

**TOWN SQUARE PRECINCT
3350 to 3520 Marine Way and
3505 to 3515 Preston Avenue**

PROPOSED CONDITIONS OF APPROVAL

Note: These are draft conditions which are subject to change and refinement by staff prior to the finalization of the agenda for the Public Hearing to the satisfaction of the Director of Legal Services.

Names of parks and streets are as identified in Figure 2 in Appendix I.

Any reference to development "Parcels" refers to the parcels identified in Figure 2 in Appendix I.

Documents referred to that are not included within this rezoning package can be viewed at the City Clerk's Office, 3rd Floor, City Hall.

A. PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT

PRELIMINARY FORM OF DEVELOPMENT

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared on behalf of Parklane Homes and stamped received June 12, 2008 provided that the director of planning or the Development Permit Board, as the case may be, may allow alterations to this preliminary form of development when approving a Preliminary Development Permit and a detailed scheme of development as outlined below.
- (b) THAT, prior to final approval by Council of the preliminary form of development, the applicant shall obtain approval of a Development Application by the Director of Planning, or the Development Permit Board, to be consistent with Preliminary Development Permits, for which approvals of the Director of Planning or Development Permit Board are to be obtained by the applicant for Parcels 15, 16.1, 17, 18.1.

The Director of Planning or the Development Permit Board shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Tower Floorplates

- (1) Design development to reduce tower floorplates above the 9th storey to a maximum of 605 m², including all interior floorspace but excluding exterior balconies, except, at the discretion of the Director of Planning,

an increase to 650 m² may be considered where the proposed building demonstrates all of the following:

- a) exceptional green building design, particularly in the area of energy performance. Exceptional green building design and energy performance will be assessed relative to evolving city standards at time of each development permit application;
- b) exceptional architectural design. While all buildings at EFL are expected to achieve a high standard of quality, materiality and architectural design, taller, larger buildings should be exceptional. Particular emphasis should be placed on articulation to de-emphasize perceived building mass;
- c) contextually appropriate massing. An increase in building floorplate should be suitable to the localized urban design condition and the role of the building within the overall plan. It should not adversely affect sun on public places, or the perceived scale of buildings adjacent to important public places.

Note to applicant: It is anticipated that there will be a variety of tower floorplate sizes in response to the unique conditions, placement, and role that each tower plays. Consideration should be given to relocating building floorspace to mid-rise massing that further enhances definition and overlook of the street and public places. Allowance must be made at upper levels for reduced floorplate sizes to enable useable outdoor space, and sculpting and capping of tower elements.

Frontages on Crescent and Marine Way

- (2) Design development to clarify the extent and location of residential, live-work, office, institutional and other allowable non-residential uses in the area described as 'Commercial/Live-work'.
- (3) Design development to live-work frontages on crescent street and Marine Way to make them function well as residential units.

Note to applicant: Live-work premises should provide an outlook, daylighting, and private outdoor space appropriate to residential. Live-work premises may be a two-storey unit with workspace at grade, living space on the upper level (and possibly on a portion of the lower level), one or both of which has direct access to private outdoor space. Live-work premises may also be a single-storey through-unit with 'work' frontage on the street and 'live' exposure at the rear on a courtyard, mews or residential street.

Frontages on Marine Way

- (4) Design development to ensure that enclosed balconies fronting Marine Way, in the opinion of the Director of Planning, meet the intent of the City's approved Balcony Enclosure Guidelines and are:

- clearly expressed on the exterior of the building
- project somewhat from the main façade

- highly glazed, with transparency and openness at corners
- expressed as open balconies that have been enclosed.

Note to applicant: Enclosed balconies may be permitted on the first nine storeys of units fronting Marine Way to improve liveability by reduction of noise.

Retail Areas

- (5) Design development of commercial units to provide adequate retail unit depth for a viable and wide range of retail and service uses with a minimum depth of 15 metres, except those CRU's wrapping the anchor tenants on Parcels 15, 16 and 17, and minor anchors in other locations.

Note to Applicant: To ensure a mix of retail uses and to maximize viability, variable depths will be considered to accommodate a range of retail enterprises, with a target of achieving depths of 18-21 metres wherever possible.

- (6) Design development to ensure a mix of small and medium size retail uses to support an active high street.

Note to applicant: Medium-size stores are to range in size from 930 m² to 1500 m², medium size stores are not to exceed a floor area of 2350 m².

- (7) Design development to optimize pedestrian interest and retail and service use exposure along the high street by appropriately locating retail anchor tenant entries and related entrances to parking access on the high street.

Note to Applicant: Locate the architecturally prominent and wider primary entrance to the grocery store on Parcel 17 as close as possible to the high street while providing animating frontage on the town square. Entrance to the anchor store on Parcel 15 must be located on high street.

Surface Rights-of-Way

- (8) Design development to provide SRWs to secure public access to the secondary system of paths that create permeability and connectivity of the block system, generally as illustrated in the East Fraserlands Design Guidelines (see Appendix J), to the satisfaction of the Director of Planning, City Engineer and Legal Services.

Note to applicant: The precise location, width, and functionality of the SRWs are to be determined at Development Permit. SRWs are to be:

- accessible, and comfortable for pedestrians;
- safe, secure, well-lit, ungated, and welcoming;
- overlooked by active, inhabited space;
- typically provide visibility and permeability through the block; and
- align and connect directly with public routes and streets.

Townhouses at lower levels

- (9) Design development to ensure residential street frontages are primarily comprised of two-storey townhouse units with:
- a) active uses such as living rooms and kitchens, on the main level frontage, not bedrooms;
 - b) a main level raised above grade to create a sense of privacy and a comfortable relationship of dwelling to street; and
 - c) useable private outdoor space adjacent to the street or other private outdoor space directly accessible from the more active living spaces of the unit (ie roof decks, balconies off living areas, circulation spaces and courtyards).

Solar access on Town Square (Parcel 15)

- (10) Design development to articulate and shape tower form in a manner that optimizes solar access to the Town Square.

Note to applicant: This may be accomplished by articulation and shaping of the floorplate that meets the maximum allowable area or reallocating some tower floorspace within the parcel, or to another parcel in the precinct.

Mt. Baker Viewcone (Parcels 15, 17, 18, 19)

- (11) Design development to ensure that no portion (including elevator penthouses, mechanical equipment, etc.) of any building extends into the Mount Baker viewcone. Affected parcels may include 15, 17, 18, 19, 20, 21.

Note to applicant: The viewcone is to be professionally surveyed and defined to preserve a view extent to the satisfaction of the Director of Planning. Complying with this condition may mean a reduction in height of some taller buildings and possible reallocation of floor area to mid-rise building forms and lower levels.

Setbacks

- (12) Design development to increase residential setbacks along Marine Way, and townhouse setbacks on Kent Avenue North, to 2.5m to ensure appropriate relationship of dwelling to street, useable private outdoor space, planting area, trees, and room for steps.

Signage

- (13) Provide a conceptual signage plan that confirms design intent for general precinct related signage, retail frontages, anchor tenancies, individual buildings and addressing.

Note to applicant: The conceptual signage package should carefully consider the overall design intent established in the East Fraserlands Design Guidelines (see Appendix J) with respect to character.

Parcel 17

- (14) Design development to ensure that the underground parking area under the town square will support and sustain large scale tree plantings.

PHASING

- (15) Development is to be phased generally to follow the sequencing set out below:
- a) Parcels 15, 16.1, 17 and 18.1
 - b) Parcels 13, 14, 16.2, 18.2, and 19.

LANDSCAPE DESIGN

Public Realm

- (16) Provision of a variety of spaces consistent with the East Fraserlands Design Guidelines (see Appendix J). Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- (17) Provision with each Development Permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- (18) Provision with each Development Permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- (19) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.
- (20) Provision with each Development Permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale

- (21) Provision with each Development Permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets and lanes. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (22) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;
 - providing convenient and secure access if residential parking is proposed off-site;
 - reducing the scale of large areas of underground parking to serve specific buildings where possible;
 - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility;
 - reducing opportunities for break and enter;
 - reducing opportunities for mail theft; and
 - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SOCIAL DEVELOPMENT

- (23) Provision with each Development Permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines. The basic structure and aesthetics of the outdoor amenity areas should allow flexibility for future alternate uses of the spaces.

- (24) Provision of a minimum of one family childcare unit in each of the Affordable Housing buildings where family housing is provided, to the satisfaction of the Managing Director of Social Development.

Note to applicant: Family childcare unit layouts should comply with the requirements of the Community Care Facility Licensing and should be licensable for the maximum number of spaces.

PARKS

- (25) No utilities located in or adjacent to parks will be included in the park calculation.

- (26) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of West Fraserlands and from the Victoria Fraserview Killarney community.

ENGINEERING

Public Realm Plan

- (27) Design development such that cyclist path transitions between the Kent Avenue North Greenway and on-street sections are clearly defined, appropriately aligned and designed to safely address conflict with pedestrians.
- (28) Design development such that street trees are only provided where protection for the trees is also provided to the satisfaction of the General Manager of Engineering Services.

Note to applicant: Where located adjacent to driving surfaces, trees should generally be located between the sidewalk and the driveable surface.

- (29) Design development such that all roads have a standard crown profile;

Note to applicant: If a road requires a different profile, the detailed design will be considered through a detailed design review process.

- (30) Design development such that both sides of streets have pedestrian friendly sidewalks.
- (31) Design development such that the lighting design including proposed catenary lighting is finalized to the satisfaction of the General Manager of Engineering Services.
- (32) Design development to provide a double row of trees along the south-side of Marine Way such that any street trees planted to the south of the sidewalk shall be on private property.

Note to applicant: Consideration may be given to a different form of landscape screening as an alternative to the row of trees planted on private property if it can be demonstrated that it better enhances both the experience of Marine Way and the liveability of units that front along it.

- (33) Design development such that the rainwater management system can accommodate peak stormwater runoff and elements such as raingardens and bioswales accommodate tree growth.

Note to applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- (34) Design development such that planting strips minimize intrusion into adjacent pathways.
- (35) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.
- (36) Design development such that all streets accommodate all legal users including vulnerable users.
- (37) Design development of a universally accessible connection from the town square to the upland neighbourhood.

Note to applicant: This connection can utilize existing infrastructure. Further note that Staff do not feel an appropriate connection within the SRW extending north from the existing Cromwell Street is achievable.

Parking

- (38) Confirm on the drawings submitted for Development Permit application that the parking layout adhere with the City of Vancouver Parking and Loading Design Supplement.
- (39) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- (40) Provision at Development Permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.
- (41) Provision at Development Permit application, for each multiple dwelling building where 10% or more of the units contain secondary units, of details to the satisfaction of the General Manager of Engineering Services on the increased impacts of secondary units on streets and the neighbourhood. The City Engineer, if deemed necessary, may require additional mitigation measures at the development permit stage.

Note to applicant: Details may be requested in the form of a Transportation Study that examines vehicle volumes with and without secondary units and suggests mitigation measures for any impacts.

- (42) Design development to ensure parking and loading access for each parcel be either off the lane or vehicular mews.

Note to applicant: Parcels 15 and 17 - Access to loading for the commercial/retail store by semi-trailers will need to be refined at development permit, there will be no access to the lane from Marine Way.

ENVIRONMENTAL SUSTAINABILITY

- (43) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC-1) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist. (Refer to Appendix D) 22 of 39 equivalent credits that are achieved must be those identified as city priorities in Appendix D.

Note to applicant: The LEED NC-1 project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- (44) All buildings that are not evaluated under the LEED NC-1 program will achieve a Gold rating under either the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- (45) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC-1 Gold and/or Built Green Gold equivalent and include reference to appropriate documentation at development permit, building permit and occupancy permit stages.
- (46) Use of electrical resistance heating for residential heating is not permitted.
- (47) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.
- (48) Provide for individual in-suite metering for energy use.

Note to applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness.

- (49) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing;

Note to applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

- (50) Provide for waste heat capture from the grocery store, for use as an energy source on Parcel 17 or by the NEU.
- (51) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.
- (52) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.
- (53) Twenty percent of all residential parking spaces (excluding visitor parking) will have electric outlets for electric vehicles.

Note to applicant: The outlets must meet the specification laid out in section 86 'Electric Vehicle Charging' in the Canadian Electrical Code including a 20 amp receptacle circuitry that is designed for all spaces, excluding visitor parking. Clarification for how power will be allocated must be provided.

NEIGHBOURHOOD ENERGY UTILITY

- (54) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.
- (55) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services. Exceptions, however, may be granted by the City Engineer on a case by case basis for the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.
- (56) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

SECONDARY UNITS

- (57) Prior to Development Permit issuance, a covenant will be required to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principle dwelling units.

B. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- (1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- (2) Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. The services shall include:
 - a) the upgrading of all Storm, Sanitary and Water systems as required by the development;
 - b) a bicycle connection along Kent Avenue North that connects Boundary Road with Kerr Street;
 - c) a route to the satisfaction of the General Manager of Engineering Services and the Fire Chief that is south of the CP Rail ROW and connects Kerr Street with the High Street and is suitable for fire access;
 - d) at least one temporary vehicular and pedestrian access route to the waterfront from the town square through all phases of development;
 - e) upgrades to Marine Way adjacent to the rezoning area boundaries including six travel lanes, three new signalized intersections (at, from west to east Crescent Street, High Street, and Crescent Street) with left-turn bays at each new signalized intersection, a landscaped median, a treed boulevard, sidewalks and all of the necessary property dedications;
 - f) all roads, pathways, sidewalks, lanes, woonerfs, mews, boulevards, greenways, bikeways and all other hard or soft-scaped surface and subsurface elements for public access as generally shown in the East Fraserlands Design Guidelines (see Appendix J);
 - g) provisions of life-cycle assessments for all non-standard materials proposed for City streets; and
 - h) a universally accessible connection to the upland neighbourhood.

Subdivision Plan

- (3) Obtain approval of and deposit for registration a subdivision plan that creates parcels generally as defined in the East Fraserlands Design Guidelines (see Appendix J) and provides for delivery to the City, roads (which includes the waterfront walkway/bikeway), and lands for parks and open space.

Note to applicant: Provision of an as-built survey of Marine Way and detailed design of those sections of Marine to be improved including the intersection of Marine Way and Road L will be required prior to approval of the subdivision plan.

Note to applicant: To facilitate vehicle manoeuvring while maintaining adequate pedestrian space, small radius curves at intersections will be replaced with corner chamfers.

Statutory Rights-of-ways

- (4) Execute statutory right-of-way agreements for public access over vehicular passageways traversing parcels, pedestrian mews, and other spaces for public access (refer to the East Fraserlands Design Guidelines - see Appendix J) including the town square on Parcel 17.
- (5) Execute blanket statutory rights-of-way for public access over parcels 13, 14, 15, 16.1, 16.2, 17, 18.1, 18.2, 19 to provide at least one temporary vehicular and pedestrian access route to the waterfront from the town square through all phases of development.

Note to applicant: The SRW area will be reduced and refined when an appropriate alignment has been determined and may be moved and adjusted as needed from time to time to the satisfaction of the General Manager of Engineering Services.

Lease of Roads

- (6) Make arrangements for the execution of a lease agreement for Kent Avenue South, Hartley Street, Kinross Street, Dudley Street and Cromwell Street to the abutting owners in accordance with Council Resolution of December 12, 2006.

Conveyance of Closed Roads

- (7) Make arrangements to acquire from the City, at a cost to be determined by City Council prior to the enactment of this rezoning, the portions of road as described and adjacent to lands described in Appendix K being:
- portions of Kent Avenue North adjacent to Lots 119, 120, 127, and 128;
 - portion of Cromwell Street adjacent to Lots 124 to 127; and
 - Preston Avenue and Lane adjacent to Lots 23 and 24 for subdivision with adjacent lands.

Neighbourhood Energy Utility

- (8) Make arrangements to identify and secure for acquisition by the utility operator, an approximately 1500m² parcel of land, between High Street

and Boundary Road in East Fraserlands to serve as a site for the Community Energy Centre (the term "Community Energy Centre" is defined in Bylaw 9552).

Note to applicant: The siting of the plant may be moved in future as mutually agreed upon by the applicant and the General Manager of Engineering Services as further information on the Neighbourhood Energy Utility is known and appropriate arrangements for transfer of lands will occur at that time.

- (9) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility.

Car-share Agreement

- (10) Make arrangements for:
- a) the provision, operation, and maintenance of car-share vehicles and the provision and maintenance of parking spaces for use exclusively by such vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
 - b) designation of visitor or surplus parking spaces which are publicly accessible 24 hours a day (e.g. within visitor parking or outside the building) for future use by car-share vehicles, with such spaces not to be in addition to required parking for residents or visitors; and
 - c) car-share vehicles and spaces will be required for multiple residential units, including live-work units and affordable housing units. "Secondary dwelling units" (i.e. secondary suites in a housing unit) will be considered as separate dwelling units for the purpose of calculating the required number of car-share vehicles;

all as outlined in the table below:

No of Dwelling Units in Development Permit Application	Shared Vehicle	Shared Vehicle Parking Space	Visitor Space to be Converted for Future Shared Parking Space
1 - 49	None	None	1
50 - 149	1	1	1
150 - 249	2	2	2
250 - 349	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

SOCIAL DEVELOPMENT

- (11) Grant to the City options to purchase lots within Parcels 13 and 15, to be identified by the City, for Affordable Housing programmes. The optioned

lots must be sufficient to develop a minimum of 317 units, including a minimum of 40 family units, and with a minimum aggregate floor area of 20 770 square metres.

- (12) Make arrangements for the provision of a 49-space childcare centre in Parcel 19 as part of the mixed use building at town square.

Note to applicant: The childcare facilities must meet the City's Childcare Design Guidelines and the Childcare Technical Guidelines, as well as regulations under the Community Care Facilities Licensing Act, as such guidelines and regulations are set out at the time the developer submits a Development Permit application therefor.

PARKS

- (13) Make arrangements to convey to the City 1.183 ha of land fully constructed as park, to be funded by the developer but supplemented by City contributions as may be approved by Council. The provision of the lit artificial playing field should accompany the development of Parcel 15.

PUBLIC ART

- (14) Make arrangements for the provision of a public art contribution of \$0.95 (in 2008 dollars, to be inflated at the consumer price index for construction costs) per square foot of floorspace (excluding non-market housing), generally in accordance with the approved East Fraserlands preliminary Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the City.

LIBRARY CONTRIBUTION

- (15) Make arrangements for the provision of a library contribution of \$62.75 per East Fraserlands resident (in 2006 dollars, to be inflated at the consumer price index for construction costs) in a series of payments, such agreement to provide for security in a form and amount satisfactory to the City;

General Note: 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.

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 may, in her sole discretion and on the 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.

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