

2. REZONING: 5190-5226 Cambie Street

Summary: To rezone 5190-5226 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with 59 market residential units and a privately operated childcare. A height of 20.2 metres (66 feet) and a floor space ratio (FSR) of 2.43 are proposed.

Applicant: GBL Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of February 20, 2018.

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 GBL Architects, on behalf of Everbright Cambie Developments Inc., the registered owner, to rezone 5190-5226 Cambie Street [*Lots 16, 17 and 18, all of Block 840, District Lot 526, Plan 8324; PIDs: 010-152-351, 010-152-377, and 010-152-407 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.43 and the height from 10.7 m (35 ft.) to 20.2 m (66 ft.) to permit the development of a six-storey mixed-use building containing a total of 59 market residential units, with approximately 416.6 sq. m (4,484 sq. ft.) of private childcare at grade, generally as presented in Appendix A of the Policy Report dated January 23, 2018 entitled "CD-1 Rezoning: 5190-5226 Cambie Street" and the memorandum dated February 20, 2018, entitled "CD-1 Rezoning: 5190-5226 Cambie Street", 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 GBL Architects, on behalf of Everbright Cambie Developments Inc., and stamped "Received Planning & Development Services (Rezoning Centre), April 27, 2017", 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 of by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to the open space at the north side of the building to enhance its character as a landscaped amenity.

Note to Applicant: Additional trees and soft landscaping should be provided at the entry to the pedestrian path to enhance the character of the open space as a green amenity for both pedestrians and residents. The private patio for the ground floor unit at the northwest corner should be reoriented to face Cambie Street to provide space for additional landscaping. Refer also to Condition 11.

2. Design development to relocate the common amenity space to provide an improved interface with the pedestrian path.

Note to Applicant: The amenity room should be relocated to the northeast corner to activate the adjacent pedestrian path and provide improved access to sunlight for the outdoor space. The proposed three-bedroom unit should be relocated away from the corner to improve livability.

3. Design development to provide a townhouse expression at the rear two-storey base.

Note to Applicant: Individual units along the two-story base should be articulated. Canopies should be provided for each dwelling unit entry.

4. Design development to refine the expression for a visual break in the massing.

Note to Applicant: It is recommended that the visual break be carried through and expressed on the rear elevation with additional glazing and articulation of the form.

5. Design development to the fencing of the daycare outdoor space to improve the character at the lane edge.

Note to Applicant: A lighter, more transparent fence design which incorporates layered, landscape screening is recommended. Refer also to Condition 11.

6. Design development to provide an appropriate architectural identity for the daycare.

Note to Applicant: Further delineation of the daycare and residential components should be provided. A more substantial landscape transition at the front yard between the two uses should be provided, as well as introducing more solidity to the wall at the Gross Motor/Nap Room.

7. Design development to provide a green roof in keeping with the expectations of the *Planning By-Law Administration Bulletin Roof-mounted Energy Technologies and Green Roofs*.

Note to Applicant: A substantial portion of the roof is to be a green roof (minimum of 25% of the roof area for an intensive green roof or 50% for an extensive green roof).

8. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: The intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance, by retaining the use and extent of the finishes shown. Consider solar exposure and incorporate shading devices.

Housing

9. The proposed unit mix, including 10 three-bedrooms (17%), 23 two-bedrooms (39%), 23 one-bedrooms (39%) and three studios (5%) are 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 provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

Crime Prevention through Environmental Design (CPTED)

10. 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

11. Design development to improve the pedestrian crossing at the northern property line in the following subject areas:
 - (i) Public Expression: Delete the portions of the private open space that are south of the southwest corner's units; this includes the ground floor patio and the decks on the 2nd, 3rd and 4th floors. This space is to be used for landscaping and/or hardscaping that will continue west adjoining to the Cambie Street sidewalk.

- (ii) Public Expression: The entrances to this pedestrian crossing from the public sidewalk/lane should flare out to a wider width than the middle of the pedestrian crossing.
- (iii) Denoting the walkway entrance: Provide one 'Part 1' tree and one 'Part 2' tree, as per Schedule D of the Protection of Trees By-law, in the southern portion of the front-yard that denote the entrance to the pedestrian crossing.
- (iv) Programming: Provide a minimum of three passive seating nodes providing opportunities for social contact. These nodes should be designed to facilitate 3-4 people and have more than one type of seating.
- (v) Activating the edges: Entrances and windows along the southern façade of the ground floor should be augmented with landscaping that enhances the indoor/outdoor relationship.
- (vi) View to Queen Elizabeth Park from Cambie Street: Tree species and location should be selected on their ability to maximize views to Queen Elizabeth Park from Cambie Street.

Note to Applicant: The pedestrian crossing from the Cambie Street sidewalk should be expressed as a welcoming public thoroughfare. This thoroughfare should maximize views towards Queen Elizabeth Park and be bordered with a façade that has entrances to and visual connections to communal space. Lastly, this pedestrian linkage should be programmed to allow for informal gatherings that foster community. Refer also to Condition 1.

12. Design development to ensure that the southern portion of the front-yard can facilitate two 'Part 1' trees and two 'Part 2' trees, as per Schedule D of the Protection of Trees By-law.

Note to Applicant: To ensure that these trees will not cause future problems with the proposed development, the underground parking structure must not protrude past the building envelope within 15 ft. from the proposed trees. This may require the underground garage to be reconfigured/parking spaces to be deleted. Note that only 66 parking spaces are required and 101 have been proposed.

13. Design development to delete water features.

Note to Applicant: Water features should be replaced with landscaping.

14. Design development to ensure that all proposed landscaping in common areas is planted at grade and not in raised planters.

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

15. 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 altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standards.

16. Incorporation of aspects of *Vancouver's Bird Friendly Design Guidelines*.

Note to Applicant: This project has an opportunity create a park-like ambiance by attracting birds. The use of Sword Ferns may be considered as they provide habitat for ground nesting birds like the Spotted Towhee. For more information, see the guidelines at: <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

17. 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.

18. 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, with dimensions which exceed BCSLA standard.

19. 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.

20. 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.

21. New proposed street trees should be coordinated with the Park Board and Engineering, confirmed on the Plant List and 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.

22. A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
23. 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.

Social Policy

24. 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*.
25. 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 operator.
26. Design development of the outdoor childcare space should maximize solar access, ensure maximum visibility for supervision, and accommodate adequate storage on-site for program equipment and strollers (parent and program).

Sustainability

27. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for the demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

28. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezonings* (as amended up to January 14, 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management 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 of 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.

29. In lieu of the requirements outlined in Condition 28, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning*s amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Engineering

30. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way.
31. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

32. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
33. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning, including the following statement to be placed on the landscape plan:

"The landscape plan is to be noted as 'NOT FOR CONSTRUCTION' and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive 'For Construction' approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."

34. Delete feature paving that extends over the property line and show standard broomed finished concrete sidewalk.
35. Please update the landscape plan and submit a separate copy to Engineering Services for review.
36. Please separate residential and daycare garbage storage.
37. Design development to provide visitor parking spaces in the parkade as per Section 4 (4.5A.1) of the Parking By-law.
38. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
39. Provision of a plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

40. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Provide 4 ft. aisle clearance in bicycle room.
 - (ii) Provide a corner cut at the bottom of the main access ramp to improve visibility for two-way vehicle movement.
 - (iii) Show all columns, column encroachments and note the dimensions on plans.
 - (iv) Provide the slopes and cross-fall within the parkade.
 - (v) Provision of the security gate vertical clearances and dimensions to be shown on drawings.

Note to Applicant: Ensure adequate vertical clearance is provided, including utilities, mechanical projections, and other services throughout the parkade. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on drawings.

Engineering recommends the provision of stair-free access from the lane into the site and parkade. The possibility of protected cycling lanes on Cambie Street would result in the loss of on-street parking making the lane the only nearby drop off solution, disability access to the building and parkade from the lane should be considered.

Neighbourhood Energy Utility

41. The proposed approach to site heating and cooling, developed in collaboration with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
42. Design of the development must provide for Neighbourhood Energy System (NES) compatibility and shall adhere to the following requirements:
 - (i) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to NES compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to NES compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. At building permit stage, the applicant will be required to submit final detailed drawings and a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied.

- (ii) Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

- (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated NES, as outlined in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, at development permit.
 - (iv) Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
43. In lieu of the requirements outlined in Condition 42, the applicant may choose, at time of Development Permit, to meet a greenhouse gas outcome equivalent to connecting to a low-carbon neighbourhood energy system. This equivalence must be demonstrated to the satisfaction of the Director of Planning, and may include achieving a 50% GHG reduction from a high-efficiency natural-gas scenario, achieving the GHG limits of the *Green Buildings Policy for Rezoning*s (amended February 2017), or a Certified Passive House.

Note to Applicant: If following the greenhouse gas outcome equivalency option, the applicant will be required at each stage of permit to submit energy model results, for review by Sustainability, demonstrating that the development is on track to achieve the above requirements and what must be submitted.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering Services

1. Consolidation of Lots 16, 17 & 18, all of Block 840, District Lot 526, Plan 8324 to create a single parcel.
2. Provision of a surface statutory right of way over the north 1.22 m of the site to serve as a pedestrian connection between Cambie Street and the lane east of Cambie Street. The right-of-way is to accommodate any portion of the below grade parkade located within the right-of-way and is to be free and clear of structure, door swings and encroachments into the right-of-way at and above grade.

Note to Applicant: The pathway is to match the adjacent site to the north in grade/elevation and surface treatments and is to provide pedestrian scale lighting.

3. Provision of a Services Agreement to detail the on-site 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) Upgrading and replacement of the existing combined sewer from the intersection of Cambie Street and 37th Avenue to the MH in L/E Cambie, north of 37th Avenue (approximately 145 m). The combined sewer shall be replaced with separate 675 mm dia storm (sized for 2100 IDF) and 300 mm sanitary sewer. Sewer sizes and location subject to detailed design review.
 - (ii) Provision of a stormwater and rain water management plan that meets the objectives of the *Citywide Integrated Rainwater Management Plan* and complies with the Sewer and Watercourse By-law. The plan shall achieve the following:
 - a. Retain or infiltrate the 6-month storm event volume (24 mm) onsite;
 - b. Treat the 2-year event (48 mm) onsite;
 - c. Maintain the pre-development 2014 IDF-10 year storm event rate. The post-development estimate shall use the 2100 IDF curve to account for climate change; and
 - d. Meet the January 1, 2018, Vancouver Building Code plumbing fixture rates.
 - (iii) The following water system upgrades are required to service the site:
 - a. On Cambie Street, from 37th Avenue north to the water service point for the property - Upgrade to 300 mm (approx. 100 m); and
 - b. Install a new hydrant fronting this property

Note to Applicant: The above noted upgrades are part of the City-wide DCL project list. As such, the required upgrades will be funded by City-wide DCLs and be designed and constructed by the City of Vancouver. The Developer shall submit confirmed fire flows and domestic flows to the Waterworks Branch to confirm this analysis.

- (iv) 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

- (v) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (vi) Provision of 100% of funding to the satisfaction of General Manager of Engineering Services for the future construction of protected bike lanes and infrastructure improvements on Cambie Street adjacent to the site. Improvements will generally include the following:
 - a. New concrete curb and gutter;
 - b. Raised protected bike lane;
 - c. Concrete sidewalk;
 - d. Curb ramps where necessary;
 - e. Upgraded street lighting to LED standard;
 - f. Pedestrian scale lighting; and

- g. Adjustment to all existing infrastructure to accommodate the proposed street improvements including any transitions from protected bike lanes to adjacent street network.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the Cambie Corridor Public Realm Plan.

- (vii) Provision of a cash contribution of \$300,000 for installation of a traffic signal at Cambie Street and 35th Avenue.
- (viii) Provision of speed humps in the lane east of Cambie Street between 35th and 37th Avenue.

Environmental Contamination

- 4. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental 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
 - (iii) If required by the Manager of Environmental Services 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 Services, 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

Community Amenity Contribution (CAC)

- 5. Pay to the City the Community Amenity Contribution of \$3,250,000 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 \$3,250,000 is to be allocated as follows:
 - (i) \$1,625,000 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;

- (ii) \$1,300,000 (40%) toward childcare and community facilities in and around the Cambie Corridor Plan area; and
 - (iii) \$325,000 (10%) to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.
6. Local Buyers First – Provide documentation to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and Director of Legal Services to demonstrate the applicant’s voluntary commitment to support residents who live or work in Metro Vancouver by giving them the first opportunity to purchase new pre-sale homes in the new development on the site, including:
- (i) Written confirmation from the applicant that:
 - a. For the first 30 calendar days after the launch of the “pre-sales marketing campaign” for this development (the “Exclusive Local Buyer Period”), only those who live or work in Metro Vancouver will be eligible to purchase homes in this development, and all such buyers will be required by the applicant to sign a statutory declaration attesting that they live or work in Metro Vancouver and intend to occupy the unit they are purchasing;
 - b. The applicant will not carry out any foreign marketing, being marketing in any medium to entities outside of Canada during this Exclusive Local Buyer Period; and
 - c. No buyer shall be allowed to enter into a contract of purchase and sale for more than one (1) unit within this Exclusive Local Buyer Period.
 - (ii) A form of statutory declaration drafted by the applicant with text to be agreed upon in advance of the rezoning enactment by the Applicant and the City’s Director of Legal Services which will require the buyer to attest to the following:
 - a. That they live or work in Metro Vancouver;
 - b. That they intend to occupy the unit they are purchasing; and
 - c. That they do not intend to assign the contract of purchase and sale prior to closing on the transaction and that they intend for the title to the unit to be registered in their name in the Land Title Office.

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 the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 23, 2018, entitled "CD-1 Rezoning: 5190-5226 Cambie Street".
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 23, 2018, entitled "CD-1 Rezoning: 5190-5226 Cambie Street".
- D. THAT A to C be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditure of funds or 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;
 - (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 - 5190-5226 Cambie St]