



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
NOVEMBER 13, 15, and 27, 2007

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, November 13, 2007, 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 and Sign By-laws. Subsequently, the meeting was recessed, and reconvened in the Council Chamber at 7:30 p.m. on both Thursday, November 15, and Tuesday, November 27th, 2007. The minutes have been consolidated for ease of reference.

PRESENT:

- *Mayor Sam Sullivan, Chair (November 15 and 17)
- Councillor Suzanne Anton
- Councillor Elizabeth Ball
- Councillor David Cadman
- *Councillor Kim Capri, Acting Chair (November 27)
- Councillor Heather Deal
- Councillor Peter Ladner
- Councillor B.C. Lee
- Councillor Raymond Louie
- Councillor Tim Stevenson

ABSENT:

- Councillor George Chow (Leave of Absence)
- Mayor Sam Sullivan (November 27)

CITY CLERK'S OFFICE: Denise Salmon, Meeting Coordinator

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At the November 27th portion of the Public Hearing Councillor Capri assumed the Chair due to the absence of the Mayor

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COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

1. REZONING: 2900 East Broadway

An application by Tom Bunting, Bunting Coady Architects was considered as follows:

Summary: To rezone this site from I-3 (Industrial District) to CD-1 (Comprehensive Development District) to increase the amount of General Office Use and Retail Use on the site.

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

Staff Comments

Joanne Baxter, Rezoning Planner, provided an overview of the application.

Applicant Comments

Tom Bunting, Bunting Coady Architects, addressed Council speaking to the highlights and benefits of the project.

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Tom Bunting of Bunting Coady Architects, to rezone 2900 East Broadway (PID 024662348, Lot 1, except Part in Plan LMP49647, Section 36, Town of Hastings Suburban Lands, Plan LMP44003) from I-3 Industrial District to CD-1 Comprehensive Development District, to allow for 1.0 FSR General Office Use and 2000 m² of Retail Use, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 2900 East Broadway" dated June 28, 2007, be approved, subject to the following conditions:

AMENDMENT OF GUIDELINES

- (a) THAT, if approved at Public Hearing, the by-law be accompanied at the time of enactment by:
- (i) the Grandview Boundary Industrial Area Rezoning and Development Policies and Guidelines to be amended to include a reference to the CD-1 for 2900 East Broadway by resolution of Council;

- (ii) the Mini-Storage Warehouse Guidelines to be amended to include a reference to the CD-1 for 2900 East Broadway by resolution of Council.

FORM OF DEVELOPMENT

- (b) THAT the existing form of development for Phase I be approved by Council in principle, generally as shown in development permit (DE404308) drawings on record, provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to the form of development, when approving the detailed scheme of development.
- (c) THAT, prior to approval by Council of the form of development which provides for additional land uses (Phase II), on-site parking and loading, the applicant shall obtain approval of a revised development application by the Director of Planning or the Development Permit Board.

AGREEMENTS

- (d) THAT, prior to enactment of the CD-1 By-law, the registered owner shall:

ENGINEERING

- (i) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of an up-to-date site plan (to be included in the rezoning set of plans) reflecting both the property line changes in the northeast and southwest corners of the site due to road dedications, and the current legal description;
- (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a revised right of way for Virtual Way (currently as shown on Plan LMP44004), to reflect the already built and the proposed final sections of the road and pedestrian areas;
- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the extension of the existing right of way (Plan LMP44777) over Phase II to reach the southwest corner of the site;
- (iv) all public sidewalks required by the General Manager of Engineering Services that serve this development must be, at the discretion of the General Manager of Engineering Services, either be sited on City owned street or contained within statutory rights of way drawn to the satisfaction of the Director of Legal Services, in consultation with the General Manager of Engineering Services;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for amendments to existing

servicing agreements to reflect changes in phasing of the development site and delivery of improvements on public property;

- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services, for 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; and
- (vii) 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 the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

CHILDCARE

- (viii) make the necessary arrangements, to the satisfaction of the Director of Social Planning and the Director of Legal Services, for the provision of a fully fitted up (i.e., ready for immediate occupancy), furnished and equipped, 37-space child day care facility for toddlers and three to five year old children, at a location acceptable to the City;

[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 provincial community care facilities licensing and City Childcare Design Guidelines requirements and be satisfactory to the Director of Social Planning. The owner shall bear all start up costs and be responsible for maintaining, repairing and operating the child day care facility in perpetuity, including the building within which the child day care facility is located, and securing a facility operator, to the satisfaction of the Director of Social Planning.

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

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site, as is considered

advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements 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 a consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (I-3), generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 2900 East Broadway" dated June 28, 2007, be approved.

CARRIED UNANIMOUSLY

2. REZONING: 26 SW Marine Drive

An application by Joanne Stich, Kasian Architecture Interior Design and Planning, Ltd. was considered as follows:

Summary: To rezone this site from I-2 (Industrial District) to CD-1 (Comprehensive Development District) to permit 1.63 FSR (0.79 retail FSR) large format retail, including Canadian Tire retail and service store, separate retail units, and restaurants, and preservation and heritage designation of the existing post-1940's building façade.

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

Also before Council were the following:

- Memorandum dated November 1, 2007, from T. Timm, General Manager, Engineering Services, submitting a recommended condition as follows to replace proposed condition c (ii)(b) in the referral report:

"Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a maximum 6.0 metre land dedication or other suitable arrangements, and an additional 3.0 metre "option to purchase" along the north property line of the site to accommodate sidewalk and future bikeway facilities and connections. The dedication area is to be reduced where possible, once final road geometrics, sidewalk locations and construction issues have been fully refined.

Should this requested recommendation receive approval, proposed condition c (ii) (b) of this referral report should be deleted as it no longer would be applicable."

- Memorandum dated November 5, 2007, from V. Potter, Senior Rezoning Planner, submitting an amendment to the Heritage section in Appendix B with the addition of the following:
 - (iv) The owner will submit a signed letter waiving any future compensation as a consequence of the designation of the site. The letter is to be signed by all parties with a financial interest in the property. Heritage staff can provide a copy of a standard Heritage Designation Compensation Agreement for this purpose.
- Memorandum dated November 13, 2007, from Vicki Potter, Senior Rezoning Planner, responding to a request arising from the July 10, 2007, Council meeting, that staff clarify the reasons behind its recommendation to include in the CD-1 by-law a cap of 40,000 sq. ft. on retail clothing floor area.

Staff Opening Comments

Vicki Potter, Senior Rezoning Planner, Brent Toderian, Director of Planning, and Paul Pinsker, Transportation Engineer, provided an overview of the application, and responded to questions from Council.

Paul Ardagh (Development Consulting Group) responded to questions from Council related to the Retail Impact Study.

Applicant Opening Comments

Trent Holfeld, Canadian Tire; Michael McDonald, Kasian Architecture; Peter Joyce, Traffic Engineer, Bunt and Associates and Jami Koehl, Mustel Group, addressed Council speaking to the highlights and benefits of the project and responded to queries from Council.

Summary of Correspondence

Council received the following correspondence since the date the application was referred to Public Hearing:

- 56 emails and letters in support
- 67 emails and letters in opposition
- 4 other emails and letters

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Anne Roberts, Building Better Neighbourhoods
Brent Granby
Paul Keeling, Civil Society Development Project

Gail Davidson, Upper Kits Residents Association
Ann Grant
Deming Smith
Stan Jang, Riley Park South Cambie Community Visions Group
Katherine Ruffen
David Chudnovsky, MLA Vancouver-Kensington
Eric Doherty, Society Promoting Environmental Conservation (SPEC)
Richard Campbell
Tracy Jager
Arno Schortinghuis, Vancouver Area Cycling Coalition
Ned Jacobs
Isabel Minty
Damien Gillis
Rob Baxter
Paul Tetrault
Louise Seto, Co-Chair, Sunset Vision Implementation Committee
Paul Bogaert, Bike Doctor
Mary Sherlock
Gudrun Langolf
Mary-Anne Code
Ellen Woodsworth, COPE
Martha Roth
Margaret McGregor
Stephanie Clarke, Executive Director, South Hill (Fraser Street) BIA
Fred Bass
Mel Lehan
Bryan King, Building Better Neighbourhoods
Randy Chatterjee

The following spoke in support of the application:

Bill Fraser
Carol Anderson, Jump-Start
Jay Byfield
Ann Biggon
Avtar Bains
Ron Sengara
Les Brotherston
Marc Soo
Harvey Enchin
Daniel Lee
Ray Hajee
Gerald Adamus

Applicant Closing Comments

The applicant team provided closing comments.

Staff Closing Comments

Staff provided closing comments.

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Kasian Architecture Interior Design and Planning, Ltd. to rezone 26 S.W. Marine Drive (PID 009902791, Lot A, Except Part in Reference Plan 6793, North Part of Block 11, District Lot 322, Plan 8878, N.W.D.) from I-2 Industrial District and RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District to permit large format area retail development, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 26 SW Marine Drive" dated June 28, 2007, be approved, subject to the following conditions:
- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Kasian Architecture, Interior Design and Planning, and stamped "Received City Planning Department", July 25, 2006, 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:

DESIGN DEVELOPMENT

- (i) design development to clearly distinguish new development from the rehabilitated heritage building;

Note to applicant: This can be achieved by creating a contrast between new and old through the use of contemporary building systems that express the prevailing industrial context. Overall massing and detailed aspects of exterior walls/fenestration should be derived, yet, distinguished, from the existing building's architectural qualities with respect to form, scale, horizontal proportioning and detailing.

- (ii) design development to ensure that active uses and at least one door access are provided to the retained portion of the Heritage Building;

Note to Applicant: Provide a tenant layout for the portion of the retained heritage building and make a notation on elevations showing clear glass and operable door(s).

- (iii) design development to reduce the overall scale impacts of the proposed development;

Note to applicant: This can be achieved by reducing height in areas where scale impacts are most noticeable and placing a greater emphasis on horizontal proportioning. Further design development to architectural expression to reduce the extent of blank wall and achieve a simpler, lighter industrial character is also required. Opportunities to maximize clerestory glazing should be pursued.

- (iv) design development to more clearly announce building entries and related on-site circulation systems;

Note to applicant: A greater reliance on good design, and less reliance on wayfinding systems, is required.

- (v) design development to achieve a more streetwall like character for the Ontario Street frontage while managing the scale of the overall development;

Note to applicant: A development strategy that maximizes and expresses active uses, reveals pedestrian/patron movement through maximum clear glazing and de-emphasizes automobile parking and access is required. Confirmation of outdoor display expectations, and related design considerations is required.

- (vi) provision of a single vehicle entry point (crossing) on Ontario Street.

Note to Applicant: The crossing may have more than one inbound and outbound lane. Provision of a qualified traffic consultant's review of the single entry operation is required prior to issuance of any related development permit.

- (vii) provision of truck delivery routes and loading operation details for Canadian Tire and other tenants of the site to determine circulation, access patterns and impacts on the neighbourhood.

- (viii) provision of a conceptual signage package that proposes signage types and locations;

Note to applicant: The signage concept should be developed for site, building and tenancy considerations and should be expressed in a simple, understated manner. The signage concept should enhance the heritage setting and Marine Drive entrance on the northerly portion of the site while acknowledging the importance of the Ontario Street corridor as a secondary access for vehicles and primary access for pedestrians, cyclists as well as visitors by automobile. Minimal reliance on wayfinding systems is required.

- (ix) provision of a conceptual lighting package that confirms lighting types and locations;

Note to applicant: The lighting concept should be developed for site, building and tenancy considerations and should be expressed in a simple, understated manner. The lighting concept should enhance the heritage setting and Marine Drive entrance on the northerly portion of the site through special lighting of the heritage building, while acknowledging the importance of the Ontario Street corridor as a secondary access for vehicles and primary access for pedestrians, cyclists as well as visitors by automobile.

- (x) design development to properly screen loading activities and utility functions;

Note to applicant: The architectural strategy for screening should be integral to the overall building expression and quality.

- (xi) confirmation of proposed materials, including glazing and screening systems, to ensure a high quality built form response in an industrial context;

- (xii) design development to confirm the location and design of weather protection systems to ensure functionality and visual quality in an industrial context;

- (xiii) design development to the open front area along Marine Drive to provide for a comprehensive landscape plan that incorporates the bio-filtration system, bikeway along Ontario, signage (if proposed in this area), City Food Policy objectives, and the remaining portions of the open lawn, which supports the historic use of this space as a framing element for the historic façade;

- (xiv) design development to the proposed driveway access off S.W. Marine Drive, to include surfacing treatment that minimizes the visual impact on the formal lawn and heritage façade and maximizes retention of existing trees;

Note to Applicant: This could include use of decorative unit pavers and a rolled rim curb.

- (xv) design development to include a conservation plan for the heritage façade;

Note to applicant: The purpose of the plan is to identify the scope of work for the heritage façade, and to identify the proposed remedial measures, and should be included on the development permit drawings

as a series of construction notes, and supported by current photos of the facade.

GREENWAYS/BIKEWAYS

- (xvi) reconfiguration of the plaza to intersect with the sidewalk and pond;

Note to Applicant: Configuration of the plaza should be changed to an equilateral triangle. Each side a minimum of 45 feet long, with one point intersecting the sidewalk, another point intersecting with the pond, and one side parallel to the sidewalk.

- (xvii) design development to include changes and improvements consistent with City greenway/bikeway standards and acceptable to the Director of Planning in consultation with the General Manager of Engineering Services;

Note to Applicant: Contact Engineering Services, 604.873.7155 for additional clarification on plaza amenities sought.

SUSTAINABILITY

- (xviii) commitment to achieving the equivalent of a minimum threshold of 39 points on the LEED Canada NC-1 Project Check List attached to the submitted materials;

Note to Applicant: The City encourages the applicant to complete full LEED™ certification for LEED Gold with the CaGBC.

- (xix) provide a written sustainability rationale, supplemented with drawings if necessary, that details all of the design features, construction practices, product specifications and applications that will allow the applicant to achieve the 39 points LEED Canada NC-1 Project Check List or equivalent attached to the submitted materials;

Note to Applicant: This rationale is to be submitted at the building permit stage and reviewed by City of Vancouver Sustainability Staff.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (xx) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for graffiti on exposed party walls on the internal property line;

- (xxi) provision of a comprehensive security report by a licensed security professional for securing or patrolling parking areas for both business and non-business hours.

AGREEMENTS

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

ENGINEERING

- (i) make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for:
- (a) Provision of independent public utility services (Hydro, Telus; Cable) with all services to be underground 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.
 - (b) Confirmation that the hydro pole and guy wires located at the westerly end of the site on 69th Avenue can be relocated or removed to allow for the proposed driveways is required. Written confirmation from BC Hydro and confirmation from the City's Utilities Management Branch is required.
- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for:
- (a) clarification of all charges on title. Provision of 2 copies of a charge summary meeting the requirements of the Director of Legal Services;
 - (b) Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a maximum 6.0 metre land dedication or other suitable arrangements, and an additional 3.0 metre "option to purchase" along the north property line of the site to accommodate sidewalk and future bikeway facilities and connections. The dedication area is to be reduced where possible, once final road geometrics, sidewalk locations and construction issues have been fully refined.
 - (c) provision of a right of way to allow public access and use of the "bike plaza";
 - (d) provision of appropriate rights of way and agreements granting access across this site to the site adjacent to the westerly property line ("Nevada Bob's") allowing for a single point of access to both sites for any future development;

Note to Applicant: It is expected that for any future development of the adjacent site, the City would seek similar rights.

- (e) upgrading of the storm and sanitary mains to provide adequate service to the site;

Note to Applicant: A storm water management plan will be necessary and will be developed to reduce the extent of sewer system upgrading necessary for this project.

- (f) upgrading of the City water mains to provide adequate water service for the site;

Note to applicant: The current application does not provide enough detail to determine the extent of water system upgrading. Fire flow demand details are required to determine specifics of system upgrading.

- (g) provision of up to \$100,000.00 for traffic calming measures, temporary and/or permanent, as may be required within 5 years of final occupancy to protect against shortcutting within the local neighbourhood bounded by 59th Avenue, Main Street, Marine Drive and Cambie Street, 100% funded by the applicant;
- (h) provision of a raised median/left turn bay, prior to occupancy, to serve westbound Marine Drive vehicles turning south onto Ontario Street (up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works);
- (i) improvements to the west leg of the Marine Drive/Main Street intersection, prior to occupancy, including related signalization changes, to serve increased vehicle volumes (this involves a lengthening of the left turn bay on Marine Drive), 50% funded by the applicant;
- (j) median, curb, and signal modifications on Marine Drive between Ontario Street and Manitoba Street, 100% applicant funded prior to occupancy, which: 1) Introduce a new left turn bay serving the site's principal access along the westerly portion of the site; 2) Provide all infrastructure related to the signalization of the access aforementioned; and 3) Restrict against motor vehicles turning from northbound Ontario to westbound Marine;
- (k) median modifications to restore northbound to westbound movement by motor vehicles (up to 100% funded by the applicant, within 3 years of final occupancy), to be determined by the General Manager of Engineering Services;
- (l) provision of new or revised curb parking regulation signage, 100% applicant funded, along Marine Drive between Manitoba Street and Main

Street, to assist traffic safety as may be required within 3 years of final occupancy;

- (m) provision of a contribution of \$100,000.00 towards transit priority measures implemented in the vicinity of Main Street and Marine Drive;
- (n) improvements to Ontario Street from Marine Drive to 69th Avenue, 100% applicant funded, prior to occupancy, in conformance with Greenways/Bikeways standards and are to include the following:
 - 1. provision of 6 ft. wide broomed finished sidewalk with sawcut expansion joints on the west side of Ontario St. adjacent the site;
 - 2. provision of additional and upgraded "Greenways" lamp standards on the west side of Ontario St, adjacent the site;
 - 3. provision of street trees on the west side of Ontario St. adjacent the site where space permits; and
 - 4. provision of standard marked bicycle lanes in both directions on Ontario Street;
- (o) provision of a contribution of \$100,000.00 towards improvements to bicycle routes serving the site, other than those specified elsewhere in these conditions, within the area bounded by 59th Avenue, Fraser River, Cambie Street and Main Street;
- (p) provision of a Transportation Demand Management Plan to encourage among employees and customers travel by means other than the private automobile, and particularly the single-occupant private automobile, to the satisfaction of the General Manager of Engineering Services;
- (q) provision of curb, gutter and pavement to centreline on 69th Avenue between Ontario and Manitoba streets, prior to occupancy, up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works;
- (r) provision of 5 ft. or 6 ft. wide (as space permits) broomed finished concrete sidewalk on north side of 69th Avenue between Ontario and Manitoba streets, prior to occupancy, up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works;
- (s) provision of street trees on the north side of 69th Avenue between Ontario and Manitoba street where space permits, prior to occupancy, up to 100% funded by the applicant, depending on other concurrent developments contributing to the cost of these works;
- (t) provision of infill street trees on Marine Drive adjacent the site, where space permits;

Note to Applicant: Off-site traffic measures require separate Council approvals.

HERITAGE

- (iii) execute an agreement satisfactory to the Director of Legal Services and the Director of Planning, to protect the historic façade from vandalism during the construction process and complete the conservation work to the heritage façade and the open lawn on Marine Drive, in a timely manner;
- (iv) The owner will submit a signed letter waiving any future compensation as a consequence of the designation of the site. The letter is to be signed by all parties with a financial interest in the property. Heritage staff can provide a copy of a standard Heritage Designation Compensation Agreement for this purpose.

PUBLIC ART

- (v) Execute an agreement satisfactory to the Directors of Legal Services in consultation with the Assistant Director, Office of Cultural Affairs, for the provision of public art in accordance with the City's *Public Art Policy and Guidelines*, such agreement to provide for security in a form and amount satisfactory to the Director of Legal Services; and provide a preliminary public art plan to the satisfaction of the Assistant Director, Office of Cultural Affairs;

Note to Applicant: The *Public Art Policy & Guidelines* set out all Public Art Program requirements, including details of the preliminary public art plan referred to above. City approval of a Detailed Public Art Plan is a prior to condition of Development Permit issuance. Please discuss your application with Bryan Newson, program manager, 604.871.6002, before beginning your public art planning.

SOILS

- (vi) obtain and submit to the City copies of all soils 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 the 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; and
- (vii) 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 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.

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 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 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 the consequential amendment to Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (C-1), generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 26 SW Marine Drive" dated June 28, 2007, be approved;
- C. THAT Council add the building at 26 S.W. Marine Drive to the Vancouver Heritage Register in the "A" category;
- D. THAT Council approve a Heritage Designation By-law, to:
 - (i) designate as municipally protected heritage property the front masonry façade of the historic Chrysler Building at 26 S.W. Marine Drive for the full width of the building, the corresponding masonry façade along the Ontario Street frontage for a length of approximately 11.4 m (37.4 ft.), and the western elevation for a length of 7.3 m (24 ft.)
 - (ii) designate as municipally protected heritage property the open area in front of the historic façade, to include all property within the Marine Drive, east and west property lines and the face of the historic façade, including a horizontal

line that runs along the face of the historic façade to the east and west property lines.

- E. THAT the draft by-law be amended with respect to the aggregate gross floor area of retail stores in which the storage and retailing of clothing or shoes takes up more than 50% of the gross floor area of the store. The approved maximum must not exceed 5 574 m² (60,000 sq. ft.).

carried

AMENDMENT MOVED by Councillor Cadman

THAT the motion be amended by striking out the entire motion and substituting the following:

WHEREAS:

1. EcoDensity is the most significant policy put forward by Mayor Sam Sullivan and this Council during the 2005-2008 term;
2. EcoDensity seeks to reduce the city's ecological footprint with increased density while creating a sustainable, livable and affordable city;
3. EcoDensity is mandated to develop transit to allow people to walk or cycle to work and recreation, reducing the need for cars;
4. EcoDensity is mandated to build on CityPlan, Community Visions and Neighbourhood Centre Planning to support more complete communities by having housing diversity within walking distance of shops and services, and accessible to transit;
5. EcoDensity is one solution that must be implemented in conjunction with a wide range of other City policies, including transportation, housing, employment, building codes, energy, food and waste systems, mixed use development, and neighbourhood shopping centres;
6. the City is about to adopt an EcoDensity Charter, Toolkit and an EcoDensity Action Plan that could require changes and modifications of many other policies to bring them in alignment with the ideas of EcoDensity and sustainability;
7. the Mayor announced in December 2005 the city's intentions to adopt EcoDensity policies that would require significant changes in how the city operates; the mayor issued Guiding Principles for EcoDensity in July 2006; and Council adopted and funded in July 18, 2006, a plan to develop an EcoDensity Charter and Toolkit and to hold an EcoDensity Forum, thus putting all citizens, including businesses, on notice that the policy would be adopted by Spring 2007;
8. Canadian Tire re-submitted its plans to rezone 26 SW Marine Drive in order to build a Big Box, Large Format Retail development on July 25, 2006 with full knowledge of the city's intention to enact new EcoDensity policy directions by Spring 2007; the public has expressed grave concerns that consideration of Big Box, Large Format retail, car-oriented development

- that would generate 7,000 to 10,500 car trips a day, increase levels of greenhouse gases by 7,000 tonnes a year, and put neighbourhood shopping areas at risk violates the principles of EcoDensity;
9. members of CityPlan community implementation committees, residents of South Vancouver, and members of the cycling community have asked that a decision on the Canadian Tire rezoning -- as well as any other significant city decisions be postponed -- to allow the planning work and public consultation on EcoDensity to be completed and officially adopted so that key decisions are made in conformity with the EcoDensity policy and action plan

THEREFORE BE IT RESOLVED

THAT at the conclusion of the Public Hearing on Rezoning of 26 SW Marine Drive, Council defer any decision until the EcoDensity policy and action plan is adopted in order to ensure that actions taken now do not violate or undermine the effectiveness of this impending policy decision.

LOST

(Councillors Anton, Ball, Capri, Ladner and Lee opposed)

MOVED by Councillor Louie

THAT Council continue this evening, until this item is complete.

CARRIED

(Councillor Anton opposed)

AMENDMENT MOVED by Councillor Louie

THAT motion E above be amended to replace figure 60,000 sq. ft. with the figure 40,000 sq. ft. to read:

THAT the draft by-law be amended with respect to the aggregate gross floor area of retail stores in which the storage and retailing of clothing or shoes takes up more than 50% of the gross floor area of the store. The approved maximum must not exceed 40,000 sq. ft.

LOST

(Councillors Anton, Ball, Capri, Ladner and Lee opposed)

The motions to AMEND having LOST, the motion was put and CARRIED, with Councillors Cadman, Deal, Louie and Stevenson opposed.

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 Anton
SECONDED by Councillor Ladner

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
recessed at 10:00 p.m. on November 13, 2007
recessed at 10:02 p.m. on November 15, 2007
and
adjourned at 10:20 p.m. on November 27, 2007

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