

## SUMMARY AND RECOMMENDATION

**3. REZONING: 1837-1857 East 11th Avenue and 2631-2685 Victoria Drive**

**Summary:** To rezone 1837-1857 East 11th Avenue and 2631-2685 Victoria Drive from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of an 11-storey residential building with a five-storey podium, comprised of secured market rental units and strata-titled market housing units, along with the relocation, designation and protection of a heritage home currently at 1853-1857 East 11th Avenue, for a combined total of 138 residential units. The exterior of the heritage building will be designated through a Heritage Designation By-law, which will ensure protection of the building from inappropriate alterations and demolition in the future. A height of 33.5 m (110 ft.) and a floor space ratio (FSR) of 3.60 are proposed.

**Applicant:** Perkins+Will

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of June 5, 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 Perkins+Will on behalf of Grandview Woodland Project (Nominee) Ltd., the registered owner, to rezone 1837-1857 East 11th Avenue and 2631-2685 Victoria Drive [*Strata Lots 1 and 2, all of District Lot 264A, Strata Plan VR. 2475; Lots 21, 22 and 23 Except: the North 5 feet now lane, all of Lots C and D, Block 162, District Lot 264A, Plans 1059 and 1771; Lots A, B, C and D, all of Lots C and D, Block 162, District Lot 264A, Plan 2728; PIDs:014-713-195, 014- 713-209, 014-861-411, 014-861-429,003-923-533, 004-120-060, 013-491-890, 013-491-911 and 013-491-920 respectively*] from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.45 to 3.60 and the maximum building height from 10.7 m (35 ft.) to 33.5 m (110 ft.) to permit the development of an 11-storey building with a five-storey podium comprised of a mixed-tenure of secured market rental units and strata-titled market housing units, along with the retention, relocation, designation and protection of a heritage home at 1853-1857 East 11th Avenue, generally as presented in Appendix A of the Policy Report dated May 22, 2018, entitled "CD-1 Rezoning: 1837-1857 East 11th Avenue and 2631-2685 Victoria 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 Perkins+Will, and stamped "Received City Planning Department, December 18, 2017", subject to the following conditions, 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 reduce the perceived massing of the frame expression to be more compatible with the residential character of the streetscape.

Note to Applicant: This can be achieved by varying the frame composition at the corners, base or upper storey.

2. Design development to comply with allowable building height.

Note to Applicant: The maximum achievable building height is 33.5 m (110 ft.). If rooftop access is to be excluded from the calculation of height, it must be provided in accordance with Section 10 of the Zoning and Development By-Law and *Roof-mounted Energy Technologies and Green Roofs – Discretionary Height Increases Bulletin*.

3. Design development to improve residential common amenities:

- (i) Introduce opportunities for children's outdoor play area for various ages in line with the *High-Density Housing for Families with Children Guidelines*.

Note to Applicant: This can be achieved by replacing the dog run area with children's outdoor play area. Play equipment is not required, nor encouraged, for the children's play areas, but a soft surface play area and a variety of creative landscape/play features (such as balancing logs and boulders, opportunities for sand play or a small and tangible water stream or feature, creative motor-skills developing features etc.), which provide a myriad of creative play opportunities for a range of ages, is encouraged.

- (ii) Provide a more usable south-facing outdoor space contiguous with the amenity room.

Note to Applicant: This can be achieved by increasing depth by a minimum of 3 ft. and access provided from amenity room. See also Landscape Condition #17.

4. Design development to maintain the high quality and durable exterior finishes consistent with the rezoning application, to be included in the Development Permit drawings.

5. Submission of a bird-friendly strategy for the design of the building is encouraged in the application for a development permit.

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

### **Heritage**

6. Design development on the window treatment on the lane side of the heritage house to make it more compatible with historic precedents.

### **Housing**

7. Prior to development permit issuance, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating the proposed total unit mix of studio (38.4%), one-bedroom (17.4%), two-bedroom (34.1%) and two plus-bedroom (10.1%) units, and in accordance with the *Family Room: Housing Mix Policy for Rezoning Projects*, ensure a minimum 25% two-bedroom units and a minimum 10% three-bedroom units for all strata-titled market housing units, and a minimum 35% two-bedroom units or more for all secured market rental residential units, in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application may 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.

8. Provision of the completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the *Tenant Relocation and Protection Guidelines*.

Note to Applicant: An updated list of tenants must be submitted with the development permit application.

9. Provision of a Tenant Relocation Plan as per Section 2.1 of the *Tenant Relocation and Protection Policy*.
10. Provision of a notarized declaration to be submitted prior to issuance of a development permit which demonstrates that each tenant has been given written notice of the intent to develop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

11. Provision of a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.
12. The building is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).  
  
Note to Applicant: Design development to co-locate indoor and outdoor amenity spaces, either on ground floor or 6th floor.
13. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.
14. Correction of number of strata units on "Unit Schedule L06" table from 6 to 7.

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

15. Design development to consider the principles of CPTED, 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**

16. Design development to the north-facing outdoor space on Level 1 to provide other programmed uses besides a Dog Run, achieving a more diverse space for common use (see also Urban Design Condition #3.(i)).  
  
Note to Applicant: The use of Artificial Turf is not supported and should be replaced with a natural surface material.
17. Design development to enlarge and expand programming for the south-facing outdoor space on Level 1, achieving more balanced, contiguous indoor-outdoor Amenity areas. The larger outdoor space should include additional soft landscape and be articulated for various common uses, which encourage social interaction (see also Urban Design Condition #3.(ii)).
18. Design development to clearly integrate sustainable rainwater management features and strategies into the landscape plan.

19. 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.

20. At time of development permit application, the following:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should be coordinated with the architectural Site Plan. 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 and should match the architectural site plan;
- (ii) Section details at a minimum scale of 1/2"=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 should show dimensioned rootballs to confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. The depth should exceed BCSLA standard, being no less than 3' for trees and 2' for shrubs (not including drainage layer);
- (iii) A high-efficiency automatic irrigation system to be provided for all planted areas; and
- (iv) 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.

### **Sustainability**

21. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezoning*s (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.

22. In lieu of the requirements outlined in Condition #21, 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>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning*s – *Process and Requirements* (amended April 28, 2017 or later).

## Engineering

23. 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 & 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.
24. 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.
25. 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. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.
26. Provision of a garbage staging area adjacent the lane for pick up purposes.

27. Relocate the proposed benches to private property and use standard sidewalk treatments for the proposed pavement on public property for the seating area at the East 11th Avenue and Victoria Drive corner of the site.
28. Engineering is not currently supportive of the added Allen Block wall proposal to retain the existing tree along East 11th Avenue. Please explore other methods to support the tree that do not include walls on public property. Berming of the back boulevard in lieu of retention should be explored.
29. Public Bike Share (PBS) is planned for curbside on East 11th Avenue. The PBS station dimension will be approximately 20 m in length and located about 6 m west of the intersecting sidewalks at East 11th Avenue and Victoria Drive. Confirmation that no fire connection or emergency access is planned along the building face along East 11th Avenue or to be located in front of the PBS station is required.
30. Please place the following statement on the landscape plan: *This plan is "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.*
31. Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to engineering for review.
32. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
33. 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.

34. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Number, dimension and label all parking and loading spaces.
  - (ii) Design Development to improve the parking access ramp. Additional maneuvering width at the lane is required to accommodate vehicle movement from the lane and to improve visibility. Confirm two-way traffic flow in the main ramp – the current ramp design does not appear to have the required width through the corners to allow for opposing vehicles to pass.

Dimension the width(s) of the parking ramp from the lane throughout the length of the parking ramp. Provision of maneuvering diagrams to confirm ramp design is adequate and functional.

- (iii) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay.
- (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.

Note to Applicant: Where there is a curved ramp, provide grades two feet from the wall on the inside radius. The slope and length of the ramp sections must be shown on the submitted drawings.

- (v) Provision of the required Class B loading space and an improved drawing clearly showing the loading space and 'stair-free' access route from the loading space to the elevator.
- (vi) Provision of columns, column dimensions, and column setbacks to be shown on the drawings.
- (vii) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services.
- (viii) Additional design elevations are required to confirm the slope and crossfall within the parking levels do not exceed the requirements. Slope and crossfall to be shown on the drawings.
- (ix) 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on the drawings.
- (x) Dimension the access aisle width and the size of the bicycle spaces in the bicycle storage rooms.

## **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 General Manager of Arts, Culture, and Community Services, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:



## Engineering

1. The closing of, stopping up and conveying to the owner the required portion of the lane west of Victoria Drive north of East 11th Avenue, subsequent to Council approval; and the relocation or decommissioning of any utilities within this area.

Note to Applicant: The lane must be purchased from the City at market value and be paid for upon enactment. If enactment does not take place within a reasonable timeframe, the City reserves the right to re-value the lane.

2. Provision of written confirmation and agreement from all affected utility companies for the closure of the portion of lane.
3. Consolidation of the closed portion of lane, Lots A, B, C and D, All of Lots C and D, Plan 2728; Lots 21, 22 and Lot 23 Except: the North 5 Feet Now Lane, All of Lots C and D, Plans 1059 and 1771; and Strata Plan VR2475 (after cancellation & dissolution); All of Block 162, District Lot 264A to form a single development parcel, and subdivision of that site to result in the dedication of:

(i) the northerly 5 feet of current Lots 21, 22, and VR2475

(ii) the easterly 7 feet of current Lots A, B, C & D.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required.

4. Registration of a temporary SRW agreement in favour of the City over the portion of lane to be closed for public utility purposes, to be discharged once all utilities impacted by the lane closure have been abandoned, relocated or otherwise protected, as necessary, and any associated lane and street reconstruction works have been completed to the satisfaction of the GMES.
5. 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. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to confirm extent of water main upgrading.
  - (ii) Upgrade and separate the combined sewer on East 11th Avenue, from Commercial Drive to the point of the development's sewer connections (approximately 210 m).

- (iii) Removal of the old lane entry and curb returns and all related infrastructure at closed lane west of Victoria Drive on the north side of East 11th Avenue to provide for new curb and sidewalk consistent with all curb and sidewalk improvements sought for the site
  - (iv) Provision of a new concrete commercial lane crossing on the west side of Victoria Drive at the lane north of East 11th Avenue and replacement of curb returns and curb ramps on both sides of the lane entry are required.
  - (v) Provision of lane repaving to centerline of the existing lane for the length of the site.
  - (vi) Provision of a 2.44 m (8'-0") front boulevard with sodded lawn, 1.83 m (6'-0") saw cut broom finish concrete sidewalk on Victoria Drive adjacent the site.
  - (vii) Provision of a 1.83 m (6'-0") front boulevard with sodded lawn, and a 1.83 m (6'-0") saw cut broom finish concrete sidewalk on East 11th Avenue adjacent the site.
  - (viii) Provision of upgraded street lighting on the site frontage to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
  - (ix) Upgrading of the traffic signal at Victoria Drive & Broadway to provide a new left turn arrow (Westbound to Southbound), countdown timers and LED lighting on all four corners of the intersection signal infrastructure.
  - (x) Provision of a single corner bulge on the East 11th Avenue frontage at Victoria Drive.
6. 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.

7. Developer to submit a Stormwater and Rainwater Management Plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course By-law. The developer's plan shall achieve the following objectives:
- (i) Retain or infiltration the 6-month storm event volume (24 mm) on site;
  - (ii) Treat the 2-year event (48 mm) on site; and
  - (iii) Maintain the pre-development 5-year storm event rate. The predevelopment estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note to Applicant: Based on the initial review of this development and without applicant confirmation of the development's fire flow demands and domestic water demands, the development will be subject to an upgrade of the water main that serves the development. The water main upgrade is to be funded by the City and must be completed prior to building occupancy. Co-ordination of this water main upgrade and building completion is necessary to ensure adequate fire protection for the building. An occupancy hold will be placed on the project to ensure the water main upgrade is completed prior-to building occupancy. Fire flow rates as noted above are needed to confirm this initial assessment.

## **Housing**

8. Make arrangements to the satisfaction of the General Manager of Arts, Culture, and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing the 72 residential units being 49 per cent of the total residential floor area, as secured market rental housing for the longer of 60 years or the life of the building, subject to the following additional conditions:
- (i) A no separate-sales covenant;
  - (ii) A no stratification covenant;
  - (iii) That none of such units will be rented for less than one month at a time;
  - (iv) Compliance with the City-approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit; and
  - (v) Such other terms and conditions as the General Manager of Arts, Culture, and Community Services and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

### **Heritage**

9. Council approval of a Heritage Designation By-law for the heritage building, known as the “Karme Residence”, located at 1853-1857 East 11th Avenue listed in the VHR in the “B” category, and enactment of this Heritage Designation By-law.

Note to Applicant: Staff intend to bring the Heritage Designation By-law forward for enactment shortly after the Public Hearing (should Council approve the Heritage Designation By-law), in part to allow for the notice to be registered in the Land Title Office within 30 days of enactment, a Vancouver Charter requirement, but prior to any consolidation or subdivision of the parcels. If there are any concerns about the timing of the Heritage Designation By-law enactment, please contact the rezoning planner. The applicant is to ensure that the consolidation of lots occurs only after the Heritage Designation By-law is enacted and notice of the designation is registered on title to the lands.

10. That the owner enters into a Heritage Restoration Covenant (which will include a Section 219 Covenant, Statutory Right of Way and Equitable Charge) for the rehabilitation and conservation of the heritage building known as the “Karme Residence” to the satisfaction of the Director of Planning and the Director of Legal Services, and that the agreement is registered on title to the lands in the Land Title Office to the satisfaction of the Director of Legal Services.
11. Submission of a conservation plan for the heritage building (the Karme Residence), which is to be reviewed by the Heritage Commission prior to CD-1 By-law enactment, to the satisfaction of the Director of Planning.

### **Sustainability**

12. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

### **Public Art**

13. Execute an agreement satisfactory to the Director of Legal Services and the General Manager of Arts, Culture and Community 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 call Karen Henry, Public Art Planner (604-673-8282), to discuss your application.

### **Environmental Contamination**

14. 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 Contributions (CACs)**

15. Pay to the City a Community Amenity Contribution of \$3,827,000, 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 \$3,827,000 contribution is to be allocated to support delivery of the *Grandview-Woodland Public Benefits Strategy*.

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 the heritage designation of the heritage building's exterior at 1853-1857 East 11th Avenue [*Lot 23 Except: the North 5 feet now lane of Lots C and D, Block 162, District Lot 264A, Plan 1059 and 1771; PID: 003-923-533*] as protected heritage property, generally as set out in Appendix C of the Policy Report dated May 22, 2018, entitled "1837-1857 East 11th Avenue and 2631-2685 Victoria Drive", be approved.
- C. THAT, if Council approves in principle the rezoning, the heritage designation and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated May 22, 2018 entitled "1837-1857 East 11th Avenue and 2631-2685 Victoria Drive", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- D. THAT A through 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 any expenditure of funds or incurring of costs is at the risk of the person making the expenditure 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 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 – 1837-1857 East 11th Avenue & 2631-2685 Victoria Drive]**