



Refers Item 4.
Public Hearing of July 11, 2006

MEMORANDUM

June 29, 2006

TO: Mayor Sullivan and Councillors

CC: J. Rogers, City Manager
B. MacGregor, Deputy City Manager
J. Forbes-Roberts, General Manager of Community Services
F. Connell, Director of Legal Services
S. Baxter, City Clerk
R. Jenkins, Assistant Director, Current Planning
T. French, Assistant Director, Central Area Planning
N. McCreedy, Manager of Environmental Protection
T. Timm, General Manager of Engineering Services
L. Isfeld, Meeting Coordinator

FROM: M. Naylor, Rezoning Planner

SUBJECT: CD-1 Rezoning – 1655-1675 West 3rd Avenue
Rezoning Conditions

This memorandum outlines changes to the rezoning conditions for the above rezoning. The Director of Legal Services has requested that two of the provisions under section (c), "Agreements", be deleted because these matters will not be addressed through legal agreements, and that a provision concerning water mains be rewritten. These changes are shown on the following pages.

Also in the changes are three added provisions under the sub-heading "Soils" which are recommended by the Manager of Environmental Protection. Soils information about the site had not been received by the City in time for inclusion of these conditions in the referral report. The changes presented here have already been made to the recommendations for this item in the Public Hearing agenda package.

The following text shows the changes between the Agreements section of the rezoning conditions as presented in Appendix B of the referral report and as they now appear in the Summary and Recommendation for this item in Public Hearing agenda package. The deleted text is crossed out and the added text is in italics.

"AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, *at no cost to the City* make arrangements ~~to the satisfaction of the General Manager of Engineering Services and~~ *for the following on terms and conditions satisfactory to* the Director of Legal Services ~~for the following:~~

SUBDIVISION

- (i) Subdivision approval and registration to create the separate parcels intended for this project.
- (ii) Dedication of the northerly 0.61 m (2 feet) of Lot G for lane purposes including arrangements for portions of the existing building to remain over the lane requirement.
- ~~(iii) Release of charges GB106495, GB106496, BN196938 to BN196940, and BN196942 prior to occupancy of the first phase of the development.~~
- ~~(iv) Clarify whether charge BE105526 applies to the building to be retained. If so, the applicant is advised that building encroachments may cause problems with strata titling. Should strata titling be intended then confirmation that it can be achieved will be required before issuance of any related development permit. If the charge does not relate to the retained building, then arrangements for its release prior to occupancy will be required.~~

ENGINEERING

- ~~(viii)~~ Upgrading of the water mains to serve the site. ~~The application lacks the details to determine upgrading needs, please provide fire flow demands to determine if water system upgrading is required~~ *offsite water systems as required by the General Manager of Engineering Services.*
- ~~(viii)~~ Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service, must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.
- ~~(viii)~~ Installation of City-standard concrete lane entry at the Pine Street entry to the lane.

~~(viii)~~ (vi) Provision of street trees adjacent the site where space permits.

SOILS

- (vii) The applicant or property owner shall provide to the City's Manager of Environmental Protection a site profile and, if necessary, a preliminary site investigation or detailed site investigation.*
- (viii) The property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.*
- (ix) Execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection."*

Michael Naylor
Rezoning Planner

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