

SUMMARY AND RECOMMENDATION

2. TEXT AMENDMENT: 555 West 12th Avenue (City Square)

Summary: To amend the parking section to CD-1 #187 (By-law No. 6072) for 555 West 12th Avenue to introduce a new parking standard for commercial land uses.

Applicant: Tim Barton, Bunt & Associates

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

THAT the application by Bunt & Associates to amend the parking section of CD-1 #187 (By-law No. 6072) for 555 West 12th Avenue (PID: 008-897-557; Block 380, Plan 21466, DL 526 NWD) to introduce a new parking standard for commercial uses generally as presented in Appendix A, to Policy Report "*CD-1 Text Amendment - 555 West 12th Avenue*", be approved subject to the following conditions:

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- a) THAT, prior to enactment of the by-law to amend the CD-1 By-law, the registered owner (the "owner") shall:
- i) make arrangements, to the satisfaction of the Director of Legal Services, in consultation with the General Managers of Engineering Services and Community Services, for the provision, operation, and maintenance of four car-share vehicles for five years and the provision and maintenance on site of two permanent parking spaces for use exclusively by car-share vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;

Note to Applicant: Subject to coordination and agreement with the car-share organisation, the car-share vehicles and their designated parking spaces are to be provided as follows:

- 1) One car-share vehicle is to be located in the City Square underground parking in a space permanently designated for a car-share vehicle, secured by a covenant;
- 2) One car-share vehicle is to be located in a space permanently designated for a car-share vehicle in place of one of the Class A loading spaces in the Ash Street auto court, secured by a covenant, and the loading space moved to the underground parking;
- 3) Two car-share vehicles are to be located within a four-block radius of City Square in the Resident Parking Permit (RPP) zone and the owner is to be responsible for the monthly/yearly cost of parking the vehicle in

the RPP zone as set by the General Manager of Engineering Services, for five years; and

- 4) All four car-share vehicles are to be maintained by the owner for five years, or the cost of this maintenance is to be paid by the owner to the car-share organisation for five years.
- ii) provide adequate Class A and Class B bicycle spaces as required by the Parking By-law or to the satisfaction of the General Manager of Engineering Services; and
- iii) provide, to the satisfaction of the General Manager of Engineering Services and the Director of Planning, a durable barrier in the Ash Street auto court to prevent vehicles from parking on the adjacent property to the north.

Note to Applicant: The barrier should be designed with a durable access that opens to sufficient width to permit access by trucks manoeuvring into Safeway's loading bay and is locked at other times. Because of the width of the auto court at this location, the barrier may be comprised of a gate, posts or other durable elements to effectively prevent vehicles from driving onto the strata property at 2628 Ash Street. The owner is strongly advised to hire a landscape architect to work with their transportation consultant in the design of the barrier and any other improvements proposed for the auto court and the strata property.

Note: Where the Director of Legal Services deems appropriate, agreements related to condition a)(i) above (the "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 agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The 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 agreement, who may consult other City officials and City Council.

[RZ. 698/2008 - 555 West 12th Avenue (City Square)]