximum of 40% or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
28. provide, in the building design, connections to and compatibility with the False Creek Neighbourhood Energy Utility;

Note to Applicant: Clarify how the building design includes provision for connections to the False Creek Neighbourhood Energy Utility and show on the plans the room, labeled “NEU Energy Transfer Station (ETS)”, that will house the system infrastructure. Provision of the following details for the ETS room:

- (i) The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall with suitable space for the installation of the NEU system ETS equipment, and with adequate provision for connection to outside NEU distribution piping and communications conduit all to the satisfaction of the General Manager of Engineering Services,
- (ii) The developer shall make available use of sewer and potable water piping in each ETS room,
- (iii) The ETS room shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C,
- (iv) The developer must provide a dedicated 15 amp 120V, 60 Hz single-phase electrical service for operation of the

ETS, all to the satisfaction of the General Manager of
Engineering Services,

Please contact Kieren McConnell of the NEU office at 604-871-6981;

29. provide roughed-in capacity for future individual metering for energy and water supplies;
30. provide climate zone control for residential and live-work units;
31. specify fireplaces that are listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 (2001) heating appliance standards;

Note to Applicant: No continuous pilot lights; interrupted power ignition is preferred. A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit. Fireplaces are not encouraged, but where fireplaces are specified, the proponent is encouraged to work with the False Creek Neighborhood Energy Utility to properly balance the unit's space-heating load.

32. provision of a minimum 20% of residential parking stalls with 120 V AC single phase outlets (per section 86 of the Canadian Electrical Code);

Stormwater Management

33. provide an overlay of all roofs to illustrate the amount of green roof coverage by intensive and extensive green roofs;

Note to Applicant: Green roofs covering 50% of all roof surfaces are encouraged but not required.

34. provide best current practices for managing water conservation including high-efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;

35. design development to reduce the use of potable water for irrigation by providing a stormwater retention system (e.g. cistern, on-site pond, infiltration galleries, etc.);

Note to Applicant: Provide stormwater retention system separated from the potable water system (a dual system) for the irrigation of ground-level open spaces. Public realm landscaping is to be sized for the summer drought periods. In addition, water storage for the rooftop shared open space is to be considered. All hose bibs are to be served with potable water unless clearly indicated otherwise. This system is to be designed in coordination with Building - Processing.

In-Building Water Efficiency

36. provide low water-use plumbing fixtures at or below 1.8 gpm for faucets and showerheads, and 6L/3L for dual-flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Urban Agriculture

37. design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number to be productive and viable. The total amount of gardening spaces 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;

Building Durability

38. provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

39. provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit, ensuring that a minimum of 75% landfill diversion through the construction process;
40. provide space for three streams of waste removal for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system;
41. owner to use best commercial efforts to secure a single operator for waste removal from the site.

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 and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manager of Engineering Services and the Approving Officer as necessary, make arrangements for the following:

Engineering

2. provision by the City of a 20 m statutory right of way (SRW) for road purposes over the portion of Lot F as shown as the "20.000 m Proposed Road" on sketch attached in item 1 above.
3. consolidation of the Purchased Portion of Lot F with Lot 8 to create a single parcel and subdivision of that site to result in:
 - (i) dedication of the south 2' - 0" of the site for lane purposes;
Note to Applicant: Delete the portions of parkade structure shown within the to-be-dedicated lane in the southeast and southwest corners of the site.
 - (ii) dedication of the east 1.5 m portion of the site is required for road purposes;
Note to Applicant: Delete all portions of buildings within the 1.5 m dedication area. (The drawings are indicating a curved easterly property line, with structures within the area to be dedicated.)
 - (iii) provision of a corner-cut road dedication in the ultimate southeast corner of the site, measured 3 m along the ultimate easterly property line and 4.2 m along the ultimate south property line;
4. provision by the City of a SRW over Lot G for lane purposes;
5. discharge of Easement & Indemnity Agreement 476337M & Extension A39990 (commercial crossing);
6. provision of a Servicing Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (i) design and construct the new 20 m wide road between Main Street and Quebec Street to the north of the rezoning site;
 - (ii) design and construction of the proposed 20-foot lane between Main Street and Quebec Street to the south of the rezoning site;
 - (iii) design and construction of the sidewalks and boulevards on both Main Street and Quebec Street, including curb relocations where necessary;
Note to Applicant: The design and construction of the new road and lane and the new sidewalks and boulevards on Main Street and Quebec Street adjacent to this site are to include all SEFC Public Realm Plan elements,

including the provision of SEFC street lighting, street trees, landscaping, specialty paving and treatments, and all necessary utility works, and adhere to the Public Realm Enrichment Guidelines set out for the SEFC area.

- (iv) provision of a \$135,000 contribution for upgraded storm and sanitary mains to serve the site;

Note to Applicant: Sewer mains from the site to Terminal Avenue, Terminal Avenue from Main to Western Street and north to the Terminal Avenue sewer pump station all require upgrading.

- (v) provision of 50 percent of the cost of a new traffic signal and related infrastructure at the intersection of Quebec Street and the 20m wide proposed road;

7. provision of a 1.5 m right of way along the ultimate south property line of the site (adjacent the lane) for lane lighting and landscaping in keeping with the SEFC Public Realm Plan;
8. undergrounding of all new and existing 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 site is 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;
9. provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law, at the rate in the table below:

<i>Dwelling Units</i>	<i>Shared Vehicle</i>	<i>Shared Vehicle Parking Space</i>	<i>Future Converted Shared Vehicle Parking Space</i>
<i>1 - 49</i>	<i>None</i>	<i>None</i>	<i>1</i>
<i>50 - 149</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>150 - 249</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>250 - 349</i>	<i>2</i>	<i>2</i>	<i>3</i>
<i>Each additional 100 units or portion thereof</i>	<i>+0</i>	<i>+0</i>	<i>+1</i>

and under the conditions outlined below:

- (i) developer will be required to fund \$25,000 for the purchase of each required shared vehicle and fund \$9,500 for operating costs for each required shared vehicle;

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to Occupancy.

- (ii) management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City,
- (iii) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development, and
- (iv) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

Soils

- 10. submit a site profile to the Environmental Protection Branch (EPB);

Note to Applicant: Arrangements for soils remediation assessment should include Lot F.

- 11. the property owner shall, 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;
- 12. 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 satisfactory to the City, for the on-site and off-site contamination, has been provided to the City by the Ministry of Environment;

13. In respect to the road dedications, road and lane statutory rights of way and the existing roads, as applicable, the applicant is to provide confirmation that all road dedications, road and lane statutory rights of way and existing roads are covered by numerical based Certificates of Compliance or other instruments for contamination attributable to past uses of the site, acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads and lane meet residential land use numerical standards for the top 3 m and commercial land use numerical standards below 3 m and that the groundwater meet drinking water criteria or if proven the groundwater does not support the drinking water criteria, then the aquatic life standards will apply, all as prescribed by the Environmental Management Act and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and if the applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications and existing roads, have been remediated to the standards described above;

Note to applicant: If any road dedications or road and lane statutory rights of way have contamination attributable to historical filling of the area, and is supported by the Ministry of Environment, the Applicant is to provide confirmation that these contaminants are covered by Certificates of Compliance acceptable to the City in its sole discretion. The Certificates of Compliance shall be issued by the Ministry of Environment and must confirm, at a minimum, that the contamination meets risk-based standards, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services. If the Applicant is not able to provide Certificates of Compliance, as previously described, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications and the road and lane statutory rights of

way have been remediated to the standards previously described.

Flood Plain Covenant

14. Execute a Flood Plain Covenant to the satisfaction of the Director of Legal Services and the Chief Building Official;

Housing

15. make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure at least 58,551 sq. ft. of the development floor space for rental housing for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant, and subject to such rentals being made available as rental housing units pursuant to the Short Term Incentives for Rental Housing (STIR) Program;

Community Amenity Contribution

16. pay to the City the agreed community amenity contribution of \$2,558,146 prior to enactment of the CD-1 By-law, with such payment to be allocated as follows:
 - (i) \$1,636,841 to affordable housing in SEFC as per the SEFC Public Benefits and Compatible Housing Strategy, and
 - (ii) \$921,305 to other public benefits in SEFC with specific allocation recommendations to be brought forward by staff after review of public benefits in SEFC;

Public Art

17. execute an agreement, satisfactory to the Director of Legal Services and the Managing Director of Cultural Services for the provision of public art in accordance with the City's Public Art Policy and the SEFC Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and
18. submit a preliminary public art plan to the satisfaction of the Managing Director of Cultural Services setting out the proposed public art program aims, artist terms of reference, site and artist selection methods, project budget, implementation plan and a schedule consistent with the objectives and intent of the SEFC Public Art Plan;

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 rezoning site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

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

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this Comprehensive District (CD-1) in accordance with Schedule B (DD), as set out in Appendix C of the Policy Report dated May 3, 2011, entitled "CD-1 Rezoning - 1650 Quebec Street", be approved.
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law to include this Comprehensive District (CD-1) in Schedule B as set out in Appendix C of the Policy Report dated May 3, 2011, entitled "CD-1 Rezoning - 1650 Quebec Street", for enactment following the approval and enactment of the CD-1 By-law.

CARRIED
(Councillor Woodsworth opposed)

3. REZONING: 6311 Cambie Street

An application by Mr. Andrew Emmerson, GBL Architects Inc. was considered as follows:

Summary: To rezone from RT-1 (Two-Family Dwelling) to CD-1 (Comprehensive Development) to permit the development of a six-storey building containing four commercial units on Cambie Street with 51 residential units over two levels of underground parking. Two separate houses containing secondary suites are located at the lane. The proposed floor space ratio (FSR) is 2.90, and the proposed maximum height is 70 feet.

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

Council also had before it a Memorandum dated June 15, 2011, from Kent Munro, Assistant Director, Current Planning, which provided additional recommendations to Council for the allocation of the Community Amenity Contribution and proposed additional conditions of approval to secure the pedestrian connection and Neighbourhood Energy Utility connection

and it updated the estimate of the Development Cost Levy (DCL). The additional recommendations are as follows:

- D. THAT the \$2,200,000 CAC offered by the applicant with respect to the rezoning of 6311 Cambie Street be allocated as follows:
 - i. \$1,100,000 to the Affordable Housing Fund to be used for housing projects in the Cambie Corridor Plan area, and
 - ii. \$1,100,000 towards the childcare facilities within the Cambie Corridor Plan area, preferably within the Langara and/or Oakridge neighbourhoods.

- E. THAT the following conditions be added after condition (c) 8 in Appendix B of the Policy Report dated May 5, 2011, entitled "CD-1 Rezoning - 6311 Cambie Street (6309-6337 Cambie Street)":

"Pedestrian Connection

- 9. Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, for public access over the proposed pedestrian walkway connecting Cambie Street with the lane to the west.

Note to Applicant: A statutory right-of-way will be required to provide public access to the pedestrian walkway 24 hours a day. Construction, installation, maintenance and lighting of the walkway will be the owner's responsibility.

Neighbourhood Energy Utility

- 10. Make arrangements for appropriate agreements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for connection to a low-carbon district heating system if and when the opportunity is available, in accordance with the City's policy for low-carbon district heating systems."

Staff Opening Comments

Planning staff reviewed the application and responded to questions.

Applicant Comments

Henry Tom, Cedar Development Corporation, reviewed the application.

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.

Tracey Moir spoke in support of the application.

Council Decision

MOVED by Councillor Cadman

- A. THAT the application by GBL Architects on behalf of Cedar Development Corporation, to rezone 6309-6337 Cambie Street (Lots 9 & 10 of Lot B, Block 1008, DL 526, Plan 10803; PID: 009-301-011 and PID: 008-249-369, respectively) from RT-1 (Two-Family Dwelling) to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use commercial and residential building, generally as presented in Appendix A of the Policy Report dated May 5, 2011, entitled "CD-1 Rezoning - 6311 Cambie Street (6309-6337 Cambie 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 GBL Architects and stamped "Received City Planning Department, July 28, 2010", subject to the following conditions, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

1. Design development to ensure the pedestrian right of way is clearly legible and inviting as a public space.

Note to applicant: The path should be direct from the lane to the street and not impeded by loading. If the loading space is located in the line of the path, it should not be marked with wheel-stops or finished in materials that vary from the rest of the path. Landscape elements located near the lane and street edges should signal the presence of the passage, extend its presence to the lane, and express that pedestrians are welcome.

2. Design development to the Cambie Street frontage to support commercial uses.

Note to applicant: The treatment of the ground plane between the building and the street, and of the building wall facing Cambie Street should be suitable for commercial use. The area between the property line and the sidewalk would preferably not be grassed, and a continuation of the hard surface behind the property line should be considered. The fixed linear planters at the property line should be reconsidered to define the space as more public. The building face should express intervals of shopfront rhythm and interest and the accommodation of canopies and signage.

3. Design development to illustrate floor plans and sections for commercial use along the Cambie Street.
4. Design development to provide a minimum 2-foot setback along the lane to allow landscape and projections from the laneway building face.
5. Design development to the lane frontage to provide landscape and greening.
6. Design development to allow the west-facing, ground-level, main-block units enhanced access to the ground-floor outdoor common space.
7. Design development to the wall on the south property line to provide greater visual interest and to ensure a high quality of material and finish.
8. Design development to clarify design intent for materials and detailing.

Note to applicant: A high quality of materials and detailing is particularly important as this is one of the first developments to proceed on the Cambie Corridor.

Landscape

9. Resolution of any conflict with the proposed design and any neighbour's trees/landscaping in proximity to proposed work.

Note to Applicant: Design development should blend and integrate neighbouring site conditions wherever possible. Where "shared" or neighbour landscaping near property lines may be impacted by work, it is recommended the applicant contact the affected neighbour as soon as possible to resolve any conflicts.

10. Design development to improve the exterior common area.

Note to Applicant: Maximize sustainable landscape features wherever possible. Recommend using hardy, layered plant species, efficient irrigation systems and/or water retention technology, grass-grid paving, climbing plants and planted structures. Replace lawn for layered planting on the "inside" boulevard. Refer to Engineering guidelines for planting on city boulevards.

11. Design development to site signage to be compatible with the overall architectural character while respecting the neighbourhood context.

Note to Applicant: Entrance signs should be carefully integrated and compatible with the streetscape.

12. Provision of hose bibs for all patios and common areas greater than 100 sq. ft.
13. Design development to the overall open space design to utilize principles of CPTED to minimize opportunities for crime.
14. At time of development permit application, provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements, the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

Note to Applicant: On adjacent sites ensure clarification of existing shrub layers, soil and grades to be altered, retained or replaced. Further comments may be outstanding.

15. Street tree removals/replacements and special paving are to the discretion of the City Engineering Streets Division and the Park Board.

Note to Applicant: Where street trees are to be retained or street tree layout is rejected by decision of the City Engineer, the tree patterning and layout should not result in a reduction in tree quantity or landscaping.

16. At time of development permit application, provision of a "Tree Removal/ Protection/Replacement Plan" in coordination with arboricultural services, including an assessment of existing neighbouring trees and landscaping, retention value rating,

retention feasibility, remediation recommendations, site supervision and letters of undertaking.

17. At time of development permit application, provision of detailed elevations (minimum 1/4" inch scale) for any exterior vertical element (trellis, gazebo, outdoor structures, fences, privacy screens).

Engineering

18. Correct the legal description on page A-100 as it is incomplete; it should be corrected to read "Lots 9 & 10 of Lot B, Block 1008, DL 526, Plan 10803".
19. Provision of separated garbage storage areas for the commercial and residential uses.
20. Clarification of the garbage pick up operation is required. Please consult with a private waste hauler and provide written confirmation that they can access and pick up from the location shown without any reliance of storage of the waste bins on the City lane.
21. Clarification of the types of planting proposed for the sewer SRW area. Only the lowest growing of planting that will not produce deep-root systems or prevents easy access to the SRW area will be considered.
22. Provision of a separate application to the City Engineer for any specialty treatments of the City lane. The rezoning or development permit approval does not approve specialty treatments on public property.
23. Approval of the Vancouver Park Board is required for removal of any street trees.
24. Delete proposed street trees shown in the back boulevard.
25. City building grades will be required at development permit submission and design grades will be required on both sides of all breakpoints of the parkade ramp. Additional design grades will be required at all entries along the property lines. Building grades can be applied for on-line at www.vancouver.ca or in person at 507 West Broadway, 5th floor.

Sustainability

26. Compliance with and identification on the plans and elevations of the built elements contributing to the building's sustainability

performance in achieving LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point and one storm water point.

Note to applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above noted points have been achieved. Both checklist and description should be incorporated into the drawing set. Consider providing an extensive green roof on the top levels.

27. Provide compatible, energy efficient design and details of the heating and domestic hot water designed to be easily connectable to a future Neighbourhood Energy Utility to the satisfaction of General Manager of Engineering Services.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That prior to enactment of the CD-1 By-law, arrangements to the satisfaction of the General Manager of Engineering Services, the Manager of Environmental Protection and the Director of Legal Services be made for the following:

Engineering

1. Consolidation of the lots into a single site.
2. Undergrounding of all new utility services from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks are to be located on private property. 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. The applicant may be required to show details of how the site will be provided with all services being underground.
3. Provision of a 1'-0" widening of the existing utility right of way that passes through the site. This will require replacement of the existing SRW #327986M.

Note to Applicant: Delete the proposed "internally lit greenscreen" and any portion of the proposed canopy that may encroach into the ultimate 5-foot sewer SRW.

4. 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 to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading.

5. Provision of street trees adjacent the site where space permits.
6. Provision of one shared vehicle and one shared vehicle space. Shared vehicles must be managed by a professional shared vehicle organization and must be located in an area accessible to all members of that shared vehicle organization, who do not reside in the development. The following conditions also apply:
 - (ii) developer will be required to fund \$25,000 for the purchase of each required shared vehicle and fund \$9,500 for operating costs for each required shared vehicle;
Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to Occupancy.
 - (ii) management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City;
 - (iii) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
 - (iv) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

Community Amenity Contribution (CAC)

7. Pay to the City, prior to the enactment of the rezoning By-law, the Community Amenity Contribution of \$2,200,000;

Soils

8. The property owner shall, 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 including without limitation a section 219 covenant, that there be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance issued by the Ministry of Environment, which is satisfactory to the City, has been provided to the City with respect to the remediation of the site and all contaminants that have migrated there from onto any road or other City property.

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

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

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this Comprehensive District (CD-1) in accordance with Schedule B (C-2), as set out in Appendix C of the Policy Report dated May 5, 2011, entitled "CD-1 Rezoning - 6311 Cambie Street (6309-6337 Cambie Street)", be approved.
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law to include this Comprehensive District (CD-1) in Schedule B, generally as set out in Appendix C of the Policy Report dated May 5, 2011, entitled "CD-1 Rezoning - 6311 Cambie Street (6309-6337 Cambie Street)", for enactment following the approval and enactment of the CD-1 By-law.
- D. THAT the \$2,200,000 CAC offered by the applicant with respect to the rezoning of 6311 Cambie Street be allocated as follows:
 - (i) \$1,100,000 to the Affordable Housing Fund to be used for housing projects in the Cambie Corridor Plan area, and

- (ii) \$1,100,000 towards the childcare facilities within the Cambie Corridor Plan area, preferably within the Langara and/or Oakridge neighbourhoods.
- E. THAT the following conditions be added after condition (c) 8 in Appendix B of the Policy Report dated May 5, 2011, entitled "CD-1 Rezoning - 6311 Cambie Street (6309-6337 Cambie Street)":

"Pedestrian Connection

- 9. Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, for public access over the proposed pedestrian walkway connecting Cambie Street with the lane to the west.

Note to Applicant: A statutory right-of-way will be required to provide public access to the pedestrian walkway 24 hours a day. Construction, installation, maintenance and lighting of the walkway will be the owner's responsibility.

Neighbourhood Energy Utility

- 10. Make arrangements for appropriate agreements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for connection to a low-carbon district heating system if and when the opportunity is available, in accordance with the City's policy for low-carbon district heating systems."

CARRIED UNANIMOUSLY

4. HERITAGE DESIGNATION: 1090 Nicola Street

An application by Ann Murphy, AK Murphy Architect Ltd. was considered as follows:

Summary: To designate the existing 'B' listed heritage building as protected heritage property.

The Director of Planning recommended approval.

Summary of Correspondence

Council had received five letters in support since this application was scheduled for a Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Paulette Caille spoke in support of the application.

Council Decision

MOVED by Councillor Stevenson

- A. THAT the building at 1090 Nicola Street, known as 'The Darling Residence' and listed in the 'B' evaluation category on the Vancouver Heritage Register, be designated under Section 593 of the *Vancouver Charter* as a protected heritage property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law under Section 593 of the *Vancouver Charter* to designate the building located at 1090 Nicola Street, known as 'The Darling Residence' and listed in the 'B' evaluation category on the Vancouver Heritage Register, as a protected heritage property.

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 Cadman

SECONDED by Councillor Woodsworth

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 9:59 pm

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