

SUMMARY AND RECOMMENDATION

1. REZONING: 508 Helmcken Street

Summary: To rezone 508 Helmcken Street from DD (Downtown) District to a CD-1 (Comprehensive Development) District. The proposal is for a 36-storey building containing 448 residential units, of which 110 are proposed as secured market rental, with retail use and a private pre-school/kindergarten facility at grade. A height of 97.5 m (320 ft.), a floor space ratio (FSR) of 17.19, a residential floor area of 32,833 m² (353,287 sq. ft.), a retail floor area of 111 m² (1,192 sq. ft.) and an institutional floor area of 512 m² (5,505 sq. ft.) are proposed.

Applicant: GBL Architects Inc.

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by GBL Architects Inc., on behalf of Brenhill Developments Ltd. (with consent in writing of the registered owner, City of Vancouver), to rezone 508 Helmcken Street [*Lots 34, 35, 36, 37 and 38, Block 94, District Lot 541, Plan 210, PIDs: 015-482-073, 015-482-081, 015-482-138, 015-482-162 and 015-482-260 respectively*] and adjacent portions of lane to be closed and conveyed to the registered owner of 508 Helmcken Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor area from 3.0 FSR to 17.19 FSR and the height from 21.3 m (70 ft.) to 97.5 m (320 ft.) to allow for a 36-storey building with 448 residential units, of which 110 are secured market rental, with retail and a private pre-school/kindergarten space at grade, generally as presented in Appendix A of the Policy Report dated June 4, 2013, entitled "CD-1 Rezoning - 508 Helmcken Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects, and stamped "Received City Planning Department, April 26, 2013", provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

Tower

1. Design development to accommodate the Downtown South public realm setbacks and hard and soft landscape treatment, extending at least 16.8 m (55 ft.) from the corner of Richards Street.

Note to applicant: Intent is to provide room for the characteristic street interface for this neighbourhood, which includes a double row of street trees, and to ensure sufficient pedestrian-oriented space on both sides of this significant location on the intersection of two bikeways and two vehicle roadways. See also Landscape conditions regarding a more active character for the exterior design. See Downtown South design guidelines.

2. Design development to the upper portion of the tower to enhance its architectural contribution to the city skyline, and to visually distinguish the uppermost floors from the rest of the building.

Note to applicant: As this proposal is designed to just under the view cone line, the top of the tower will be readily visible from distant locations. Further design development should consider reducing the height of some portions of the perimeter to be notably lower than others, by setting back or terracing the upper floors, or some combination thereof. Consideration should be given to massing changes that will also reduce the length of shadowing and the apparent height as seen from the park. Note that service equipment including window washing apparatus, cell towers or antennae cannot extend into the view cone.

3. Design development to reduce the apparent visual mass of the tower through exterior design, composition, and finishes.

Note to applicant: Consider the use of graduated changes to balconies, colours and materials in the vertical axis, or similar visual effects to support the vertical massing elements proposed and to reduce the apparent size of the floor plates.

4. Consideration to locate residents' bulk storage below grade, to limit the size of the tower.

Base

5. Provision of commercial space on grade on Richards Street and facing onto Emery Barnes Park.

Note to applicant: Intent is to create a more active space that can serve the general public, and to maximize the opportunity of this corner that is unique in terms of sunlight and expected pedestrian traffic. This can be accomplished by replacing the proposed townhouses on Richards Street with commercial retail space. The commercial space should be designed to accommodate food service or a small restaurant, with provision for outdoor patio space on the site.

6. Substantial reduction in the amount of private entrance and lobby space occupying the building along the ground floor, especially at the intersection of Richards and Helmcken streets.

Note to applicant: Intent is to limit the amount of passive circulation space located adjacent to the public realm interface, to allow more active uses to face the sidewalk.

7. Design development to provide variety and interest to the architectural expression of the building with high quality durable materials that will contribute to the character and quality of the area.

Note to applicant: A high quality development that establishes a robust compatible character with the existing neighbourhood fabric is sought.

8. Design development to the ground-oriented storefront, display and weather protection to ensure variety and pedestrian interest in the expression of tenancies along the street frontages.

Note to applicant: Continuous weather protection should be provided.

9. Provision of a signage strategy to ensure a well-conceived approach to announcing the various tenancies.

Note to applicant: Strategy should confirm signage hierarchy, location and type in a separate package from the drawing set, provided for reference. Back-lit box signs are not supported. The strategy should demonstrate a fine-grained and creative approach that reflects this unique location.

Sustainability

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point.

Note to applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project is also required under the policy.

Crime Prevention Through Environmental Design (CPTED)

11. Design development to respond to CPTED principles, having particular regards for:
 - (a) theft in the underground parking;
 - (b) residential break and enter;
 - (c) mail theft; and
 - (d) mischief in alcove and vandalism, such as graffiti.

Note to applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

Landscape

12. Design development to Helmcken Street and Richards Street to provide a high quality public realm that includes the Downtown South/ New Yaletown design standards and a double row of street trees at grade (applicable to building setback portions only).

Note to applicant: The water feature, as proposed, should be deleted. The underground slab at or near the property lines to angle down to provide contiguous soil volumes for the inside row of trees or landscaping on private property.

13. Further design development to the south and west side of the building (at grade) to respond to the anticipated programming opportunities, the park context, circulation, ownership and demarcation of property lines.

Note to applicant: In addition to activities associated with the site, the west lane and possibly a portion of the south edge should be open and accessible for pedestrians on- and off-site, including circulation to and from the park to the adjoining street. For the northern portion of the west lane, pedestrian safety and traffic calming measures need to be considered. The relationship to the park requires improvement. The area south of the bollards in the west lane and the connections to the park should be pedestrian oriented, enhanced with special paving, layered planting and trees. The south side perimeter should be pedestrian oriented and relate to the specific programming of the adjacent uses, including the school. There is an opportunity for café seating and a patio that takes advantage of the adjacent park amenity. Careful attention will be needed to ensure that the overall approach to edge definition between the public park, Richards Street and private property is consistent with the intended use while clearly demarcating ownership. Incorporate additional planting where circulation is not necessary. Landscape materials should be informed by, and compliment, the park.

14. Provision of enlarged details and a maintenance plan to ensure the success of the proposed trees shown on the high rise balconies.

Note to Applicant: While the provision of permanent landscaping on patios and planters is supported, there are concerns about the limitations of soil volume related to the size of planters and lack of access to the patios for periodic maintenance. Further details of the proposal need to be provided.

15. Site utilities and vents to be located on private property and integrated discreetly into the building, avoiding landscaped and common areas.
16. At time of development permit application, the following:

- (a) Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

Note to applicant: The Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, bicycle racks, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

- (b) Provision of a Tree Plan, including a strategy to retain/protect existing street trees and trees in the park.

Note to applicant: On busy commercial streets, site security fencing and construction staging may serve as tree protection. Existing street trees should be retained within the public realm. In the event that street trees require removal, new street trees must be provided. Contact Eileen Curran, Streets Engineering (604.871.6131) and Park Board (604.257.8587) for street tree information. New street tree planting should include a notation on the plan: "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

- (c) Provision of large-scale sections [typical] through the landscaped areas, including the ground-oriented residential interface, the slab-patio-planter relationship, the double row of street trees, the lane interface, common areas and upper storey planters.

Note to applicant: The sections should include the planter materials, tree canopy, tree stem, outline of the root ball, voiding, built up membrane and dimensions.

- (d) Provision of spot elevations to all outdoor areas (including top/ bottom walls), including off-site context spot elevations in proximity (such as the park, public sidewalks, inner boulevards and lanes).

- 17. Provision of adequate soil volumes and depths for planting on slabs and in planters.

Note to applicant: To ensure the long term viability of planting in non-continuous growing medium, soil depths must meet or exceed BCLNA planting standards. At the edges, new slabs should angle down to provide deeper soils.

18. Provision of an efficient irrigation system for all common outdoor planters (existing and new) and individual hose bibs to be provided for all patios of 9.3 m² (100 sq. ft.) or greater in size. Specification notes and irrigation symbols to should be added to the drawing.

Engineering

19. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- (a) Provision of an Operations and Passenger Loading Management Plan, to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services, from the operator of the proposed Montessori School which addresses but is not limited to how and where school children will be picked up and dropped off, where parents arriving by bike will unload their children including designated school drop-off spaces and expected pick up and drop off times.
- (b) Provision of on-site passenger loading spaces for use by the Montessori School, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Consideration should be given to the provision of wider passenger loading spaces to facilitate faster and easier vehicle manoeuvring into and out of the space and reduced delays for residents who must drive past these spaces to exit.

- (c) The following are related to the parking ramp:
 - i. Provide design elevations on both sides of the parking ramp at all break points and clarification of the length of ramp at the specified slope.
 - ii. Modify the parking entry ramp, to the satisfaction of the General Manager of Engineering Services, to provide adequate space for independent vehicle access to and from the parking ramp into the lane.

Note to Applicant: A corner-cut for the outbound vehicle will be required. Please clearly show turning swaths of vehicles indicating independent two-way access.

- iii. Provision of overhead doors at the rear of each loading space to ensure ease of furniture or goods movement particularly for the northerly loading space.

Note to applicant: Consideration to provide additional height and depth for the loading spaces beyond by-law obligations to accommodate SU9 vehicles is recommended.

- iv. Provision of 2.7 m x 2.7 m (approximately 9 ft. X 9 ft.) corner cuts to enable unimpeded movement of two vehicles to pass one another through right angled turns in the parkade where 200 or more vehicles are served.
 - v. Clarify the proposed Class A bicycle spaces for the school and clearly identify them as being for the school and ensure they are located on the P1 parking level.
- (d) The following comments are related to the operation of the closed lane and are intended to ensure the closed portion of lane provides the operational needs of all users.
- i. Provide an appropriate number and type of bollards located to allow convenient pedestrian and cycling access through the bollards while limiting vehicular access to only those permitted beyond them. Note that the bollards should be located further south to ensure access to and from the loading bays. Please show turning swaths for vehicles using the loading bays.
 - ii. Provide detailed technical information about the proposed telescoping bollards in the lane and make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for their maintenance, repair and operation.

Note to applicant: Provide clarification on how the bollards will function, i.e., are they intended to be operated manually? The provision of lockable flip-down and/or removable bollards may be required as telescoping bollards may impact underground utilities.
 - iii. Redesign of the on-site garbage room is required; access is not possible as shown.

Note to applicant: Please provide written confirmation that a waste hauler can access and pick up from the garbage storage location. Pick up operations should not rely on bins being stored on the street or lane for pick up; bins are to be returned to storage areas immediately after emptying.
- (e) The following note is to be placed on the landscape and site plans: This plan is Not For Construction of any public property facilities. A minimum of 8 weeks prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services for review. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details.
- (f) Requirements regarding the proposed sub-ground parking structures below sewers infrastructure in the lane West of Richards are as follows:

- i. No sewer pipes should sit directly on top of the parking structure roof.
- ii. There must be suitable protection in the roof structure to ensure that groundwater from the trench zone (or from leaky pipe joints) does not penetrate the roof.
- iii. The pipe(s) must also be located in suitable aggregate backfill with adequate clearance between pipe and roof to allow the City to safely excavate and replace/repair in the future without undue risk of damaging the roof. The minimum adequate clearance is 300 mm from the outside bell invert of the lowest pipe to the nearest development structural boundary. Provision of a sacrificial concrete slab is recommended between the parkade structure and the utilities.

Social Infrastructure

20. Design development to ensure that a minimum of 25% of the proposed rental units be designed to be suitable for families with children.
21. Design development of the second-floor indoor amenity room to include a kitchenette and storage space, and accessible WC with change table.
22. Design development of outdoor amenity at rooftop level to include shared garden plots, tool storage, a potting bench, a compost bin for yard waste, and hose-bib.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, Brenhill Developments Ltd., as authorized by the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facility Design and Management and Approving Officer, as necessary, and at the sole cost and expense of Brenhill Developments Ltd., make arrangements for the following:

Engineering

1. The City of Vancouver to close, stop-up and convey to the owner of the adjacent property (508 Helmcken Street) the lane west of Richards Street and southerly from Helmcken Street, dedicated by the deposit of Plan 210; and that part of Lot A in Plan BCP9161 established as lane south of Helmcken Street westerly from Richards Street. The lane closure and conveyance will be subject to below noted conditions 2, 3, 4, 5, 6, 8, 9, and 10 and any additional conditions established by Council in the Administrative Report to Council for the lane closure and conveyance.

Note to applicant: There will be significant impact on utility infrastructure; the applicant must consult with all affected outside utility companies (including BC Hydro, Telus and Fortis BC) to determine their requirements for closure of the

lane and relocation or retention of all of the utilities infrastructure. A written response from each utility company is required.

Note to applicant: Should utility retention/installation be proposed for any or all of the utilities in the closed portion of the westerly lane then provision of a design profile of the westerly lane (parallel to Richards Street) is required to show the top of the underground structure relative to all utility infrastructure.

2. Provision of a Statutory Right of Way in favour of the City for utility purposes, over all of the westerly lane to be closed, for any City utilities to be retained or new City utilities requiring use of the westerly lane to be closed. The Statutory Right of Way agreement is to contain provisions for modification such that the Statutory Right of Way area can be reduced to the volumetric space required to accommodate the City utilities. Please see condition (b) 19 (f) for design criteria for the portions of the parkade proposed within the lane.
3. Provision of a Statutory Right of Way in favour of non-City utility companies, over all of the westerly lane to be closed, for any non-City utilities to be retained or new non-City utilities requiring use of the westerly lane to be closed. The Statutory Right of Way agreement is to contain provisions for modification such that the Statutory Right of Way area can be reduced to the volumetric space required to accommodate the non-City utilities.
4. Provision of a surface Statutory Right of Way over the westerly lane to be closed for public non-vehicular access to the adjoining park site. The owner is to maintain the surface of the westerly lane.
5. Provision of a legal agreement to ensure continued pedestrian and vehicle access (passenger pick-up and drop-off, and garbage and loading) over the westerly lane to be closed for Brookland Court (Lots 1 and 2 Block 94 Plan 210; 540 Helmcken Street). The agreement is to include provisions such that the Statutory Right of Way or easement area may be reduced to accommodate the ultimate configuration of the access.
6. Provision of a surface Statutory Right of Way over the westerly lane to be closed and the southerly lane to be closed for 24/7 municipal maintenance-vehicle access to the fountain and pump room in the adjacent park site. The agreement is to include provisions such that the Statutory Right of Way area may be reduced to accommodate the ultimate configuration of the access. The owner is to maintain the surface of the southerly lane and the westerly lane.
7. Provision of a Statutory Right of Way to accommodate a Public Bike Share (PBS) Station.

Note to applicant: The PBS space is to be a minimum of 15 m x 4 m in size and is to be located to the satisfaction of the General Manager of Engineering Services with a preference to be near the intersection of Helmcken Street and Richards Street or in the new driveway access (midway between Richards and Seymour streets). Placement must consider strong solar exposure and power must be supplied to the PBS.

8. Provision of appropriate legal agreements for all building encroachments from the Brookland Court building into the westerly lane to be closed (i.e. cornices, window opening etc.).

Note to applicant: If the garbage chute, described as encroaching into this lane in Easement & Indemnity Agreement J3581, is no longer in use, arrangements should be made for its removal and the release of this charge.

9. Provision of a legal agreement to ensure a no-build area over the portion of the westerly lane to be closed adjacent to Brookland Court.

Note to applicant: As a condition of the lane closure and conveyance it will be necessary to make upgrades to address unprotected openings (windows) on the east wall of Brookland Court and such other upgrades as may be required by the Chief Building Official to ensure compliance with the Vancouver Building By-law. These upgrades will be at the cost of Brenhill Developments Ltd.

10. Consolidation of Lots 34 to 38, Block 94, DL 541, Plan 210, and the two portions of closed lane to form a single parcel.

11. De-commissioning of the existing anchor rods in the street and lane (see Easement & Indemnity Agreement P10797 and Equitable Charge P10798) to the satisfaction of the General Manager of Engineering Services and the discharge of the agreement prior to occupancy.

12. Clarification of garbage storage and pick up practices of the Brookland Court building and provision of improvements to the garbage storage and pick up practices such that they do not interfere with the access to and from 508 Helmcken Street parking and loading access and operations. Arrangements for appropriate legal agreements will be required if alternate garbage storage or pick-up space are required within 508 Helmcken Street.

Note to applicant: Please consult with Brookland Court to determine if there are any on-site storage areas in the Brookland Court building. Should there not be adequate space at Brookland Court the applicant is to provide appropriate space within 508 Helmcken Street for this purpose.

13. Provision of adequate pick-up, drop-off and turnaround for all required vehicles servicing Brookland Court. Consultation with TransLink, HandyDart users (Brookland Court), service providers and the City is required. Arrangements for appropriate legal agreements will be required if turn around space is required within 508 Helmcken Street.

14. 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 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.

- (a) Provide traffic-signal upgrades at the intersection of Helmcken and Richards Streets for the Comox-Helmcken Greenway to the satisfaction of the General Manager of Engineering Services.

- (b) Provide pedestrian count-down timers and audible signals at the intersection of Helmcken and Richards streets.
- (c) Provision of a standard concrete lane crossing at the lane west of Richards Street on the south side of Helmcken Street.
- (d) Provision of standard Downtown South sidewalk treatments adjacent the site.

Note to applicant: Sidewalk widths and patterns, consistent with the adjacent sidewalks at Emery Barns Park and following the Downtown South guidelines, are required.

15. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands as determined by the applicants mechanical consultant to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

16. Provision of upgrade to the sanitary sewer to serve the site. Upgrade of the existing sanitary sewer on Richards Street from Helmcken Street to Davie Street is required.

Note to applicant: A reduction in the sewer upgrading costs borne by this project may be granted should benefiting nearby development proceed concurrently with this project, with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.

17. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Community Amenity Contribution (CAC)

18. Prior to enactment, provide the City:
- (a) an in-kind CAC consisting of a standalone building at 1077-1099 Richards Street, containing 162 units of social housing and a total floor area of 8,358 m² (89,965 sq. ft.), all to be designed, constructed and finished by the applicant in turn-key condition; and

- (b) a \$1,000,000 cash contribution, to be allocated to the Affordable Housing Fund, to be used to fund the project management and related legal, tenant relocation, and administrative expenses associated with the development of the site at 1077-1099 Richards Street.

Housing Agreement

- 19. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing 110 residential units with a minimum total area of 5,900 m² (63,512 sq. ft.), and related parking and other amenity space, for 60 years or the life of the building, whichever is greater, as rental housing, and subject to the following additional conditions in respect of those units:
 - (a) that all such units will be contained within a separate air space parcel;
 - (b) that such air space parcel may not be subdivided by deposit of a strata plan;
 - (c) that none of such units may be separately sold;
 - (d) that none of such units will be rented for less than one month at a time;
 - (e) at least 26 of the 110 units will be two bedroom units; and
 - (f) no occupancy permit will be issued for the market residential units to be sold until the occupancy permits for all the market rental units have been issued.
 - (g) on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

Note to applicant: This condition to 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.

Public Art

- 20. 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: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application

Soils Agreement

- 21. If applicable:
 - (a) Submit a site profile to the Environmental Protection Branch (EPB);
 - (b) As required by the Manager of Environmental Protection 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

- (c) If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note: 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 sites 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-laws.

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 application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C of the Policy Report, be approved.
- 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 Noise Control By-law, generally as set out in Appendix C of the Policy Report.
- D. 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.
- E. THAT, if after public hearing Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report, the Director of Legal Services be instructed to bring forward the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law contemplated by this rezoning, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- F. THAT Recommendations A through E 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; 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 bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of Brenhill Developments Ltd.; 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 - 508 Helmcken Street]