

REGULAR COUNCIL MEETING MINUTES

APRIL 19, 2011

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, April 19, 2011, at 2:00 pm, in the Council Chamber, Third Floor, City Hall.

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 Tim Stevenson
Councillor Ellen Woodsworth

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

CITY CLERK'S OFFICE: Janice MacKenzie, Deputy City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by Councillor Anton.

PROCLAMATION - EMERGENCY PREPAREDNESS WEEK

The Mayor proclaimed May 1 to 7, 2011, as "Emergency Preparedness Week" in the city of Vancouver and invited Kevin Wallinger, Director of Emergency Management, to say a few words.

"IN CAMERA" MEETING

MOVED by Councillor Meggs
SECONDED by Councillor Cadman

THAT Council will go into a meeting on Thursday, April 21, following the City Services and Budgets meeting, which is closed to the public, pursuant to Section 165.2(1) of the *Vancouver Charter*, to discuss matters related to paragraphs:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agenda of the city or another position appointed by the city;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

ITEMS ARISING FROM THE "IN CAMERA" MEETING OF APRIL 5, 2011

- Council made the following appointments to Civic Agencies:
 - First Shaughnessy Advisory Design Panel representing the BC Society of Landscape Architects
 - Jennifer Stamp
 - Gastown Historic Area Planning Committee representing local property owners
 - Deirdre Duncan
 - Vancouver Heritage Foundation Board
 - Graeme Falkowsky
 - Leigh Freeman
 - John Goundrey
 - Michael Hungerford
 - John Quinton
 - Andre Rowland
 - Margot Keate West
- Council appointed Rosemary Hagiwara as Acting Deputy City Clerk.

ADOPTION OF MINUTES

1. Regular Council - April 5, 2011

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

2. **Special Council (Public Hearing) - February 17, 21, 24, March 7, 8, 14, April 9, 10, 2011**

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

3. **Special Council Meeting - April 12, 2011**

MOVED by Councillor Deal
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

MATTERS ADOPTED ON CONSENT

The Mayor noted that a request to speak to Administrative Report A5 had been received.

MOVED by Councillor Deal

THAT the Administrative Report dated March 25, 2011, entitled "Option to Purchase 639 Commercial Drive (York Theatre) and Lease of 639 Commercial Drive to the Vancouver East Cultural Centre" be referred to the Standing Committee on City Services and Budgets meeting of Thursday, April 21, 2011, in order to hear from speakers.

CARRIED UNANIMOUSLY

The Mayor also noted that Policy Report P1 was only to be considered after the related Administrative Report A5, therefore consideration of the Policy Report would be postponed to the Regular Council meeting immediately following the City Services and Budgets meeting on April 21, 2011.

MOVED by Councillor Meggs

THAT Council adopt Administrative Reports A1 to A3 and Policy Reports P2 to P4 on consent.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

UNFINISHED BUSINESS

1. Northeast False Creek Public Hearing Items

A Public Hearing was convened on February 17, 2011, and reconvened on seven other occasions, ending on April 10, 2011.

After February 17, 21, and 24, 2011, Council concluded the hearing of the public on the application to amend the False Creek North Official Development Plan (FCN ODP), and on the rezoning application for 10 Terry Fox Way (Concord Area 5b East). After March 7, 8, 14, and April 9 and 10, 2011, Council concluded the hearing of the public on the rezoning application for 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex).

At the conclusion of the Public Hearing on April 10, 2011, Council referred discussion and decision on the rezoning application for 777 Pacific Boulevard to the Regular Council meeting on April 19, 2011.

In addition, Council had previously decided at its meeting on March 1, 2011, that decisions on False Creek North ODP amendments which enable the Area 5b East rezoning, as well as on the

rezoning application for Area 5b East would be considered at the same meeting that the decision on the rezoning application for 777 Pacific Boulevard is considered.

(a) **Rezoning: 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)**

MOVED by Mayor Robertson

- A. THAT the application by BC Pavilion Corporation (PavCo) to rezone the following:
- a portion of 777 Pacific Boulevard (PID: 008-332-614, Lot 153 False Creek Plan 20421 ("BC Place Site"));
 - a portion of Terry Fox Way to be closed and conveyed to the registered owner of the BC Place Site (the "Surplus Road Area");
 - a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288 False Creek Plan BCP1977) to be dedicated as road (the "Smithe Street Extension");
 - portions of 10 Terry Fox Way (PID: 025-540-866, Lot 288 False Creek Plan BCP1977) east of the Smithe Street Extension (the "Triangle Site");

collectively, the "Rezoning Site" and shown within heavy bold outline on an Explanatory Plan attached as Map 1, Appendix D to the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)", from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of a mixed-use hotel/entertainment complex, that includes the relocation of the Edgewater Casino, generally as presented in Appendix A of the above-noted Policy Report, be approved subject to the following conditions:

PROPOSED 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 City Planning Department, August 9, 2010, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to allow for better programming of uses and spaces to emphasize the entertainment component of the

project with functions such as cabaret/dinner/performance provided;

2. Design development to ensure appropriate ground floor retail and restaurant uses that support destination entertainment and contribute to activating the sidewalks around the entire perimeter of the site;

Note to Applicant: Orienting retail uses to the streets rather than inwardly is required, including maximizing the number of tenancies and entrances into shops from the street in order to enhance interaction with pedestrians. Outdoor seating for restaurants is encouraged (refer to #3 below).

3. Design development to the ground level treatment and character of the sidewalk frontages around the entire perimeter of the site maximizing transparency into interesting shops, lobbies, restaurants etc., accentuating street level/storefront variety and providing continuous weather protection;

4. Design development along Pacific Boulevard to extend store frontage as much as possible to the east with a view to reducing the visual obtrusiveness of the vehicular exit/loading area and integrating the stair from the Concourse;

5. Design development along Smithe Street to allow for integration of ground floor levels with the changing sidewalk elevation;

Note to Applicant: Outdoor seating should be as close to sidewalk grade as possible to avoid a "barrier" feel from the pedestrians' perspective.

6. Design development along Expo Boulevard to allow for integration of the stair to the Concourse to provide an inviting, animated, gracious link to Terry Fox Plaza;

Note to Applicant: The applicant shall ensure that the cantilever of the hotel over the stair does not result in a dark, overbearing feel to the stair space.

7. Design development to the Smithe Street/Expo Boulevard plaza to create a more meaningful dynamic public space;

Note to Applicant: A rethink of this space is needed taking into account its generous sun access, movement patterns, evolving design direction of Area 5b East Public Realm and how this space can positively engage the Cambie Bridge edge, as well as the comments of the Urban Design Panel.

8. Design development to the exterior treatment of the podium to build on the promising notions presented at this conceptual stage;

Note to Applicant: The intent should be to advance the details of the design to convey an authenticity of architectural expression, rather than an appliqué, while maintaining the spontaneity and exuberance portrayed in the drawings and images.

9. Design development to the exterior treatment of the Expo Boulevard hotel tower to advance the detailing of the façade design to capture the articulation conveyed in the drawings;

10. Design development to the exterior character of the Pacific Boulevard hotel tower to better reflect its dynamic massing as well as the high degree of visual interest exhibited in the other components of the complex;

Note to Applicant: There is a concern that the treatment of the exterior façades of this major component of the complex diminish rather than enhance its interesting overall massing.

11. Design development to the interface between the hotel/entertainment/casino complex and BC Place Stadium to better integrate the various exterior and interior spaces while ensuring their functionality;

Note to Applicant: There is a concern that this area feels like the "back door" of the complex that fails to respond to the exciting forms (new roof and spires) of the renovated BC Place Stadium.

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving a minimum 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. Pursuit of LEED® Gold rather than LEED® Silver is encouraged.

Landscape Design

13. Clarification of the treatment of the Level 6 roof deck as a green roof, as seen in the colour graphic shown in the rezoning application;

Note to applicant: Page A3.15 still refers to the roof as a Stone/Green Roof. The greatest visual amenity for any views overlooking this roof would be provided by a green roof, not a stone covered roof.

14. All proposed trees in the Smithe Street plaza are to be planted at grade, not in raised planters;

Note to applicant: This can be achieved if adequate soil depth is provided between the upper slab of the parkade and the plaza surface. A continuous trench measuring a minimum of 1.5 meters wide and 1 meter deep is required for trees planted on slab.

15. The sections drawings should illustrate both the location and extent of the parkade structure under Smithe Street, as well as the width and depth of the trenches;

Note to Applicant: See Drawing A4.07 with regard to the cross-section Smithe Street plaza tree planting trenches. See the Note to Applicant to condition #14 for dimensions for tree trenches.

16. Illustration on the plans of the planters, trees and shrubs proposed for the Level 2 pedestrian connection to BC Place Stadium, shown on page A3.07;

Note to Applicant: The plans should show details in section of the planting depths.

17. Provision of a full Landscape Plan at the time of Development Permit application;

Note to Applicant: The Landscape Plan should consider but not be limited to paving, lighting, planting, driveway crossings, pedestrian entrances, seating as well as proposed plant materials (with common and botanical names, plant sizes and quantities), walls, 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.

18. Provision of a Lighting Plan for the Smithe Street plaza at the time of Development Permit application;

Engineering

19. Provision of a final Transportation Study to the satisfaction of the General Manager of Engineering Services, addressing all concerns about the significantly reduced proposed goods and passenger loading and servicing on this site;
20. Submission of a detailed Traffic Management Plan including a Goods Loading Management Plan, a Passenger Loading Management Plan, and an Area Event Management Plan, completed to the satisfaction of the General Manager of Engineering Services and prior to Development Permit issuance the completion of any agreements required by these studies on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;

Note to Applicant: Traffic management plans for the operation of the facility for both day-to-day activity and for each threshold scale event are required. These traffic management plans should address the activities of: limousines; taxis; private vehicles; buses (tour, shuttle and event); couriers; entertainment destination complex loading vehicles; and BC Place Stadium loading vehicles.

21. Confirmation on the drawings submitted for Development Permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement;
22. Parkade vents appear to be within the streetcar alignment and may conflict with the streetcar (A3.05);
23. Modify the design of the parking entry off the service lane to ensure the entry is more perpendicular so that traffic must slow before entering;
24. Provide information as to the length of trucks which will be accommodated in BC Place and which will be exiting the Stadium into the service lane and show turning swaths demonstrating that this largest vehicle can be accommodated out of the west exit of BC Place;

Sustainability

Greener Larger Sites

25. An approach to Sustainable Site Design shall be taken and, where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, and replicate natural systems where feasible;
26. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;

Note to Applicant: The Green Mobility and Clean Vehicles Strategy should be coordinated with the Transportation Study and Traffic Management Plan (see conditions #19 and #20).

27. Provision of a Sustainable Rainwater Management plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site;

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan (see condition #17).

28. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex;

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

District Energy

29. The building(s) shall connect to a district heating system approved by the General Manager of Engineering Services to service new development in North East False Creek for provision of all building heating and domestic hot water service; except where the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the district heating system;

Note to Applicant: Unless and until Central Heat or an alternate energy supplier is the holder of a The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services, the Applicant will be prohibited from entering into any energy supply contract (other than for electricity, or natural gas required for processes not including space heating and domestic hot water provision) that does not give the Applicant and all future owners of the property the right to cancel such contract in whole or in part without cause or liability upon the occurrence of the Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services containing performance criteria for the Maximum Carbon Intensity of Delivered Heat and in any event no such energy supply contract will be entered into without the prior written approval of the General Manager of Engineering Services. The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services shall be to the satisfaction of the GMES and secured by the legal agreement required as a condition of by-law enactment. Maximum Carbon Intensity of Delivered Heat means that maximum amount of Co_{2e} produced through the provision of space heating and hot water service as described in The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services, and referenced in the legal agreement.

30. Space heating and ventilation make-up air shall be provided by hydronic systems, without electric resistance heat, distributed heat generating equipment gas fired make-up air heaters, etc.; Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of electric resistance heaters, or other distributed heat generating equipment to heat difficult to access parts the complex such as remote mechanical rooms or crawlspaces.
31. Design development to the mechanical heating and domestic hot water systems to ensure a minimum supply temperature of 65

degrees Celsius and maximum return temperature of 50 degrees Celsius in order to facilitate district heating service;

32. The building and parkade design is to include adequate space and designs to support connection to the district energy system approved by the General Manager of Engineering Services;

Note to applicant: At the building permit stage the applicant will be required to submit final detailed drawings, signed and sealed by a Professional Engineer where necessary, for review by Engineering Services to confirm final room dimensions, sleeve details, and servicing needs. Provide suitable space for the installation of the district energy system equipment, with adequate provision for connection to outside district energy system distribution piping and communications conduit. District energy equipment may include but is not limited to energy transfer stations (ETS), a steam to hot water converter station, or boiler equipment. The developer shall make available use of sewer and potable water piping. The space provided for district energy system equipment shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C. As required, the developer must provide dedicated electrical services required to service the district energy system equipment, to the satisfaction of the General Manager of Engineering Services.

33. No natural gas fireplaces are to be installed within building(s) or hotel rooms.

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of natural gas fireplaces for ornamental purposes. A letter from a Professional Engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for Building Permit to state that the fireplaces installed are not heat producing.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the applicant 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, the Manager of Sustainability, the Director of Real Estate Services, the Director of Cultural Services and the Approving Officer as necessary, make arrangements for the following:

Engineering

NOTE: For items 1, 2, 3, 4, 7 and 8, below, reference is made to the Upgrade Commitment Agreement Dated October 14, 2008 (the "UCA").

Create the Rezoning Site:

1. Acquisition from the registered owner of that portion of Lot 288 [PID 025-540-866] (10 Terry Fox Way) being that 66 foot (20.117 metre) wide extension of Smithe Street between Expo Boulevard and Pacific Boulevard as shown generally cross-hatched on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4) (the "Smithe Street Extension");
2. Make arrangements, subject to Council approval, for the closure and acquisition of a portion of Terry Fox Way, in accordance with the UCA, as shown generally dotted on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4) (the 'Surplus Road Area'). Once closed a temporary right of way over the Surplus Road Area in favour of the City for road and all public utility purposes is required until all utilities have been abandoned or relocated and the road is no longer required for public access. Also make arrangements for the closure of the portion of Terry Fox Way (the "Old Road Portion") to be retained as road and dedicated back to the City, as shown generally shaded on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4);

Note to Applicant:

- a) An application to the City Surveyor is required.
 - b) Pursuant to Section 291A of the Vancouver Charter a Waiver of Right to purchase the Surplus Road Area may be required from the Lot 288 owner.
3. Acquisition from the registered owner of portions of Lot 288 (10 Terry Fox Way) located westerly of the Surplus Road Area and easterly of the Smithe Street Extension, and shown generally hatched on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4) and marked as the "Triangle Site";
 4. All legal notations, non-financial charges, liens and interests registered on title to the lands which may affect this application must be evaluated to determine whether they impact on the proposed development. The applicant's lawyer must submit to the City a title summary containing the following information:
 - a) copy of the Land Title Office search for all lots involved in the application;

- b) a summary of the contents of each notation, non-financial charge, lien or interest on title containing a general description of the issues address by the document. The summary must also provide the lawyer's opinion as to whether the notation, charge, lien or interest will impact on the application and if so, how; and
- c) a copy of any of the notations, non-financial charges, liens or interests which may impact on the application.

Note to Applicant: The letter enclosing the title summary must be addressed to the City of Vancouver.

Subdivision:

- 5. Subdivision to consolidate Lot 153 [PID 008-332-614], the Triangle Site, and Surplus Road Area; and to dedicate as road the Smithe Street Extension, and to dedicate a 1 metre wide portion of Lot 153 for the widening of the north side of Pacific Boulevard between Smithe Street and Griffiths Way as shown generally on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4);

Note to Applicant:

- a) The Old Road Portion, see 2. above, is to be dedicated back to the City as part of this subdivision.
 - b) Proposed property lines and Street Car SRW limits are not shown correctly on the drawings that accompany the application (notably at the north and south ends of Terry Fox Way, and along Pacific Boulevard). Portions of the proposed building from Level 2 thru Level 25 encroach onto Pacific Boulevard and must be deleted. Also, portions of the building within the 1 metre Pacific Boulevard widening are to be deleted (on page A3.06 an "L" shaped object adjacent to the service road exit is within the 1 metre road dedication). Contact the Land Survey Branch for a detailed road dedication geometric drawing.
 - c) As part of the subdivision all charges now on title must be reviewed and modified as necessary to reflect the subdivision, and additional agreements or replacement agreements may be required prior to subdivision approval, in particular reference is made to the Pedestrian Overpasses Volumetric Lease.
- 6. Make arrangements prior to occupancy and subject to Council approval, to raise title to a portion of Smithe Street between Expo Boulevard and Pacific Boulevard, and to close, stop up and lease from the City a volumetric portion thereof to contain that portion of the development located therein;

Note to Applicant: The lease is to be for the life of the proposed underground parking structure. The volumetric lease parcel configuration must respect public utility requirements. An application to the City Surveyor is required.

Statutory Rights of Way:

7. Provision of a Statutory Right of Way over both a portion of the Rezoning Site and a portion of Lot 288 owned by Condord in favour of the City for road purposes to accommodate the cul-de-sac and sidewalk adjacent to the Smithe Street Extension, i.e., those areas generally shown dashed on the sketch attached hereto as Map 3 (Appendix D, page 3 of 4);
8. Provision of a Statutory Right of Way over a portion of the Rezoning Site, in favour of the City, for a surface Right of Way to enable use by the public of the proposed Plaza, walkways, and steps to connect the Stadium concourse with the Smithe Street Extension and subsequent discharge of the Cambie Bridge Pedestrian Ramp SRW, registered in the Land Title Office under R92182-184;
9. Provision of a volumetric Statutory Right of Way over a portion of the Rezoning Site, in favour of the City, for transit, road and utility purposes to accommodate the future Street Car Route along the north side of Pacific Boulevard shown generally on the sketch attached hereto as Map 4 (Appendix D, page 4 of 4);

Note to Applicant: The volumetric SRW area must provide for adequate height and grade requirements and ensure provision of support from the development.

Parking:

10. Enter into a Stadium Parking Agreement with the City, charging the Rezoning Site for the design, construction, operation and maintenance of 300 Stadium Parking Spaces on the Rezoning Site;

Note to Applicant: Stadium parking stalls under this Agreement must be designated for short-term (hourly and daily parking) public parking during daytime hours.

11. Obtain from the registered owner of Lot 288 and from the City amendments to the existing Stadium Parking Letter Agreement to allow for the transfer to the Rezoning Site of the obligation of

the owner of Lot 288 and the obligation of the City to provide 300 Stadium Parking Spaces;

Servicing

12. Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. The services shall include:

- a) the design and installation of all Storm, Sanitary and Water systems as required by the development;
- b) the decommissioning, abandonment or relocation of any utilities within Terry Fox Way including the reconnection of the storm sewer from BC Place and the reworking of any water services coming off the existing watermain within Terry Fox Way to be sourced off Expo Boulevard or Pacific Boulevard;

Note to Applicant: There is one active water service sourced off Terry Fox Way which services BC Place.

- c) the design and installation of a new watermain in the proposed Smithe Street Extension from Expo Boulevard to Pacific Boulevard;
- d) the design and construction of the Smithe Street Extension, the Old Road Portion (see 2. above), proposed SRW area outside of the portion of the 66 foot wide Smithe Street to be dedicated, and the portions of Expo Boulevard and Pacific Boulevard adjacent this site, all in keeping with the required public realm plan or streetscape plans issued or required by the City and any other guidelines issued by the City;
- e) the design and construction of the proposed Plaza area between Expo Boulevard and the Smithe Street cul-de-sac;
- f) provision of a full traffic signal at Smithe Street and Pacific Boulevard to replace the existing pedestrian signal including any required upgrades to other traffic signal infrastructure;
- g) any required modifications to the Smithe Street and Pacific Boulevard intersection to ensure that vehicular traffic exiting the development cannot travel south across Pacific Boulevard to Cooperage Way and that vehicular traffic from Cooperage Way cannot travel north across Pacific Boulevard to the Smithe Street Extension;

Note to Applicant: Full access must be provided for bicycles and pedestrians through this intersection.

- h) removal of the above-grade Cambie Bridge pedestrian connection between the Stadium concourse and Cambie Street Bridge and the provision of alternative access. Reference is made to Section 3.5 of the BC Place UCA; and
 - i) payment to the City of 75% of the total cost of a two-lane approach on Nelson Street between Pacific Boulevard and Expo Boulevard including the creation of a left-turn lane and any associated curb work and signal modifications including but not limited to, a left-turn traffic signal and any required upgrades to other traffic signal infrastructure at Nelson Street and Pacific Boulevard;
13. 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 includes but is not limited to junction boxes, switchgear (vista switches), and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely 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. In particular, the applicant will be required to confirm that the Smithe Street Extension as proposed with parking at the P2 level and the parkade entrance at the north end of the cul-de-sac adequately provides for the servicing needs for the Rezoning Site and for the adjacent site (10 Terry Fox Way). Early contact with the Utilities Management Branch is encouraged;
14. Execute a floodplain covenant for the Rezoning Site;

Sustainability

15. Execute appropriate agreement(s) for all buildings, to only utilize thermal energy for space heating and domestic hot water provided by a district heating system pursuant to an agreement which complies with condition #29 in section (b) of Appendix B - District Energy and once available connect to the energy system holding The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services as determined by the General Manager of Engineering Services for

the provision of all space heating and domestic hot water service;

Note to Applicant: On a case by case basis the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building may be approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the renewable district heating system; and, the agreement identified in this condition is also to provide for easements and access by the operator of the system to, and operation of, any district heating system components within the development.

16. Grant an option to purchase in favour of the City (with the right to assign the option to purchase to a utility operator) a minimum 93 m² suitable site to be utilized for energy system operations equipment which may include but is not limited to energy transfer stations, steam to hot water converter station, or a boiler equipment.

Note to applicant: The site is proposed to be within the Smithe Street parkade development parcel, or a location to the satisfaction of the General Manager of Engineering Services.

Soils

17. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of contaminants on:
 - (a) the Rezoning Site;
 - (b) any soils located within the Stadium Site disturbed by the development and construction of the project proposed for the Rezoning Site or if the Ministry of Environment requires any soils investigation or remediation of contaminants on or within the Stadium Site (the "Affected Stadium Soils");
 - (c) any additional lands not within the Rezoning Site which are dedicated or transferred to the City for roads, sidewalks, utility corridors or for public passage which are part of or related to the rezoning of the Rezoning Site, except for the portion of the Pacific Boulevard Dedication which is not within the Rezoning Site(the "Dedicated Lands"); and

- (d) if and to the extent so required by the Ministry of Environment or pursuant to any relevant Utility Design Agreement or Remediation Agreement all existing roads, street, sidewalks, lanes or other City property adjacent to or onto which Contaminants have migrated or could hereafter migrate from the Rezoning Site including the portion of the Pacific Boulevard Dedication not within the Rezoning Site (the "Existing Roads");

(The Rezoning Site, the Affected Stadium Soils, the Dedicated Lands, and the Existing Roads are collectively called the "UCA Development Site 10A Remediation Lands".)

all in accordance with the Pacific Place Equivalent Approach as defined in the BC Place Upgrade Commitment Agreement: (Refer to Sections 3.2, 3.6, 3.7, 5.8(a) and (b), 6.1(b) and 6.4(c) of the BC Place Upgrade Commitment Agreement (the "UCA"). Capitalized terms in sections 17 to 23 unless otherwise defined herein shall have the meaning set out in the UCA);

Note to Applicant: The Pacific Place Equivalent Approach means:

- (i) the Provincial Government's agreement to remediate or to conduct risk assessments and resultant risk management in respect of UCA Development Site 10A Remediation Lands on a basis equivalent to the approach applicable to the area in the City of Vancouver as previously developed or which is still to be developed by Concord and its affiliates (the "Pacific Place Approach"), which equivalent approach will require a Soils Agreement between the Provincial Government and PavCo (on terms substantively similar to the Soils Agreement between the Provincial Government and Concord for Pacific Place), a Provincial Guarantee and Indemnity Agreement between the Provincial Government and PavCo (on terms substantively similar to the Provincial Guarantee and Indemnity Agreement among Concord, the Provincial Government and British Columbia Enterprise Corporation), a Utility Design Agreement among the Provincial Government, PavCo and the City (on terms substantively similar to the Utility Design Agreements amongst the Provincial Government, Concord and the City for portions of Pacific Place) and a Remediation Agreement between the Provincial Government and the City (on terms substantively similar to the other remediation agreements for portions of Pacific Place) whereby the Provincial Government could elect to leave certain contamination within road areas, including the portions of the Rezoning Site being transferred

or dedicated to the City, the Dedicated Lands and Existing Roads, unless and until (and then only to the extent) remediation is required in connection with utility works ; or

- (ii) if the Provincial Government does not so agree to remediate the UCA Development Site 10A Remediation Lands, or any portion thereof, based on the above described equivalent to the Pacific Place Approach or to enter into any of the agreements described above, then such equivalent approach will apply to the UCA Development Site 10A Remediation Lands, or any portion thereof, as between the City and PavCo on the basis that PavCo will be substantively responsible for what would otherwise be the Provincial Government's responsibility in connection with the UCA Development Site 10A Remediation Lands and PavCo will covenant with the City to fulfill, perform and indemnify the City for what would otherwise be the Provincial Government's responsibility and obligations to Concord or the City, respectively, in accordance with the Pacific Place Approach, and such required agreements (as described in Section 14 (i) above) shall be entered into by PavCo and the City without including the Provincial Government;

18. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of the Rezoning Site, Dedicated Lands, and the Affected Stadium Soils and shall, prior to the occupancy of any new permanent buildings constructed pursuant to the Rezoning, provide confirmation that the Rezoning Site and Dedicated Lands and the Affected Stadium Soils are covered by Certificates of Compliance under the Environmental Management Act or Confirmations of Compliance under the Pacific Place Equivalent Approach and are the subject of a Utilities Design Agreement and a Remediation Agreement as herein described;
19. Obtain and submit to the City copies of all soil studies and the consequential remediation plans, approved by the Ministry of Environment (or any certified professional in accordance with the BC Environmental Management Act or regulation thereto), in respect of the UCA Development Site 10A Remediation Lands;
20. Enter into (or cause to be entered into by the Provincial Government) agreements satisfactory to the City Manager, providing for the remediation of any contaminated soils or groundwater on the UCA Development Site 10A Remediation Lands, (on terms substantively similar to the Remediation Agreements between the Provincial Government and the City and the Utility Design Agreements for Pacific Place), in

accordance with a remediation plan approved by the Ministry of Environment and acceptable to the City, including without limitation PavCo or the Provincial Government, as applicable, providing for the completion of remediation and executing an indemnity agreement satisfactory to the City Manager, which indemnifies the City and the Subdivision Approving Officer against all liability, damage or costs which may be incurred as a result of the presence of any contamination on the UCA Development Site 10A Remediation Lands, or any portion thereof;

21. Submit to the City a remediation plan(s) for the portions of the Rezoning Site being transferred or dedicated to the City, for the Dedicated Lands and for the Existing Roads (if any utilities are being installed therein), including utility construction plans compatible with the accepted remediation plan, and enter into such agreements deemed necessary by the General Manager of Engineering Services providing for the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and ground water flows, and other remedial works or systems if and as required by the Ministry of Environment or by the General Manager of Engineering Services (or any certified professional in accordance with the Environmental Management Act or the regulations thereto), including a Utility Design Agreement and Remediation Agreement in accordance with the Pacific Place Equivalent Approach, all to the satisfaction of the General Manager of Engineering Services and the City Manager;
22. Do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571(B) of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the City Manager;
23. Execute a Section 219 Covenant satisfactory to the City Manager, covenanting that there will be no occupancy of any new buildings or improvements on the Rezoning Site until Certificates of Compliance or Confirmations of Compliance, acceptable to the City, have been provided to the City by the Ministry of Environment for the Rezoning Site and Dedicated Lands respectively, and a Utilities Design Agreement and a Remediation Agreement have been entered into to the satisfaction of the General Manager of Engineering Services, in accordance with the Pacific Place Equivalent Approach, for the portions of the Rezoning Site being transferred or dedicated to the City, for the Dedicated Lands and for the Existing Roads;

Social Policy

24. Obtain amendments to the Social Responsibility Fund Agreement between Paragon Gaming (Paragon Holdings [Smithe Street] ULC) as the operator of the Edgewater Casino and the City to maintain the proportion of gaming revenue paid to the City annually at \$200,000 as a result of the relocated casino;
25. Execution of an Inner-City Local Employment and Procurement Agreement between the applicant, the operator of the Edgewater Casino, and the City for the construction and operation of the project on the Rezoning Site; and

Public Art

26. Execute an agreement for the provision of public art in accordance with the City's Public Art Policies and Guidelines, and provide development details to the satisfaction of the Public Art Program Manager.

Note to Applicant: To discuss your public art application and fulfillment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002.

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, or cash deposits, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if not otherwise specified in these conditions, 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 Council approve the relocation of the casino operated by Paragon Gaming (Paragon Holdings [Smithe Street] ULC) at the Plaza of Nations (750 Pacific Boulevard), known as the Edgewater Casino, to the Rezoning Site on the terms set out in the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)".

- C. THAT Council approve the relocation of the casino operated by Paragon Gaming (Paragon Holdings [Smithe Street] ULC) at the Plaza of Nations (750 Pacific Boulevard), known as the Edgewater Casino with 600 slot machines and 75 gaming tables and as a condition of approval, Paragon will make legal commitments, to the satisfaction of staff, to provide priority hiring for any workers displaced or laid off from Hasting Park Race Track as a result of closure or permanent downsizing of that operation; and implement, to the satisfaction of the City's legal department and the Vancouver Police Department, a system for the provision of the highest possible standards to protect against money laundering, fraud and other criminal activity based on an assessment of best practices in the gaming industry.
- D. THAT the application from PavCo to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) to the Sign By-law, generally as presented in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)" be approved.
- E. THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the Noise Control By-law following approval and enactment of the CD-1 By-law to include this CD-1 in Schedule A, generally as set out in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)".
- F. THAT the BCPED (BC Place/ Expo District) By-law be amended to delete sub-area 10 from the by-law, as set out in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)";

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the BCPED (BC Place/Expo District) By-law at the time of enactment of the CD-1 By-law.

- G. THAT Council approve in principle the proposal to stop-up, close and lease a volumetric portion of the Smithe Street Extension (to be dedicated as road) to the registered owner of the BC Place Site to accommodate the underground parking structure proposed to be within the Smithe Street Extension, and the Director of Real Estate Services be instructed to report back to Council on the terms of the lease;

FURTHER THAT the General Manager of Engineering Services be instructed to bring back to Council, prior to occupancy of the development, a report to seek Council approval to stop-up, close and lease this volumetric portion of the Smithe Street Extension.

- H. THAT A, B, C, D, E, F, and G above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.
- I. THAT if required the Director of Legal Services be instructed to prepare the necessary by-laws to amend the ODP at the time of enactment of the CD-1 by-law.
- J. THAT a moratorium shall be imposed on any and all applications to expand gambling and/or gaming venues in the City of Vancouver. Specifically that while the moratorium is in effect the City will not accept either of (1) applications to develop, use or operate a facility as a new gaming facility as described in section 18 (1) (a) of the Gaming Control Act or (2) applications to substantially change the extent of lottery schemes at existing gaming facilities under section 18 (1) (c) of the Gaming Control Act. This is not intended to affect applications to relocate an existing facility under section 18 (1) (b) of the Gaming Control Act, or applications to the City to change the mix of lottery schemes within existing facilities.

AND THAT this moratorium shall be in effect until such time as the Province of British Columbia, the British Columbia Lottery Corporation and/or their agents:

- (I) undertakes a comprehensive public consultation on the issue of expanded gambling in the City of Vancouver, and the results of this consultation are deliberated by Vancouver City Council; and
- (II) implements internationally recognized best practices in:
 - promotion of responsible gambling
 - prevention of problem gambling
 - treatment for problem gamblers
 - protection against money laundering, fraud and other criminal activity

CARRIED UNANIMOUSLY

(b) Text Amendment: False Creek North Official Development Plan Amendment

MOVED by Councillor Louie

THAT the application to amend the False Creek North Official Development Plan, By-law No. 6650, generally as presented in Appendix B of the Policy Report dated January 10, 2011, entitled "Amendments to the False Creek North Official Development Plan", be referred back to staff pending the receipt of information from BC Pavilion Corporation in regard to their plans for proceeding with the application for 777 Pacific Boulevard, in light of Council's earlier decision on that application.

CARRIED

(Councillor Anton opposed)

(c) Rezoning: 10 Terry Fox Way (Concord Area 5b East)

MOVED by Councillor Louie

- A. THAT the application by IBI Group, on behalf of One West Holdings Ltd. ("Concord") to rezone a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288, False Creek, Plan BCP1977) which portion is shown in heavy bold outline in Map 1, generally as presented in Appendix D, to the Policy Report, "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)", dated January 4, 2011, from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of two residential towers with two floors of commercial development, generally as presented in Appendix A of the above-noted Policy Report, be approved subject to the following conditions:

PROPOSED 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 City Planning Department, August 9, 2010, 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 or the Development Permit Board, as the case may be, who shall have particular regard to the following:

Design Development

1. Provide verification of compliance with height limit set by Cambie Bridge View Corridor (View E1);

2. design development to strengthen the project's architecture to reflect the site's unique bridgehead location as well as more appropriately incorporating Green Building exterior materials and techniques;
3. design development to enhance the Public Realm treatment on all frontages including:
 - a) Pacific Boulevard, taking into account the future streetcar stop and pedestrian amenity in the proposed plaza;
 - b) Smithe Street from Pacific Boulevard to Expo Boulevard, with particular emphasis to creating a special sense of place in the plaza area between the turnaround and Expo Boulevard;
 - c) Cambie Bridge edge, creating an attractive pedestrian link from Expo to Pacific Boulevard, with active building frontages and landscape (Note: incorporation of a designated bicycle route to the False Creek Bike Route should be pursued);
 - d) Underbridge area, integrating with the expected pedestrian linkage through the future Concord Area 5b West development;
4. design development to internalize the loading and parkade access in order to enhance pedestrian function and character of the plaza area west of the Smithe Street vehicular turnaround;
5. design development to potentially increase the amount of commercial floor area in the podium of the project;
6. Design development to the Smithe Street/Expo Boulevard plaza to create a more meaningful dynamic public space;

Note to Applicant: A rethink of this space is needed taking into account its generous sun access, movement patterns, evolving design direction of Area 5b East Public Realm and how this space can positively engage the Cambie Bridge edge, as well as the comments of the Urban Design Panel.

7. 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 with reference to

specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged.

8. design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for:
 - a) design of the under-bridge area to reduce opportunities for mischief and vandalism,
 - b) ensuring that all pathways are clearly defined with defensible design,
 - c) reducing opportunities for graffiti and skateboarding, except where the latter may be intentionally accommodated,
 - d) providing full secure separation for residential uses and parking, and
 - e) mischief, such as graffiti;

Landscape Review

9. Provide a full Landscape Plan to be submitted. 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;
10. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbours and trellises, posts and walls and water features. Planter section details must confirm depth of proposed planting on structures;
11. A high-efficiency irrigation system to be provided on all planted rooftops, in all landscape common areas and hose bibs in patio areas as needed (illustrated on the Landscape Plan);
12. All proposed trees in the Smithe Street plaza are to be planted at grade, not in raised planters;

Note to applicant: This can be achieved if adequate soil depth is provided between the upper slab of the parkade and the plaza surface. A continuous trench measuring a minimum of 1.5 meters wide and 1 meter deep is required for trees planted on slab.

13. New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604 871-6131) of Engineering Services, Streets Division regarding street tree spacing and quantity. Contact Amit Gandha (604-257-8587) of Park Board regarding tree species;
14. A Landscape Lighting Plan to be provided for security purposes;

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.
15. Large scale sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street;

Note to applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.
16. Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm;

Sustainability

17. An approach to Sustainable Site Design shall be taken and, where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, incorporate urban agricultural opportunities, and replicate natural systems where feasible;
18. Provide a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;
19. Provide a Sustainable Rainwater Management plan that utilizes sustainable strategies to allow for infiltration, retention,

treatment and utilization of rainwater where applicable and appropriate on site;

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan.

20. Provide a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex;

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

District Energy

21. The building(s) shall connect to the district heating system approved by the General Manager of Engineering Services to service new development in Northeast False Creek for provision of all building heating and domestic hot water service; except where the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the district heating system;

Note to Applicant: Unless and until Central Heat or an alternate energy supplier is the holder of The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services, the Applicant will be prohibited from entering into any energy supply contract (other than for electricity, or natural gas required for processes not including space heating and domestic hot water provision) that does not give the Applicant and all future owners of the property the right to cancel such contract in whole or in part without cause or liability upon the occurrence of the Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services containing performance criteria for the Maximum Carbon Intensity of Delivered Heat and in any event no such energy supply contract will be entered into without the prior written approval of the General Manager of Engineering Services.

The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services shall be to the satisfaction of the GMES and described in the legal agreement regarding Sustainability required as a condition of by-law enactment. Maximum Carbon Intensity of Delivered Heat means that maximum amount of Co_{2e} produced through the provision of space heating and hot water service as described in The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services, and referenced in the legal agreement regarding Sustainability required as a condition of by-law enactment.

Additional Note to Applicant: The City of Vancouver will, by December 31, 2011, advise the Applicant as to the name of the party that is the holder, or the name of the party that is reasonably likely (in the opinion of the General Manager of Engineering Services) to be the holder, of the City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services. If the City of Vancouver fulfills the foregoing requirement, then the Applicant will be required, in accordance with the above condition, to connect to the district heating system of the Retail Franchise holder. Knowing the name of the Retail Franchise holder will assist the Applicant to gain information regarding detailed design of the interface of in-building mechanical systems with the district energy system, and provide the Applicant lead-time to enter into energy supply contracts with such holder in advance of heat delivery being required to the Applicant's buildings. If the City of Vancouver does not advise the Applicant by December 31, 2011 of the name of the party that is the Retail Franchise holder or the name of the party that is reasonably likely to be the Retail Franchise holder, the Applicant will be free to enter into energy supply contracts with an alternate district energy service provider.

22. The building design is to include adequate space and designs to support connection to the district energy system approved by the General Manager of Engineering Services;

Note to applicant: At the building permit stage the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions, sleeve details, and servicing needs. Provide suitable space for the installation of the district energy system equipment, with adequate provision for connection to outside district energy system distribution piping and communications conduit. District energy equipment may include but is not limited to energy

transfer stations (ETS), a steam to hot water converter station, or boiler equipment. The developer shall make available use of sewer and potable water piping. The space provided for district energy system equipment shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15oC. As required, the developer must provide dedicated electrical services required to service the district energy system equipment, to the satisfaction of the General Manager of Engineering Services.

23. Space heating and ventilation make-up air shall be provided by hydronic systems, without electric resistance heat, distributed heat generating equipment gas fired make-up air heaters, etc.;

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of electric resistance heaters, or other distributed heat generating equipment to heat difficult to access parts the complex such as remote mechanical rooms or crawlspaces.

24. Design development to the mechanical heating and domestic hot water systems to ensure a minimum supply temperature of 65 degrees Celsius and maximum return temperature of 50 degrees Celsius in order to facilitate district heating service;

25. No natural gas fireplaces are to be installed within building suites;

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of natural gas fireplaces for ornamental purposes. A letter from a Professional Engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for Building Permit to state that the fireplaces installed are not heat producing.

Engineering

26. Provision of a current topographical site survey, prepared by a registered British Columbia Land Surveyor clearly showing the Cambie Street Bridge drip line and the proposed 3.0 metre offset from the drip line to the proposed property lines;
27. Clarify the location of the ultimate property line along Pacific Boulevard and ensure that no structures encroach onto proposed City road. Contact the Land Survey Branch for geometrics. Note: current geometrics have been sent to the developer's surveyor;

28. Remove portions of building that encroach onto proposed road dedication;
29. Design Development to conform to the Engineering Parking and Loading Design Supplement;

Planning

30. Provide text to be included in the disclosure statement for the development indicating that the area is an event district and event-related noise can be anticipated;
31. Provide a report prepared by professionals in acoustic and mechanical engineering that demonstrates how using noise isolation design strategies and passive and/or mechanical cooling, the building will meet the following performance criteria:
 - a) mitigate event noise to achieve noise levels between 40 dBC and 50 dBC within the units during event periods; and
 - b) ensure summertime internal thermal comfort levels in line with ASHRAE 90.1 V. 2007 (with windows closed).
32. Design development of the façades to achieve noise mitigation that is, with a reasonable degree of certainty as determined by the Director of Planning, within the Council-approved performance target of 40 to 50 dBC.
33. Pursue passive design strategies (such as solar shading and building façade design, and as further described in the Passive Design Toolkit - Best Practices, City of Vancouver, November 2008) and provide operable windows (for use during non-event periods) to reduce the energy use.

Note to Applicant: Residential units may be air conditioned in cases where a thermal comfort study shows that a comfortable temperature cannot be maintained during warmer months with the windows shut, and where all available passive design measures have been employed. This will ensure that residents can enjoy a reasonable degree of quiet during the warmer months when there will be more events. The thermal comfort study should incorporate the consideration of options that emphasize passive design strategies and mechanical ventilation, with no air conditioning and options that incorporate air conditioning. Air conditioning should only be pursued when it is proven that reliance on passive design strategies and mechanical ventilation will not result in comfortable interior temperatures with the window shut during the warmer months.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the applicant 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, the Manager of Sustainability, the Director of Real Estate Services, the Director of Cultural Services and the Approving Officer as necessary, make arrangements for the following:

Note: For the purpose of clarity, Nelson Street will be considered a north-south street while Pacific Boulevard and Expo Boulevard will be considered east-west streets.

1. Subdivision of Lot 288 to create a separate legal parcel for the Subject Site;
2. Dedication as road of the area under the Cambie Bridge and off ramp, to an extent 3 metres westerly of the westerly bridge drip-line and to an extent 3 metres easterly of the easterly bridge drip-line, south of Expo Boulevard and north of Pacific Boulevard;

Note to Applicant: A statutory right of way in favour of the City over all or a portion of the area 3 metres westerly of the westerly bridge drip-line and all or a portion of the area 3 metres easterly of the easterly bridge drip-line may be acceptable in order to reduce the dedication area. This condition may be satisfied if the area is dedicated as part of the Area 5B West rezoning application.

3. Dedication as road of the wedge shaped portion of Lot 288 north of Pacific Boulevard and east of the Cambie Street Bridge for the proposed Downtown Street Car route (Pacific Boulevard extension) widening;

Note to Applicant: A statutory right of way (which may be volumetric), over a portion of the area, in favour of the City, for transit and road purposes, to accommodate the above noted future Downtown Street Car route may be acceptable in order to reduce the dedication area subject to the review of the required street car infrastructure. The resultant dedication area is to be clear of all structures.

4. Registration of a Bridge Proximity Agreement over the whole of the Subject Site;

5. All legal notations, non-financial charges, liens and interests registered on title to the lands which may affect this application must be evaluated to determine whether they impact on the proposed development. The applicant's lawyer must submit to the City a title summary containing the following information:
 - a) copy of the Land Title Office search for all lots involved in the application;
 - b) a summary of the contents of each notation, non-financial charge, lien or interest on title containing a general description of the issues address by the document. The summary must also provide the lawyer's opinion as to whether the notation, charge, lien or interest will impact on the rezoning of the Subject Site and if so, how; and
 - c) a copy of any of the notations, non-financial charges, liens or interests which may impact the rezoning of Subject Site;

Note to Applicant: The letter enclosing the title summary must be addressed to the City of Vancouver.

6. Provision of a surface Statutory Right of Way in favour of the City for road purposes to accommodate the cul-de-sac and sidewalk adjacent to the Smithe Street extension, i.e., that area not within the 66 foot dedicated area all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
7. Provision of a surface Statutory Right of Way to replace the Cambie Bridge Pedestrian Ramp SRW R92182-184 in favour of the City, for public access including wheelchair access over the proposed walkway, ramp and steps to connect the Cambie Bridge pedestrian sidewalk with the Smithe Street extension;
8. 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 includes but is not limited to junction boxes, switch gear (vista switches) and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely on secondary voltage from existing overhead electrical network on 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;
9. Execute a Floodplain Covenant for the Subject Site;

10. Provide a Statutory Right of Way over the following areas to provide for public access:
 - a) plaza area located adjacent to Pacific Boulevard;
 - b) setback area along the west side of the Subject Site linking Expo Boulevard to Pacific Boulevard adjacent to the Cambie Street Bridge;
 - c) pedestrian passage way from underbridge area beneath the proposed building on the Subject Site to Pacific Boulevard-fronting plaza;

11. Execute a modification to the existing Stadium Parking Agreement to require 100 built stalls on the Subject Site and 48 pay-in-lieu parking stalls linked to the Area 5b West site and 100 built and 49 pay-in-lieu parking stalls linked to the Area 5b East site, all to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Should the rezoning for the PavCo Rezoning Site proceed to enactment prior to enactment of the rezoning of the Subject Site, the built stalls will be fulfilled as part of the PavCo rezoning

12. Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Subject Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. Without limiting the discretion of the General Manager of Engineering Services and the Director of Legal Services, this agreement shall include provisions that:
 - a) no Development Permit in respect of any improvements to be constructed on the Subject Site pursuant to this rezoning will be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services;
 - b) the design of all Services will be completed to the satisfaction of the General Manager of Engineering Services prior to;
 - c) tendering for the construction of any of the Services; or
 - d) any construction of the Services if the Owner decides not to tender the construction;
 - e) no occupancy of any building or improvements constructed pursuant to the rezoning will be permitted until all the

- Services are completed to the satisfaction of the General Manager of Engineering Services; and
- f) in addition to standard utilities and utility extensions, necessary services will include:
- i) the design and installation of all storm, sanitary and water systems as required by the development,
 - ii) removal of the above-grade Cambie Bridge pedestrian connection between the BC Place Stadium concourse and the Cambie Street Bridge and the provision of alternative access,
 - iii) design and construction of public realm improvements to the under bridge area linking Expo Boulevard to Pacific Boulevard under the Cambie Bridge to a similar design treatment to that of under the Cambie Bridge between Pacific Boulevard and Cooperage Way,
 - iv) design and construction of an off-street bicycle and pedestrian route from Smithe Street and Expo Boulevard, adjacent to and under the Cambie Bridge, to the Seaside Route, and
 - v) payment to the City of 25% of the total cost of a two lane approach on Nelson Street between Pacific Boulevard and Expo Boulevard including the creation of a left-turn lane and any associated curb work and signal modifications including but not limited to a left-turn signal and any required signal upgrades to other traffic signal infrastructure at Nelson Street and Pacific Boulevard.

Should this rezoning proceed to construction prior to the enactment of the rezoning of the PAVCO Rezoning Site, the following will also be included in a Services Agreement:

- g) the design and installation of a new watermain in the proposed Smithe Street extension from Expo Boulevard to Pacific Boulevard;
- h) the design and construction of the Smithe Street extension, the proposed SRW area outside of the portion of the 66 foot wide Smithe Street to be dedicated, and the portions of Expo Boulevard and Pacific Boulevard adjacent to the Subject Site, all in keeping with the required public realm plans or streetscapes plans or guidelines issued or required by the City;
- i) the design and construction of the proposed plaza area between Expo Boulevard and the Smithe Street cul-de-sac;
- j) provision of a full traffic signal at Smithe Street and Pacific Boulevard to replace the existing pedestrian signal

including any required upgrades to other traffic signal infrastructure;

- k) Any required modifications to the Smithe Street and Pacific Boulevard intersection to ensure that vehicular traffic exiting the development cannot travel south across Pacific Boulevard to Cooperage Way and that vehicular traffic from Cooperage Way cannot travel north across Pacific Boulevard to the Smithe Street extension;

Note to applicant: Full access must be provided for bicycles and pedestrians through this intersection.

- 13. Should this rezoning proceed to enactment prior to enactment of the rezoning of the PAVCO Rezoning Site, the applicant will make arrangements for the following:

- a) Dedication as road of that portion of Lot 288 being that 66 foot (20.117 metre) wide extension of Smithe Street between Expo Boulevard and Pacific Boulevard);
- b) Dedication as road or transfer to the City of all that portion of Lot 288 lying easterly of the easterly limit of the 66 feet wide Smithe Street extension (i.e. the dedication includes the portion of Lot 288 between the Smithe Street extension and Terry Fox Way);

Confirmations of Compliance in respect of these areas must be provided by the Ministry of Environment prior to the completion and transfer of these areas to the City;

Soils Remediation

- 14. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of contaminants on the Subject Site, including all lands within the rezoning site that are to be dedicated or transferred to the City, all in accordance with the Pacific Place Approach, including entering into of a Utility Design Agreement and such remediation agreements consistent with the Pacific Place Approach;

Note to Applicant: The Pacific Place Approach means the Provincial Government's agreement to remediate or conduct risk assessments and resultant risk management in respect of the Rezoning all on the same basis as the approach in respect of the lands within Concord Pacific Place that have been previously developed by Concord Pacific Group Inc. or its affiliates, which includes without limitation a Soils Agreement between the Provincial Government and Concord for Pacific Place, a Provincial Guarantee and Indemnity Agreement among the

Provincial Government, Concord and British Columbia Enterprise Corporation, a Utility Design Agreement among the Provincial Government, Concord and the City and a Remediation Agreement between the Provincial Government and the City.

15. Obtain and submit to the City copies of all soil studies and the consequential remediation plan(s), approved by the Ministry of Environment for the Subject Site. Enter into or cause to be entered into by the Province agreements, satisfactory to the City Manager, all in accordance with the Pacific Place Approach, providing for the remediation of any contaminants on the Subject Site, in accordance with a remediation plan approved by the Province and acceptable to the City, providing security satisfactory to the City Manager for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminants on the Subject Site;
16. Submit to the City a remediation plan for all newly dedicated streets and other lands, utility rights-of-way required to serve the subject site, including providing utility construction plans compatible with the accepted Remediation Plan(s). Enter into or cause to be entered into by the Province any agreements deemed necessary by the General Manager of Engineering Services providing for the remediation of contaminants on the Subject Site, the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and ground water flows, and other remedial works or systems, all to the satisfaction of the General Manager of Engineering Services and the City Manager, including a Utility Design Agreement and Remediation Agreement consistent with the Pacific Place Approach;
17. Execute an Indemnity Agreement, satisfactory to the City Manager, providing for security, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminants on the Subject Site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues Confirmations of Compliance, in substantially the form appended to the Certificate of Remedial Process issued by the Province (as then represented by the Ministry of Environment) on September 7, 1990, certifying that the Subject Site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in the Confirmations of Compliance;

18. Execute a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the Subject Site constructed pursuant to this rezoning, until Confirmations of Compliance have been provided to the City by the Ministry of Environment for the Subject Site and a Utility Design Agreement and a Remediation Agreement has been entered into by the Province with the City, in accordance with the Pacific Place Approach, on terms satisfactory to the General Manager of Engineering Services and the City Manager;
19. Do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of section 571B of the Vancouver Charter;

Planning

20. Execute an Inner-City Local Employment and Procurement Agreement between the applicant and the City for the construction of the project on the Subject Site;
21. The necessary amendments to the False Creek North Official Development Plan to permit the rezoning of the Subject Site must be enacted by Council prior to enactment of the rezoning by-law for the subject site.

Community Amenity Contribution (CAC)

22. Pay the Community Amenity Contribution of \$6,000,000 which the developer has offered to the City; the CAC shall be paid to the City prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

Public Art

23. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided); Note to Applicant: To discuss your public art application and fulfillment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002.

Sustainability

24. Execute appropriate agreement(s) for all buildings, to only utilize thermal energy for space heating and domestic hot water provided by a district heating system pursuant to a contract which complies with Design Condition #23 - District Energy and once available connect to the energy system holding The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services as determined by the GMES for the provision of all space heating and domestic hot water service;

Note to Applicant: On a case by case basis the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building may be approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the renewable district heating system; and, the agreement identified in this condition is also to provide for easements and access by the operator of the system to, and operation of, any district heating system components within the development.

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 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 will 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 form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if not otherwise specified in these conditions, if any, will be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT the application to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) to the Sign By-law, generally as presented in Appendix C, to the Policy Report, "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)", dated January 4, 2011, be approved.

- C. THAT the 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 include this CD-1 in Schedule B, generally as set out in Appendix C, to the Policy Report, "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)", dated January 4, 2011.
- D. THAT A, B and C above be adopted on the following conditions:
- (i) THAT pending agreement of both parties (BC Pavilion Corporation and Concord), the FCN ODP is amended prior to the enactment of the CD-1 By-law to allow the transfer of residential and commercial use and density between Areas 10 and 5b East;
 - (ii) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (iii) THAT any appeal that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iv) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote)

**2. Text Amendment and Related Policies: HA-1 and HA-1A Districts Schedule
(Chinatown Historic Area)**

After the conclusion of the Public Hearing on April 14, 2011 (reconvened from March 17, April 5, 7 and 12, 2011), on the above-noted matter, Council referred discussion and decision to the Regular Council meeting on April 19, 2011, as Unfinished Business.

MOVED by Councillor Louie

- A. THAT the Rezoning Policy for Chinatown South (HA-1A), generally as outlined in Appendix A of the memorandum from the Director of Planning dated February 14, 2011, entitled "Historic Area Height Review - Chinatown Related Items for Public Hearing", and as amended in Appendix A of the memorandum dated April 4, 2011, from the Director of Planning, entitled "Recommended Amendments to the Urban Design Provisions in the 'Rezoning Policy for

Chinatown South (HA-1A)' and to Support Activation of Lanes in the Chinatown Design Guidelines" be adopted.

- B. THAT the application to amend the HA-1 and HA-1A Districts Schedule of the Zoning and Development By-law, to bring forward zoning changes generally as presented in Appendix B of the Policy Report dated December 17, 2010, entitled "Historic Area Height Review: Policy Implementation", be approved.
- C. THAT, subject to approval of the by-law amendments, Council approve the revised Chinatown HA-1 Design Guidelines and the Chinatown South HA-1A Design Guidelines, generally as outlined in Appendix C and D respectively of the Policy Report dated December 17, 2010, entitled "Historic Area Height Review: Policy Implementation", and as amended in the Memorandum dated April 4, 2011, from the Director of Planning, entitled "Recommended Amendments to the Urban Design Provisions in the 'Rezoning Policy for Chinatown South (HA-1A)' and to Support Activation of Lanes in the Chinatown Design Guidelines" as shown below:

THAT the following provision to Section 4.6 - Lanes be added to both the Chinatown HA-1 Design Guidelines and the Chinatown HA-1A Design Guidelines:

Lane Activation: Buildings should contribute positively to the lane environment at grade, and include active lane-side uses, where appropriate. Pedestrian-oriented uses, such as retail and similar commercial uses, are strongly encouraged. Also see Section 5.3.3 regarding lane facade design.

FURTHER THAT staff be directed to review and report back on ways to better facilitate lane activation, including finding alternative solutions to some of the regulatory challenges.

- D. THAT the Transfer of Density Policy and Procedure be amended as generally outlined in Appendix E of the Policy Report dated December 17, 2010, entitled "Historic Area Height Review: Policy Implementation", in order to support the revitalization of Chinatown.
- E. THAT the Vancouver Chinatown Revitalization Committee's statement regarding development charges in Chinatown, as well as support letters from other community groups, as attached in Appendix G of the Policy Report dated December 17, 2010, entitled "Historic Area Height Review: Policy Implementation", be received for information.
- F. THAT, in anticipation of development of a district energy system that could serve the Historic Area, new developments in Chinatown (HA-1 and HA-1A) be required to include a hydronic heating system in order to easily connect to a district energy system when one becomes available.

FURTHER THAT, staff be directed to update the Rezoning Policy for Chinatown South (HA-1A), the Chinatown HA-1 Design Guidelines and Chinatown South HA-1A Design Guidelines to include provisions for inclusion of a hydronic heating system in new developments.

- G. THAT despite these design guideline amendments, that additional flexibility be granted when development applications include affordable housing.
- H. THAT, in order to further encourage and support the development of small frontage lots in Chinatown, staff be directed to update the HA-1 and HA-1A Design Guidelines, under Section 4 - Guidelines Pertaining to Scale and Form of Development - under 4.1.1 to add the following:

In order to facilitate the development of small frontage lots (75 feet or less), flexibility will be considered in the application of these guidelines, while ensuring that new development is consistent with the intent of these guidelines.

FURTHER THAT staff be directed to continue working with the Chief Building Official, City Engineer and other departments as required to examine ways to support and facilitate the redevelopment of small frontage lots (75 ft. or less) in Chinatown.

carried

AMENDMENT moved by Councillor Anton

THAT the motion be amended to remove the extra Urban Design Provisions put forward in Appendix A of the memorandum dated April 4, 2011, from the Director of Planning.

LOST

(Councillors Cadman, Chow, Deal, Jang, Louie, Meggs, Reimer, Stevenson, Woodsworth and the Mayor opposed)

The amendment having lost, the motion was put and CARRIED with Councillors Cadman and Woodsworth opposed.

ADMINISTRATIVE REPORTS

1. **Vehicles for Hire By-law Amendments for Temporary Taxi Licenses
March 31, 2011**

- A. THAT Council approve an amendment to the Vehicles for Hire By-Law to exclude taxicabs operating under a temporary permit issued by the Passenger Transportation Board from the maximum number of permanent taxi licenses specified in the By-law.

- B. THAT Council approve an amendment to the Vehicles for Hire By-law to exclude vehicles for hire operating under a temporary permit issued by the Passenger Transportation Board from the calendar year license term applied to all licenses issued under the By-Law.
- C. THAT Council approve an amendment to the Vehicles for Hire By-Law to establish an annual license fee of \$256 for taxicabs operating under a temporary permit issued by the Passenger Transportation Board.
- D. THAT Council instruct the Director of Legal Services to bring forward a by-law to amend the Vehicles for Hire by-Law, generally in accordance with Appendix A of the Administrative Report dated March 31, 2011, entitled "Vehicles for Hire By-law Amendments for Temporary Taxi Licenses".

ADOPTED ON CONSENT

**2. Estimate of the Policing Cost for the 2011 Stanley Cup Playoffs
March 22, 2011**

THAT the Administrative Report dated March 22, 2011, entitled "Estimate of the Policing Cost for the 2011 Stanley Cup Playoffs" be received for information.

ADOPTED ON CONSENT

**3. Grant Request - Streetohome Foundation
April 6, 2011**

THAT Council approve a grant of \$125,000 to Streetohome Foundation for 2011 with the source of funds to be the Affordable Housing Reserve.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**4. Lease of City-owned property at 900 Pacific Street to Family Services of Greater
Vancouver (Directions Youth Services Centre)
March 22, 2011**

MOVED by Councillor Anton

- A. THAT Council authorize the Director of Real Estate Services to enter into a lease with Family Services of Greater Vancouver for City-owned property at 900 Pacific Street, legally described as a portion of Lot 32, Block 120, District Lot 541, Plan 210, New Westminster District, PID: 002-559-579 and Lots 33 and 34, Block 120, District Lot 541, Plan 210 New Westminster District, PID: 002-559-

501 and PID: 002-559-510, as shown heavily outlined on Appendix A, subject to the following general terms and conditions:

- Term: Three (3) years, commencing May 1, 2011
- Rent: Nominal. One (\$1.00) dollar per year,
(inclusive of Property Taxes) plus applicable HST
- Use: Social Service Centre
- Other Terms and Conditions: The lease is to be provided on the City's Standard Commercial Lease and upon such terms and conditions satisfactory to the Directors of Real Estate and Legal Services.
- Tenant to be responsible for all building improvement costs associated with establishment of the intended use, including, but not limited to, all plumbing, structural, electrical and mechanical upgrades.
- Tenant to be responsible for all operating, repair and maintenance costs during the lease term.
- No legal rights or obligation is hereby created and none shall arise until the lease document is fully executed by both parties.

B. THAT Council approve waiving payment in lieu of Property Taxes.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillors Chow, Meggs and Reimer absent for the vote)

**5. Option to Purchase 639 Commercial Drive (York Theatre) and Lease of 639 Commercial Drive to the Vancouver East Cultural Centre
March 25, 2011**

This matter was referred to the Standing Committee on City Services and Budgets meeting on Thursday, April 21, 2011, in order to hear from people who had requested to speak.

POLICY REPORTS

1. **CD-1 Rezoning and Heritage Revitalization Agreement at 639 Commercial Drive (York Theatre)**
April 5, 2011

This matter was referred to the Regular Council meeting which immediately follows the Standing Committee on City Services and Budgets meeting to be held on Thursday, April 21, 2011.

2. **CD-1 Rezoning: 104-150 East 1st Avenue**
April 1, 2011

- A. THAT the application by Cressey Quebec Street Holdings Ltd. to rezone 104-150 East 1st Avenue Lots 1,2,3, all of Block 7, DL 200A, Plan 197(PID: 015-531-597, 015-531-619, 015-531-635) and Lots 4,5,6, all of Block 7 DL 200A Plan 17529 (PID: 007-273-002, 007-273-011, 007-273-029) from M-2 Industrial to CD-1 (Comprehensive Development District) to permit a 12 storey residential building and a 6-storey residential building with a total floor area of 11,792 m² (126,928 sq. ft.), be referred to a public hearing, together with:

- (i) plans prepared by Rafii Architects Inc. received July 30, 2010, presented in Appendix F of the Policy Report dated April 1, 2011, entitled "CD-1 Rezoning: 104-150 East 1st Avenue";
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the same Policy Report; and
- (iii) the recommendation of the Director Planning to approve the application, subject to conditions contained in Appendix B of the same Policy Report;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A of the same Policy Report for consideration at the Public Hearing.

- B. THAT, subject to approval of the rezoning, the Noise Control By law be amended to include this CD-1 in Schedule B as set out in Appendix C of the Policy Report dated April 1, 2011, entitled "CD-1 Rezoning: 104-150 East 1st Avenue";

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 by-law.

- C. THAT A and B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City;

- any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

ADOPTED ON CONSENT

3. CD-1 Text Amendment: 99 West 2nd Avenue
April 5, 2011

- A. THAT the application, by Pinnacle International to amend CD-1 (464) (By-law No. 9600) for 99 West 2nd Avenue, to allow an increase in the maximum height permitted in sub area 2 from 35.63 m to 41.2 m and a 1 962 m² increase in the maximum permitted floor area in sub-area 2, be referred to a Public Hearing, together with:
- (i) plans prepared by Bingham Hill Architects received August 30, 2010;
 - (ii) draft CD-1 By-law amendments, generally as presented in Appendix A of the Policy Report dated April 5, 2011, entitled "CD-1 Text Amendment: 99 West 2nd Avenue"; and
 - (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B of the same Policy Report;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law generally in accordance with Appendix A of the same Policy Report for consideration at Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, consequential amendments to the Southeast False Creek Official Development Plan to increase the floor area limits for maximum total floor area and for maximum residential floor area for the whole of the Southeast False Creek area and for Area 2B, as set out in Appendix C of the Policy Report dated April 5, 2011, entitled "CD-1 Text Amendment: 99 West 2nd Avenue", be referred to the same Public Hearing, together with the recommendation of the Director of Planning to approve;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law generally in accordance with Appendix C of the same Policy Report for consideration at Public Hearing.

- C. THAT A and B above be adopted on the following conditions:
- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law to amend By-law CD-1 (464) and that any costs incurred in fulfilling requirements imposed as a condition of amending By law CD-1 (464) are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

ADOPTED ON CONSENT

**4. By-law Amendments for Passive Design
March 31, 2011**

THAT the Director of Planning initiate amendments to help implement passive design approaches to make it easier to build and renovate using energy conservation strategies in Vancouver. Passive design is building design that responds to local climate and site conditions in order to maximize building occupants' health and comfort while minimizing energy consumption. The proposed approaches allow for thicker walls, increased overhangs, accommodation of bay windows, green walls and natural ventilation by making application to amend:

- the Zoning and Development By-law;
- the First Shaughnessy Official Development Plan By-law;
- the Downtown District Official Development Plan By-law;
- the Downtown Eastside Oppenheimer Official Development Plan By-law; and
- the Southeast Granville Slopes Official Development Plan By-law;

generally in accordance with Appendix B of the Policy Report dated March 31, 2011, entitled "By-law Amendments for Passive Design", to help implement passive design approaches and that the application be referred to a Public Hearing together with:

- (i) draft by-law provisions, generally as contained in Appendix B of the same Policy Report; and
- (ii) the recommendation of the Director of Planning to approve;

FURTHER THAT THE Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendix B of the same Policy Report, for consideration at the Public Hearing.

ADOPTED ON CONSENT

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillors Chow, Meggs and Reimer absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Cadman

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY
(Councillors Chow, Meggs and Reimer absent for the vote)

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1, 2, 3, 6 and 7 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillors Chow, Meggs and Reimer absent for the vote)

* * * * *

Councillor Louie rose and advised he had received a report of the Public Hearing in regard to By-law No. 5 and he would therefore be voting on the By-law.

* * * * *

NOTE FROM MEETING COORDINATOR: The following motion took place after consideration of Administrative Motions and Motions on Notice.

* * * * *

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 4 and 5 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Meggs absent for the vote)

1. A By-law to amend Sign By-law No. 6510 (215 West 2nd Avenue)
(By-law No. 10245)
2. A By-law to amend Noise Control By-law No. 6555 (215 West 2nd Avenue)
(By-law No. 10246)
3. A By-law to amend Subdivision By-law No. 5208 (6511 Granville Street)
(By-law No. 10247)
4. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1304 Hornby Street) (By-law No. 10248)
(Councillors Chow and Deal ineligible for the vote)
5. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1304 Howe Street) (By-law No. 10249)
(Councillors Jang, Meggs, Reimer, Woodsworth and the Mayor ineligible for the vote)
6. A By-law to amend Development Permit Board and Advisory Panel By-law No. 5869 regarding miscellaneous text amendments (By-law No. 10250)
7. A By-law to amend Vehicles for Hire By-law No. 6066 regarding temporary taxi licences (By-law No. 10251)

MOTIONS

A. Administrative Motions

1. Establishing Road on the east side of Knight Street, between 57th Avenue and 58th Avenue, adjacent to 1404 East 57th Avenue, for a widening strip for the installation of left turn bays on Knight Street at 57th Avenue and 54th to 57th Avenue Safety Improvements

MOVED by Councillor Woodsworth

SECONDED by Councillor Cadman

THAT WHEREAS the registered owner will be conveying to the City of Vancouver for road purposes lands in the City of Vancouver, Province of British Columbia, more particularly known and described as follows:

All that portion of Lot G, Except: That part on Plan LMP33540 of Lot 1, Block 22, District Lot 200, Group 1, New Westminster District, Plan 11699 as shown heavy outlined on plan of survey completed March 17, 2011, attested to by James E. Gregson, B.C.L.S. and marginally numbered LD5087, a print of which is attached hereto.

AND WHEREAS it is deemed expedient and in the public interest to accept and allocate the said lands for road purposes.

BE IT RESOLVED that the above described lands to be conveyed are hereby accepted and allocated for road purposes and declared to form and to constitute a portion of a road.

CARRIED UNANIMOUSLY

(Councillors Chow and Meggs absent for the vote)

B. Motions on Notice

1. Union of British Columbia Municipalities (UBCM) Executive Board

MOVED by Councillor Deal
SECONDED by Councillor Jang

WHEREAS Councillor Tim Stevenson is Vancouver's current voting member of the Union of British Columbia Municipalities Executive Board.

THEREFORE BE IT RESOLVED THAT all travel expenses incurred by Councillor Tim Stevenson for attending the meetings of the UBCM Executive Board be authorized for as long as he retains his appointment.

CARRIED UNANIMOUSLY
(Councillors Chow and Meggs absent for the vote)

The Council adjourned at 5:30 pm

* * * * *