

## SUMMARY AND RECOMMENDATION

**4. REZONING: 725-747 Southeast Marine Drive**

**Summary:** To amend CD-1 (21) (Comprehensive Development) District for 725-747 Southeast Marine Drive to permit the development of a mixed-use development with 368 dwelling units, commercial uses, a child care facility and a neighbourhood house annex. A height of 63.1 metres (207 feet) and a floor space ratio (FSR) of 3.98 are proposed.

**Applicant:** Serra Holdings (No. 2) Ltd.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of September 20, 2016.

**Recommended Approval:** By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Serra Holdings (No. 2) Ltd., the registered owner, to amend CD-1(21) (Comprehensive Development) District for 725-747 Southeast Marine Drive [PID 011-543-183; Lot 13 of Lot A, District Lot 327, Plan 11499] to permit a floor space ratio (FSR) of 3.98, a building height of 63.1 m (207 ft.) to allow construction of a mixed-use development with 368 dwelling units, commercial uses, a child care facility and a neighbourhood house annex, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 725-747 Southeast Marine Drive", 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 Francl Architecture on behalf of Serracan Properties Ltd., and stamped "Received Planning Department, November 25, 2015", 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:

**Urban Design**

1. Design development to generally maintain building heights as proposed in the rezoning application.

2. Design development to better transition between proposed building massing and residential scale of development to the north.

Note to Applicant: A shoulder setback at the fourth storey should be included, consider a minimum setback of 2.4 m (8 ft.).

3. Design development to enhance livability of residential units.
  - (i) Enhance separation of residential space at Level 2 along south property line to mitigate visual and acoustic impact of vehicular traffic along Marine Drive. Consider over-height retail spaces to increase vertical separation between residential space and street below.
  - (ii) Consider substituting commercial use for Level 2 residential unit in the southeast corner of the tower.
  - (iii) Ensure appropriate orientation of primary living spaces in units facing the east/west mews so as to prevent overlook and comply with Horizontal/Vertical Angles of Daylighting.
4. Design development to the public open space and auto-court to achieve a safe, welcoming and useful place for the general public and residents, by providing clear sight lines from adjacent residential and commercial uses and a variety of activities and reasons for people to visit.
  - (i) Improve connections between the open space and the adjacent residential, childcare facility, neighbourhood house annex and commercial uses that would permit visual and/or physical porosity.
  - (ii) Reconfigure auto-court and enhance/increase buffer landscaping against podium townhouse units to improve privacy separation. (see Landscape Condition 12).
  - (iii) Consider reducing the hard surface area and ensure high quality paving treatment.
  - (iv) Reduce the number of auto-court parking stalls to the minimum required for drop-off function to minimize impact of vehicular traffic.
  - (v) Primary outdoor seating in the form of park benches located in a variety of areas.

5. Design development to the lane edge along the north property line.

Note to Applicant: Improve the interface along the pedestrian walkway by reducing retaining walls and increasing landscape measures to substantially reduce the appearance of the below grade parking structure.

6. Design development to the overall composition and proportion of buildings to minimize apparent bulkiness.
7. Design development to ensure that the expression of the various massing components achieve architectural excellence while remaining distinguished from each other.
8. Design development of the overall project to maintain the use of high-quality materials through all subsequent phases of approval.
9. Design development to architecturally integrate rooftop mechanical penthouse and elevator override service volumes into the overall form of each massing component.
10. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the *Bird Friendly Design Guidelines* for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

11. The proposed unit mix, including 57% one-bedroom units, 38% two-bedroom units and 5% three-bedroom units, is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board.

#### **Crime Prevention through Environmental Design (CPTED)**

12. Design development to respond to CPTED principles, having particular regard for:
  - (i) theft in the underground parking;
  - (ii) residential break and enter;
  - (iii) mail theft; and
  - (iv) mischief in alcoves and vandalism, such as graffiti.

#### **Landscape Design**

13. Design development to provide a more substantial landscape buffer between auto court and townhouse units, allowing for a transitional hierarchy of spaces between private, semi-private and public spaces. The buffer area should be expanded to minimum 10 ft. wide, in order to achieve this transition and should include low planter walls, gates and layers of planting. The design strategy should be in keeping with safety and CPTED principles.

14. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be sloped or altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BCSLA standards or better.

15. Provision of a pedestrian friendly experience at the lane edges by the use of down lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by an 8 in. high curb.

16. At time of development permit application:

- (i) Provision of 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.
- (ii) Provision of 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 and 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.
- (iii) Provision of sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

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.

- (iv) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (v) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity.

Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.

- (vi) A high-efficiency automatic irrigation system to be provided for all planters on slab and minimum of hose bibs to be provided for landscape on grade.
- (vii) 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.

- 17. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's *Urban Agriculture Guidelines for the Private Realm* and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

### Social Policy

- 18. Design development to ensure that the childcare is licensable by Community Care Facilities Licensing and meets the intent of the City's *Childcare Design Guidelines and Childcare Technical Guidelines*. A minimum gross indoor area of 4618 sq. ft. and not less than 5,597 sq. ft. of outdoor area, with adequate space for each program, is required.
- 19. Design development to ensure that the indoor and outdoor spaces of the childcare are designed to maximize opportunities for healthy child development while ensuring an operationally sustainable facility for the non-profit operator.
- 20. Design development of the outdoor childcare space should maximize solar access, and must ensure that where outdoor space wraps around building corners, the wraparound radius is large enough for the full outdoor area to be supervisable and licensable. Storage must be accommodated on site for program equipment and strollers (parent and program).

Note to Applicant: All work for design, construction, fit, furnish, equip and supply for the childcare centre will be to the satisfaction of the City's Managing Director of Social Development, the City's Director of Facilities Planning and Development, and to the Regional Manager of Community Care Facilities Licensing.

- 21. Design development of a neighbourhood house annex on the ground level, fronting onto Fraser Street and adjoining outdoor patio space and the child care facility, comprising not less than 139 m<sup>2</sup> (1500 sq. ft.) of

aggregate floor area. The facility should be designed to address the programming needs of a Neighbourhood House Annex, with access to adjacent ground floor patio area, together with associated parking and loading, garbage, recycling and bicycle parking as per the Parking By-Law. The facility should be designed together with the adjoining childcare centre for flexible use by a single operator, including consideration of a shared entrance or other connection between the facilities.

Note to Applicant: All work for design, construction, fit, furnish, equip and supply for the neighbourhood house annex will be to the satisfaction of the City's Managing Director of Social Development and to the City's Director of Facilities Planning and Development. Also, refer to the *Social Amenity Technical Guidelines*.

### **Sustainability**

22. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

### **Engineering Services**

23. Provision of revised building grades reflecting the dedication is required.
24. Provision of additional design elevations along the property line adjacent all entries, ramps and points of access clearly meeting City building grades.
25. Provision of crossing design to the satisfaction of the General Manager of Engineering Services.

26. Please review the City's Street Restoration Manual and show typical commercial crossing design on the plans and indicate if any existing street furniture, poles, street trees or underground utility is impacted by the crossing design and location. The final crossing design is to be clearly noted on the plans prior to development permit issuance.
27. Clarification of garbage pick-up operations, confirmation that a waste hauler can access and pick up from the locations shown.
28. Clarification that the garbage storage areas provide adequate space. Please review the City of Vancouver's garbage and recycle design supplement and indicate numbers of bins, recycling totters and dimensions for all items.
29. Clarification of any required BC Hydro power services. Please confirm if a vista switch, system vista or PMT are required for the site and clearly indicate the space on the plans.
30. Clarification of the water meter room location. Clearly identify the room on the plans.
31. Provision of crossing design to the satisfaction of the General Manager of Engineering Services.
32. Provision of an updated landscape plan that reflects the off-site improvements sought by this rezoning application.
33. Provision of a minimum 2.44 m (8 ft.) CIP concrete walk with saw cut joints along the north edge of the site between Fraser Street and Chester Street. The intent is to provide access to Chester Street for pedestrians and cyclists.
34. Provision of a minimum 1.22 m (4 ft.) landscape buffer with trees between the concrete walk and adjacent lane to the north, providing the request for trees does not conflict with the existing or future statutory right of way for sewers.
35. Removal of the existing wall between the site and the lane to the north.
36. Provision of the same hours of operation as the public park for the elevator providing universal access from Level 1 on Marine Drive to the plaza on Level 2.
37. Provision of additional building setback at the entrance on Fraser Street at elevation 37.20 to ensure that the doors do not swing into the ramp which provides universal access to the plaza.
38. Provision of improved pedestrian circulation for park access for people of all ages and abilities between the intersection of Marine Drive and Fraser Street and the public park. A family arriving at the plaza will

need to pass through the courtyard/parking lot/loading area to have stairs free access to the park.

39. Design improvements to the loading operation and truck maneuvering to improve pedestrian safety in and around the loading operation. The current loading access design is nose-in, trucks will need to make multiple manoeuvres within the courtyard which is used by pedestrians for access to the park.
40. Provision of a Loading Management Plan to the satisfaction of the General Manager of Engineering Services, including the following:
  - (i) How the loading facility will operate.
  - (ii) Management of the facility, including on-site loading manager.
  - (iii) Size of the largest delivery vehicle delivering to the site and the expected frequency of all of the deliveries.
  - (iv) Specify routing of the trucks from the arterial streets to and from the loading space.
  - (v) Clarify the largest truck that the loading space(s) are designed to accommodate and provide all vehicle dimensions.
41. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.
  - (i) Provide additional detail for the loading bay design:
    - a maximum 5% slope and crossfall within the loading bays.
    - double loading bay throats for the Class B loading spaces.
    - additional loading bay width for the second and subsequent loading spaces (each additional space must be 3.8 m wide)
    - Provision of minimum 1.8 m wide walkways connecting loading spaces to all retail units including the walkways that pass in front of the residential units along the way.

Note to Applicant: The walkways are shared between residential access, public access, as well as loading.
  - (ii) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and throughout the loading bay.
  - (iii) Indicate location of security gates on the drawings.

Note to Applicant: Security gates are required to separate the commercial parking area from residential parking areas.

(iv) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances.

(v) Provision of additional detail for the parking ramps.

Note to Applicant: The following must be addressed:

- The slope must not exceed 10% for the first 20 ft. from the property line.
- The slope must not exceed 12.5% after the first 20 ft. from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m in length.
- Ramps which have a 15% slope and are exposed to the weather must be heated.
- Provide a 10 ft. x 10 ft. corner cut through the inside radius at the bottom of the main parking ramp to enable two vehicles to pass each other unobstructed.
- Provide measures to address conflicts between vehicles on the ramp, parabolic mirrors are recommended.

(vi) Provision of additional detail for the parking areas in order to confirm the requirement of the bylaw are met, including:

- Maneuvering/drive aisle widths.
- Parking space dimensions.
- Column encroachment dimensions.
- Additional setbacks of parking spaces from walls.
- Overhead height clearance (2.3 m of vertical clearance is required for access and maneuvering to all disability spaces).
- Location and dimensions of accessibility spaces.
- Grades within the parking areas for drive aisles, parking spaces, and ramps.
- Elevations at break points within the parking area.

(vii) Provision of an improved plan showing bicycle parking layouts including lockers, bicycle parking spaces, and partition walls.

- (viii) Indicate the proposed access and egress route for bicycles from the Class A bicycle parking on the plans to the outside.
- (ix) Indicate the required Class B Bicycle parking on drawings.
- (x) Provision of automatic door openers on the doors providing access to the bicycle room(s).
- (xi) Provision of an alcove for the bike room access off the parking ramp and maneuvering aisle.
- (xii) Label the commercial and residential shared loading spaces as 'Residential and Commercial Shared Loading'.

## **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 Director of Planning, 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:

### **Planning**

1. Arrangements to the satisfaction of the Director of Planning and Director of Legal Services in consultation with the General Manager of Engineering Services for a surface statutory right of way over the plaza, park and neighbourhood passageway.

### **Engineering Services**

2. Provision of a 1.0 m dedication and an additional statutory right of way to achieve a 7.2 m dimension from the back of the existing curb along the Marine Drive frontage of the site to the building face. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.

Note to Applicant: The setback is to be kept clear of door swings, encroachments and objects unless identified and approved in the related development permit for the site. Where a right of way is provided for there may be structure below grade and structure above grade at an elevation determined by the General Manager of Engineering Services in consultation with the Director of Planning. Where a dedication is provided for there is to be no structure above or below grade.

3. Provision of a minimum 2.44 m (8 ft.) statutory right of way along the north edge of the site to provide a bicycle and pedestrian connection (concrete sidewalk) between Fraser St and Chester St.

4. Provision of building setback and a surface SRW to achieve a 5.5.m distance from the back of the City curb to the building face along the Fraser Street frontage of the site. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
5. Release of Easement & Indemnity Agreement 378402M (commercial crossings) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

6. Arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for a Right of Way for the provision of space to accommodate a Public Bike Share (PBS) Station.

- (i) Size: At minimum, a 19 m x 4 m station should be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m.
- (ii) Location: The station should be located on private property while still clearly visible to the public with 24/7 public access.
- (iii) Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
- (iv) Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.
- (v) Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. There must be a minimum of 5 m vertical clearance. Ideally the station should receive 5 hours of direct sunlight a day.
- (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.

Note to Applicant: The size (19 m x 4 m) and location of the PBS space as shown on drawing A204 at the northwest corner of the site in the mews west of Fraser Street is acceptable provided that this location meets the grade requirements for PBS placement. (Item (iv) above).

7. Provision of a shared use loading agreement for the Class B loading spaces between the residential and commercial uses and label the spaces as 'Residential and Commercial Loading'.

Note to Applicant: The shared use agreement should specify allocated time periods for shared use by residential and commercial spaces.

8. 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 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
  - (ii) Provision of storm water connection into the existing 375 mm combined sewer on Fraser Street, approximately 10 m north from the combined manhole at the intersection of Marine Drive and Fraser Street. Should an extension of any existing main or construction of a new storm main be required the cost is to be funded 100% by the applicant. (Standard service connections are addressed at the building permit stage and are in addition to any sewer main upgrading that may be required.)
  - (iii) Provision of sanitary connection to the existing 375 mm sanitary sewer along Marine Drive, west of Fraser Street Construction of approximately 10 m of 200 mm sanitary sewer east from the existing sanitary manhole at the intersection of Fraser Street and Marine Drive the site must then connect into the proposed sanitary sewer along Marine Drive.
  - (iv) Provision of a widened Statutory Right of Way 372114M (contains an existing storm sewer) to 20 ft. The SRW location is to be centered over the existing sewer pipe or as near as design issues will provide for or alternately arrangements to the satisfaction of the General Manager of Engineering Services for construction of a new sewer in the lane north of 700 Southeast Marine Drive from Chester Street to the lane west of Chester Street in place

of a widened SRW. Confirmation that the alternate drainage is achievable will be required. Discharge of existing SRW 372114M will be required following commissioning of the new sewer should the alternate plan be preferred.

- (v) Provision of a bus shelter along the Marine Drive frontage of the site. The applicant is to pay all costs associated with installation of a bus shelter, foundations, drainage, electrical if required and the shelter itself will be supplied and installed by the City's street furniture contractor.
  - (vi) Upgrading of the intersection lighting at Fraser Street and Marine Drive to LED lighting.
  - (vii) Provision of 5.5 m (18 ft.) CIP concrete sidewalk on Fraser Street adjacent the site, clear of any encroachments including the future PBS station and the landscape and trees proposed at the north end of the site.
  - (viii) Provision of new curb ramps and curb returns where necessary at the north east corner of Fraser Street and Marine Drive, north west corner of Chester Street and Marine Drive and both sides of the lane entry on the west side of Chester Street at the lane north of Marine Drive.
  - (ix) Provision of a concrete lane crossing at the lane entry on the west side of Chester Street at the lane north of Marine Drive.
  - (x) Provision of improved street lighting adjacent to the site to current standards. A lighting study is required to determine the extent of upgrading.
  - (xi) Provision of Accessible Pedestrian Signals (APS) at the intersection of Fraser Street and Marine Drive.
  - (xii) Provision of street trees adjacent the site where space permits.
  - (xiii) Provision of a letter of credit in the amount of \$100,000 towards traffic calming in the neighbourhood; the letter of credit will be cashed by the City within 5 years of the last occupancy permit being issued for the site. A base line traffic study is required to be in place prior to the start of construction with follow up studies as needed and determined by the General Manager of Engineering Services, for assessment of traffic impacts in the neighbourhood.
9. 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.

### **Social Policy**

10. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, Managing Director of Social Development and Director of Facility Planning and Development, for the provision of an air space parcel with improvements of no less than 6,118 sq. ft. of indoor space on one level for the childcare facility, an adjacent outdoor space of not less than 5,597 sq. ft. of dedicated childcare outdoor area, a neighbourhood house annex and access to outdoor patio area for use by neighbourhood house annex, comprising a fully fit, finished, equipped, and supplied childcare facility and a fully fit, finished, and furnished multi-purpose facility suitable for neighbourhood house annex programming as part of the development at this site, along with dedicated parking stalls.

### **Public Art**

11. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager.

Note to Applicant: Please contact the program manager at 604-871-6002, to discuss your application.

### **Soils**

12. If applicable:
  - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team).
  - (ii) As required by the Manager of Environmental Planning 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.
  - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any

contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

### **Community Amenity Contribution**

13. Pay to the City the cash component of the Community Amenity Contribution of \$916,000 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$916,000 is to be allocated as follows:
  - (i) \$170,000 to be dedicated to childcare facility start-up costs;
  - (ii) \$65,000 to be dedicated to neighbourhood house start-up costs; and
  - (iii) \$681,000 to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Sunset Community area.

Note to Applicant: 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 registerable charges pursuant to 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 and at no cost to the City.

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, subject to enactment of the CD-1 By-law, the Parking By-law be amended to include this CD-1 and to provide parking regulations generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 725-747 Southeast Marine Drive".

- C. THAT Recommendation A and B be adopted on the following conditions:
- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures or incurring the cost;
  - (ii) 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 sole risk of the property owner; and
  - (iii) 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.

**[RZ - 725-747 Southeast Marine Drive]**