

SUMMARY AND RECOMMENDATION

3. **REZONING:** a) 587 West King Edward Avenue and b) 591-599 West King Edward Avenue and Heritage Designation of the James Residence

Summary: To rezone a) 587 West King Edward Avenue and b) 591-599 West King Edward Avenue from RS-5 (One-Family Dwelling) District to two new CD-1 (Comprehensive Development) districts. For site (a), a floor space ratio (FSR) of 0.94 and height of 11.6 m (37 ft.) are proposed, to retain, restore and rehabilitate the heritage "B" listed James Residence and to allow development of two three-storey infill townhouses at the rear. For site (b), an FSR of 1.53 and height of 11.6 m (37 ft.) are proposed, to permit development of 18 three-storey townhouses, five of which have lane-fronting lock-off units.

Applicant: W. T. Leung Architects Inc., on behalf of DT5 Developments Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 13, 2014.

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 W. T. Leung Architects Inc., on behalf of DT5 Developments Ltd., to rezone:
- a) 587 West King Edward Avenue [*Lot 31, Block 660, District Lot 526, Plan 2976; PID: 013-272-802*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 0.94 and the height from 10.7 m (35 ft.) to 11.6 m (37 ft.) to permit development of two three-storey lane-fronting townhouses and to retain, restore and rehabilitate of the heritage "B" listed James Residence, generally as presented in Appendix A1 of the Policy Report dated May 13, 2014, entitled "CD-1 Rezoning: a) 587 West King Edward Avenue and b) 591-599 West King Edward and Heritage Designation of the James Residence", and
 - b) 591-599 West King Edward Avenue [*Lots 32, 33 and 34, Block 660, District Lot 526, Plan 2976; PIDs: 013-272-811, 013-272-829 and 013-272-837 respectively*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 1.53 and the height from 10.7 m (35 ft.) to 11.6 m (37 ft.) to permit development of 18 three-storey townhouses, five of which have lane-fronting lock-off units, generally as presented in Appendix A2 of the Policy Report dated May 13, 2014, entitled "CD-1 Rezoning: a) 587 West King Edward Avenue and b) 591-599 West King Edward and Heritage Designation of the James Residence",

be approved subject to the following conditions:

For (a) 587 West King Edward Avenue

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 W. T. Leung Architects Inc., on behalf of DT5 Developments Ltd., and stamped "Received City Planning Department, January 8, 2014", provided that the General Manger 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

- 1. Provision of setbacks from the property line to buildings and distance between buildings across the courtyard to remain consistent with the rezoning application submission unless stated in subsequent rezoning conditions.

Note to Applicant: The proposed building setbacks submitted and shown on drawing A2.03 can be considered as minimum setbacks but could be increased if warranted by the design development process.

- 2. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit submission to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.

- 3. Provision of high quality and durable exterior finishes proposed in this rezoning submission will be carried forward and remain through to the development permit process.

Crime Prevention Through Environmental (CPTED)

- 4. Design development to respond to CPTED principles, having particular regards 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.

Sustainability

5. Provision of a deconstruction plan for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.

Note to Applicant: The deconstruction plan should be provided at the time of development permit application. Plan must be specific about materials that are being diverted. A template plan is available for reference.

6. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving Gold certification under LEED® Canada for Homes with a minimum of twelve optimize energy performance points.

Note to Applicant: Provide a LEED® Canada for Homes checklist confirming that the project will achieve Gold level and a detailed written description of how the minimum target points will be achieved. Both checklist and description should be incorporated into the drawing set and significant LEED® features detailed on the plans.

7. The heating and domestic hot water system for buildings within the development shall be designed to be easily connectable and compatible with a future City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the Neighbourhood Energy Connectivity Standards - Design Guidelines for general design requirements related to Neighbourhood Energy compatibility. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

8. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters or heat producing fireplaces, unless otherwise approved by the General Manager of Engineering Services.
9. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape Review

10. Design development to the public realm interface to provide safe landscaped outdoor open spaces with residential-quality greenery and visual interest to benefit the pedestrian environment at the street and lane.
11. New street trees to be provided adjacent to the development site and illustrated on the Landscape Plan with the following notation on the Landscape Plan to read: "Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services." New trees must be of good standard, minimum 8 cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet in length and 18 inches in depth. Call the Park Board for inspection after tree planting completion.

Note to Applicant: Contact Eileen Curran in Engineering (604.871.6131) to confirm tree planting locations and Cabot Lyford at the Park Board (604.257.8587) for tree species selection and planting requirements. To be confirmed prior to issuance of the building permit. See also Engineering condition (c) 1. (v).

12. Provision of in-ground planting opportunities for new trees within landscape setbacks along street frontages, and access to the natural grade, where possible.
13. Maximization of growing medium depth for tree and shrub planters on slab condition.

Note to Applicant: Structures such as underground parking slabs may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BC Landscape Standards or better.

14. Design development to integrate utilities into the building, where possible.

Note to Applicant: Avoid the placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.

15. Utilisation of best current practices for managing water conservation in common landscaped areas, including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching (to be illustrated on the Landscape Plan).
16. Provision of hose bibs for all patios greater than 100 sq. ft. in area.
17. Provision of an external lighting plan consistent with the draft Cambie Corridor Public Realm Plan.
18. At time of development permit application:

- (i) Provision of a legal survey confirming the location of existing on-site and off-site trees.
- (ii) Provision of an ISA Certified Arborist report for all existing site trees and adjacent trees on neighbouring sites, as noted on the legal survey.
- (iii) Provision of a fully labelled Landscape Plan, sections and details.

Engineering

- 19. Delete the existing portion of steps encroaching over the south property line of the heritage house site.
- 20. The plans should clearly indicate the provision of hard shell bicycle lockers where such spaces are shown at the rear of the units.

Housing Policy

- 21. That the proposed unit mix including three three-bedroom units be included in the Development Permit drawings

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

For (a) 587 West King Edward Avenue

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 and to the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Office, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 1. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) 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 General Manager of Engineering Services and the Director of

Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- (ii) Provision of a relocated curb and sidewalk adjacent the site and construction of new curbs and a 1.8 m wide concrete sidewalk on King Edward Avenue for the length of the site. Work is to include the relocation and adjustment of all existing street infrastructure and utilities impacted by the proposed street work.

Note: The sidewalk will be located such that a 1.2 m front boulevard is provided and the back boulevard is constructed to and elevation that meets City building grades and is supported by the site. Note the existing planting adjacent the heritage home will require adjustment or removal including relocation of the steps to private property.

- (iii) Relocation of a portion of the curb on the median along King Edward Avenue to accommodate the installation of a cycling facility. Work is to include the relocation and adjustment of all existing street infrastructure and utilities impacted by the proposed street work.
- (iv) Provision of improved curb ramps at the King Edward Avenue and Ash Street corner of the site including reconstruction of the curb return to correctly align with the adjacent curb ramps should it be necessary.
- (v) Provision of a standard concrete lane crossing on the east side of Ash Street at the lane entry north of the site. Work to include adjustment of the curb returns on both sides of the lane entry.
- (vi) Provision of street trees adjacent the site where space permits.

- 2. 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.

Heritage

- 3. Enter into a legal agreement for the rehabilitation and long-term maintenance of the heritage building at 587 West King Edward Avenue. The agreement is to be completed and registered in the Land Titles

Offices (LTO) to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the CD-1 By-law.

Note to Applicant: The agreement must be signed by the owner, and any party with a registered interest on title. The purpose of the agreement is to secure the protection of the heritage building during construction and its rehabilitation in a timely manner, and for related matters. Please contact the heritage planner to receive a copy of the draft agreement for review.

Sustainability

4. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
 - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
 - (ii) grant the operator of the City-designated Neighbourhood Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the owner; and
 - (iii) provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the development to the City-designed Neighbourhood Energy System.

Note to Applicant: Until a City-designated Neighbourhood Energy System utility provider has been identified, the owner will be prohibited from entering into any energy supply contract for thermal energy services, unless otherwise approved by the General Manager of Engineering Services.

Soils

5. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a

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

Community Amenity Contribution (CAC)

6. If not already paid with the rezoning of 591-599 West King Edward Avenue, pay to the City the Community Amenity Contribution of \$118,000 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, to be allocated as follows:
 - (i) \$59,000 to the Affordable Housing Reserve.
 - (ii) \$59,000 to cycling improvements on King Edward Avenue.

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 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 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.

For (b) 591-599 West King Edward Avenue

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 W. T. Leung Architects Inc., on behalf of DT5 Developments Ltd., and stamped "Received City Planning Department, January 8, 2014", provided that the General Manger 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

1. Design development to improve through greater articulation and, to the extent possible, additional window placements at all endwall conditions of the townhouse buildings and, in particular, those facing King Edward Avenue and the heritage house.

Note to Applicant: This is to improve the scale, perceived massing, and interface to the street, and to the adjacent heritage house.

2. Provision of setbacks from the property line to buildings and distance between buildings across the courtyard to remain consistent with the rezoning application submission unless stated in subsequent rezoning conditions.

Note to Applicant: The proposed building setbacks submitted and shown on drawing A2.03 can be considered as minimum setbacks but could be increased if warranted by the design development process.

3. Consideration for relocating the children's play area, to satisfy the following performance criteria: improve exposure to daylight; consideration for a closer proximity to the heritage house.

Note to Applicant: See also Landscape condition 16.

4. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit submission to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.

5. Provision of high quality and durable exterior finishes proposed in this rezoning submission will be carried forward and remain through the to the development permit process.

Crime Prevention Through Environmental (CPTED)

6. Design development to respond to CPTED principles, having particular regards 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.

Sustainability

7. Provision of a deconstruction plan for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.

Note to Applicant: The deconstruction plan should be provided at the time of development permit application. Plan must be specific about materials that are being diverted. A template plan is available for reference.

8. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving Gold certification under LEED® Canada for Homes with a minimum of twelve optimize energy performance points.

Note to Applicant: Provide a LEED® Canada for Homes checklist confirming that the project will achieve Gold level and a detailed written description of how the minimum target points will be achieved. Both checklist and description should be incorporated into the drawing set and significant LEED® features detailed on the plans.

9. The heating and domestic hot water system for buildings within the development shall be designed to be easily connectable and compatible with a future City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the Neighbourhood Energy Connectivity Standards - Design Guidelines for general design requirements related to Neighbourhood Energy compatibility. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

10. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters or heat producing fireplaces, unless otherwise approved by the General Manager of Engineering Services.
11. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape Review

12. Design development to the public realm interface to provide safe landscaped outdoor open spaces with residential-quality greenery and visual interest to benefit the pedestrian environment at the street and lane.
13. New street trees to be provided adjacent to the development site and illustrated on the Landscape Plan with the following notation on the Landscape Plan to read: "Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services." New trees must be of good standard, minimum 8 cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet in length and 18 inches in depth. Call the Park Board for inspection after tree planting completion.

Note to Applicant: Contact Eileen Curran in Engineering (604.871.6131) to confirm tree planting locations and Cabot Lyford at the Park Board (604.257.8587) for tree species selection and planting requirements. To be confirmed prior to issuance of the building permit. See also Engineering condition (c) 2. (v).

14. Provision of in-ground planting opportunities for new trees within landscape setbacks along street frontages, and access to the natural grade, where possible.
15. Maximization of growing medium depth for tree and shrub planters on slab condition.

Note to Applicant: Structures such as underground parking slabs may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BC Landscape Standards or better.

16. Design development to the children's play area to be more flexible, incorporating forms for children to engage in active and passive social play within a main common open space gathering area.

Note to Applicant: This can be achieved by shifting the proposed play area from the far northwest corner of the north south courtyard walk towards a more central node where entry path and courtyard intersect. Climbing structure may be substituted with more textured landscape forms to climb and step over. Consider Urban Design Panel comments regarding access to sunlight.

17. Design development to integrate utilities into the building, where possible.

Note to Applicant: Avoid the placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.

18. Utilisation of best current practices for managing water conservation in common landscaped areas, including high efficiency irrigation, aspects

of xeriscaping including drought-tolerant plant selection and mulching (to be illustrated on the Landscape Plan).

19. Provision of hose bibs for all patios greater than 100 sq. ft. in area.
20. Provision of an external lighting plan consistent with the draft Cambie Corridor Public Realm Plan.
21. At time of development permit application:
 - (i) Provision of a legal survey confirming the location of existing on-site and off-site trees.
 - (ii) Provision of an ISA Certified Arborist report for all existing site trees and adjacent trees on neighbouring sites, as noted on the legal survey.
 - (iii) Provision of a fully labelled Landscape Plan, sections and details.

Engineering

22. The plans should clearly indicate the provision of hard shell bicycle lockers where such spaces are shown at the rear of the units."

Housing Policy

23. That the proposed unit mix including 18 three-bedroom and five lock-off studio units be included in the Development Permit drawings

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

For (b) 591-599 West King Edward Avenue

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 and to the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Office, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 32 to 34, Block 660, DL 526, Plan 2976 to create a single parcel.
2. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No

development permit for the site will be issued until the security for the services are provided.

(i) 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 General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

(ii) Provision of a relocated curb and sidewalk adjacent the site and construction of new curbs and a 1.8 m wide concrete sidewalk on King Edward Avenue for the length of the site. Work is to include the relocation and adjustment of all existing street infrastructure and utilities impacted by the proposed street work.

Note: The sidewalk will be located such that a 1.2 m front boulevard is provided and the back boulevard is constructed to and elevation that meets City building grades and is supported by the site. Note the existing planting adjacent the heritage home will require adjustment or removal including relocation of the steps to private property.

(iii) Relocation of a portion of the curb on the median along King Edward Avenue to accommodate the installation of a cycling facility. Work is to include the relocation and adjustment of all existing street infrastructure and utilities impacted by the proposed street work.

(iv) Provision of improved curb ramps at the King Edward Avenue and Ash Street corner of the site including reconstruction of the curb return to correctly align with the adjacent curb ramps should it be necessary.

(v) Provision of a standard concrete lane crossing on the east side of Ash Street at the lane entry north of the site. Work to include adjustment of the curb returns on both sides of the lane entry.

(vi) Provision of street trees adjacent the site where space permits.

3. 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.

Sustainability

4. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
 - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
 - (ii) grant the operator of the City-designated Neighbourhood Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the owner; and
 - (iii) provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the development to the City-designated Neighbourhood Energy System.

Note to Applicant: Until a City-designated Neighbourhood Energy System utility provider has been identified, the owner will be prohibited from entering into any energy supply contract for thermal energy services, unless otherwise approved by the General Manager of Engineering Services.

Soils

5. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and

Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Community Amenity Contribution (CAC)

6. If not already paid with the rezoning of 587 West King Edward Avenue, pay to the City the Community Amenity Contribution of \$118,000 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, to be allocated as follows:

(i) \$59,000 to the Affordable Housing Reserve.

(ii) \$59,000 to cycling improvements on King Edward Avenue.

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 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 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, Council add to the Vancouver Heritage Register in the 'B' evaluation category the residential building at 587 West King Edward Avenue [*Lot 31, Block 660, District Lot 526, Plan 2976; PID: 013-272-802*], known as the James Residence.
- 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 Subdivision By-law, generally as set out in Appendices C1 and C2 of the Policy Report dated May 6, 2014, entitled "CD-1 Rezoning: a) 587 West King Edward Avenue and b) 591-599 West King Edward Avenue and Heritage Designation of the James Residence".
- D. THAT Recommendations A to C be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 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 - a) 587 West King Edward Avenue and b) 591-599 West King Edward Avenue and Heritage Designation of the James Residence]