



PUBLIC HEARING MINUTES

MARCH 12 AND 13, 2013

A Public Hearing of the Council of the City of Vancouver was held on Tuesday, March 12, 2013, at 6:09 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to the Zoning and Development By-law. Subsequently, the Public Hearing reconvened on Wednesday, March 13, 2013, at 6:14 pm. The minutes are consolidated for ease of reference.

PRESENT:

- Mayor Gregor Robertson
- Councillor George Affleck*
- Councillor Elizabeth Ball
- Councillor Adriane Carr
- Councillor Heather Deal
- Councillor Kerry Jang
- Councillor Raymond Louie
- Councillor Geoff Meggs
- Councillor Andrea Reimer*
- Councillor Tim Stevenson*
- Councillor Tony Tang

CITY CLERK'S OFFICE:

- Janice MacKenzie, City Clerk
- Tina Hildebrandt, Meeting Coordinator (March 12, 2013)
- Lori Isfeld, Meeting Coordinator (March 13, 2013)

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Ball

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

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Farmers' Markets

An application by the General Manager of Planning and Development Services was considered as follows:

Summary: To amend the definition of "Farmers' Market" in Section 2 of the Zoning and Development By-law to better distinguish between "local prepared foods" and "local ready-to-eat foods"; to amend Section 11.21 to increase the minimum required number of stalls from 10 to 11 and to increase the limit on stalls selling local ready-to-eat foods and local artisan crafts from 20% to 40% of all stalls; and to add a cross-reference to Section 11.21 into the various district schedules which permit farmers' markets.

Council also had before it a Memorandum dated March 7, 2013, from the General Manager, Community Services, which responded to a Council request for more information in regard to the consultation process undertaken in the development of the amendments to the By-law regarding Farmers' Markets.

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At 6:19 pm, the Mayor declared Conflict of Interest as his wife is a member of the Board of Directors for Your Local Farmers Market Society, and did not participate in any discussion and vote on Item No. 1.

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Staff Opening Comments

Mary Clare Zak, Director, Social Policy, provided opening comments and responded to questions.

Summary of Correspondence

No correspondence had been received on this application since it was referred to public hearing and prior to the close of the speakers list.

Speakers

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

Council Decision

MOVED by Councillor Deal

THAT the application to amend the Zoning and Development By-law to:

- i) amend the definition of "Farmers' Market" in Section 2 to better distinguish between "local prepared foods" and "local ready-to-eat foods";
- ii) amend Section 11.21 to increase the minimum required number of stalls from 10 to 11 and to increase the limit on stalls selling local ready-to-eat foods and local artisan crafts from 20% of all stalls to 40% of all stalls; and
- iii) add a cross-reference to Section 11.21 into the various district schedules which permit farmers' markets;

all generally as presented in Appendix A of the Policy Report dated January 21, 2013, entitled, "Amendments to the Zoning and Development By-law Regarding Farmers' Markets", be approved.

CARRIED UNANIMOUSLY

(Councillor Stevenson absent for the vote)

(Mayor Robertson did not vote, due to Conflict of Interest)

2. TEXT AMENDMENT: Arts and Culture Indoor Event Pilot Program

An application by the General Manager of Planning and Development Services was considered as follows:

Summary: To amend the Zoning and Development By-law to: define Arts and Culture Indoor Events as an event of an artistic or cultural nature (e.g. visual, performing, media, literary, craft or interdisciplinary arts) for a maximum of 250 persons, which occurs not more than two days per month in a building; allow them in various district schedules; and exempt them from the requirement to obtain a Development Permit.

Staff Opening Comments

Richard Newirth, Managing Director, Cultural Services, and Thor Kuhlmann, Planner, Cultural Services, presented the application.

Summary of Correspondence

No correspondence had been received on this application since it was referred to public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the pilot program and recommended the limit of arts event licences issued to any location per month be increased from two to eight:

Ryan McCormick
Pietro Sammarco
Josh Laird
David Mattatall
Sean Antrim, Coalition of Progressive Electors
Menard Caissy
Andrew Volk, John Studios
Colin Cowan, China Cloud Studios
Charles-Antione Vallieres, Co-founder, Kalama Collective
Nimmev Hanif Khokhar, Kalama Collective

The speakers list closed at 7:20 pm.

Staff Closing Comments

Mr. Kuhlmann, along with Will Johnston, Director of Licences & Inspections/Chief Building Official, responded to questions.

Council Decision

MOVED by Councillor Deal

- A. THAT amendments to the Zoning and Development By-law regarding Arts and Culture Indoor Events, generally as outlined in Appendix A of the Policy Report dated February 4, 2013, entitled, "Arts and Culture Indoor Event Pilot Program", be approved.
- B. THAT Council approve the implementation of the Arts and Culture Indoor Event Pilot Program, as outlined in the Policy Report dated February 4, 2013, entitled, "Arts and Culture Indoor Event Pilot Program".
- C. THAT, subject to enactment of the proposed amendments to the Zoning and Development By-law, the License By-law be amended to permit Arts and Culture Indoor Events and to establish a fee for these events, generally as set out in Appendix B of the Policy Report dated February 4, 2013, entitled, "Arts and Culture Indoor Event Pilot Program".
- D. THAT, subject to enactment of the proposed amendments to the Zoning and Development By-law, the Building By-law be amended to regulate Arts and Culture Indoor Events, generally as set out in Appendix C of the Policy Report dated February 4, 2013, entitled, "Arts and Culture Indoor Event Pilot Program".
- E. THAT, subject to enactment of the proposed amendments to the Zoning and Development By-law, the Fire By-law be amended to regulate Arts and Culture Indoor Events, generally as set out in Appendix D of the Policy Report dated February 4, 2013, entitled, "Arts and Culture Indoor Event Pilot Program".
- F. THAT the Director of Legal Services be instructed to bring forward the amendments to the License By-law, the Building By-law and the Fire By-law at the time of enactment of the amendments to the Zoning and Development By-law.
- G. THAT Council direct staff to report back in no later than two years on the results of the Arts and Culture Indoor Event Pilot Program, including advice on:
i) whether refinements should be made to the program; and ii) the potential expansion of the program to other types of events.

CARRIED UNANIMOUSLY

3. REZONING: 1729-1735 East 33rd Avenue

An application by Yonas Jongkind, Cedar Cottage Cohousing Corporation, was considered as follows:

Summary: To rezone 1729 to 1735 East 33rd Avenue from RS-1 (One-Family) District to CD-1 (Comprehensive Development) District. The proposal is for a three-storey building containing 31 units of strata-titled market housing within a cohousing community, of which two units will be required to be rental. A floor space ratio (FSR) of 1.1 and total floor area of 3,024 m² (32,550 sq. ft.) are proposed.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the Public Hearing agenda.

Council also had before it a Memorandum dated March 11, 2013, from the Assistant Director of Planning, Current Planning Division, which responded to a request from Council to explain design revisions made to the application in response to comments from the Urban Design Panel and report back on feedback received at a community open house held March 7, 2013.

Staff Opening Comments

Farhad Mawani, Rezoning Planner, Rezoning Centre, presented the application and responded to questions.

Applicant Comments

Colin Angel, Cedar Cottage Cohousing Corporation, provided opening comments and responded to questions.

Summary of Correspondence

Council received the following correspondence since the application was referred to public hearing and prior to the close of the speakers list:

- 615 letters and emails in support;
- 1 unaudited petition, with approximately 379 names, in support;
- 31 letters and emails in opposition; and
- 2 letters regarding other matters in relation to the application.

Speakers

The Mayor called for speakers for and against the application.

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Note - Council heard from speakers regarding this application on March 12 and 13, 2013. The following list of speakers is consolidated for ease of reference.

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The following spoke in support of the application:

Nate Russell
Vesanto Melina
Brad Tamplin
Ericka Stephens-Rennie
Alexie Stephens
Lisa Schwabe
Dana Wilson
Alan Carpenter
Alan Forrester
Renee Mynott

Iris Baradella-Hunter
Gary Birch

The following spoke in opposition to the application and expressed concerns related to increased density, size of the development, shadowing on adjacent properties, traffic and parking:

Rod Raglin
Steven Lum
Daniel Geddes
Kathy Husar
Filip Kosel
Rob Weiland
Darcy Lee Davies
Wojciech Kosel
Chris Barr
Robert Graziotto
Burke Tanner
Leejen Hsiung
Adrienne Buck
Hazel Ng
William Wong
Vincent Hsiung
Kirsten Meagher
Pat Doby

The speakers list closed at 6:34 pm, on March 13, 2013.

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At 9:48 pm, on March 12, 2013, during the hearing of speakers it was

MOVED by Councillor Deal

THAT Council extend the length of the meeting in order to hear from all registered speakers.

*CARRIED UNANIMOUSLY
AND BY THE REQUIRED MAJORITY*

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RISE FROM COMMITTEE OF WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
SECONDED by Councillor Jang

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 for Items 1 and 2.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

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The Public Hearing recessed at 10:16 pm and reconvened at 6:14 pm on March 13, 2013, with the same members present, except for Councillors Affleck and Stevenson, who were absent.

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COMMITTEE OF THE WHOLE

MOVED by Councillor Ball
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY
(Councillors Affleck and Stevenson absent for the vote)

Applicant Closing Comments

Colin Angel, Cedar Cottage Cohousing Corporation, provided closing comments and responded to questions.

Staff Closing Comments

Mr. Mawani provided closing comments and, along with Ann Mclean, Planner, Urban Design and Development Planning Centre, Kent Munro, Assistant Director, Current Planning, and Eric Mital, Manager, Neighbourhood Parking and Transportation, responded to questions.

Council Decision

MOVED by Councillor Jang

- A. THAT the application by Cedar Cottage Cohousing Corporation, to rezone:
 - (i) 1729 East 33rd Avenue [PID: 013-861-581; The east 40 feet of Lot 12, except the north 10 feet and the south 7 feet now highway, south ½ of District Lot 706 Plan 2349] ("East Lot 12");

- (ii) 1733 East 33rd Avenue [PID: 013-861-247; Lot 11, except (a) the north 10 feet now lane and (b) the east 43 feet south ½ of District Lot 706 Plan 2349] (“West Lot 11”); and
- (iii) 1735 East 33rd Avenue [PID: 013-632-531; The east 43 feet of Lot 11, except the north 10 feet, now lane, south ½ of District Lot 706 Plan 2349] (“East Lot 11”);

all from RS-1 (One-Family) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.7 to 1.1, among other things, to permit the development of a three-storey multi-family residential building that will be used as a cohousing community, generally as presented in Appendix A of the Policy Report dated January 29, 2013, entitled, “CD-1 Rezoning: 1729-1735 East 33rd Avenue”, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by McCamant and Durrett Architecture, and stamped “Received City Planning and Development Services, January 7, 2013”, 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

1. Design development to reduce the massing to achieve a building form that is more compatible with the existing single-family context.

Note to Applicant: This can be achieved by concentrating building massing compatibly in the areas traditionally accommodating building in this single-family zone. Building massing should be concentrated on the street side of the site, in the 35% site depth behind the front yard setback. Beyond this, toward the centre of the site, the massing should step down in height significantly and be provided with a sideyard setback of 16-20 feet. Lower building massing, up to 2 storeys, can be placed at the lane.

- 1.(a) “Design development to minimize shadowing on adjacent properties and gardens.”
2. Design development to street-fronting building form to improve streetscape compatibility.

Note to Applicant: The front elevation and roof forms should be modulated to better reflect the residential building frontages that exist along this street. The intent is to create a more

incremental scale and residential character. Further, provision of street-fronting porches, entries, decks and balconies should be used to reinforce the residential use of the buildings, activate the front yard, and connect with the neighbourhood.

3. Design development to minimize privacy impacts and overlook to adjacent properties.

Note to Applicant: Provide reflected elevations of the neighbouring buildings indicating window size and location. Proposed window or deck locations facing the side yard should not align or overlook neighbour's windows or decks. Windows and decks from primary living spaces, such as living rooms, should not overlook neighbouring properties, but rather be directed north, south, or into the subject property.

4. Design development to improve liveability of units.

Note to Applicant: All habitable rooms, including bedrooms must have direct access to a window for provision of natural light, views and ventilation. While the proposed development includes ample amenity space, horizontal angle of daylight requirements must be met for individual dwelling units. To improve access to natural light, the courtyard dimension between any buildings should be at least 24 feet. Provision of natural light and views must be achieved without negative impact on privacy of neighbouring developments.

5. Design development to the lane elevation to provide a more residential character.

Note to Applicant: This can be achieved by providing additional articulation in the north building facing the lane which may include bay projections or recesses, coordinated with the adjacent uses at the ground floor.

6. Provision of high quality building materials appropriate to the residential context.

7. Provision of notation on the drawings to indicate the location of the pad mounted transformer (PMT).

Note to Applicant: The PMT should be located so that it does not have a negative impact on the public realm, or private outdoor space. It should be screened from view.

8. Provision of information on the drawings that indicate the full measures required to achieve fire fighter access.

Note to Applicant: Indicate on the site plan the location of the annunciator panel, firefighter connections, and any other significant site planning requirements.

9. Identification on the plans and elevations of the built elements contributing to the sustainability performance of the building in achieving Built Green BC Gold or LEED® for Homes Gold and an EnerGuide Rating of 82.

Note to Applicant: Provide a checklist and a detailed written description of how the rating system points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. A letter from the mechanical consultant shall be submitted outlining how the EnerGuide rating of 82 will be obtained.

Crime Prevention Through Environmental Design (CPTED)

10. Design development to respond to CPTED principles, having particular regard for:
 - (i) theft and security in the parking area;
 - (ii) break and enter; and
 - (iii) mischief and vandalism, such as graffiti.

Note to Applicant: Security and visibility in the underground can be achieved by complying with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white. The potential for graffiti can be reduced by providing a landscape screen adjacent to exposed walls at the lane, and where this is not possible, providing an anti-graffiti coating.

Sustainability - Green Building

11. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for Certification of the project are also required under the policy.

Landscape Design

12. Design development to improve presentation to the street and integration with the neighbourhood, encouraging connectivity with the community and the context. Interface with public realm

should provide a hierarchy delineating transitions from private, semi-public and public spaces, within the guidelines for CPTED. Streetscape improvements should include a front yard which echoes the context character. The front yard design should achieve integration with context without relying on the public realm (please refer to Engineering conditions for additional street trees on City property, in a standard boulevard strip between sidewalk and street curb).

Note to Applicant: The front yard can achieve better presentation to the street by the addition of at least four large trees on the private side of the front yard. Also, plantings should be permanent trees, woody shrubs and groundcovers for year-round structure (rather than perennials), on the private property. Once a front yard structure oriented to the street is established, resident owners could then add their personal touches in terms of added plantings in front of their units.

13. Design development to create a more neighbour friendly 'village' feeling characteristic of cohousing models.

Note to Applicant: This can be achieved with reduced paving and the addition of substantial planting beds, both on and off the parking structure, creating outdoor rooms and establishing program needs with soft, friendly materials and site furniture. Additional, larger species of tree planting should occur in the common courtyard off the parking structure, buffering the residences to the east, enlivening the project and creating the warm charm and character shown in Precedent Images of the proposed rezoning application.

14. Design development to improve integration with the neighbourhood to the north, apply good neighbor practices and improve lane treatment.

Note to Applicant: This can be achieved by adding substantial planting between the lane and building. Fastigate, evergreen trees can be added next to lower level common patio and additional taller planting can further enhance the lane, screen the overlook from the roof deck and make an impact to buffering the project. Views to the north could still be achieved, obliquely.

15. A full landscape plan for proposed landscape to be submitted. The landscape plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a plant list that is clearly keyed to the landscape plan. The landscape plan should be a minimum 1:100 or 1/8" scale.

16. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on

structures, benches, fences, gates, arbours, trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future.

17. Sections (1/4"=1' or 1:50) illustrating building to public realm interface facing the street, confirming a delineated transition from private to public space.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

18. New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board".

Note to Applicant: Contact Eileen Curran (604.871.6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Amit Gandha (604.257.8587) of Park Board regarding tree species.

19. A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.

20. A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

21. Trellis and vines to be provided over the underground garage access ramp.

Engineering

22. Provision of an improved plan showing the design elevations on both sides of the parking ramp, at all breakpoints and within the parking areas to be able to calculate slopes and cross falls. Also provide elevations on sections drawings.

Note to Applicant: The slope must not exceed 10% for the first 20 ft. from the property line.

23. Delete those portions of accessible ramp and "Speedi Wall" retaining wall proposed within the portion of Lot 11 to be dedicated.

24. The new 1.8 m wide sidewalk is to be located 1.2 m from the curb. Please update the landscape plans accordingly.

25. Delete seating shown on public property. (Drawing L.13).
26. Clarify and provide garbage and recycling storage space on site and clarify pick up operations.

Note to Applicant: If not already done please apply for City of Vancouver building grades for this project.
27. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning and Development Services, the General Manager of Engineering Services, and the Approving Officer as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Cedar Cottage Cohousing Corporation to purchase East Lot 12 and West Lot 11. Consolidation of East Lot 12, West Lot 11 and East Lot 11 to create a single parcel, and subdivision of that site to result in the dedication for road purposes of the south 7 feet of West Lot 11 and East Lot 11.
2. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of a new 1.8 m wide concrete sidewalk adjacent to the site.
 - (ii) Provision of street trees adjacent the site where space permits.
3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this

development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

4. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

Housing

5. Execute a Housing Agreement in respect of all dwelling units in the development with a term of 60 years or the life of the building, whichever is longer:
 - (i) where all units must be used for cohousing, which will require all adult occupants to agree to comply with the House Rules, a draft of which is attached as Appendix H to the above-noted Policy Report;
 - (ii) where a minimum of 20% of the floor area must be common amenity area, whose use is shared by all residents in conjunction with approved dwelling uses, and includes two communal guest rooms, one communal children's indoor play area, one communal bathroom, one communal laundry room, one communal office, one communal kitchen, one communal dining room or great room, one communal lounge, one communal exercise studio, one communal workshop, one communal bicycle repair room, one communal roof-top deck or any other communal uses which, in the opinion of the Director of Planning, are similar to the foregoing communal uses;
 - (iii) where two such units, with a minimum aggregate of 4 bedrooms, must be secured as rental housing, which will be subject to a restriction prohibiting short-term rentals for a period less than one month at a time;
 - (iv) where the bylaws and rules of any strata corporation to be formed upon subdivision of this project by strata plan must be consistent with the House Rules, a draft of which is attached as Appendix H to the above-noted Policy Report; and

- (v) any subsequent consolidation or subdivision of any part of the resulting strata plan is prohibited, without the prior written consent of the Director of Legal Services.

Note to Applicant: this Housing Agreement will be entered into by the City by by-law enacted pursuant to Section 565.2 of the Vancouver Charter.

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 are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 29, 2013, entitled, "CD-1 Rezoning: 1729-1735 East 33rd Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By law for enactment prior to enactment of the CD-1 By-law contemplated by the above-noted Policy Report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development;
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 29, 2013, entitled, "CD-1 Rezoning: 1729-1735 East 33rd Avenue".
- D. THAT A through C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (iii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- (iv) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED
(Councillors Affleck and Ball opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Jang

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

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 for Item 3.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:41 pm on March 13, 2013.

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