

SUMMARY AND RECOMMENDATION

5. REZONING: 10 Terry Fox Way (Concord Area 5b East)

Summary: To rezone from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District to permit the development of two residential towers with two floors of commercial development.

Applicant: Jeff Christianson, IBI/HB Architects

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

- A. THAT the application by IBI Group, on behalf of One West Holdings Ltd. ("Concord") to rezone a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288, False Creek, Plan BCP1977) which portion is shown in heavy bold outline in Map 1, generally as presented in Appendix D, to the Policy Report, "*CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)*", dated January 4, 2011, from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of two residential towers with two floors of commercial development, generally as presented in Appendix A, to the same Policy Report, be approved subject to the following conditions:

PROPOSED 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 IBI/HB Architects, and stamped "Received City Planning Department, August 9, 2010, 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 or the Development Permit Board, as the case may be, who shall have particular regard to the following:

Design Development

1. Provide verification of compliance with height limit set by Cambie Bridge View Corridor (View E1);
2. design development to strengthen the project's architecture to reflect the site's unique bridgehead location as well as more appropriately incorporating Green Building exterior materials and techniques;
3. design development to enhance the Public Realm treatment on all frontages including:

- a) Pacific Boulevard, taking into account the future streetcar stop and pedestrian amenity in the proposed plaza;
 - b) Smithe Street from Pacific Boulevard to Expo Boulevard, with particular emphasis to creating a special sense of place in the plaza area between the turnaround and Expo Boulevard;
 - c) Cambie Bridge edge, creating an attractive pedestrian link from Expo to Pacific Boulevard, with active building frontages and landscape (Note: incorporation of a designated bicycle route to the False Creek Bike Route should be pursued);
 - d) Underbridge area, integrating with the expected pedestrian linkage through the future Concord Area 5b West development;
4. design development to internalize the loading and parkade access in order to enhance pedestrian function and character of the plaza area west of the Smithe Street vehicular turnaround;
 5. design development to potentially increase the amount of commercial floor area in the podium of the project;
 6. Design development to the Smithe Street/Expo Boulevard plaza to create a more meaningful dynamic public space;

Note to Applicant: A rethink of this space is needed taking into account its generous sun access, movement patterns, evolving design direction of Area 5b-East Public Realm and how this space can positively engage the Cambie Bridge edge, as well as the comments of the Urban Design Panel.

7. identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point, and one storm water point;

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged.

8. design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for:
 - a) design of the under-bridge area to reduce opportunities for mischief and vandalism,
 - b) ensuring that all pathways are clearly defined with defensible design,
 - c) reducing opportunities for graffiti and skateboarding, except where the latter may be intentionally accommodated,

- d) providing full secure separation for residential uses and parking, and
- e) mischief, such as graffiti;

Landscape Review

- 9. Provide a full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, 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;
- 10. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbours and trellises, posts and walls and water features. Planter section details must confirm depth of proposed planting on structures;
- 11. A high-efficiency irrigation system to be provided on all planted rooftops, in all landscape common areas and hose bibs in patio areas as needed (illustrated on the Landscape Plan);
- 12. All proposed trees in the Smithe Street plaza are to be planted at grade, not in raised planters;

Note to applicant: This can be achieved if adequate soil depth is provided between the upper slab of the parkade and the plaza surface. A continuous trench measuring a minimum of 1.5 meters wide and 1 meter deep is required for trees planted on slab.

- 13. 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 Services, Streets Division regarding street tree spacing and quantity. Contact Amit Gandha (604-257-8587) of Park Board regarding tree species;
- 14. 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.

- 15. Large scale sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street;

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.

16. Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm;

Sustainability

17. An approach to Sustainable Site Design shall be taken and, where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, incorporate urban agricultural opportunities, and replicate natural systems where feasible;
18. Provide a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;
19. Provide a Sustainable Rainwater Management plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site;

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan.

20. Provide a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex;

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

District Energy

21. The building(s) shall connect to the district heating system approved by the General Manager of Engineering Services to service new development in Northeast False Creek for provision of all building heating and domestic hot water service; except where the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services for

the purpose of supplementing the heat energy provided by the district heating system;

Note to Applicant: Unless and until Central Heat or an alternate energy supplier is the holder of The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services, the Applicant will be prohibited from entering into any energy supply contract (other than for electricity, or natural gas required for processes not including space heating and domestic hot water provision) that does not give the Applicant and all future owners of the property the right to cancel such contract in whole or in part without cause or liability upon the occurrence of the Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services containing performance criteria for the Maximum Carbon Intensity of Delivered Heat and in any event no such energy supply contract will be entered into without the prior written approval of the General Manager of Engineering Services. The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services shall be to the satisfaction of the GMES and described in the legal agreement regarding Sustainability required as a condition of by-law enactment. Maximum Carbon Intensity of Delivered Heat means that maximum amount of Co_{2e} produced through the provision of space heating and hot water service as described in The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services, and referenced in the legal agreement regarding Sustainability required as a condition of by-law enactment.

22. The building design is to include adequate space and designs to support connection to the district energy system approved by the General Manager of Engineering Services;

Note to applicant: At the building permit stage the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions, sleeve details, and servicing needs. Provide suitable space for the installation of the district energy system equipment, with adequate provision for connection to outside district energy system distribution piping and communications conduit. District energy equipment may include but is not limited to energy transfer stations (ETS), a steam to hot water converter station, or boiler equipment. The developer shall make available use of sewer and potable water piping. The space provided for district energy system equipment shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C. As required, the developer must provide dedicated electrical services required to service the district energy system equipment, to the satisfaction of the General Manager of Engineering Services.

23. Space heating and ventilation make-up air shall be provided by hydronic systems, without electric resistance heat, distributed heat generating equipment gas fired make-up air heaters, etc.;

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of electric resistance heaters, or other distributed heat generating equipment to heat difficult to access parts the complex such as remote mechanical rooms or crawlspaces.

24. Design development to the mechanical heating and domestic hot water systems to ensure a minimum supply temperature of 65 degrees Celsius and maximum return temperature of 50 degrees Celsius in order to facilitate district heating service;

25. No natural gas fireplaces are to be installed within building suites;

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of natural gas fireplaces for ornamental purposes. A letter from a Professional Engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for Building Permit to state that the fireplaces installed are not heat producing.

Engineering

26. Provision of a current topographical site survey, prepared by a registered British Columbia Land Surveyor clearly showing the Cambie Street Bridge drip line and the proposed 3.0 metre offset from the drip line to the proposed property lines;
27. Clarify the location of the ultimate property line along Pacific Boulevard and ensure that no structures encroach onto proposed City road. Contact the Land Survey Branch for geometrics. Note: current geometrics have been sent to the developer's surveyor;
28. Remove portions of building that encroach onto proposed road dedication;
29. Design Development to conform to the Engineering Parking and Loading Design Supplement;

Planning

30. Provide text to be included in the disclosure statement for the development indicating that the area is an event district and event-related noise can be anticipated;
31. Provide a report prepared by professionals in acoustic and mechanical engineering that demonstrates how using noise isolation design strategies

and passive and/or mechanical cooling, the building will meet the following performance criteria:

- a) mitigate event noise to achieve noise levels between 40 dBC and 50 dBC within the units during event periods; and
- b) ensure summertime internal thermal comfort levels in line with ASHRAE 90.1 V. 2007 (with windows closed).

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the applicant shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manager of Engineering Services, the Manager of Sustainability, the Director of Real Estate Services, the Director of Cultural Services and the Approving Officer as necessary, make arrangements for the following:

Note: For the purpose of clarity, Nelson Street will be considered a north-south street while Pacific Boulevard and Expo Boulevard will be considered east-west streets.

1. Subdivision of Lot 288 to create a separate legal parcel for the Subject Site;
2. Dedication as road of the area under the Cambie Bridge and off ramp, to an extent 3 metres westerly of the westerly bridge drip-line and to an extent 3 metres easterly of the easterly bridge drip-line, south of Expo Boulevard and north of Pacific Boulevard;

Note to Applicant: A statutory right of way in favour of the City over all or a portion of the area 3 metres westerly of the westerly bridge drip-line and all or a portion of the area 3 metres easterly of the easterly bridge drip-line may be acceptable in order to reduce the dedication area. This condition may be satisfied if the area is dedicated as part of the Area 5B West rezoning application.

3. Dedication as road of the wedge shaped portion of Lot 288 north of Pacific Boulevard and east of the Cambie Street Bridge for the proposed Downtown Street Car route (Pacific Boulevard extension) widening;

Note to Applicant: A statutory right of way (which may be volumetric), over a portion of the area, in favour of the City, for transit and road purposes, to accommodate the above noted future Downtown Street Car route may be acceptable in order to reduce the dedication area subject to the review of the required street car infrastructure. The resultant dedication area is to be clear of all structures.

4. Registration of a Bridge Proximity Agreement over the whole of the Subject Site;

5. All legal notations, non-financial charges, liens and interests registered on title to the lands which may affect this application must be evaluated to determine whether they impact on the proposed development. The applicant's lawyer must submit to the City a title summary containing the following information:
 - a) copy of the Land Title Office search for all lots involved in the application;
 - b) a summary of the contents of each notation, non-financial charge, lien or interest on title containing a general description of the issues addressed by the document. The summary must also provide the lawyer's opinion as to whether the notation, charge, lien or interest will impact on the rezoning of the Subject Site and if so, how; and
 - c) a copy of any of the notations, non-financial charges, liens or interests which may impact the rezoning of Subject Site;

Note to Applicant: The letter enclosing the title summary must be addressed to the City of Vancouver.

6. Provision of a surface Statutory Right of Way in favour of the City for road purposes to accommodate the cul-de-sac and sidewalk adjacent to the Smithe Street extension, i.e., that area not within the 66 foot dedicated area all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
7. Provision of a surface Statutory Right of Way to replace the Cambie Bridge Pedestrian Ramp SRW R92182-184 in favour of the City, for public access including wheelchair access over the proposed walkway, ramp and steps to connect the Cambie Bridge pedestrian sidewalk with the Smithe Street extension;
8. Undergrounding of all new utility services from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switch gear (voltage switches) and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely on secondary voltage from existing overhead electrical network on 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;
9. Execute a Floodplain Covenant for the Subject Site;
10. Provide a Statutory Right of Way over the following areas to provide for public access:

- a) plaza area located adjacent to Pacific Boulevard;
 - b) setback area along the west side of the Subject Site linking Expo Boulevard to Pacific Boulevard adjacent to the Cambie Street Bridge;
 - c) pedestrian passage way from underbridge area beneath the proposed building on the Subject Site to Pacific Boulevard-fronting plaza;
11. Execute a modification to the existing Stadium Parking Agreement to require 100 built stalls on the Subject Site and 48 pay-in-lieu parking stalls linked to the Area 5b West site and 100 built and 49 pay-in-lieu parking stalls linked to the Area 5b East site, all to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Should the rezoning for the PavCo Rezoning Site proceed to enactment prior to enactment of the rezoning of the Subject Site, the built stalls will be fulfilled as part of the PavCo rezoning

12. Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Subject Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. Without limiting the discretion of the General Manager of Engineering Services and the Director of Legal Services, this agreement shall include provisions that:
- a) no Development Permit in respect of any improvements to be constructed on the Subject Site pursuant to this rezoning will be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services;
 - b) the design of all Services will be completed to the satisfaction of the General Manager of Engineering Services prior to;
 - c) tendering for the construction of any of the Services; or
 - d) any construction of the Services if the Owner decides not to tender the construction;
 - e) no occupancy of any building or improvements constructed pursuant to the rezoning will be permitted until all the Services are completed to the satisfaction of the General Manager of Engineering Services; and
 - f) in addition to standard utilities and utility extensions, necessary services will include:
 - i) the design and installation of all storm, sanitary and water systems as required by the development,
 - ii) removal of the above-grade Cambie Bridge pedestrian connection between the BC Place Stadium concourse and the Cambie Street Bridge and the provision of alternative access,
 - iii) design and construction of public realm improvements to the under bridge area linking Expo Boulevard to Pacific Boulevard

- under the Cambie Bridge to a similar design treatment to that of under the Cambie Bridge between Pacific Boulevard and Cooperage Way,
- iv) design and construction of an off-street bicycle and pedestrian route from Smithe Street and Expo Boulevard, adjacent to and under the Cambie Bridge, to the Seaside Route, and
- v) payment to the City of 25% of the total cost of a two lane approach on Nelson Street between Pacific Boulevard and Expo Boulevard including the creation of a left-turn lane and any associated curb work and signal modifications including but not limited to a left-turn signal and any required signal upgrades to other traffic signal infrastructure at Nelson Street and Pacific Boulevard.

Should this rezoning proceed to construction prior to the enactment of the rezoning of the PAVCO Rezoning Site, the following will also be included in a Services Agreement:

- g) the design and installation of a new watermain in the proposed Smithe Street extension from Expo Boulevard to Pacific Boulevard;
- h) the design and construction of the Smithe Street extension, the proposed SRW area outside of the portion of the 66 foot wide Smithe Street to be dedicated, and the portions of Expo Boulevard and Pacific Boulevard adjacent to the Subject Site, all in keeping with the required public realm plans or streetscapes plans or guidelines issued or required by the City;
- i) the design and construction of the proposed plaza area between Expo Boulevard and the Smithe Street cul-de-sac;
- j) provision of a full traffic signal at Smithe Street and Pacific Boulevard to replace the existing pedestrian signal including any required upgrades to other traffic signal infrastructure;
- k) Any required modifications to the Smithe Street and Pacific Boulevard intersection to ensure that vehicular traffic exiting the development cannot travel south across Pacific Boulevard to Cooperage Way and that vehicular traffic from Cooperage Way cannot travel north across Pacific Boulevard to the Smithe Street extension;

Note to applicant: Full access must be provided for bicycles and pedestrians through this intersection.

13. Should this rezoning proceed to enactment prior to enactment of the rezoning of the PAVCO Rezoning Site, the applicant will make arrangements for the following:
 - a) Dedication as road of that portion of Lot 288 being that 66 foot (20.117 metre) wide extension of Smithe Street between Expo Boulevard and Pacific Boulevard);

- b) Dedication as road or transfer to the City of all that portion of Lot 288 lying easterly of the easterly limit of the 66 feet wide Smithe Street extension (i.e. the dedication includes the portion of Lot 288 between the Smithe Street extension and Terry Fox Way);

Confirmations of Compliance in respect of these areas must be provided by the Ministry of Environment prior to the completion and transfer of these areas to the City;

Soils Remediation

- 14. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of contaminants on the Subject Site, including all lands within the rezoning site that are to be dedicated or transferred to the City, all in accordance with the Pacific Place Approach, including entering into of a Utility Design Agreement and such remediation agreements consistent with the Pacific Place Approach;

Note to Applicant: The Pacific Place Approach means the Provincial Government's agreement to remediate or conduct risk assessments and resultant risk management in respect of the Rezoning all on the same basis as the approach in respect of the lands within Concord Pacific Place that have been previously developed by Concord Pacific Group Inc. or its affiliates, which includes without limitation a Soils Agreement between the Provincial Government and Concord for Pacific Place, a Provincial Guarantee and Indemnity Agreement among the Provincial Government, Concord and British Columbia Enterprise Corporation, a Utility Design Agreement among the Provincial Government, Concord and the City and a Remediation Agreement between the Provincial Government and the City.

- 15. Obtain and submit to the City copies of all soil studies and the consequential remediation plan(s), approved by the Ministry of Environment for the Subject Site. Enter into or cause to be entered into by the Province agreements, satisfactory to the City Manager, all in accordance with the Pacific Place Approach, providing for the remediation of any contaminants on the Subject Site, in accordance with a remediation plan approved by the Province and acceptable to the City, providing security satisfactory to the City Manager for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminants on the Subject Site;
- 16. Submit to the City a remediation plan for all newly dedicated streets and other lands, utility rights-of-way required to serve the subject site, including providing utility construction plans compatible with the accepted Remediation Plan(s). Enter into or cause to be entered into by the Province any agreements deemed necessary by the General Manager of Engineering Services providing for the remediation of

contaminants on the Subject Site, the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and ground water flows, and other remedial works or systems, all to the satisfaction of the General Manager of Engineering Services and the City Manager, including a Utility Design Agreement and Remediation Agreement consistent with the Pacific Place Approach;

17. Execute an Indemnity Agreement, satisfactory to the City Manager, providing for security, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminants on the Subject Site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues Confirmations of Compliance, in substantially the form appended to the Certificate of Remedial Process issued by the Province (as then represented by the Ministry of Environment) on September 7, 1990, certifying that the Subject Site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in the Confirmations of Compliance;
18. Execute a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the Subject Site constructed pursuant to this rezoning, until Confirmations of Compliance have been provided to the City by the Ministry of Environment for the Subject Site and a Utility Design Agreement and a Remediation Agreement has been entered into by the Province with the City, in accordance with the Pacific Place Approach, on terms satisfactory to the General Manager of Engineering Services and the City Manager;
19. Do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of section 571B of the *Vancouver Charter*;

Planning

20. Execute an an Inner-City Local Employment and Procurement Agreement between the applicant and the City for the construction of the project on the Subject Site;
21. The necessary amendments to the False Creek North Official Development Plan to permit the rezoning of the Subject Site must be enacted by Council prior to enactment of the rezoning by-law for the subject site.

Community Amenity Contribution (CAC)

22. Pay the Community Amenity Contribution of \$6,000,000 which the developer has offered to the City; the CAC shall be paid to the City 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.

Public Art

23. 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 (a checklist will be provided); Note to Applicant: To discuss your public art application and fulfillment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002.

Sustainability

24. Execute appropriate agreement(s) for all buildings, to only utilize thermal energy for space heating and domestic hot water provided by a district heating system pursuant to a contract which complies with Design Condition #23 - District Energy and once available connect to the energy system holding The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services as determined by the GMES for the provision of all space heating and domestic hot water service;

Note to Applicant: On a case by case basis the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building may be approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the renewable district heating system; and, the agreement identified in this condition is also to provide for easements and access by the operator of the system to, and operation of, any district heating system components within the development.

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 Covenants pursuant to Section 219 of the Land Title Act. The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the Subject Site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements will provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if not otherwise specified in these conditions, if any, will 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 application to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) to the Sign By-law, generally as presented in Appendix C, to the Policy Report, "*CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)*", dated January 4, 2011, be approved, and;
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to include this CD-1 in Schedule A, generally as set out in Appendix C, to the Policy Report, "*CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)*", dated January 4, 2011.

[RZ - 10 Terry Fox Way (Concord Area 5b East)]