



NOTICE OF MEETING

PUBLIC HEARING

AGENDA

DATE: Thursday, June 16, 2005
Reconvened June 30, 2005 and July 12, 2005

TIME: 7:30 p.m.

PLACE: Council Chamber
Third Floor, City Hall

PLEASE NOTE:

- *A complete video stream of the meeting will be available the day following the meeting.*
- *If you wish to speak at the Public Hearing, please contact the Meeting Coordinator to register, or you can register on the evening of the Hearing, between 7:00 and 7:30 p.m.*
- *Agendas and reports are available on the City of Vancouver web site at http://www.vancouver.ca/ctyclerk/councilmeetings/meeting_schedule.cfm approximately one week before the meeting date.*
- *Decisions arising from the meeting are available on the web site the day after the meeting.*
- *Minutes are generally available on the web site within one week following the meeting.*

For information, please call Denise Salmon, Meeting Coordinator at 604.873.7269,
e-mail denise.salmon@vancouver.ca

ROLL CALL

COMMITTEE OF THE WHOLE

8. Rezoning: 2950 Celtic Avenue

The attached Policy Report dated April 28, 2005, refers.

The attached memorandum, dated June 3, 2005, from the Deputy City Engineer also refers.

Summary: To rezone the site to allow for reconfiguration of the site for a 12 lot single-family residential development. At the time of enactment of the CD-1 By-law, design guidelines and consequential amendments to the Noise Control By-law would be adopted.

Applicant: Progressive Construction Ltd.

Recommended Approval: By the Director of Current Planning, subject to conditions

A. THAT the application by Progressive Construction Ltd. to rezone 2950-3190 Celtic

Avenue [Lots 1-10, Block 16, DL 194, Plan 2242: Part of Lot B (Amended Ref Plan 1624), DL 194 lying east of the production southerly of the west boundary of Lot 1, Block 16, DL 194, Plan 2242; and Lot D, Block 8, DL 194, Plan 11178] from RA-1 to CD-1, to permit the site's legal parcels to be reconfigured for single-family residential development, generally as outlined in Appendix A to the City Manager's report entitled "CD-1 Rezoning - 2950 - 3190 Celtic Avenue" dated April 28, 2005, be approved, subject to the following conditions:

- A) THAT schematic plans illustrating the proposed form of development for a parcel be approved by Council before any development permit for that parcel is issued.
- B) THAT, prior to approval by Council of the form of development for each parcel, the applicant and/or property owner(s) shall obtain approval of a development application for each parcel by the Director of Planning.

AGREEMENTS

- C) THAT, prior to enactment of the CD-1 By-law, the registered owner shall at no cost to the City:

Community Amenity Contribution (CAC)

- (i) Make arrangements to the satisfaction of the Director of Current Planning, and Director of Legal Services for the delivery of the \$1,280,000 Community Amenity Contribution (CAC) offered by the applicant/property owner to be used for the purpose of riverfront trail development and equestrian boulevard trail development in Southlands;

Agricultural Land Revenue

- (ii) Secure a decision by the Agricultural Land Commission approving the landowner's application to the Agricultural Land Commission to subdivide the land in the Agricultural Land Reserve at 2950 - 3190 Celtic Avenue and in the form which is compatible with the subject rezoning application;

Soils Remediation

- (iii) Obtain and submit to the City copies of all soils studies and the consequential Remediation Plan(s), approved by the Ministry of Water, Land and Air Protection. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils in accordance with a Remediation Plan(s) approved by the Ministry of Water, Land and Air Protection and acceptable to the City, providing security satisfactory to the Director of Legal Services 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 contaminated soils;

Soils Remediation (Road)

- (iv) Submit to the City a remediation plan(s) for all newly dedicated road and utility rights-of-way required to served the subject site, including utility construction plans compatible with the accepted remediation plan(s), together with any 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 required by the General Manager of Engineering Services all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;

Note: Certificate of Compliance in respect of lands to be dedicated, transferred or leased to the City must be provided by the Ministry of Water, Land and Air Protection prior to the completion and transfer of these areas to the City.

Indemnity Agreement

- (v) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing security to the satisfaction of the Director of Legal Services, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Water, Land and Air Protection issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval;

Soils Vancouver Charter

- (vi) Shall, as required by the General Manager of Engineering Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

Occupancy

- (vii) Execute a Section 219 Covenant, satisfactory to the Director of Legal Services, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until

Certificates of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection.

Other Arrangements Prior to Enactment

- (viii) Make arrangements to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and the Approving Officer for the following:
- a) Registration of a compatible subdivision plan generally as depicted in Figure 2, Appendix A of this report, following enactment of the CD-1 By-law;
 - b) Execution of a Section 219 Covenant:
 - requiring the Owner to undertake and complete after enactment of the CD-1 By-law the matters set out in Section (D) of Appendix B of this report; and
 - prohibiting the use or occupation of the site and construction on the site and separate transfer of the parcels until the Owner has fulfilled all rezoning conditions including those to be fulfilled after rezoning;
 - c) Execution of a Section 219 Covenant:
 - prohibiting conventional subdivision except as contemplated in the subject rezoning;
 - prohibiting subdivision by bare land strata title subdivision plan;
 - prohibiting strata title subdivision of a one family dwelling with secondary suite such that the secondary suite becomes a separate strata lot;
 - prohibiting subdivision by way of lease; and
 - prohibiting the deposition or extraction of material to alter the configuration of the land without the approval of the Director of Planning in consultation with the General Manager of Engineering Services and in granting such approval the Director of Planning may set terms, conditions and deadlines.

Post Enactment Arrangements

- D) THAT subsequent to enactment of the CD-1 Bylaw, the registered owner shall, at no cost to the City, and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services and, where applicable, the Approving Officer, arrange for:
- (i) Dedication as road of a 33 ft. wide portion of lot D, to extend Carnarvon Street to the water for pedestrian access;
 - (ii) Closure of a 34 ft. wide portion of McCleery Street adjacent the site (Council approval will be required and will be the subject of a separate report from the General Manager of Engineering Services);

- (iii) Dedication as road, or other arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, of a portion of the site adjacent the water to accommodate a walkway (10 meters wide, minimum). The 10 m width to be level, free, and clear for pathway use and landscape buffers. No portion of the shoreline protection is to be included in the free and clear area. (Note: the resulting dedication shall be to a width of 10 m or greater to ensure all areas lying southerly of the new lot boundaries are included within the dedication area);
- (iv) Confirmation of the southerly limit of the shoreline works (i.e., new high water mark) and all title limits, once the process of all legal acts to return to the Crown all land covered by water and to fill other lands covered by water, has been completed;
- (v) Provision of shoreline protection works relevant to the subject site which includes a waterfront walkway (multi-use pathway) adjacent the site from Balaclava Street and Celtic Avenue to McCleery Street and Celtic Avenue via the waterfront, and from Celtic Avenue to the waterfront on the extension of Carnarvon Street. The walkway is to be constructed in conformance with Engineering "Greenways" standards, all at no cost to the City;
- (vi) Provision of a connection, including legal arrangements, from the proposed walkway to Balaclava Street across the westerly lot or lots. (Note: The connection will provide public access to the waterfront walkway until further development to the west allows for extension of the walkway adjacent the river);
- (vii) Provision of appropriate agreements to indemnify the City from flooding (flood plain covenant) and any resulting floodwater damage, failure of the shoreline works or walkway, damage due to seismic events and to acknowledge that the shoreline works need not provide support for the uplands;
- (viii) Provision of the completed Fraser River Estuary Management Program (FREMP) project review;
- (ix) Provision of a report on the constructed fish habitat including detailed plans and sections and recommended maintenance practices;
- (x) Provision of a sanitary force main to serve the development;
- (xi) Provision of a stormwater management plan and implementation of the recommendations thereof;
- (xii) Provision of street trees adjacent the site where space permits, and in keeping with RA-1 guidelines;
- (xiii) Under grounding of all new BC Hydro and Telus services from the closest existing suitable service point, including a review of any new cabling necessary to serve the development to determine impacts on the neighbourhood;

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.

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; 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, 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, subject to approval of the rezoning at Public Hearing, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule A.

RISE FROM COMMITTEE OF THE WHOLE

ADOPT REPORT OF COMMITTEE OF THE WHOLE

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