



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
JANUARY 24, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, January 24, 2006, 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, Sign and Heritage By-laws.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
Councillor Kim Capri
Councillor George Chow
Councillor Heather Deal
*Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie

ABSENT: Councillor Tim Stevenson

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 Ladner

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning and Development, Noise Control, Subdivision, Sign and Heritage By-laws.

CARRIED UNANIMOUSLY

**1. HERITAGE REVITALIZATION AGREEMENT:
1 West Hastings Street**

An application by Sean McEwen, Architect, was considered as follows:

Summary: Heritage Revitalization Agreement and HBRP incentives for a project which includes interior and exterior alterations, and the addition of one storey, to a heritage "A" building.

The Director of Current Planning recommended approval.

Staff Comments

Zlatan Jankovic, Heritage Planner, provided an overview of the application and explained the history, proposed uses and rehabilitation plan for the building. Mr. Jankovic, with Larry Beasley, Director of Current Planning, and Gerry McGeough, Senior Heritage Planner responded to questions regarding the interaction of the site with Pigeon Park and the proposed Carrall Street Greenway and provided clarification on density bonussing and property tax exemption.

Applicant Comments

Sean McEwen, Architect, was present to respond to questions.

Summary of Correspondence

No correspondence was received on this application.

Speakers

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

Council Decision

MOVED by Councillor Cadman

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 1 West Hastings Street, to rehabilitate and adaptively re-use the "A" listed heritage building and to grant a density bonus of 54,403 sq. ft. available for transfer off site.
- B. 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.
- C. THAT, subject to approval of RECOMMENDATION A, Council instruct the Director of Legal Services to prepare a Tax Exemption By-law for 1 West Hastings Street for a property tax exemption which is not to exceed a value of \$385,693 or a period of ten (10) years, which ever comes first.
- D. THAT, if the Tax Exemption By-law receives the assent of electors, or is deemed approved by the electors under the Vancouver Charter, the Director of Legal Services bring forth a Tax Exemption By-law providing that:
 - If issuance of an occupancy permit for the heritage rehabilitation work authorized under Development Application Number DE 409320 occurs before October 31st, the tax exemption period for 1 W Hastings Street will begin on January 1st of the next calendar year;
 - If issuance of an Occupancy Permit for the heritage rehabilitation work authorized under Development Application Number DE 409320 occurs after

October 31st, the tax exemption period for 1 W Hastings Street will begin on January 1st of the calendar year after the next calendar year; and

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 not further force or effect.

- E. THAT, subject to the approval of Recommendation A Council authorize two façade grants for a total of \$100,000 (\$50,000 for each principal façade) with funding to be provided from the 2005 Capital Budget. Approval of this recommendation requires eight (8) affirmative votes.
- F. THAT the agreements shall be prepared, registered and given priority to the satisfaction of the Director of Legal Services in consultation with the Director of Planning.
- G. AND THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

2. HRA/HERITAGE DESIGNATION: 1285 West Pender Street

This item was withdrawn from the agenda.

3. HRA/HERITAGE DESIGNATION : 6475 Balaclava Street

An application by Tim Castle was considered as follows:

Summary: Heritage Revitalization Agreement and HBRP incentives for a project which includes interior and exterior alterations, and the addition of one storey, to a heritage "A" building.

The Director of Current Planning and the Subdivision Approving Officer recommended approval.

Staff Opening Comments

Rob Jenkins, Assistant Director, Current Planning Initiatives Branch, provided an overview of the application and rationale for site subdivision and by-law variances. Mr. Jenkins also pointed out a minor correction to be made to recommendation E, changing the phrase "once 'C' above is satisfied" to "once 'D' above is satisfied".

Applicant Opening Comments

Stuart Howard, Stuart Howard Architects, on behalf of the owner, provided a brief history of the site and related heritage characteristics. Mr. Stuart also noted the owner had obtained support for the application from almost everyone in the neighbourhood.

Summary of Correspondence

Council was advised of one letter and 35 form letters received in support of the application.

Speakers

Mayor Sullivan called for speakers for and against the application.

Dr. J. Chapman (brief filed) and Sarah Pattison spoke in support of rehabilitating the heritage site because it is a valuable landmark of the Upper Southlands neighbourhood and also supported transforming the southern parcel into a residential site.

Larry Killam, representing the Southlands Ratepayers Association (brief filed) spoke on matters of concern to the residents of the Blenheim Flats area of Southlands and asked that the application be rejected. Mr. Killam noted that a map of the proposed subdivision and development was not included with the notification to area residents. He also affirmed that there is too much variance to the Southlands Plan, Southlands Guidelines, RA-1 District Schedule and the Agricultural Land Reserve, that this jeopardizes the preservation of the area, and that the new subdivided lot size is only 1/9 of the minimum required.

Jennifer Maynard, representing the Executive of the Friends of Southlands, spoke in opposition to the application noting that Southlands' heritage is also about the open space and the ability to keep horses. Ms. Maynard also noted she was not notified of the proposal.

Applicant Closing Comments

Cam Watt, owner, commented on restoration costs vs. value added to the property and noted community residents were in support of the project. Mr. Howard added that horses would not be suitable on the site because of its grade.

Staff Closing Comments

During the hearing of speakers, Mr. Jenkins and Larry Beasley, Director of Current Planning responded to questions and clarified issues regarding incentives, restoration costs and value added through subdivision of the property. In response to a question from Council regarding the lack of signage, Mr. Jenkins agreed to look into whether signage should be required for applications of this type. Mr. Beasley noted that the Vancouver Heritage Commission supported the application. Clarification was also provided regarding public process.

Council Decision

MOVED by Councillor Cadman

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 6475 Balaclava Street to:
- secure the restoration and conservation of the Magee House;
 - apply the RS-1 provisions of the Zoning and Development By-law to the proposed north parcel with the exception of:
 - vary height from 2½ to 3 storeys for the Magee House;

- limit the permitted floor area, including the proposed detached garage to 612 m²; and,
 - vary the yard provisions to permit the Magee House to remain where it is currently sited and to permit parking in the front yard in the form of a detached garage, as described in this report and as indicated in Development Application DE409053, Condition 1.1.
- vary the RA-1 District Schedule of the Zoning and Development By-law for minimum site area from 9 100 m² to 1 009.7 m² for the proposed south parcel;
 - vary the RA-1 provisions of the Subdivision By-law for minimum parcel width and minimum parcel area as they apply to the proposed north and south parcels;
- B. THAT the house at 6475 Balaclava Street, the Magee House, listed in the "B" category on the Vancouver Heritage Register, be designated as Protected Heritage Property.
- C. THAT, subject to approval of the Heritage Revitalization Agreement at a Public Hearing, authorization be given for the property owner to apply to the Agricultural Land Commission (ALC), as required under the Agricultural Land Commission Act, to subdivide the site at 6475 Balaclava Street; and
- D. FURTHER THAT, prior to enactment of the Heritage Revitalization Agreement By-law, the Director of Current Planning be in receipt of a decision by the Agricultural Land Commission that supports the property owner's application.
- E. THAT Council instruct the Director of Legal Services, to bring forward for enactment, once 'D' above is satisfied, a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the heritage building as Protected Heritage Property.
- F. THAT Council instruct the Director of Legal Services to prepare a side agreement to ensure the timely restoration of the heritage building. The nature of this agreement is to be to the satisfaction of the Director of Legal Services in consultation with the Director of Current Planning.

CARRIED
(Councillor Anton opposed)

4. REZONING: 2330 Kingsway

An application by Timothy Ankenman, Equitas Development was considered as follows:

Summary: To rezone from C-2 and RS-1 to CD-1 for a mixed use development including:

- 346 market dwelling units in two towers and two low-rise buildings;
- 3 635 m² (39,128 sq. ft.) of commercial floor area including space for a grocery store, a small pub and a beer and wine store; and
- a 550 m² (5,921 sq. ft.) child day care facility.

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

Staff Opening Comments

Joanne Baxter, Rezoning Planner, provided an overview of the application for rezoning of the site which is currently occupied by the El Dorado Hotel. Ms. Baxter noted staff support the configuration subject to the conditions set out in the agenda but also recommend reducing the density from 3.87 to 3.6 FSR and reducing the height of one of the two towers.

Ms. Baxter introduced an amendment to the sign bylaw, which was not included on page 10 of the Summary and Recommendations sheet before Council.

- C. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (C-2) be approved.

Ms. Baxter also clarified that the only parking standard reflected in the draft bylaw refers to parking standards for the child day care facility. She noted that in the referral report there are parking standards for the residential component which do not need to be in the draft bylaw because they are incorporated in the parking bylaw.

Applicant Opening Comments

Timothy Ankenman, Equitas Development, introduced owners Rahoul Sharanm and Nevin Sengha and traffic consultant Duncan Lo, Ward Consulting. Mr. Ankenman provided a history of the site and noted this is an opportunity to develop a sustainable community incorporating a variety of housing types and amenities. Design elements include a rotating art display, wine bar and shared use of the day care.

Summary of Correspondence

No correspondence was received on this application since the date it was referred to Public Hearing.

Speakers

Mayor Sullivan called for speakers for and against the application.

The following spoke in general support of the application but offered additional suggestions and comments:

Bill McMichael, President, representing the Executive Committee of Collingwood Neighbourhood House
Chris Taulu, Collingwood Community Policing Centre
Ian Nixon
Brad O'Connell
Wy Khan
Jill Atkey

Points raised by the foregoing speakers included the following:

- support was expressed regarding rotating public art displays;
- support was expressed for community use of day care space;
- there needs to be more community involvement in the development permit phase;
- social housing should be included in the proposal because there is a need for a housing mix in the area;
- there are too many newspaper and vending machines in public places; some of the vending machines should be replaced with benches;
- from a safety prevention perspective, the hedge on the east property line needs to be at least three or four feet high;
- the development will help revitalize the area;
- concern was expressed regarding how parking will affect the neighbourhood;
- the Asian and Vietnamese population who are not represented at the public hearing would not support a 22 storey tower;
- the view will be blocked from Killarney, Kensington, and Trout Lake Community Centres;
- the circular traffic pattern is not pedestrian friendly.

The following spoke in opposition to the application:

Joseph Jones (brief filed)
Andy Heidrich

Points raised by the foregoing speakers included the following:

- the tower height should be reduced so it is less protrusive;
- a single 22 story tower would not be allowed in less vulnerable neighbourhoods such as Dunbar, Kerrisdale, Main Street or Commercial Drive;
- 507 underground parking spaces would not add to the pedestrian character of the Kingsway neighbourhood;
- the report refers to the Renfrew-Collingwood but the concerns of the adjacent Kensington-Cedar Cottage neighbourhood have not been addressed;
- the new development needs to fit better with the existing developments;
- eight or ten storeys would be agreeable; the most in the area now is four;
- the new residences will have a beautiful view at the expense of those living below;
- concern was expressed regarding the shadow cast by the tower.

The following expressed support for the application:

Puneet Sharan
Bert Halters, El Dorado Hotel
Ren Price, Manager, El Dorado Hotel
Leena Chandi
Evan Sangha
Bee Sangha
Karli Bereska
Chris White
Shawn Snesar

Philippe Marciano
Paul Lewis
Jacob Abdul
Angela Abbate
Bev Funston
Chris Chu
Ron Chu
Michelle Dawe
John Bevilacqua

Points raised by the foregoing speakers included the following:

- area residents and El Dorado staff expressed support for the application;
- the development will contribute to positive change in the area;
- support was expressed for the proposed child care facilities;
- the area is run down and needs a facelift;
- the development will help decrease crime in the area;
- support was expressed for community involvement.

Applicant Closing Comments

In response to questions from Council, Mr. Ankenman advised the location of the proposed child care facility is on the roof of one of the towers and noted there was concern about security if it was located on the ground level. Mr. Ankenman also provided details on strategies to achieve energy efficiency and environmental protection. He also provided rationale for the proposed size of the grocery store, which was reduced to keep it more local.

Staff Closing Comments

Paul Pinsker, Engineer, Parking Management, clarified the reduced parking requirements for multiple dwelling units and responded to questions regarding traffic configuration. Mr. Pinsker discussed on-site traffic calming measures and noted there will be community consultation regarding measures to deal with increased traffic in the area. He also noted that decreasing the length of the cross walk on the south leg will be reviewed during the development permit stage.

Vickie Morris, Social Planner, responded to questions regarding shared use of child day care facility space.

Larry Beasley, Director of Current Planning, in responding to questions, noted social housing is not normally required in a development of this size. In response to a question regarding trucks parked in the El Dorado parking lot, Mr. Beasley addressed concerns regarding trucks currently renting space in the parking lot of the El Dorado Hotel, noting that regular enforcement methods would be used to ensure the trucks do not relocate to neighbouring City streets. Mr. Beasley also provided information regarding shadowing, noting a tall thin tower creates less shadow than a shorter, wider building with the same FSR.

In response to concerns regarding parking access, Mr. Beasley suggested adding the following design development condition:

- (9) design development of parking access to minimize impacts to the central plaza.

Ms. Baxter provided final comments and noted concerns raised regarding the evergreen hedge on the east property line could be addressed by adding the words "or other means" in the second sentence of condition (39) as noted in bold and italics below:

- (39) provide a cross section detail to show the proposed east property line treatment at the ground level (south of lane). Provision of a tall-growing evergreen hedge ***or other means*** along the east property line (south of the lane) to ensure adequate screening between the new residences and the neighbour;

Council Decision

MOVED by Councillor Capri

- A. THAT the application by Equitas Real Estate Advisors Ltd. to rezone 2330-2372 Kingsway and 2319 East 30th Avenue (Lots A-E, Plan 9141, Lots 2-4 and 14-16, Plan 3283 and Lots 8 and 9, Plan 3512, all of Block 11, D.L. 393) from C-2 Commercial District and RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District, to permit a mixed use development generally as outlined in Appendix A of the Policy report dated September 21, 2005 entitled "CD-1 Rezoning - 2330-2372 Kingsway and 2319 East 30th Avenue", be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Ankenman Marchand Architects, and stamped "Received City Planning Department", June 2, 2004, provided that the Director of Planning may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

DESIGN DEVELOPMENT

Overall Site

- (1) design development to reduce the overall density of both the north and south sites to a maximum of 3.6 FSR;
- (2) design development to the public lane to provide pedestrian crossing points located at sidewalks on each side of the new access driveway through a raised table crossing, or other similar treatment, to the satisfaction of the General Manager of Engineering Services;

- (3) design development to the commercial street frontages on Kingsway and Nanaimo Street to provide small scale store front rhythms and pedestrian amenity, having regard, where applicable, to the Council-adopted C-2 Guidelines;
- (4) provide a concrete driveway ramp at the sidewalk on Nanaimo Street, to the satisfaction of the General Manager of Engineering Services;
- (5) provide lane edge landscape treatments and setbacks;
- (6) use high quality building materials and detailing;
- (7) clarify fire flow demands for the development. [Note to Applicant: The current application does not contain enough detail to determine the need for water system upgrading. Any water system upgrading necessary for this project is to be fully at the applicant's expense];
- (8) submit an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;
- (9) design development of parking access to minimize impacts to the central plaza.

North Site - General

- (10) provide scored broom finish panels and exposed aggregate banding with specialty "Norquay Village" character insets for the sidewalk treatments on Kingsway and Nanaimo Street, to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
- (11) provide street trees, and furnishings such as garbage bins, tree grates, bicycle racks, newspaper vending surrounds and pedestrian lighting, to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
- (12) design development to delete the roof encroachments shown on each side of the Kingsway entry to the plaza;
- (13) design development to delete portions of the building shown over the 1.5 m (5 ft.) by 1.5 m (5 ft.) corner cut at Kingsway and Nanaimo Street. [Note to Applicant: Canopies are permitted through a separate application to the General Manager of Engineering Services];

North Site - Northwest Tower

- (14) relocate the pub to the Kingsway and/or Nanaimo Street side and confirm acoustical and mechanical separations between the pub and residential use;
- (15) relocate loading bay and garbage storage area to be between the retail unit facing Nanaimo Street and the retail unit facing onto the new access driveway, the loading bay and garbage storage area to be gated with electronic communication to commercial users, and provide limited access to residential users for loading and shared use for garbage;
- (16) provide a 1.5 m (4.92 ft.) building setback on both Kingsway and Nanaimo Street;
- (17) design development to the tower character to provide a strong 4 to 6 storey base element to relate to the context, with the tower element rising from that base and orienting toward the corner of Kingsway and

Nanaimo Street, with the tower floor plate to be minimized to reduce scale;

North Site - Easterly Massing (East of New Access Driveway)

- (18) provide a 0.6 m (1.97 ft.) building setback on Kingsway at the east end, increasing to a 1.2 m (3.94 ft.) building setback from the westerly side of the residential entrance to the new access driveway;
- (19) design development to provide a strong sense of street enclosure on Kingsway by increasing the massing to 6 storeys;
- (20) design development to the commercial parking garage to provide pedestrian friendly access and visibility;
- (21) provide a 0.6 m (2 ft.) landscape setback from the lane and relocate commercial loading and garbage to the easterly end of the site, off the lane, and provide a loading management plan, to the satisfaction of the General Manager of Engineering Services;

North Site - New Access Driveway and Associated Sidewalks

- (22) provide two-way traffic drive aisles maximum and perpendicular parking on one side, plus maximize sidewalk space with a minimum of 1.8 m (5.9 ft.) sidewalk on the west side (tower may overhang up to 3.6 m (11.8 ft.) as shown on drawings), and a 3.8 m (12.5 ft.) sidewalk on the east side to allow walking plus outdoor seating or display of goods from adjacent retail units;
- (23) ensure that driveway paving treatments are pavers, coloured concrete, rolled curbs, exposed aggregate;
- (24) provide open space at points on the sidewalk as community seating space with trees, benches, pedestrian lighting, newspaper vending surrounds, garbage bins and landscaping;

South Site - General

- (25) provide a sidewalk and curb on East 30th Avenue to residential standards and a new sidewalk and street trees on Nanaimo Street in coordination with the General Manager of Engineering Services;

South Site - Southwest Corner of Nanaimo Street and East 30th Avenue

- (26) design development to reduce the height of the building to a maximum height of 23 m (75.5 ft.) and 7 storeys, including the child day care level;
- (27) provide a 3.6 m (11.8 ft.) setback and universal access to the ground level residential use from the street, and internal corridor access for ground level units on the mews, East 30th Avenue and Nanaimo Street to facilitate flexible conversion to artist live-work studios;
- (28) provide a second row of street trees inside the property line along Nanaimo Street and East 30th Avenue;

South Site - Southeast Quadrant - Townhouses

- (29) ensure front yard setback on East 30th Avenue to principle building facade of townhouses (not including porches or bay windows) matches adjacent single-family residential use to a maximum of 6.1 m (20 ft.), with a 3-storey mass rhythm on East 30th Avenue, and a 6.1 m (20 ft.) setback to residential units on the lane with steps and gated entrances;
- (30) provide privacy fencing and hedging adjacent to existing residential use to the east of the site, and reduce overlook through the placement of trees, and reorienting townhouse units to the lane and East 30th Avenue;
- (31) design development to ensure that the townhouse units, on the mews, are oriented along the angle of the mews with individual front porches, steps and bay windows projecting onto the mews;
- (32) relocate parking entrance way accessed from the lane to the westerly side of the site to facilitate easy access to the underground parking garage for child day care drop-off and pick-up;

LANDSCAPE

- (33) design development to clarify the public and private pedestrian circulation pattern throughout the site;
- (34) design development to provide a better transition at the ground level between the private entry walks and the public areas, increase the width of the public sidewalk at the ground level alongside the private residences adjacent to the proposed grocery store;
- (35) design development to the public realm to include the provision of boulevard street tree planting. New street planting locations and species along Kingsway, Nanaimo Street and East 30th Avenue should be to the approval of the Park Board and the City Engineer (Streets). Tree planting on inner boulevard is not encouraged. All new street trees planted in a pavement to be in a structural soil integral to the new public sidewalk at ground level along Kingsway, Nanaimo Street and East 30th Avenue walk and the driveway paving system within the site;
- (36) provide of more landscape detail of private outdoor open spaces; [Note to Applicant: The yards should be planted in a continuous pattern of lawn with layered small tree/shrub/perennial borders. Front property lines should be bordered with low hedges to create a sense of enclosure and protection from the street, while allowing for views into the front yard for security.]
- (37) provide private outdoor open space for the residents of the tower;
- (38) provide an arborist report to confirm the safe retention of the existing stand of privately-owned evergreen trees along East 30th Avenue. The safe retention of the neighbouring Cherry tree bordering the east property line on East 30th Avenue should be considered;
- (39) provide a cross section detail to show the proposed east property line treatment at the ground level (south of lane). Provision of a tall-growing evergreen hedge or other means along the east property line (south of the lane) to ensure adequate screening between the new residences and the neighbour;

- (40) provide gated front yards (illustrated on the site plan and landscape plans);
[Note to Applicant: The location of the front entry walk gates should be set back from the main walkway to allow for a landscape area between the gate and the public sidewalk.]
- (41) provide a gated private pedestrian walk for residents at street level, entering the site at East 30th Avenue and connecting to the central plaza area;
- (42) provide street trees adjacent to all sides of the site where space permits;

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (43) design development to take into consideration the principles of Crime Prevention through Environmental Design (CPTED) having particular regard for:
 - reducing opportunities for theft in the underground by providing secure separation between uses and by the location of perimeter exit stairs;
 - reducing opportunities for graffiti on blank walls and skateboarding on planter walls adjacent to residential uses; and
 - reducing opportunities for mischief in alcoves by deleting alcoves.

AGREEMENTS

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

PLANNING

- (1) Enter into an agreement, to the satisfaction of the Director of Current Planning and the Director of Legal Services to provide a 6.1 m (20 ft.) wide mews, secured for public use through the south site, to provide public access from East 30th Avenue to the north site;

ENGINEERING

- (2) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for subdivision of the development site in accordance with the proposed development plans, and including:
 - i) consolidation of Lots A, B, C and D, Plan 9141, and Lots 2, 3, and 4, Plan 3283, all of Block 11, District Lot 393; and
 - ii) consolidation of Lot E, Plan 9141, and Lots 8 and 9, Plan 3512, and Lots 14, 15, and 16, Plan 3283, all of Block 11, District Lot 393.
- (3) Make suitable arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of concrete sidewalk and curb and gutter with pavement to

the centre line of East 30th Avenue from Nanaimo Street to the lane east of Nanaimo Street;

- (4) Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to provide for the following off-site services, including but not limited to the following off-site services:

- i) upgrading of the traffic signals at the intersection of Kingsway and Nanaimo Street, Kingsway and Slocan Street, and Nanaimo Street and East 33rd Avenue, subject to Council approval where appropriate, fully at the developer's expense within five (5) years of occupancy of the last building constructed on the site. [Note to Applicant: Provision of a fully actuated left turn phase for all but the westerly leg of the Nanaimo Street/Kingsway intersection and provision of advance left turn arrows on the east leg of the Kingsway/Slocan Street intersection];

Notwithstanding the foregoing, condition 4(i) may be reduced or eliminated, at the discretion of the General Manager of Engineering Services, pending further review by the transportation consultant and City staff pursuant to the reduction of density to 3.6 FSR.

- (5) Enter into an infrastructure servicing agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to incorporate all of the agreed upon improvements and upgrades listed below, including results from various studies, all fully at the developer's expense as follows:

- i) provision of a study by a transportation professional which provides and assesses information pertaining to the necessary increase in storage length required for the left turn bays around the site, traffic volume analysis based upon projected 2010 traffic volumes, analysis of entering/exiting queues, required geometric changes and corner cuts necessary to accommodate trucks along the route and entering and exiting the site;
- ii) provision of a truck access and routing management plan by a transportation professional which identifies and assesses all inbound and outbound truck routes, as well as all movements on-site and in the surrounding street network, and which identifies geometric changes necessary to accommodate trucks, including the need for corner cuts at the southeast corner of Nanaimo Street and Kingsway, the northeast corner of East 33rd Avenue and Nanaimo Street, and at all driveway connections to the street network;
- iii) provision of a plan which identifies and provides traffic calming measures on East 30th Avenue and a commitment to undertake a neighbourhood open house with the residents of East 30th Avenue to confirm measures;
- iv) modification of the intersection design of the Nanaimo Street/Mannering Avenue/East 30th Avenue intersection to

- normalize the east leg and to facilitate pedestrians crossing Nanaimo Street with localized sidewalk widening at crosswalks;
- v) modification of the design of the Kingsway/Slocan Street intersection to reconfigure the southwest corner to decrease the length of the south crosswalk while accommodating westbound Kingsway to southbound Slocan Street truck turning movements; and
 - vi) examination of the left turn vehicle storage requirement for the westbound Kingsway to southbound Slocan Street movement based upon a 120 second signal.

Notwithstanding the foregoing, condition 5(vi) may be reduced or eliminated, at the discretion of the General Manager of Engineering Services, pending further review by the transportation consultant and City staff pursuant to the reduction of density to 3.6 FSR.

- (6) Make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for all new BC Hydro and Telus services to be undergrounded from the closest existing suitable service point, including a review of any cabling that may be necessary to determine the impact on the neighbourhood;
- (7) Do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571 (B) of the Vancouver Charter as required by the General Manager of Engineering Services and the City's Director of Legal Services in their discretion;
- (8) 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 the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

SOILS REMEDIATION

- (9) Obtain and submit to the City copies of all soil studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils on site in accordance with a Remediation Plan approved by the Ministry of Environment 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 on the site;
- (10) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for 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 Environment 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;

PUBLIC ART

- (11) Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs 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 a preliminary public art plan to the satisfaction of the Director of Cultural Affairs, setting out the proposed public art program aims, artist terms of reference, site and artists selection methods, project budget, implementation plan and a schedule;

CHILDCARE

- (12) Execute a legal agreement, satisfactory to the Directors of Legal Services, Social Planning and Facilities Design and Management for the provision of a fully fitted up (i.e. ready for immediate occupancy), furnished and equipped, day care facility comprising:
 - 37 spaces for toddlers and 3 to 5 years old, at a location acceptable to the City, within the building located in the southwest corner of the site, and shall comprise 429 m² (4,620 sq. ft.) of gross floor area of fully finished indoor space, plus a minimum of 390 m² (4,200 sq. ft.) of immediately adjacent fenced and equipped outdoor space, plus a minimum of 78 m² (840 sq. ft.) of covered outdoor space.;

[Note: Floor area for indoor space excludes additional circulation space required to accommodate the elevator, elevator lobbies and emergency exit stairwells, and the outdoor space will be immediately adjacent, fenced and equipped outdoor play space which includes landscaping and grassed areas.]

Both the indoor and outdoor space of the toddler and 3 to 5 Programs must meet all community care facilities licensing and Childcare Design Guidelines requirements and be satisfactory to the Director of Social Planning and Director of Facilities Design and Management. The owner shall bear all start-up costs.

The indoor day care space shall be leased to the City at nominal rent for 2000 years and similarly the outdoor play yard (unless the Director of Legal Services determines that the City should hold it under easement),

with an endowment contribution of \$2,000 per toddler (12 toddlers) per year for 10 years, and a start-up cost contribution of \$2,000 per space (37 children) for 2 years. The day care space shall bear its own utility costs but it shall not contribute to building operating costs or taxes. The lease shall include at no additional cost the unrestricted use of 7 parking spaces at a location to be determined by the City. The lease shall be secured by an option to lease. The owner shall have the right to sublease the day care from the City on the same terms and conditions as the lease. This right shall be secured by an option to sublease.

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 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 with other City officials and City Council.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Noise Control By-law be amended to include this CD District in Schedule "B" and the Subdivision By-law be amended as set out in Appendix B;

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

- C. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (C-2) be approved.

CARRIED UNANIMOUSLY
(Councillor Ladner absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Capri

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Ladner absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Ball

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
(Councillor Ladner absent for the vote)

The Special Council adjourned at 10:35 p.m.

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