



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 604.873.7060
planning@vancouver.ca

CD-1 (448)

2950 Celtic Avenue

(Now known as 3158 Celtic Avenue)

By-law No. 9193

(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

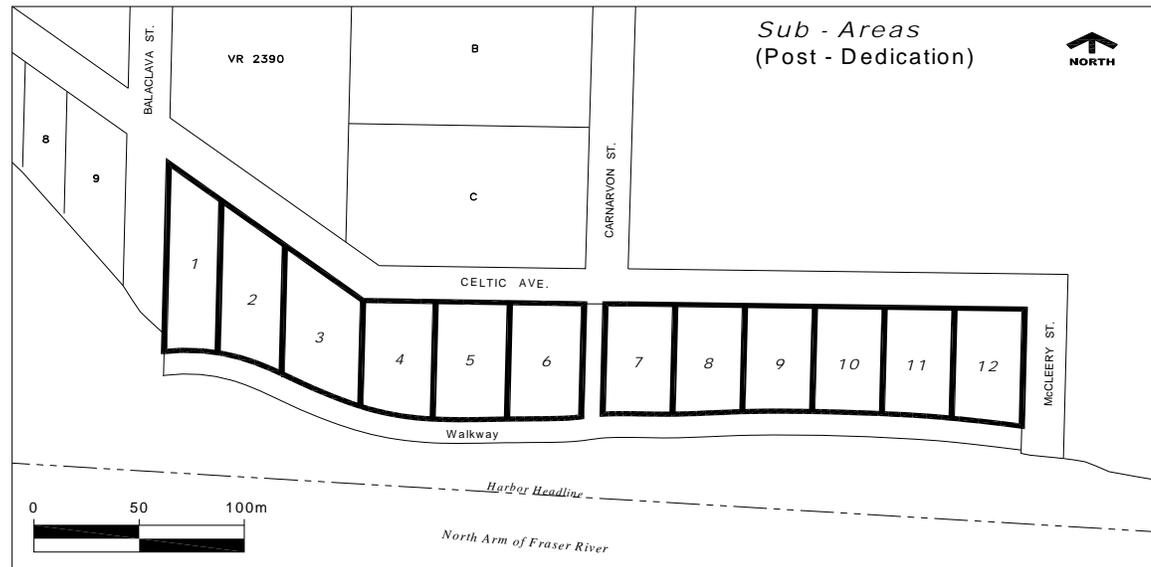
Effective November 23, 2005

(Amended up to and including By-law No. 10108, dated July 20, 2010)

3 Sub-areas

After the consolidation and subdivision referred to in section 2, the site is to consist of the 12 sub-areas illustrated in Figure 2.

Figure 2. Sub-areas



4 Uses

4.1 The description of the site shown within the heavy black outline on Schedule A is CD-1 (448).

4.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (448) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to One-Family Dwelling and One-Family Dwelling with Secondary Suite;
- (b) Agricultural Uses, limited to Stable;
- (c) deposition or extraction of material so as to alter the configuration of the land; and
- (d) Accessory Uses, customarily ancillary to Dwelling Uses or Stable.

5 Conditions of Use

In approving any use or development, the Director of Planning must first consider all applicable policies and guidelines adopted by Council and the submission of any advisory group, property owner, or tenant.

6 Dwelling Use Calculations

For the purpose of calculating floor space ratio, site coverage, or building width, dwelling use includes garages, covered swimming pools, covered tennis courts, and other accessory buildings to the dwelling use.

7 Density

7.1 A sub-area must contain not more than one dwelling use and not more than one stable whether a principal or accessory use.

- 7.2** The floor area of a dwelling must not exceed 464.5 m², of which:
- (a) the floor area of any attached or detached garage must not exceed 60 m²;
 - (b) the floor space ratio of other accessory buildings must not exceed 0.015; and
 - (c) in respect of a one-family dwelling with secondary suite, the floor area of the secondary suite must not exceed 70 m².
- 7.3** The floor space ratio of a stable must not exceed 0.04, except that the floor space ratio of a stable with hay storage must not exceed 0.07. [10108; 10 07 20]
- 7.4** A stable may house not more than four horses.
- 7.5** Computation of floor space ratio and floor area in each sub-area must include:
- (a) all floors, including earthen floor, to be measured to the extreme outer limits of the building; and
 - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.
- 7.6** Computation of floor space ratio and floor area in each sub-area must exclude:
- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
 - (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
 - (c) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey, and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
 - (d) floor located at or below finished grade with a ceiling height of less than 1.2 m;
 - (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000;
 - (f) covered porches if:
 - (i) the Director of Planning first approves the porch design,
 - (ii) they face the street and are located at the first storey,
 - (iii) that portion facing the street is open or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,
 - (iv) the total area of such exclusions does not exceed 8% of the permitted floor area, and
 - (v) the ceiling height, excluding roof structures, of the total excluded area does not exceed 3.1 m measured from the porch floor; and[9888; 09 06 16]
 - (g) areas of floor existing, proposed, or as may be extended over open-to-below space located directly below space located directly below sloping roof rafters or a sloped ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists if:
 - (i) the Director of Planning first approves the roof design,
 - (ii) the distance from the floor to any part of the ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and
 - (iii) the excluded floor area does not exceed 10% of the permitted floor area.[9888; 09 06 16] [10027; 10 04 20]

8 Height

- 8.1** The height of a dwelling must be at least 1.5 storeys but must not exceed 9.1 m and 1.75 storeys, measured from 3.5 geodetic (flood construction level).

8.2 The height of a stable must not exceed 7.6 m above base surface and one storey, except that the height of a stable with hay storage must not exceed 7.6 m above base surface and 1.75 storeys. [10108; 10 07 20]

8.3 The height of a garage or other accessory building must not exceed 5.2 m above base surface.

9 External Design

9.1 The external design of a dwelling roof must be gable, hip, or gambrel.

9.2 Except for the first storey, the slope of a dwelling roof must be at least 7:12.

9.3 The slope of a dwelling roof dormer must be at least 4:12.

9.4 The slope of a stable roof must be at least 4:12.

10 Setbacks

10.1 The setback from the property line adjacent to Celtic Avenue for a:

- (a) dwelling and any accessory building to a dwelling must be at least 25 m; and
- (b) stable and any accessory building to a stable must be at least 10 m, and must not exceed 25 m.

10.2 The setback from the side property lines of all sub-areas for a building must be at least 4.5 m.

10.3 The setback from the south property line for a building must be at least 10 m except that the setback for any accessory building to a dwelling must be at least five m.

11 Building Width

The aggregate building width in each sub-area of all stables, accessory buildings to stables, and accessory buildings to dwellings, viewed from and projected upon the front property line of the sub-area, must not exceed 45% of the width of the sub-area.

12 Site Coverage

12.1 The sub-area site coverage for a dwelling use must not exceed 344 m².

12.2 The sub-area site coverage for stable use must not exceed 4%.

12.3 The area of impermeable materials, including building coverage, must not exceed 40% of a sub-area.

12.4 Impermeable materials include asphalt, concrete, brick, stone, wood, and the projected areas of the outside of the outermost walls of all buildings including carports, covered porches, and entries but do not include gravel, river rock less than 5 cm in size, wood chips, bark mulch, and other materials which, in the opinion of the Director of Planning, have fully permeable characteristics when in place installed on grade with no associated layer of impermeable material, such as plastic sheeting, that would impede the movement of water directly into the soil below.

13 Finished Grades

The maximum finished grades of each sub-area must comply with the base surface plan (Figure 1), except that:

- (a) the Director of Planning, in consultation with the General Manager of Engineering Services, may relax finished grades by not more than 0.3 m to address requirements for storm drainage;
- (b) the Director of Planning, in consultation with the General Manager of Engineering Services, may relax finished grades for the purpose of construction pre-loading of sites on a temporary basis under a time limited permit; and
- (c) a drainage and finished grades plan is to form part of the development permit approval and finished grades are to be consistent with this plan, prior to issuance of occupancy permit.

14 Driveways

14.1 A sub-area must include no more than one driveway.

14.2 Except for manoeuvring areas adjacent to parking spaces, driveway width must not exceed 4 m.

14.3 In each of sub-areas 1, 3, 5, 7, 9 and 11, the setback of the east edge of the driveway must be 1.5 m from the east boundary of the sub-area for a distance of 25 m measured from the Celtic Avenue property line to a point 25 m south of that property line.

14.4 In each of sub-areas 2, 4, 6, 8, 10, and 12, the setback of the west edge of the driveway must be 1.5 m from the west boundary of the sub-area for a distance of 25 m measured from the Celtic Avenue property line to a point 25 m south of that property line.

15 Parking

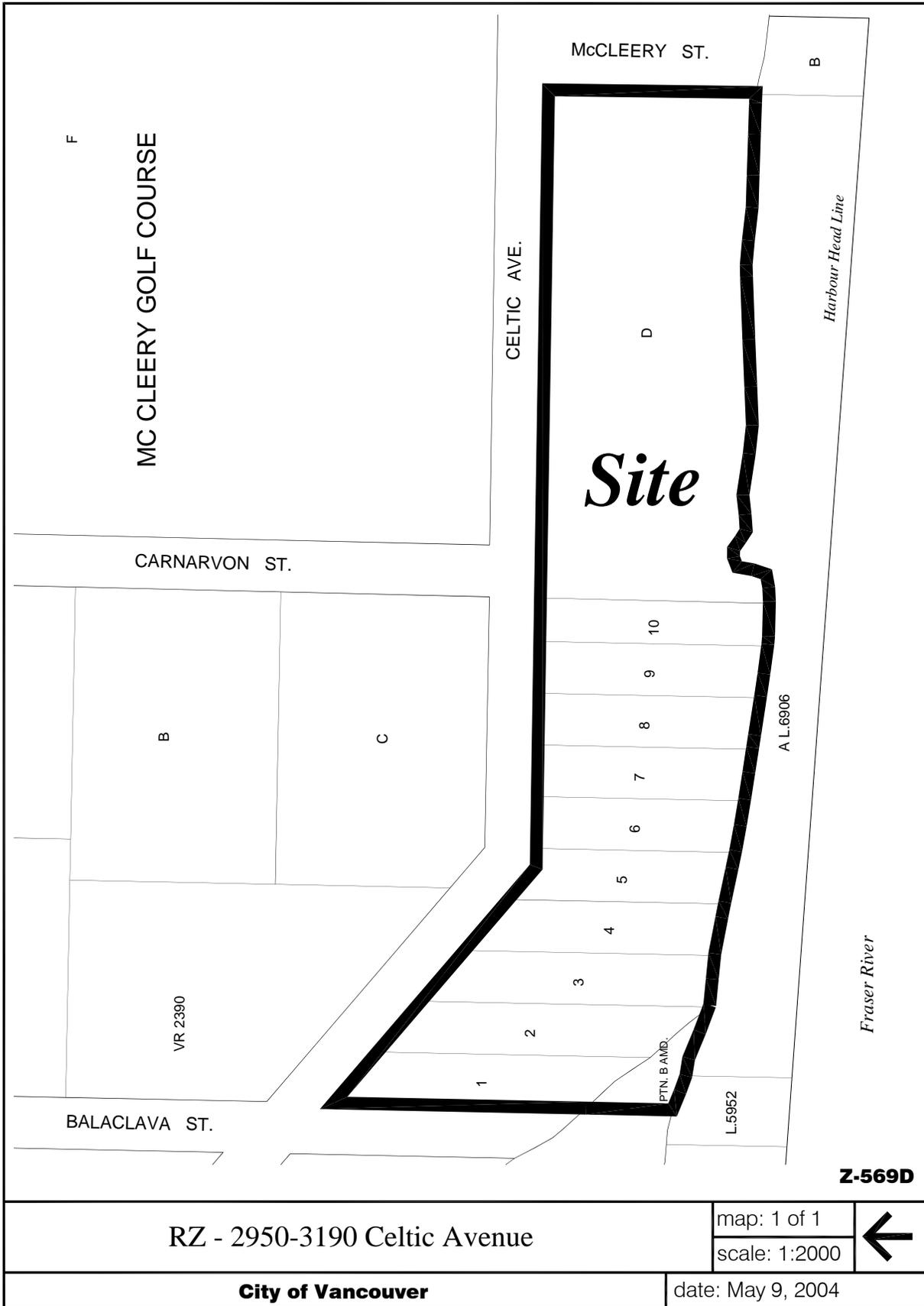
Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxation and exemptions in, the Parking By-law, of off-street parking, except that:

- (a) the number of parking spaces provided for a principal dwelling must not exceed three, and the number of parking spaces provided for a secondary suite must not exceed one;
- (b) there must be one parking space provided for a stable accessory to a dwelling use; and
- (c) there must be one parking space for each two horses provided for a stable that is a principal use.

16 Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

17 *[Section 17 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*



RZ - 2950-3190 Celtic Avenue

map: 1 of 1
scale: 1:2000



City of Vancouver

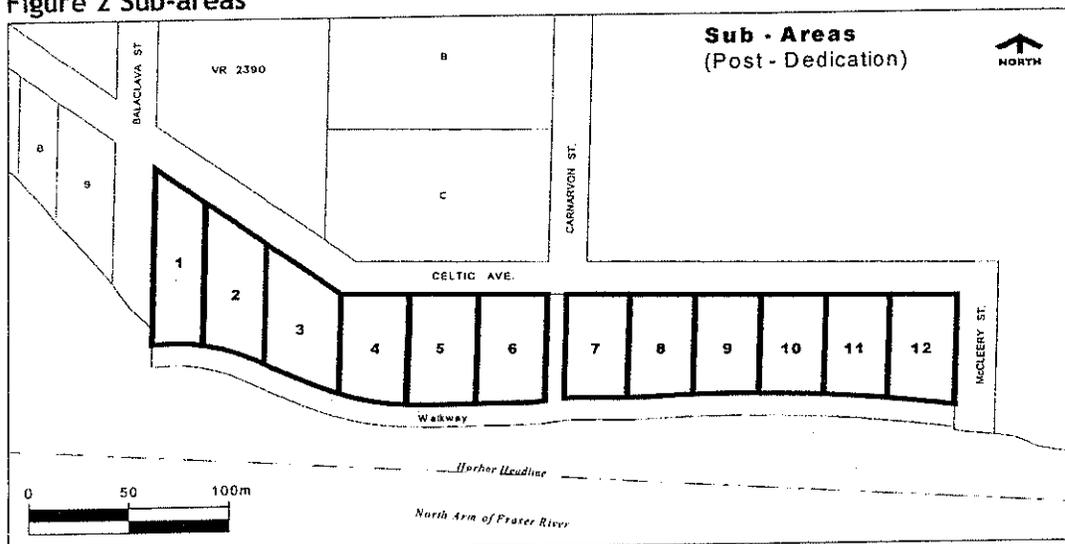
date: May 9, 2004

Backup Notes

Sub-areas

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Figure 2 Sub-areas



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- 9.3 The slope of a dwelling roof dormer must be at least 4:12.
- 9.4 The slope of a stable roof must be at least 4:12.

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 - (a) dwelling and any accessory building to a dwelling must be at least 25 m; and
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- 10.2 The setback from the side property lines of all sub-areas for a building must be at least 4.5 m.
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- 14.1 A sub-area must include no more than one driveway.
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Parking

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- (c) there must be one parking space for each two horses provided for a stable that is a principal use.

Severability

16. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

Force and Effect

17. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 23rd day of November, 2005

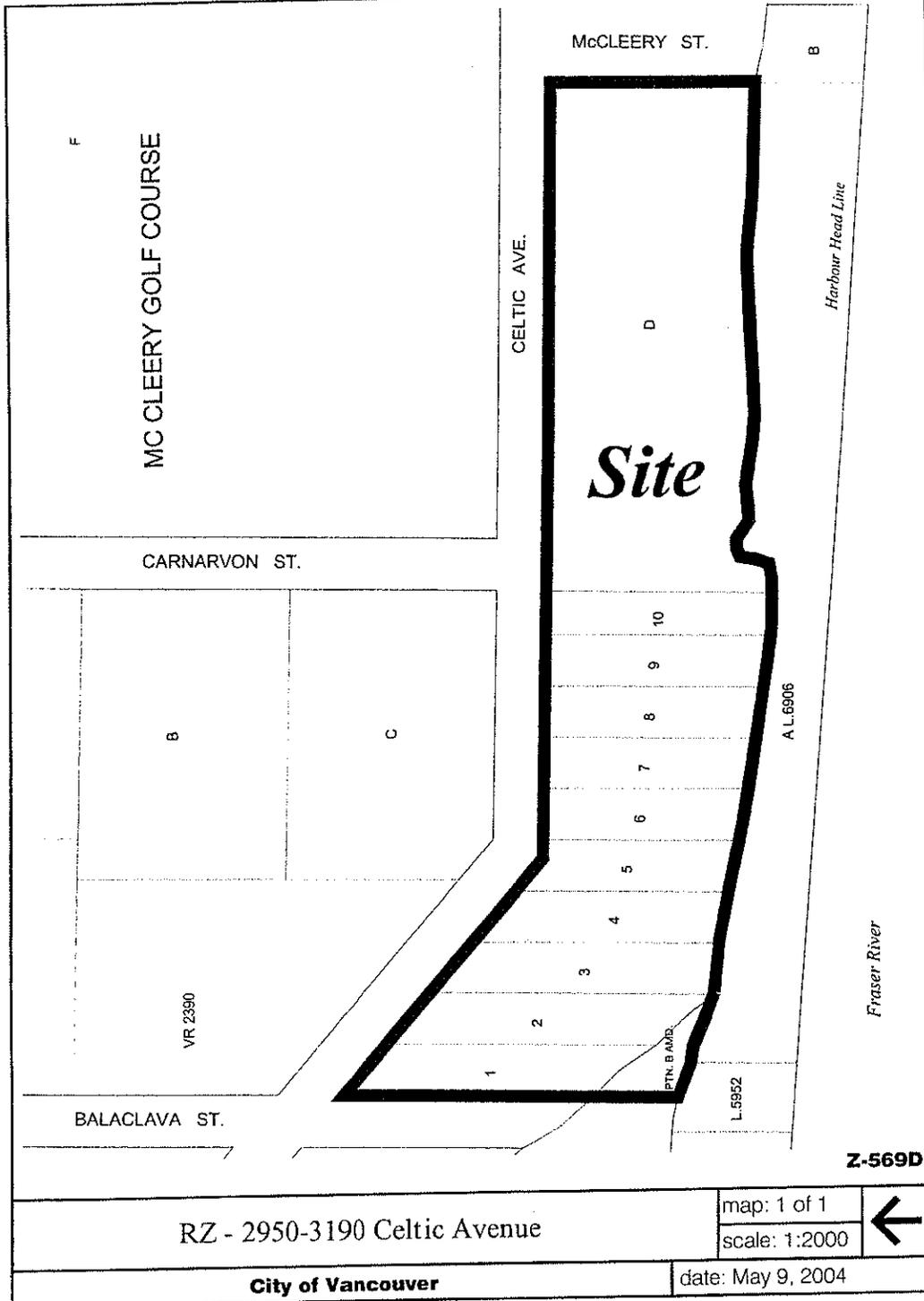


Deputy Mayor



City Clerk

Schedule A



RZ - 2950-3190 Celtic Avenue

map: 1 of 1
scale: 1:2000



City of Vancouver

date: May 9, 2004

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 21 inclusive, and authorize the Deputy Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Subdivision By-law No. 5208 (regarding the addition of standards for RT-10 and RT-10N and RM-1 and RM-1N Districts Schedules) (By-law No. 9186)
(Councillors Cadman, Ladner, and Louie ineligible to vote)
2. A By-law to amend Zoning and Development By-law No. 3575 to create new districts schedules in the Kingsway and Knight Street housing area (By-law No. 9187)
(Councillors Cadman, Ladner, and Louie ineligible to vote)
3. A By-law to amend Parking By-law No. 6059 (regarding RT-10 and RT-10N, RM-1 and RM-1N Districts Schedules) (By-law No. 9188)
(Councillors Cadman, Ladner, and Louie ineligible to vote)
4. A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 955 Burrard Street and 969 Burrard Street and 1017 - 1045 Nelson Street) (By-law No. 9189)
(Councillor Cadman ineligible to vote)
5. A By-law to amend Zoning and Development By-law No. 3575 by rezoning a certain area to CD-1 (re 955 Burrard Street) (By-law No. 9190)
(Councillor Cadman ineligible to vote)
6. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 955 Burrard Street) (By-law No. 9191)
(Councillor Cadman ineligible to vote)
7. A By-law to amend Sign By-law No. 6510 (re 955 - 969 Burrard Street and 1017 - 1045 Nelson Street) (By-law No. 9192)
(Councillor Cadman ineligible to vote)
8. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 2950 Celtic Avenue) (By-law No. 9193)
(Councillors Woodsworth, Cadman and Mayor Campbell ineligible to vote)
9. A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re 1133 West Georgia Street) (By-law No. 9194)
(Councillors Louis and Roberts ineligible to vote)

FURTHER THAT Council approve side agreements for the timely restoration of both buildings and their protection during construction.

- D. THAT the Sign By-law be amended to establish regulations for the CD-1 in accordance with Schedule E (assigned Schedule "B"(DD) be approved.
- E. THAT, subject to approval of the rezoning at Public Hearing, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule A.
- F. THAT Section 6 (Height) of the draft CD-1 By-law be amended to replace "114.6 m" by "118.5 m".
- G. THAT the design development condition (b)(i) be amended by replacing "114.6 m (376 ft.)" with "118.5 m (388.9 ft.) at the north-west corner of this sloped site and 115.9 m (380.2 ft.) at the south-east corner".

CARRIED UNANIMOUSLY

NOTE FROM MEETING COORDINATOR:

Item 8 was postponed on June 16th due to quorum issues, and subsequently postponed on June 30th due to time constraints, and dealt with in its entirety on July 12th. The minutes have been consolidated and set out in agenda order for ease of reference.

8. Rezoning: 2950 Celtic Avenue

An application by Progressive Construction Ltd. was considered as follows:

Summary: To rezone the site to allow for reconfiguration of the site for a 12 lot single-family residential development. At the time of enactment of the CD-1 By-law, design guidelines and consequential amendments to the Noise Control By-law would be adopted.

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

Also before Council were the following:

- Memorandum dated June 3, 2005, from the Deputy City Engineer, responding to a Council request to provide information on the flood risk in the Southlands area and the City's position on building in a flood plain.
- Memorandum dated June 14, 2005, from the Assistant Director, Current Planning, providing correction or clarification on:
 1. Noise By-law Recommendation
 2. CD-1 By-law Correction
 3. Artists Studio Issue Clarification; and
 4. CD-1 Design Guidelines

Staff Opening Comments

Rob Jenkins, Assistant Director, Current Planning Initiatives Branch, introduced staff present to answer questions, explained the application, and with the aid of aerial photographs, outlined the site boundaries and advised the historic Celtic Shipyards are located to the west of the 2950 Celtic Avenue site. Mr. Jenkins also reviewed memorandums dated June 3 and June 14, 2005, (referenced above) and noted this site is unique, and sub-division will not increase the number of legal parcels, only redistribute same and should not be viewed as precedent setting.

Larry Beasley, Director of Current Planning, and Mark Schwark and Kayrn Magnusson, Projects Engineers, responded to questions regarding the ability to develop in the Agricultural Land Reserve, type of heritage review that has been carried out on the site, and flood plain issues.

Applicant Comments

Steve Kurrein, Progressive Construction Ltd., acknowledged members of the applicant team, who were present to answer questions, and introduced Chief Ernie Campbell, Musqueam Band.

Chief Campbell referenced his letter dated July 6, 2005, (previously circulated to Council), and offered his support of the application made by Progressive Construction to rezone the Celtic Lands. Chief Campbell noted the Musqueam Indian Band is the owner of the lands, and with the decreased demand for shipyard facilities, and the desire to strive for financial independence, the decision was made to develop the lands. The proceeds of the development will assist with housing and other needs in the community. He requested Council approve the rezoning.

Summary of Correspondence

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

- Twenty-three (23) letters in support of the application;
- Two (2) letters in conditional support of the application;

- Thirty-five (35) letters in opposition to the application;
- One (1) email petition containing 187 names in opposition to the application (unaudited); and

- Two (2) other letters relating to the application.

Speakers

Deputy Mayor Green called for speakers for and against the application.

The following people spoke in general support of the application:

Caroline Williams, Southland Riding Club (specifically protection of equestrian nature of area)

Tony Hepburn

Jim Vilvang, Board of Directors, Southlands Ratepayers Association

Cortlandt Mackenzie (with request to reduce size and height of houses)

Larry Killam, Director, Southlands Ratepayers Association

Neil Longridge

Tom Gautreau (material on file)

Teresa Gautreau

Cheryl Dewson

Lisz Zumpano

Jim McPherson

Stuart Howard, Stuart Howard Architects

Elizabeth Wride

Craig Beattie

Bruce Nidale, Pottinger Gaherty Environmental Consultants

Eva Gerencher, URS Corporation, environmental consultants

Craig Rowland

Barrie Cloutmann

A summary of comments provided by the foregoing speakers follows:

- support for staff's recommendations that stabling facilities be destined as agriculture uses, and implementation of CACs for trail development;
- shipyards are unsightly and becoming increasingly difficult to maintain; the proposal will be a huge improvement to the neighbourhood;
- this application offers the best utilization of this site that can reasonably be expected and it does not compromise the character of the neighborhood;
- the Southlands Ratepayers Association support the proposal;
- the site in question was formerly a BC forest services site - the Celtic Shipyards are to the west of this property - these buildings date back only to the 1920s;
- this proposal comes closer to serving the wants of the community than any other proposal - a cultural centre is not a viable option here;
- present proposal is very concrete;
- full support for all aspects of the application;
- CAC monies is designated to trail improvement, which is much needed at this time - best compromise for this area;
- site as it exists is unsightly - sympathize with tenants, but neighbourhood will benefit immensely from this proposal
- only alternative to the application is to develop as existing lots, and the community would lose the community amenity contribution if this happened;
- existing use on the site is non-conforming - artist studios were never an allowed use;
- urge Council to consider all the benefits of this project - will be open and add to equestrian accommodation in the area;
- fish habitat will be increased, and contaminants in the area reduced; and
- urge Council to support the application.

The following delegations spoke in opposition to the application:

Ross Judge, Celtic River Coalition
Terry Slack(material filed)
June Binkert (brief filed)
Janet Clark
Susan Henry
Jennifer Maynard
Suzanne Anton
Monica Hilborn
Penny Elliott
Wendy Turner

A summary of comments provided by the foregoing speakers follows:

- the real issue is to save the historic buildings on the site for public use;
- lack of public and community input in proposed noted;
- there should be no further net loss of the wetlands in the Fraser River estuary; habitat in front of building no. 1 will be dredged out and taken away so land can be reclaimed;
- Celtic Shipyards played a huge part in the development of British Columbia and Canada, and need to be saved for future generations;
- too many of these old unique buildings are being torn down;
- request City negotiate with Province to resolve the pollution matter;
- hardening of river banks as seen in this application will close the door on habitat restoration;
- all portions of the existing marsh should be retained;
- the City does not appear to have the same commitment for the North Arm of the Fraser River as it has for its other seawalls;
- we do not want another Deering Island, with its wall of houses and speeding cars;
- a solution must be found that will preserve the life of the Fraser rather than serve only twelve families;
- a soulful village with character currently exists on the subject site; it is beautiful, clean and safe, and will be bulldozed to serve a privileged few;
- Southlands is a unique community in North America; it is fabulous as it is and important to keep it that way - consideration must be given to all alternatives;
- not convinced large estate homes are consistent with character of Celtic Flats;
- RA1 zoning is being chipped way, future of Southlands is uncertain;
- the neighbourhood is sharply divided;
- the Southlands Ratepayers Association's focus has shifted from protecting the rural nature of the area to enhancing the property values;
- the twelve new homes will create an increase in non-horse friendly car traffic, and further exacerbate related safety issues;
- something needs to be done with the Shipyards - perhaps a park to replace loss of parks in the area;
- maintain as an equestrian area that encourages horses and not cars; and
- request Council not make a decision until it has seen the site in question.

Applicant Closing Comments

Mr. Kurrein advised the developer has agreed to reduce the number of homes and make an amenity contribution. The twelve houses will now have a public walkway in front of their lots, pollution will be cleaned up, and the dyke will be rebuilt above minimum standard. Revenue from the project will go toward Musqueam band housing. The waterfront trails will be built by the developer at their expense, and park benches and landscaping will also be provided. In addition, a new tax base in the order of \$30 million will have been created. Mr. Kurrein noted this proposal has the full support of City staff.

Council Decision

MOVED by Councillor Ladner

THAT the Public Hearing continue until 11:00 p.m. this evening to allow for conclusion of this item.

LOST

(Councillors Louie, Louis, Roberts, Stevenson, Sullivan and Deputy Mayor Green opposed)

Council concluded the hearing of the public on this application at 10:35 p.m. on July 12, 2005, and agreed to refer the staff summation and Council's discussion and decision on this matter to the regular Council meeting to be held on July 19, 2005.

Council requested staff provide:

- further details of flooding issues, including flood levels at the Oak Street and Celtic Shipyards during the 1894 Fraser River flooding;
- a heritage evaluation of the subject site; and
- a copy of the Southlands Plan to be made available to all Councillors.

NOTE FROM MEETING COORDINATOR:

The hearing of speakers for Item 9 commenced on June 16 and concluded on June 30th. The minutes have been consolidated for ease of reference.

9. Text Amendment: 4176 Alexandra Street (York House School)

An application by CJP Architects was considered as follows:

Summary: To amend the CD-1 to add auditorium as permitted use and amend the density and parking requirements.

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

Staff Opening Comments

Michael Naylor Planner, Rezoning Centre, provided highlights on the proposed rezoning, advised the proposed 350 seat auditorium would be for school related use only, and noted there are measures in the plan to address traffic congestion issues. He further advised the school has capped its enrollment and noted the importance of the school's commitment to this project.

Applicant Comments

Ron Cliff, member of the School's Board of Governors, introduced Murray Sinclair, the new Chair and Gail Ruddy, Head of York House School. Ms. Ready relayed details of the achievements of her students and Mr. Cliff provided highlights of the application and noted the intention of the school is to remain at 600 students. He also provided additional details on options to automobile use available to York House students and noted all additional density is below grade, and if approved, could increase useable green space.

Summary of Correspondence

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

- Five (5) letters in support; and
- Twelve (12) letters in opposition.

Speakers

The Mayor called for speakers for and against the application.

The following delegations spoke in opposition to the application:

Peter Kwok, President, Shaughnessy Heights Property Owners Association
Peter Hebb (materials filed)
Andrew Scott (materials filed), York House Neighbours Group
Lynn McLoughlin, York House Neighbours Group
Andree Fleming (materials filed), York House Neighbours Group
Sally MacRae, York House Neighbours Group
Mike Shields, York House Neighbours Group
Tom Fleming, York House Neighbours Group
Catherine McKercher, York House Neighbours Group
Tianju Zhang, York House Neighbours Group
Bev West, York House Neighbours Group
Al Nortman, York House Neighbours Group
Carol Friesen, York House Neighbours Group
Dennis Baxendale, York House Neighbours Group

Mary Shields, York House Neighbours Group
Donna Aitken
Ruther Hamilton
Charles Hamilton
Phil Yacht
Erika Scott, York House Neighbours Group
Deborah Nortman, York House Neighbours Group
Bob Paterson, York House Neighbours Group
Erika Poole, York House Neighbours Group
Al Constantini, York House Neighbours Group
Ron Bertuzzi, York House Neighbours Group
Benny Wong, York House Neighbours Group
Anita Parker
Judd Takar
David Walker
Jani Constantini
Robert Friesen
Derek Mullan
John Paterson
Marshall Cramer
Chris Mathisen
Stephen Hui
Robert Angus
Stu Scott
Jan Scott
Bruce Douglas
Milly Kermod
Jennifer Kedgley
Chris Merry (materials filed)
Graham Kedgley (materials filed)

A summary of comments provided by the foregoing speakers follows:

- the intention of the school to carry out traffic plans was questioned, given the neighbourhood's past experiences with York House;
- the school infringes upon the quiet residential enjoyment of the neighbourhood due to the number of cars parked during the day;
- please deny this application, York House is not a good neighbour and has destroyed the trust of its neighbours;
- concern with the number of events that the York House School Facilities Use Plan would allow;
- the school's gymnasium is rented out to many groups and a basketball club and is almost always in use; the proposed auditorium will no doubt include rentals to outside groups;
- difficult to support the application in its present form, especially when consideration is given to the school's past record;

- residents must time their arrivals and departures and travel circuitous routes from their homes to avoid the traffic congestion;
- please turn down this application as it relates to construction of the theatre/ auditorium;
- perhaps residents only parking is required;
- the problem with the current proposal is there is no enforceability included in the good neighbour pledge - some sort of enforcement mechanism is required prior to approval of the application;
- opposed to application in its current form, traffic will only get worse;
- based on its failure in the past to abide by City by-laws, serious doubts York House will abide by a good neighbour pledge;
- the lay-by in front of the bus stop is not a good idea for the area;
- if school had acted in good faith all along, there would not be the numbers of people here this evening speaking against the application;
- proposal will worsen an already dangerous situation in regard to parking;
- school has not agreed to limit use of auditorium to strictly school functions;
- neighbours would likely support application if a legal binding agreement were in place regarding auditorium use;
- cannot see how increasing density will make the neighbourhood more liveable, especially as most of the school's students don't live in the neighbourhood;
- hundreds of hours were spent in preparation of a traffic management plan in 1992, which was agreed to by all reps; that plan was not implemented by York House and traffic levels increased by 50%;
- York House did not meet its goals in 2002; how can it be expected to meet them in 2005;
- York House is a privately run business that has outgrown its location and has not met its good neighbourhood agreement in the past;
- the proposal is too large for the neighbourhood;
- do not support the 60% expansion and ask Council to defeat this proposal;
- do not abandon the neighbourhood - do the right thing;
- a promised impact study has never been done;
- the by-law cannot limit the use or prohibit the renting of the School's facilities - the by-law offers no protection;
- act now to prevent this private institution having control over the neighbourhood we live in;
- density of students at York House is excessive, with insufficient space for expansion;
- neighbours appear to be unimportant - if application not approved the School's Board will be forced to deal with the neighbourhood; and
- York House should be required to build some of the traffic calming measures before the theatre is built.

The following people spoke in support of the application:

Cheryl Green
Caitlin Ohama-Darcus
Kate Sutton Jones
Chuck Brook

Richard Prokopanko
Paul Lee
Judy Walker
Mary Keitel
Heather Jones
Maria Chung (Revised Good Neighbour Pledge distributed at meeting and on file)
Danielle Brimo
Megan Prokopanko
Bill Rand

A summary of comments provided by the foregoing speakers follows:

- school has been proactive in encouraging alternative means of travel to York House; daughter walks to school every day;
- York House offers an amazing and supportive environment, it is a community that offers an open door to the entire world, and one that cares about the environment;
- York House exists for the benefit of its students;
- if the application is approved, the school could better fulfil its mandate of providing excellence in education;
- staff fully support all aspects of the good neighbour pledge;
- traffic congestion is worse at Lord Byng School;
- York House does everything it can to reduce traffic;
- there is a unique clause in the rezoning conditions that restricts the use of the auditorium;
- the application is for an auditorium, not a gymnasium;
- the good neighbourhood pledge is viable and the application should move forward;
- the auditorium is a necessity and will provide a much needed set of skills to York House students;
- additional underground parking will replace above ground parking and provide for additional green space;
- York House is committed to work with the community to improve traffic and community issues;
- York House is a non-profit organization; and
- proposed facility will be underground so appearance of school will be improved, with more green space for children to play.

Applicant Closing Comments

Maria Chung, on behalf of the applicant, advised York House is asking for the auditorium for school related purposes only and it will not be rented out. Ms. Chung further advised the current Board is committed to the Good Neighbourhood Policy (with changes as circulated at the June 30th meeting) and urged Council to approve the application.

Staff Closing Comments

Larry Beasley, Director of Current Planning, stated traffic is a real concern for the neighbourhood, and suggested Council may wish to seek traffic calming early in the development process. Mr. Beasley further advised auditorium use can be regulated through

the zoning by-law which does not allow 3rd party use and also referenced the binding arbitration agreed to by York House School in regard to use of the auditorium. Mr. Beasley pointed out two mechanisms to address the problem of trust as expressed by many of the neighbours include an arbitrator, agreed to by both the school and the neighbourhood, and an annual evaluation of the good neighbourhood pledge.

Council Decision

Council members noted York House School had recognized its moral obligation to live up to the Good Neighbour Agreement, and with good will and good intent, accompanied by the active participation of the student body the agreement will hopefully ensure a positive outcome. It was also recognized that not just York House School, but two other nearby schools contribute to the traffic problems in the neighbourhood, and York House is committed to underground parking to be shared with adjacent schools. One Council member recognized the majority of the neighbours are not only opposed the application, but also fear any arrangement other than a legal one.

MOVED by Councillor Cadman

- A. THAT the application by CJP Architects to amend the text of CD-1 By-law No. 7045 for 4176 Alexandra Street (Block 670, Lot 526, Group 1, NWD; PID 007993811) to permit replacement of and addition to student facilities, including a new Senior School building, below-grade parking and a performance arts centre, generally as outlined in Appendix A to the City Manager's report entitled "CD-1 Text Amendment: 4176 Alexandra Street - York House School" dated April 29, 2005, be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by CJP Architects, and stamped "Received by the City Planning Department", April 26, 2005, 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, among other things, the following:

Design Development

- (i) design development to ensure overall cohesiveness in architectural expression of existing and proposed buildings comprising the York House School campus and to increase neighbourhood fit;

Note to applicant: Consider using replicas of the neighbourhood street lighting where appropriate for perimeter lighting around the site.

GOOD NEIGHBOUR PLEDGE

- (c) That, prior to issuance of any related development permit, provision of a Good Neighbour Pledge containing, to the satisfaction of the General Manager of Engineering Services, the Director of Planning and the Director of Legal Services, a Transportation Management Plan, a Facilities Use Plan, and a Construction Management Plan.

Note to applicant: The Good Neighbour Pledge should be updated annually and submitted to the Parking Branch for the monitoring transportation impacts. The update should include revised special event dates, revised mode split figures and other transportation data, changes to the passenger loading, traffic and parking management procedures, and information on upcoming phasing plans for implementation of the proposed development. Also, the mediation process described in the Pledge should be further evolved into an arbiter process that can provide more effective ongoing management of issues.

AGREEMENTS

- (d) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City make arrangements for the following to the satisfaction of the Director of Current Planning and the General Manager of Engineering Services, on terms and conditions satisfactory to the Director of Legal Services, unless otherwise specified:

ENGINEERING

- (i) Provision of street improvements on Alexandra Street between King Edward and West 26th avenues, including curbing (lay-by) and sidewalk adjustments to accommodate lay-by;
- (ii) Provision of a lay-by on King Edward Avenue adjacent to the site;
- (iii) Provision of street trees adjacent to the site where space permits; and
- (iv) Undergrounding of all new B.C. Hydro and Telus facilities from the closest existing point, including a review of any new overhead wiring necessary to serve the site to determine any impact on the adjacent neighbourhood.

COMMUNITY AMENITY CONTRIBUTION

- (v) Offering to the City of a Community Amenity Contribution (CAC) in the amount of \$65,122.

- B. THAT the CD-1 by-law clearly regulate that there be no third party use of the auditorium; and

FURTHER THAT the following two conditions be added:

- a) THAT the good neighbourhood pledge include an annual review which includes participation by the student body, and provision that the Head Girl report the students' findings to Vancouver City Council; and
- b) THAT traffic management and calming measures be implemented early in the development process.

CARRIED
(Councillor Stevenson opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Bass

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 11:15 p.m. on June 16, 2005
recessed at 10:00 p.m. on June 30, 2005
and
adjourned at 10:35 p.m. on July 12, 2005

* * * * *

REPORT REFERENCE

1. **City Creative Task Force Planning Process & Allocation of Increase to 2005 Cultural Grants Budget (File 4001/2051)**

Sue Harvey, Managing Director of Cultural Services, presented a Report Reference on the Administrative Report *City Creative Task Force Planning Process & Allocation of Increase to 2005 Cultural Grants Budget* dated July 5, 2005. She outlined the Task Force membership, mandate, policies, procedures and process for public consultation to review the City's future role in arts and culture. She also reported on the Task Force's initial consultation process and recommendations for the allocation of the \$1 million increase to the 2005 cultural grants budget.

MOVED by Councillor Woodsworth

- A. THAT Council receive for information the terms of reference and public consultation plan for the City Creative Task Force as outlined in the Administrative Report *City Creative Task Force Planning Process & Allocation of Increase to 2005 Cultural Grants Budget* dated July 5, 2005; and
- B. THAT Council approve funding allocations of the \$1 million increase to the 2005 cultural grants budget as follows:
 - a. Up to \$50,000 increase to the Diversity Initiatives grants program;
 - b. Up to \$75,000 for a third fall deadline for Project Grants for new projects and as supplemental grants to rebalance funding levels for 2005 Project Grant recipients;
 - c. Up to \$50,000 towards the cost of administering these new programs including outreach, evaluation and advisory panel costs;
 - d. The balance of funds, approximately \$825,000, to be allocated as supplemental grants to rebalance funding levels to 2005 Operating Grant recipients generally as outlined in the Administrative Report *City Creative Task Force Planning Process & Allocation of Increase to 2005 Cultural Grants Budget* dated July 5, 2005, with reports on specific grant allocations at the conclusion of the grant review process; source of funds to be the 2005 Cultural Grants Operating Budget; and
- C. THAT Council approve the re-allocation of \$75,000 from the unallocated 2005 Grants Equal to Theatre Rental Grant program within the 2005 Cultural Grants Budget to fund a new grants equal to theatre rental program for occasional, new and diverse non-profit arts and cultural organizations for the use of the Vancouver Civic Theatres and as outlined in the Administrative Report *City Creative Task Force Planning Process & Allocation of Increase to 2005 Cultural Grants Budget* dated July 5, 2005.

CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

At 3:00 p.m., Councillor Woodsworth declared Conflict of Interest for the Unfinished Business item on Rezoning: 2950 Celtic Avenue, as she had attended a meeting with some of

the petitioners regarding this decision. Councillor Woodsworth left the Council Chamber and did not return until the conclusion of the vote on the matter.

1. Rezoning: 2950 Celtic Avenue (File 1401-83)

At the reconvened Public Hearing on July 12, 2005, Council heard from 28 speakers regarding the proposed rezoning of 2950 Celtic Avenue.

The Public Hearing on this application was concluded and Council agreed to refer the staff summation, Council discussion and decision on this matter to the next Regular Council meeting on July 19, 2005.

Council had before them the following materials:

- Public Hearing Agenda (Item 8 - 2950 Celtic Avenue);
- Policy Report dated April 28, 2005
- Memorandum dated June 3, 2005, from the Deputy City Engineer
- Memorandum dated June 14, 2005, and attached Design Guidelines from the Assistant Director, Current Planning
- Memorandum dated July 19, 2005, from the Director of Current Planning.

Rob Jenkins, Assistant Director of Current Planning, presented the staff summation and referenced the memorandum, dated July 19, 2005 from the Director of Current Planning responding to Council's requests for further information on Fraser River flood levels and a heritage evaluation of the subject site.

MOVED by Councillor Roberts

A. THAT the application by Progressive Construction Ltd. to rezone 2950-3190 Celtic Avenue [Lots 1-10, Block 16, DL 194, Plan 2242: Part of Lot B (Amended Ref Plan 1624), DL 194 lying east of the production southerly of the west boundary of Lot 1, Block 16, DL 194, Plan 2242; and Lot D, Block 8, DL 194, Plan 11178] from RA-1 to CD-1, to permit the site's legal parcels to be reconfigured for single-family residential development, generally as outlined in Appendix A to the City Manager's report entitled "CD-1 Rezoning - 2950 - 3190 Celtic Avenue" dated April 28, 2005, be approved, subject to the following conditions:

- A) THAT schematic plans illustrating the proposed form of development for a parcel be approved by Council before any development permit for that parcel is issued.
- B) THAT, prior to approval by Council of the form of development for each parcel, the applicant and/or property owner(s) shall obtain approval of a development application for each parcel by the Director of Planning.

AGREEMENTS

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

Community Amenity Contribution (CAC)

- (i) Make arrangements to the satisfaction of the Director of Current Planning, and Director of Legal Services for the delivery of the \$1,280,000 Community Amenity Contribution (CAC) offered by the applicant/property owner to be used for the purpose of riverfront trail development and equestrian boulevard trail development in Southlands;

Agricultural Land Revenue

- (ii) Secure a decision by the Agricultural Land Commission approving the landowner's application to the Agricultural Land Commission to subdivide the land in the Agricultural Land Reserve at 2950 - 3190 Celtic Avenue and in the form which is compatible with the subject rezoning application;

Soils Remediation

- (iii) Obtain and submit to the City copies of all soils studies and the consequential Remediation Plan(s), approved by the Ministry of Water, Land and Air Protection. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils in accordance with a Remediation Plan(s) approved by the Ministry of Water, Land and Air Protection 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;

Soils Remediation (Road)

- (iv) Submit to the City a remediation plan(s) for all newly dedicated road and utility rights-of-way required to served the subject site, including utility construction plans compatible with the accepted remediation plan(s), together with any agreements deemed necessary by the General Manager of Engineering Services providing for the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and ground water flows and other remedial works or systems required by the General Manager of Engineering Services all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;

Note: Certificate of Compliance in respect of lands to be dedicated, transferred or leased to the City must be provided by the Ministry of Water, Land and Air Protection prior to the completion and transfer of these areas to the City.

Indemnity Agreement

- (v) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing security to the satisfaction of the Director of Legal Services, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Water, Land and Air Protection 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;

Soils Vancouver Charter

- (vi) Shall, as required by the General Manager of Engineering Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

Occupancy

- (vii) Execute a Section 219 Covenant, satisfactory to the Director of Legal Services, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection.

Other Arrangements Prior to Enactment

- (viii) Make arrangements to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and the Approving Officer for the following:
 - a) Registration of a compatible subdivision plan generally as depicted in Figure 2, Appendix A of this report, following enactment of the CD-1 By-law;
 - b) Execution of a Section 219 Covenant:
 - requiring the Owner to undertake and complete after enactment of the CD-1 By-law the matters set out in Section (D) of Appendix B of this report; and
 - prohibiting the use or occupation of the site and construction on the site and separate transfer of the parcels until the Owner has fulfilled all rezoning conditions including those to be fulfilled after rezoning;
 - c) Execution of a Section 219 Covenant:
 - prohibiting conventional subdivision except as contemplated in the subject rezoning;
 - prohibiting subdivision by bare land strata title subdivision plan;

- prohibiting strata title subdivision of a one family dwelling with secondary suite such that the secondary suite becomes a separate strata lot;
- prohibiting subdivision by way of lease; and
- prohibiting the deposition or extraction of material to alter the configuration of the land without the approval of the Director of Planning in consultation with the General Manager of Engineering Services and in granting such approval the Director of Planning may set terms, conditions and deadlines.

Post Enactment Arrangements

- D) THAT subsequent to enactment of the CD-1 Bylaw, the registered owner shall, at no cost to the City, and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services and, where applicable, the Approving Officer, arrange for:
- (i) Dedication as road of a 33 ft. wide portion of lot D, to extend Carnarvon Street to the water for pedestrian access;
 - (ii) Closure of a 34 ft. wide portion of McCleery Street adjacent the site (Council approval will be required and will be the subject of a separate report from the General Manager of Engineering Services);
 - (iii) Dedication as road, or other arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, of a portion of the site adjacent the water to accommodate a walkway (10 meters wide, minimum). The 10 m width to be level, free, and clear for pathway use and landscape buffers. No portion of the shoreline protection is to be included in the free and clear area. (Note: the resulting dedication shall be to a width of 10 m or greater to ensure all areas lying southerly of the new lot boundaries are included within the dedication area);
 - (iv) Confirmation of the southerly limit of the shoreline works (i.e., new high water mark) and all title limits, once the process of all legal acts to return to the Crown all land covered by water and to fill other lands covered by water, has been completed;
 - (v) Provision of shoreline protection works relevant to the subject site which includes a waterfront walkway (multi-use pathway) adjacent the site from Balaclava Street and Celtic Avenue to McCleery Street and Celtic Avenue via the waterfront, and from Celtic Avenue to the waterfront on the extension of Carnarvon Street. The walkway is to be constructed in conformance with Engineering "Greenways" standards, all at no cost to the City;
 - (vi) Provision of a connection, including legal arrangements, from the proposed walkway to Balaclava Street across the westerly lot or lots. (Note: The connection will provide public access to the waterfront walkway until further development to the west allows for extension of the walkway adjacent the river);
 - (vii) Provision of appropriate agreements to indemnify the City from flooding (flood plain covenant) and any resulting floodwater damage, failure of

- the shoreline works or walkway, damage due to seismic events and to acknowledge that the shoreline works need not provide support for the uplands;
- (viii) Provision of the completed Fraser River Estuary Management Program (FREMP) project review;
 - (ix) Provision of a report on the constructed fish habitat including detailed plans and sections and recommended maintenance practices;
 - (x) Provision of a sanitary force main to serve the development;
 - (xi) Provision of a stormwater management plan and implementation of the recommendations thereof;
 - (xii) Provision of street trees adjacent the site where space permits, and in keeping with RA-1 guidelines;
 - (xiii) Under grounding of all new BC Hydro and Telus services from the closest existing suitable service point, including a review of any new cabling necessary to serve the development to determine impacts on the neighbourhood;

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.

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 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, 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.

- B. THAT Section 14.4 in the proposed CD-1 by-law be corrected as follows. **Bold** indicates correction, ~~strike-out~~ indicates deletion.

14.4 In each of the sub-areas **2, 4, 6, 8, 10 and 12**, ~~1, 3, 5, 7, 9 and 11~~, the setback of the west edge of the driveway must be 1.5 m from the west boundary of the sub-area for a distance of 25 m measured from the Celtic Avenue property line to a point 25 m south of that property line.

- C. THAT the developer commit to an environmentally-sensitive "green" development and during the detailed design stages explore approaches to minimize water and energy consumption, reduce solid waste, treat storm water effectively and develop a high-quality indoor environment for the future occupants.

CARRIED
(Councillor Bass opposed)
(Councillor Cadman excused from voting)
(Councillor Woodsworth not present for the vote)

At 3:20 p.m., Councillor Woodsworth returned to the Council Chamber.

ADMINISTRATIVE REPORTS

1. **2003 Real Property Tax Sale Manifest Error Refunds
June 9, 2005 (File 1552)**
 - A. That Council approve a refund of the upset price (\$5,152.34) plus six percent interest (approximately \$520.03) in accordance with Section 445 of the *Vancouver Charter* to the purchasers of Legal Lot # SL 90 DL 393 PLAN LMS 2835 (2238 Kingsway) and Legal Lot # SL 16 DL 393 PLAN LMS 2835 (2238 Kingsway) due to a manifest error in the 2003 Property Tax Sale. Source of funding for the interest will come from the 2005 Operating Budget.
 - B. That the property taxes as they appeared on the real-property tax roll prior to the sale be restored to the roll.

ADOPTED ON CONSENT

2. **Continuation of Light Duty Brand Standardization Agreements
June 27, 2005 (File 1203)**
 - A. THAT Council authorize the extension of the current light duty vehicle purchasing agreement with Ford Motor Company of Canada Ltd for a two (2) year period for the supply of light duty vehicles, and that Council authorize the extension of the current agreement with Coastal Ford Sales Ltd for a two (2) year period for the supply and delivery of Ford light duty vehicles and related services, until June 30, 2007, subject to such agreements being satisfactory to the Director of Legal Services.
 - B. THAT the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement A above.
 - C. THAT all such legal documents be on terms and conditions satisfactory to the General Manager of Engineering Services, Manager of Materials Management and the Director of Legal Services.
 - D. THAT no legal rights or obligations will be created by Council's adoption of A, B and C above unless and until such legal documents are executed and delivered by the Director of Legal Services.

Miscellaneous text amendments

BY-LAW NO. 9888

A By-law to amend Zoning and Development By-law No. 3575,
CD-1 By-law No. 9193, and CD-1 By-law No. 9766
regarding miscellaneous text amendments

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. From section 3.2.1.C of the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule of the Zoning and Development By-law, Council repeals:

- Fitness Centre - Class 1, *but only in the RM-5C District*

2. After section 7.6(e) of CD-1 By-law No. 9193, Council adds:

“(f) covered porches if:

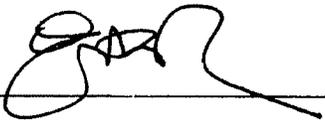
- (i) the Director of Planning first approves the porch design,
- (ii) they face the street and are located at the first storey,
- (iii) that portion facing the street is open or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,
- (iv) the total area of such exclusions does not exceed 8% of the permitted floor area, and
- (v) the ceiling height, excluding roof structures, of the total excluded area does not exceed 3.1 m measured from the porch floor; and

(g) areas of floor over open-to-below space located directly below space located directly below sloping roof rafters or a sloped ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists if:

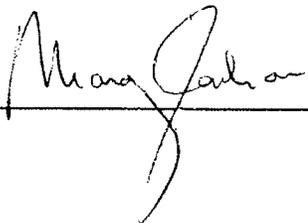
- (i) the Director of Planning first approves the roof design,
- (ii) the distance from the floor to any part of the ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and
- (iii) the excluded floor area does not exceed 10% of the permitted floor area.”

3. Council repeals section 3.5(h) of CD-1 By-law No. 9766, and substitutes:
“(h) below grade mechanical space, except that any mechanical space directly accessed from within a dwelling unit must not exceed 11.6 m² for each dwelling unit; and”.
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 16th day of June, 2009



Mayor



City Clerk

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amendments to the Parking By-law, generally in accordance with Appendix C of the above-noted report.

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote.)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Louie

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote)

BY-LAWS

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT Council, except for those members excused as noted in the agenda, enact the by-law(s) listed on the agenda for this meeting as numbers 1 to 36 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-law(s).

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote)

* * * * *

Councillor Reimer rose and declared Conflict of Interest on By-law No. 9 as she is a senior decision maker for an organization that interacts with the Gastown Business Improvement Area.

* * * * *

18. A By-law to levy rates on qualifying real property in the Strathcona Business Improvement Area (By-law No. 9878)
19. A By-law to levy rates on qualifying real property in the Victoria Drive Business Improvement Area (By-law No. 9879)
20. A By-law to levy rates on qualifying real property in the West End Business Improvement Area (By-law No. 9880)
21. A By-law to levy rates on qualifying real property in the Yaletown Business Improvement Area (By-law No. 9881)
22. A By-law to amend Zoning and Development Fee By-law No. 5585 regarding reduced fees for phased sites (By-law No. 9882)
23. A By-law to amend Urban Design Panel By-law No. 4722 regarding miscellaneous amendments (By-law No. 9883)
24. A By-law to amend Solid Waste By-law No. 8417 regarding tipping fees and miscellaneous amendments (By-law No. 9884)
25. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$6 13,154.59 for certain local improvement street work projects, including pavement curbs, trees and bulges, cement walks, lane pavement, and speed humps and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9885)
26. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$7,772.76 for certain local improvement lane lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9886)
27. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$3,528.39 for certain local improvement street lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9887)
28. A By-law to amend Zoning and Development By-law No. 3575, CD-1 By-law No. 9193, and CD-1 By-law No. 9766 regarding miscellaneous text amendments (By-law No. 9888)
29. A By-law to amend Sign By-law No. 6510 regarding miscellaneous text amendments (By-law No. 9889)
30. A By-law to amend CD-1 By-law No. 8587 regarding 651 Expo Boulevard (By-law No. 9890)
31. A By-law to amend False Creek North Official Development Plan By-law No. 6650 regarding 651 Expo Boulevard (By-law No. 9891)



Council Decision

MOVED by Councillor Anton

- A. THAT Council approve amendments to Heritage Revitalization Agreement By-Law No. 9269, as amended by By-law No. 9700, to change and to more specifically describe heritage components listed in the Heritage Revitalization Agreement, all generally in accordance with Appendix A, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Heritage Revitalization Agreement By-law amendments, generally in accordance with Appendix A, to the above report.

- B. THAT Council approve amendments to the Restoration Covenant registered under number BA282954 to BA282956, generally in accordance with Appendix A, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Restoration Covenant amendments, generally in accordance with Appendix A, to the above report.

- C. THAT Council approve amendments to Heritage By-law No. 4837, as amended by By-law No. 9699, to more precisely describe the designated heritage features on the Woodward's Site, generally in accordance with Appendix B, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Heritage By-law amendments, generally in accordance with Appendix B, to the above report.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: Miscellaneous Text Amendments

An application by the Director of Planning was considered as follows:

Summary: Miscellaneous amendments to the Zoning and Development By-law, various Comprehensive Development (CD-1) By-laws, the Sign By-law, and Zoning and Development Fee By-law. The amendments achieve the intent of earlier rezonings.

The Director of Planning recommended approval.

REPORT TO COUNCIL
SPECIAL COUNCIL MEETING MINUTES

MAY 19, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 19, 2009, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider zoning, heritage and sign by-law amendments.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed zoning, heritage and sign by-law amendments.

CARRIED UNANIMOUSLY

**1. HERITAGE REVITALIZATION AGREEMENT: 101 West Hastings Street
(Woodward's Site)**

An application by the Director of Planning was considered as follows:

Summary: To amend the Heritage By-law and Heritage Revitalization Agreement (HRA) to include the final Conservation Plan.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this application.

Speakers

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

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1, 2 and 5 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

Councillors Chow and Jang rose and confirmed they have received a report of the Public Hearing in regard to By-laws 6 and 7 and would therefore be voting on the enactment of the by-laws.

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT Council, except for those members excused as noted below, enact the by-laws listed on the agenda for this meeting as numbers 3, 4, 6 and 7 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law regarding designation of a special event and relaxations of the Sign By-law for the PNE 100th Anniversary (By-law No. 10024)**
2. **A By-law to amend Heritage Taxation Exemption By-law No. 9036 for 5 West Pender Street (By-law No. 10025)**
3. **A By-law to amend Zoning and Development By-law No. 3575 regarding miscellaneous text amendments (By-law No. 10026)**
(Councillors Deal, Meggs, Woodsworth and the Mayor ineligible for the vote)
4. **A By-law to amend CD-1 By-law No. 9193 regarding miscellaneous text amendments (By-law No. 10027)**
(Councillors Deal, Meggs, Woodsworth and the Mayor ineligible for the vote)



"These minutes will be adopted at the next Regular Council meeting".

**REPORT TO COUNCIL
SPECIAL COUNCIL MEETING MINUTES**

MARCH 23, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, March 23, 2010, at 7:38 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning, Official Development Plan, Heritage, Sign, and Noise Control By-laws.

PRESENT: Deputy Mayor Tim Stevenson
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Andrea Reimer

ABSENT: Mayor Gregor Robertson (Leave of Absence - Civic Business)
Councillor Heather Deal (Leave of Absence - Civic Business)
Councillor Geoff Meggs (Leave of Absence - Medical)
Councillor Ellen Woodsworth

CITY CLERK'S OFFICE: Terri Burke, Meeting Coordinator (Minutes)
Pat Boomhower, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION: 1132 Hamilton Street

An application by Simon Bonnettemaker, Gower Yeung and Associates, was considered as follows:

Summary: Addition to the Vancouver Heritage Register in the 'C' evaluation category and Heritage Designation of this historic Yaletown warehouse building.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this application.

Speakers

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

Council Decision

MOVED by Councillor Louie

- A. THAT the building at 1132 Hamilton Street be added to the Vancouver Heritage Register in the 'C' evaluation category, and that it be designated as protected heritage property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to designate the building located at 1132 Hamilton Street as protected heritage property.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: Miscellaneous Text Amendments to the Zoning and Development By-law, CD-1 By-law #448, Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines

An application by the Director of Planning was considered as follows:

Summary: To amend the Zoning and Development By-law and Comprehensive Development (CD-1) #448 By-law No. 9193 for 2950 Celtic Avenue, for miscellaneous text amendments.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louie

THAT the application to amend the Zoning and Development By-law and Comprehensive Development (CD-1) #448 By-law No. 9193 for Celtic Avenue, for miscellaneous text amendments generally as presented in Appendix A of the Policy Report dated January 5, 2010, entitled "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-law #448, Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines, Protection of Trees By-law, and Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies", be approved.

CARRIED UNANIMOUSLY

~~3. REZONING: 1134 Burrard Street (Supportive Housing)~~

~~An application by Dane Jansen, dysarchitecture, was considered as follows:~~

~~Summary: To rezone the site from Downtown District (DD) to a Comprehensive Development (CD-1) District to develop a 16-storey building with 141 supportive housing units, in conjunction with new program space for the Directions Youth Services Centre. A maximum floor space ratio (FSR) of 6.54 and a maximum building height of 54 m are proposed.~~

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

~~Also before Council was a Memorandum dated March 23, 2010, from Rob Whitlock, Senior Housing Officer, Social Infrastructure, Social Development, which proposed an amendment to recommendations, to add the following condition:~~

~~FORM OF DEVELOPMENT~~

~~Engineering~~

- ~~xiii) This site will require an interconnected water service. Please ensure water servicing is discussed with Engineering's water design branch during the building permit process.~~
- ~~xiv) Provision of a full construction joint at the property line separating city sidewalk from sidewalk on site. (To be reflected on the landscape plans).~~

Backup Notes

By-law No. 10108, dated July 20, 2010

Miscellaneous text amendments

BY-LAW NO. 10108

A By-law to amend CD-1 By-law No. 9193

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. After the heading "Definitions", Council inserts the numbers "2.1" before the first section and, after Figure 1, Council inserts:

"2.2 In this By-law:

"stable with hay storage" means a stable, with undeveloped floor area located above the first storey and used solely for the storage of hay."

2. Council repeals section 7.3 and substitutes:

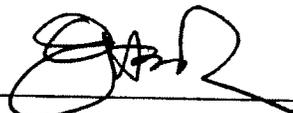
"7.3 The floor space ratio of a stable must not exceed 0.04, except that the floor space ratio of a stable with hay storage must not exceed 0.07."

3. Council repeals section 8.2 and substitutes:

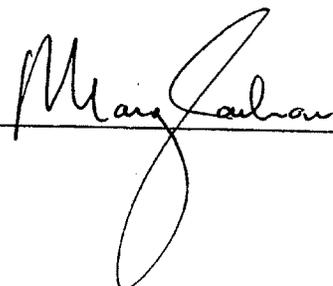
"8.2 The height of a stable must not exceed 7.6 m above base surface and one storey, except that the height of a stable with hay storage must not exceed 7.6 m above base surface and 1.75 storeys."

4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 20th day of July, 2010



Mayor



City Clerk

BY-LAWS

MOVED by Councillor Stevenson
SECONDED by Councillor Cadman

THAT Council enact the by-laws before them at this meeting as numbers 1 to 6 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

1. **A By-law to designate certain real property as protected heritage property at 1925 West 16th Avenue, the Sanderson House (By-law No. 10105)**
2. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property at 2496 West 8th Avenue (By-law No. 10106)**
3. **A By-law to designate certain real property as protected heritage property at 2496 West 8th Avenue (By-law No. 10107)**
4. **A By-law to amend CD-1 By-law No. 9193 (By-law No. 10108)**
5. **A By-law to amend CD-1 By-law No. 10029 re 1300 - 1336 Granville Street (By-law No. 10110)**
6. **A By-law to amend Southeast False Creek Official Development Plan By-law No. 9073 (By-law No. 10109)**

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Woods

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the zoning, official development plan, and sign by-laws.

CARRIED UNANIMOUSLY
(Councillors Deal and Jang absent for the vote)

* * * * *

At 9:28 pm, at the conclusion of Item 5, Mayor Robertson declared Conflict of Interest on Item 6 as his wife is Chair of the Farmers' Market Board. Mayor Robertson left the meeting and did not return.

Councillor Woodsworth assumed the Chair in Mayor Robertson's absence.

* * * * *

SPECIAL COUNCIL MEETING MINUTES

JULY 20, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, July 20, 2010, at 7:39 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the heritage, official development plan, sign and zoning by-laws.

PRESENT:

Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow*
Councillor Heather Deal*
Councillor Kerry Jang*
Councillor Raymond Louie*
Councillor Geoff Meggs
Councillor Andrea Reimer*
Councillor Stevenson
Councillor Ellen Woodsworth*

CITY MANAGER'S OFFICE: Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Bonnie Kennett, Meeting Coordinator (Minutes)
Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Chow
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 heritage, official development plan, sign and zoning by-laws.

CARRIED UNANIMOUSLY
(Councillors Deal, Louie, Reimer and Woodsworth absent for the vote)

~~1. HERITAGE DESIGNATION: 1925 West 16th Avenue~~

~~An application by Charles Moorehead, Architect, was considered as follows:~~

~~Summary: To add the existing building to the Vancouver Heritage Register and designate it as protected heritage property.~~

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

Council Decision

MOVED by Councillor Cadman

- A. THAT the building currently located at 2496 West 8th Avenue, listed in the 'B' evaluation category on the Vancouver Heritage Register, be designated as protected heritage property.
- B. THAT Council authorize the Director of Legal Services to prepare and sign on the City's behalf a Heritage Revitalization Agreement for the building located at 2496 West 8th Avenue to:
 - secure the rehabilitation and long-term preservation of the building; and
 - grant variances in excess of those permitted in the Zoning and District Schedule applicable to the site.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the building located at 2496 West 8th Avenue as protected heritage property.
- D. THAT the Heritage Revitalization Agreement be prepared, completed, registered, and given priority, to the satisfaction of the Director of Legal Services and the Director of Planning.

CARRIED UNANIMOUSLY

~~(Councillor Deat absent for the vote)~~

3. TEXT AMENDMENT: Miscellaneous Text Amendments

An application by the Director of Planning was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) No. 448 for 2908-3188 Celtic Avenue and CD-1 No. 482 for 1300-1336 Granville Street for miscellaneous text amendments.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received regarding the application 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 Cadman

- A. THAT the application to amend CD-1 #448 (By-law No. 9193) for 2908-3188 Celtic Avenue and CD-1 #482 (By-law No. 10029) for 1300-1336 Granville Street, for miscellaneous text amendments generally as presented in Appendix A, of the Policy Report dated June 8, 2010, entitled "Miscellaneous Amendments to CD-1 by-laws for 2908-3188 Celtic Avenue and for 1300-1336 Granville Street, the Protection of Trees By-law, and the 2908-3188 Celtic Avenue CD-1 Design Guidelines", be approved.
- B. THAT amendments to the 2908-3188 Celtic Avenue CD-1 Design Guidelines, generally in accordance with Appendix C, of the Policy Report dated June 8, 2010, entitled "Miscellaneous Amendments to CD-1 by-laws for 2908-3188 Celtic Avenue and for 1300-1336 Granville Street, the Protection of Trees By-law, and the 2908-3188 Celtic Avenue CD-1 Design Guidelines", also be approved.

CARRIED UNANIMOUSLY

~~4. TEXT AMENDMENT: Southeast False Creek (SEFC) Height Amendments~~

~~An application by the Director of Planning was considered as follows:~~

~~Summary: To amend the SEFC Official Development Plan (ODP) to increase in certain areas the maximum allowed heights by 6.25 m and the optimum heights by one storey for lower-scale buildings and two storeys for taller buildings.~~

~~The Director of Planning recommended approval.~~

~~Council also had before it a Memorandum dated July 13, 2010, from the Director of Planning, in regard to the Policy Report dated June 15, 2010, entitled "Southeast False Creek Height Review", which:~~

- ~~a) provided clarification of proposed Recommendation B (i) relating to design guidelines;~~
- ~~b) recommended substituting Appendix A of the Policy Report dated June 15, 2010, entitled "Southeast False Creek Official Development Plan", to reflect revised amendments to the Southeast False Creek (SEFC) Official Development Plan (ODP) based on legal advice obtained since the report was considered on June 22, 2010; and~~
- ~~c) presented one additional public feedback item that was omitted from the Council report.~~