



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
JANUARY 29, 2004

A Special Meeting of the Council of the City of Vancouver was held on Thursday, January 29, 2004, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law, to designate heritage property and enter into Heritage Revitalization Agreements.

PRESENT: Deputy Mayor Tim Louis
*Councillor Fred Bass
Councillor David Cadman
*Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Anne Roberts
*Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Mayor Larry Campbell (Leave of Absence)
Councillor Tim Stevenson (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Louis in the Chair, to consider proposed amendments to the Zoning and Development By-law, to designate heritage property and enter into Heritage Revitalization Agreements.

CARRIED UNANIMOUSLY

1. Text Amendment: C-2 District Schedule

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

Summary: The proposed text amendment would correct an error in the recently enacted C-2 District Schedule.

The Director of Current Planning recommended approval.

Staff Opening Comments

Dave Thomsett, Senior Planner, Rezoning Centre, was present to respond to questions.

Summary of Correspondence

Council received no correspondence since referral to Public Hearing:

Speakers

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

Council Decision

MOVED by Councillor Louie

THAT the application by the Director of Current Planning to amend the G-2 District Schedule for a minor correction generally as outlined in Appendix A of the Policy report dated November 25, 2003 entitled AText Amendment: G-2 District Schedule - Minor Correction@be approved.

CARRIED UNANIMOUSLY

(Councillors Bass, Green and Sullivan absent for the vote)

2. Text Amendment: 655 Great Northern Way

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

Summary: The proposed amendments would revise the parking and loading standards in this CD-1 zone.

The Director of Current Planning recommended approval.

Staff Opening Comments

Dale Mikkelsen, Planning Analyst, Central Area Major Developments Group, was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louie

THAT the application by the Director of Current Planning to amend CD-1 By-law No. 8131 to revise Parking and Loading requirements generally as outlined in Appendix A of the Policy report dated November 24, 2003 entitled AText Amendment to CD-1 #402, By-law 8131@be approved.

CARRIED UNANIMOUSLY
(Councillor Sullivan absent for the vote)

3. Heritage Designation: 977 West 8th Avenue

An application by Nick Milkovich Architects Inc. was considered as follows:

Summary: Heritage Revitalization Agreement and designation to preserve and protect the heritage house in exchange for variances in height, floor space ratio and Development Cost Levy.

The Director of Current Planning recommended approval.

Staff Opening Comments

Gerry McGeough, Senior Heritage Planner, Rezoning Centre, was present to respond to questions.

Applicant Comments

Nick Milkovich, Nick Milkovich Architects Inc., was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this application.

Speakers

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

Council Decision

MOVED by Councillor Green

A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 977 West 8th Avenue to secure the rehabilitation of the ATaylor House@and to vary the:

- § FM-1 District Schedule of the Zoning and Development By-law to permit a floor space ratio increase from the conditionally permitted 1.5 to 1.71; to vary the height as indicated under Development Application DE407827; and to make the five unit dwelling an outright rather than conditional use; and
- § Development Cost Levy By-law to set the rate at \$26.91 per m².
- B. THAT the ATaylor House@heritage building at 977 West 8th Avenue, listed in the AB@ category on the Vancouver Heritage Register, be designated as Protected Heritage Property.
- C. FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the heritage building.

CARRIED UNANIMOUSLY

4. Heritage Revitalization: 46 Water Street

An application by Scott Hawthorn, Blood Alley Holdings Ltd. was considered as follows:

Summary: The proposed Heritage Revitalization Agreement would secure the conservation and rehabilitation of the building.

The Director of Current Planning recommended approval.

Staff Opening Comments

Gerry McGeough, Senior Heritage Planner, Rezoning Centre, with Larry Beasley, Director of Current Planning, clarified transfer of density bonussing and addressed points made in a letter received in opposition to the façade grant.

Applicant Comments

Scott Hawthorn, Blood Alley Holdings Ltd., was present to respond to questions.

Summary of Correspondence

Council received the following correspondence on this application:

- 1 letter in opposition

Speakers

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

Council Decision

MOVED by Councillor Louie

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement to secure the conservation and rehabilitation of the Franks Building at 46 Water Street and to supplement Development Application No. DE407842 and the HA-2 zoning to:
- (i) grant a density bonus of 4 226 m² (45,500 sq. ft.) available for transfer, which includes both 1 551 m² (16,700 sq. ft.) of notional residual density and 840 m² (9,000 sq.ft.) if this project does not receive a Historic Places Initiative grant from the Federal Government;
 - (ii) limit the development of the site to the built form proposed in Development Application No. DE407842 plus a potential one storey addition; and
 - (iii) permit commercial live/work use on the upper floor.
- AND THAT Council require a covenant providing that the density bonus not be available for transfer until the rehabilitation is complete, unless the owner secures completion of the rehabilitation by a separate agreement;
- B. THAT, subject to approval of RECOMMENDATION A, Council authorize a facade grant of \$50,000, source of funding to be the 2003 - 05 Capital Plan. Approval of this recommendation requires eight (8) affirmative votes.
- C. THAT the agreements shall be prepared, registered and given priority to the satisfaction of the Directors of Planning and Legal Services.
- D. THAT, subject to approval of RECOMMENDATION A, Council instruct the Director of Legal Services to prepare a Tax Exemption By-law for 46 Water Street for a property tax exemption which is not to exceed a value of \$382,000 or a period of ten (10) years, which ever comes first.
- E. THAT, if the Tax Exemption By-law receives the assent of electors or is deemed approved by electors under the Vancouver Charter, the Director of Legal Services bring forth a Tax Exemption By-law providing that:
- (ii) if issuance of an occupancy permit for the heritage rehabilitation work authorized under Development Application No. DE407842 occurs before October 31st, the tax exemption period for 46 Water Street will begin on January 1st of the next calendar year;
 - (iii) if issuance of an Occupancy Permit for the heritage rehabilitation work authorized under Development Application No. DE407842 occurs on or after October 31st, the tax exemption period for 46 Water Street will begin on January 1st of the calendar year after the next calendar year;

and

- (iv) if the owner of the property does not fulfill all requirements necessary to obtain an Occupancy Permit within sixty (60) months after the enactment date of the Tax Exemption By-law, it will have no further force or effect.

F. AND THAT the Director of Legal Services bring forth the by-law to authorize the Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY
AND BY THE REQUIRED MAJORITY

5. Heritage Revitalization: 52 Water Street

An application by Neils Bendtsen, 50 Water Street Holdings, was considered as follows:

Summary: The proposed Heritage Revitalization Agreement would secure the conservation and rehabilitation of the building.

The Director of Current Planning recommended approval.

Staff Opening Comments

Gerry McGeough, Senior Heritage Planner, Rezoning Centre, responded to questions regarding property values.

Applicant Comments

Neils Bendtsen, 50 Water Street Holdings, was present to respond to questions.

Summary of Correspondence

Council received the following correspondence on this application:

- 1 letter in opposition

Speakers

Deputy Mayor Louis called for speakers for and against the application.

Leanore Sali, Gastown Business Improvement Society, spoke in support of the applications for both 46 Water Street and 52 Water Street and noted Council's approval of the developments would support the Gastown Improvement Management Plan and revitalization of the Downtown Eastside. Ms. Sali also noted development and retail business demonstrates confidence and optimism and encourages investment.

Council Decision

MOVED by Councillor Green

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement to secure the conservation and rehabilitation of the Beulah Mission at 52 Water Street and to supplement Development Application No. DE407839 and the HA-2 zoning to:
- (i) grant a density bonus of 6 372 m² (68,600 sq. ft.) available for transfer, which includes 2 582 m² (27,800 sq. ft.) of notional residual density and 1 421 m² (15,300 sq. ft.) if this project does not receive a Historic Places Initiative (HPI) grant from the Federal Government; and
 - (ii) limit the development of the site to the built form proposed in Development Application No. DE407839.

AND THAT Council require a covenant providing that the density bonus not be available for transfer until the rehabilitation is complete, unless the owner secures completion of the rehabilitation by a separate agreement;

- B. THAT, subject to approval of RECOMMENDATION A, Council authorize a facade grant of \$50,000, source of funding to be the 2003 - 05 Capital Plan.

Approval of this recommendation requires eight (8) affirmative votes.

- C. THAT the agreements shall be prepared, registered and given priority to the satisfaction of the Directors of Planning and Legal Services.
- D. THAT, subject to approval of RECOMMENDATION A, Council instruct the Director of Legal Services to prepare a Tax Exemption By-law for 52 Water Street for a property tax exemption which is not to exceed a value of \$768,700 or a period of ten (10) years, which ever comes first;
- E. THAT if the Tax Exemption By-law receives the assent of electors or is deemed approved by electors under the **Vancouver Charter**, the Director of Legal Services bring forth a Tax Exemption By-law providing that:
- (i) if issuance of an Occupancy Permit for the heritage rehabilitation work authorized under Development Application No. DE407839 occurs before October 31st, the tax exemption period for 52 Water Street will begin on January 1st of the next calendar year;
 - (ii) if issuance of an Occupancy Permit for the heritage rehabilitation work authorized under Development Application No. DE407839 occurs on or after October 31st, the tax exemption period for 52 Water Street will begin on January 1st of the calendar year after the next calendar year; and

- (iii) if the owner of the property does not fulfill all requirements necessary to obtain an Occupancy Permit within sixty (60) months after the enactment date of the Tax Exemption By-law, it will have no further force or effect.

F. THAT the Director of Legal Services bring forth the by-law to authorize the Heritage Revitalization Agreement (HRA).

CARRIED UNANIMOUSLY
AND BY THE REQUIRED MAJORITY

6. Text Amendment: 6450 Clarendon Street

An application by Lloyd Plishka, Architect, was considered as follows:

Summary: The proposed amendments would permit seniors congregate housing on the entire site.

Also before Council was a Memorandum dated February 18, 2003, from Lynda Challis, Rezoning Planner, Rezoning Centre, which recommended amending Condition (b) (i) Building Massing to read as follows:

“design development to reduce the massing of the seniors non-market building;

Note to Applicant: This can be achieved by bringing the roof down to two storeys at the corners of the building with the third floor incorporated into a pitched roof form facing Elliott and Clarendon Streets. Facing the lane, the fourth floor should be incorporated into a pitched roof form with dormers.”

In addition, the Memorandum provided further information regarding Condition (b) (iv) Vehicle Crossings on Clarendon.

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

Staff Opening Comments

Lynda Challis, Rezoning Planner, Rezoning Centre, reviewed the application, and provided clarification of the issues raised in the Memorandum. Ms. Challis and Larry Beasley, Director of Current Planning, responded to questions and clarified how two driveways would impact pedestrian safety.

Rob Whitlock, Senior Housing Officer, Housing Centre, put forward for Council's consideration an amendment to Condition (c) (iv) Housing Agreement by adding the following:

“The provisions of the Housing Agreement as outlined above may need adjustment to accommodate the mortgage financing requirements of Canada Mortgage and Housing Corporation or the future needs of the housing society related to the Shannon Oaks

West component of the project. Any such changes will be reported by the Director of the Housing Centre as part of Council's subsequent approval of the Housing Agreement, which will occur before enactment of the zoning changes."

Applicant Comments

Lloyd Plishka, Architect, reviewed the history of the development and provided rationale for extending seniors congregate housing on the site. Mr. Plishka explained the need for two driveways along Clarendon, which would serve the porte cochere and underground parking.

Howard Johnson and Trevor Ward, Traffic Engineer Consultant, further explained the proposed driveway design and responded to questions regarding safety issues for residents and visitors that would arise if there is only one driveway.

Summary of Correspondence

Council received no correspondence on this application since referral to Public Hearing.

Speakers

Deputy Mayor Louis called for speakers for and against the application.

Gillian Fullerton, Advisory Committee on Seniors Issues, spoke in support of the application and urged Council to approve the porte cochere with two driveways configuration, noting it is a necessity for this seniors housing. Ms. Fullerton noted seniors have mobility issues, difficulty getting in and out of cars, and cars backing up would put seniors at risk.

Council Decision

MOVED by Councillor Green

THAT the application by Lloyd Plishka, Architect to amend CD-1 By-law No. 3914 for 6450 Clarendon Street to permit seniors congregate housing on the entire site generally outlined in Appendix A of the Policy report dated November 20, 2003 entitled ACD-1 Text Amendment - 6450 Clarendon Street be approved subject to the following conditions:

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Lloyd Plishka Architect, and stamped Received City Planning Department August 21, 2003, 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:
 - (i) design development to reduce the massing of the seniors non-market building;

Note to Applicant: This can be achieved by bringing the roof down to two storeys at the corners of the building with the third floor incorporated into a pitched roof form facing Elliott and Clarendon Streets. Facing the lane, the fourth floor should be incorporated into a pitched roof form with dormers.

- (ii) design development to reduce the scale of the seniors market building by bringing the roof down to two storeys on the ends of the building to better relate to the existing building and the neighbourhood context;
- (iii) design development to significantly improve the architectural resolution of the seniors non-market building through materials and detailing similar to the market building and the existing building;
- (iv) design development to the seniors non-market building to provide better access to shared semi-private open space from the amenity rooms;
- (v) design development to improve the sense of entry to the seniors non-market building on Clarendon Street through an enlarged entrance area and canopy;
- (vi) design development to improve the lanescape of the seniors non-market building;

Note to Applicant: This can be achieved through the relocation of the garbage and loading and the addition of specialty paving on setback areas and landscaping;

- (vii) design development to take into consideration the principles of CPTED (crime prevention through environmental design) having particular regard for:
 - security in underground parking,
 - breaking into ground level residential units, and
 - vandalism, such as graffiti;
- (viii) design development to provide a seamless transition between existing and proposed planting along Elliot and Clarendon streets, for both public and private realms. More substantial planting is required along facades of proposed buildings;
- (ix) design development to screen any proposed fences visible from the street or lane with substantial planting on the ~~public~~ facades, and to recess these fences from property lines;
- (x) design development to delineate main entrances through the use of different hard surface treatments and substantial planting (similar to existing entrance along Waverley Ave). Vehicular and pedestrian

- realms, at these entrances, shall be clearly separated through the use of different paving materials. Porte cochere shall be screened from street though the use of layered planting (including trees);
- (xi) design and planting of interior courtyards to meet existing conditions of amenity area adjacent to existing buildings. Transition between existing and proposed planting shall be seamless;
 - (xii) design development to cover proposed ramp leading to underground parking with a trellis structure complete with climbing vines; and
 - (xiii) design development to ensure that Fire Department access to buildings comply with the Vancouver Building By-law and to the satisfaction of Vancouver Fire and Rescue Services.
- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) replacing the existing sewers right of way and construction of a pedestrian connection and associated services over a portion of the replacement right of way;
 - (2) upgrading of the City water mains to serve the site. A new 200 mm water main is required on Clarendon Street between Waverley Avenue and 48th Avenue;
 - (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and modification, extension or release of any charges deemed necessary by the Director of Legal Services;
 - (iii) make suitable arrangements to the satisfaction of the General Manager of Engineering Services, for all new BC Hydro and Telus services for this site to be undergrounded from the closest existing suitable service point;
 - (iv) make arrangements to the satisfaction of the Director of the Housing Centre and the Director of Legal Services by way of a Housing Agreement providing that:
 - (1) the owner shall not strata-title any units,
 - (2) the project be operated by a non-profit reporting society registered in the Province of British Columbia, and, if sold, only

to another non-profit reporting society also registered in British Columbia, and

- (3) development on sub-area A comply with the exemption provisions for social housing in the relevant DCL By-law and the Interim City-wide CAC Policy.

The provisions of the Housing Agreement as outlined above may need adjustment to accommodate the mortgage financing requirements of Canada Mortgage and Housing Corporation or the future needs of the housing society related to the Shannon Oaks West component of the project. Any such changes will be reported by the Director of the Housing Centre as part of Council's subsequent approval of the Housing Agreement, which will occur before enactment of the zoning changes.

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

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting 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; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

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

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

CARRIED UNANIMOUSLY

7. Text Amendment: 325 West 59th Avenue

An application by Dale Staples, Integra Architects, was considered as follows:

Summary: The proposed amendments permit a 43 unit market townhouse with underground parking development.

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

Staff Opening Comments

Dave Thomsett, Senior Planner, Rezoning Centre, reviewed the application, and with Larry Beasley, Director of Current Planning, responded to questions regarding volunteer amenity contributions, and impacts of the fire lane on the public pathway and trees around Langara Golf Course. In response to a speaker's comments, Mr. Beasley noted good quality, aesthetically attractive recreational space is a condition of the application.

Applicant Comments

Dale Staples, Integra Architects, was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this application since referral to Public Hearing:

Speakers

Deputy Mayor Louis called for speakers for and against the application.

Enrico Diano spoke in opposition to the application because the neighbourhood would lose the jogging track, green space and the pleasant atmosphere in the trees. Mr. Diano also noted there would be an increase in general and cut-through traffic and negative impacts from the fire lane.

Applicant Closing Comments

Dale Staples, Integra Architects, reviewed the proposed jogging track enhancements and tree replanting.

Council Decision

MOVED by Councillor Woodsworth

THAT the application by Dale Staples, Integra Architects to amend CD-1 By-law No. 7522 for 325 West 59th Avenue to permit a 43 unit market townhouse development generally outlined in Appendix A of the Policy report dated November 25, 2003 entitled ACD-1 Text Amendment - 325 West 59th Avenue be approved, subject to the following conditions:

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Dale Staples, Architect, and stamped and received by the City Planning Department on October 17, 2003 and November 13, 2003, 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:
- (i) design development to:
 - 1) improve on-site circulation by providing semi-private pathways between yards;
 - 2) provide details of stormwater retention for the existing streambed culvert;
 - 3) provide details of the West 59th Avenue fire access route materials and curbing in coordination with the Fire Department requirements;
 - 4) locate and screen any gas metres, exhaust ducts or transformers; and
 - 5) provide details of the entrance porches for the 2 units facing the streambed;
 - (ii) design development to take into consideration the principles of CPTED having particular regard for:
 - theft in the underground parking by relocating perimeter exit stairs to be more accessible and visible to residents,
 - break and enter by reducing solid hedging in front of units, and
 - mischief such as graffiti;
 - (iii) design development to create a natural looking and visually open view from the public pathway to the north of the site to adjacent private patios by providing a low split rail fence along the property line, as well as a planting edge next to the pathway of native trees, low shrubs and groundcover;

Note to applicant: The privacy of the patios adjacent to the public pathway can be enhanced by pulling back the patio paving approximately 1.0 metre and edging the patio with a border of mixed shrubs that provide partial screening.
 - (iv) design development to maintain the visually open character of the townhouse to public realm interface along West 59th Avenue and Columbia Street by ensuring that the shrubs and or hedges surrounding the semi-private patios adjacent to the two streets provide low screening suitable for someone seated;

Note to applicant: Any proposed shrubs should not be able to screen a standing person. Suggest a 1.2 metre maximum height at full growth.
 - (v) design development to ensure that all planting proposed for the inside and outside boulevard next to the dry creek bed meets the requirements of the City of Vancouver Engineering Department Special Boulevard Guidelines and Greenway Design Standards; and

- (vi) design development to ensure any grade changes between properties are compatible and do not create a hazardous condition for the trees growing on adjacent properties.

Note to applicant: There are six pine trees growing close to the west property line that could be damaged by grade changes.

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) make arrangements to the satisfaction of the City Engineer and the Director of Legal Services for provision of the following:
 - 1) clarification of all charges shown on title. A charge summary is required;
 - 2) curb, gutter, sidewalk, street trees and pavement to the proposed east curb line of Columbia Street adjacent the site and a cul-de-sac termination at the north end of Columbia Street;
 - 3) a concrete sidewalk and street trees on the north side of West 59th Avenue, adjacent the site consistent with the ~~A~~greenways@ plans for the area, such greenways improvements to include pedestrian lighting, drinking fountains and landscaping at the discretion of the General Manager of Engineering Services;
 - 4) extension of the concrete sidewalk described under (3), above, west from the site to provide pedestrian access to Winona Park;
 - 5) the installation of a city fire hydrant on the north west corner of West 59th Avenue and Columbia Street;* and
 - 6) undergrounding of all new hydro, telephone and cable services to the site including a review of the overhead cabling necessary to serve the site to determine impacts on the neighbourhood;
 - (ii) Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services in consultation with the Director of Planning and the General Manager of Parks and Recreation for the upgrading of the public pathway within the West 58th Avenue Right-of-Way, including thinning the underbrush and planting new native plant material;*
 - (iii) Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services in consultation with the Director of Planning and the General Manager of Parks and Recreation that, if it is determined at the development application stage that a fire lane must be provided from Columbia Street to the west along the West 58th Avenue Right-of-Way, the applicant shall prepare a detailed design plan for and physical modifications to the West 58th Avenue Right-of-Way that includes modifications to the pedestrian pathway such that it can act as a fire truck access route and be maintained as an aesthetic recreational trail;

Note: this agreement is to be null and void if it is determined a fire lane is not required along the West 58th Avenue Right-of-Way.

- (iv) Enter into agreements to the satisfaction of the General Manager of Parks and Recreation and the Director of Legal Services in consultation with the Director of Planning for the provision of the following:
 - 1) acoustical measures at the Langara Golf Course service yard that include, but are not limited to the construction of an acoustic wall along the property line south of the service yard, and modifications to the service yard building which would provide access to the golf course from the northern side of the building;* and
 - 2) relocation of the gravel storage currently located on the West 58th Avenue Right-of-Way into the Langara Golf Course service yard, with the vacated area to be integrated into the public pathway through quality landscaping.*

*Note: These elements are offered by the applicant as a voluntary amenity contribution.

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

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting 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; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

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

The provision of all the foregoing in this subsection (c) shall be at no cost to the City.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Green

SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY

The Special Council adjourned at 9:10 p.m.

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