

SUMMARY AND RECOMMENDATION

3. REZONING/TEXT AMENDMENT: 998 Expo Boulevard (Concord 5B West)

Summary: To rezone 998 Expo Boulevard (Concord 5B West) from BCPED (BC Place Expo) District to CD-1 (Comprehensive Development) District, to permit the development of two residential towers of 28 and 30 storeys (620 Dwelling Units); two floors of commercial development; and a total of 38,871 m² (418,403 sq. ft.) of floor area including 1,948 m² (20,968 sq. ft.) of commercial floor area. Concurrent amendments to the Sign By-law and the False Creek North Official Development Plan are also being considered with this rezoning.

Applicant: One West Holdings Ltd. ("Concord")

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 One West Holdings Ltd. ("Concord") to rezone 998 Expo Boulevard [*PID 028-725-930 Lot 303 False Creek Plan BCP49660*], 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 having a floor area of 38,871 m² and a height of 87.25 m, generally as presented in Appendix A of the Policy Report dated May 2, 2014, entitled "CD-1 Rezoning - 998 Expo Boulevard (Concord 5B West)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by James KM Cheng Architects, in revised plans stamped, and stamped "Received City Planning Department, December 11, 2007, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

1. Provide verification of compliance with height limit set by Cambie Bridge View Corridor (View 3.2.1 and 3.2.2).

2. Delete the references to live-work from the drawings as this space shall be considered residential.
3. Design development to provide variety and interest to the architectural expression of the building(s) 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 required.

4. Design development to the tower's shape to create a less rigid curving form that responds better to the Cambie Bridge and provides a greater offset for the neighbouring residential tower across Expo Boulevard.
5. Design development to the treatment of the public realm around and through the site to enhance pedestrian interest and amenity.
6. Design development to the various ground level storefronts, residential entries and other frontages to provide an active public realm interface with "eyes on the street".
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.

Engineering

9. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.
Note: 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.

10. Revise the tech table and referenced parking standard and recalculate the parking shown to reflect the current applicable standard.
11. Design development to relocate the driveway crossing on Nelson Street further north from Pacific Blvd., to the satisfaction of the Director of Planning and the General Manager of Engineering Services.

Note to Applicant: The parking and loading access on Nelson St. is to be located a minimum of 12.0 meters from the future south property line/SRW line and the two proposed crossings (loading and parking access) are to be combined to a single crossing, with all loading maneuvering taking place on-site. Engineering Services may support a second access off Expo Blvd. to facilitate movements into and out of the site.

12. Provision of a Parking and Loading Study by a qualified Transportation Consultant, including:
 - a. Clarifying the site's loading needs and how they will be met on-site
 - b. Providing a Loading Management Plan to the satisfaction of the General Manager of Engineering Services to ensure that trucks delivering to the site will not use the adjacent streets
 - c. Providing recommendations to address and resolve any design issues with the proposed loading facility including review of on-site manoeuvring or independent ingress into and egress out of the loading spaces
 - d. Analyzing and providing recommendations to the design of the parking ramps and the overall parking layout to ensure a safe and functional design
 - e. Reviewing and making recommended changes to the design of the parking ramp at the P1 and P2 level where there is inadequate distance between the end of the ramp and the parking spaces and an unacceptable jog in the parking drive aisle.

13. Provide clarification of what is meant by "extending the bicycle network informally through the site" as noted in Transportation Innovations #2.4, Bicycle Facilities.

Note to applicant: if the intention is to create a public right-of-way/an open area for cyclists to travel through the site then a registered Statutory Right-of-Way to the satisfaction of the General Manager of Engineering Services is required.

14. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services. Note to applicant: Provision of good connectivity from loading to all retail

spaces and residential units is required and should be carefully reviewed.

15. Please add the following note to the landscape plan and submit a copy directly to Engineering Services for review:

"A landscape plan is to be submitted for review by Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Kevin Cavell at 604-873-7773 for details."

Planning

16. Provide draft 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.
17. 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).

Sustainability

18. 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.
19. 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.
20. 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.

21. 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

22. 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.

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. 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.

Notes 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.

26. 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.

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.

Planning

1. Execute an Inner-City Local Employment and Procurement Agreement between the applicant and the City for the construction of the project on the subject site.

Engineering

2. Dedication as road of a portion of Lot 303 north of Pacific Boulevard and west of the Cambie Street Bridge (see attached sketch in Appendix D). A statutory right of way (which may be volumetric), over a portion of the cross hatched area, in favour of the City, for transit and road purposes 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.
3. Dedication as road along the west side of Lot 303 adjacent to Nelson Street to allow for the new design and construction of Nelson Street from Expo Blvd. to Pacific Blvd. (see attached sketch in Appendix D). A statutory right-of-way (which may be volumetric), over a portion of the cross hatched area, in favour of the City, for transit and road purposes may be acceptable in order to reduce the dedication area subject to the review of the street car infrastructure and active transportation facilities.
4. Dedication as road of the northernmost portion of the site along Expo Boulevard to achieve a 5.5m width between the building face and curb. A statutory right-of-way (which may be volumetric), over a portion of the cross hatched area, in favour of the City, for transit and road purposes may be acceptable in order to reduce the dedication area subject to the review of the active transportation facilities.
5. Dedication as road of the easterly 3.0 m. of Lot 303 (see attached sketch in Appendix D).
6. As part of the proposed dedications, all charges now on title must be reviewed and modified/discharged, as necessary, to reflect the subdivision. These charges may require additional agreements or replacement agreements prior to subdivision approval with emphasis on the following:
 - Nelson Street Pump Station and Twin Force Main SRW R92185 as modified;
 - various Equitable Charges and other agreements related to the above, and density and environmental issues.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release or modification to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition. All of the above is to be to the satisfaction of the Approving Officer, the General Manager of Engineering Services, and the Director of Legal Services.

7. Provision of a Statutory Right of Way agreement to secure public access over the plaza at the intersection of Nelson Street and Expo Boulevard.
8. Provision of a Statutory Right of Way agreement to secure public access connecting the plaza to the area under the Cambie Bridge.
9. Provision of a statutory right-of-way to accommodate a Public Bike Share Station (PBS).
 - Size: At minimum, the smallest sized station at 20 m x 4 m must be accommodated. The physical station with docked bicycles is 2m wide and has a required bicycle maneuvering zone of 2m for a total width of 4m. The 2m maneuvering space may be shared with pedestrian space.
 - Location: The station must be located on private property while still clearly visible to the public with 24/7 public access and allowing easy access to the street.
 - Surface treatment: A hard surface is required with no utility access points within 150mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
 - Grades: The surface must be level with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.
 - Sun exposure: No vertical obstructions, to maximize sun exposure, as station operates on solar power. Ideally the station should receive five hours of direct sunlight a day.
 - Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.
10. Provision of a Stadium Parking Occupancy Agreement to require 49 pay-in-lieu parking stalls linked to the site.
11. Provision of \$25,000 for a City-led comprehensive study of pedestrian movement in Northeast False Creek.
12. Provision of 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:

- (i) no Development Permit in respect of any improvements to be constructed on the subject site pursuant to this rezoning shall be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services;
- (ii) the design of all Services will be completed to the satisfaction of the General Manager of Engineering Services prior to tendering for the construction of any of the Services or any construction of the Services if the Owner decides not to tender the construction;
- (iii) no occupancy of any building or improvements constructed pursuant to the rezoning shall be permitted until all the Services are completed to the satisfaction of the General Manager of Engineering Services;
- (iv) in addition to standard utilities and utility extensions, necessary services will include:

- a. the design and installation of all storm, sanitary and water systems as required by the development

Note to applicant: Adequate water service to meet the fire flow demands of the project is required. 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 your mechanical consultant to determine if water system upgrading is required.

- b. design and construction of public realm improvements to the under bridge area linking Expo Boulevard to Pacific Boulevard under the Cambie Bridge
- c. design and reconstruction of Nelson Street between Expo Boulevard and Pacific Boulevard including all infrastructure changes made necessary by the proposed changes. This includes separated cycling facilities and widened sidewalks as well as relocation and/or modification to the underground communications vault located at the eastern corner of Nelson Street and Expo Boulevard.
- d. modifications to Nelson Street between Beatty Street and Expo Boulevard as deemed necessary by the General Manager of Engineering Services to align the street segment with the new configuration of the block south of Expo Boulevard
- e. modifications to the traffic signals at Nelson Street and Expo Boulevard and Nelson Street and Pacific Boulevard to accommodate the new street configuration. Works

may include but are not limited to the installation of new of new traffic signal poles and street lights, installation of bike signals and audible signals, and replacement of traffic signal controllers.

- f. provision of cycling facilities on Pacific Boulevard to connect the Nelson Street bike lanes with the Pacific Boulevard bike lanes, including but not limited to paint lines, bike boxes, signage, or other modifications, all to the satisfaction of the General Manager of Engineering Services
 - g. provision of a raised median and/or other mitigation measures, on Nelson Street, should, in the opinion of the General Manager of Engineering Services, turning movements into and out of the site become an issue all within 5 years of occupancy of the building
 - h. design and construction of the portions of Expo Boulevard, Pacific Boulevard and Nelson Street adjacent to the site are to be in keeping with the proposed Northeast False Creek Public Realm Plan, streetscape plan, or geometric designs issued or required by the City or any other guidelines issued by the City
 - i. design and construction of changes to the island, the left turn channelization and the site interface at the Cambie Bridge/Smithe Street /Expo Blvd. intersection to the satisfaction of the Director of Planning and the General Manager of Engineering Services.
 - j. design and construction of improvements to the temporary seawall walkway from Science World to the Plaza of Nations to the satisfaction of the Director of Planning and the General Manager of Engineering Services.
 - k. provision of a Cambie Bridge monitoring plan and completion of any interim or long term alterations to the Cambie Bridge required by the plan.
13. Undergrounding of all new utility services are 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 (vista 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;

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, 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 Rezoning 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*;

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: To discuss your public art application and fulfillment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002;

Sustainability

21. Make arrangements for appropriate agreements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for connection of the South and East Towers within the development to Northeast False Creek Low Carbon Heating Services to supply all heating and domestic hot water requirements of each building, in accordance with the Northeast False Creek Official Development Plan and the City's policies for low-carbon energy supply.

Note to Applicant: Unless and until the City has selected a retail Franchisee for NEFC low carbon 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) 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. No such energy supply contract will be entered into without the prior written approval of the General Manager of Engineering Services.

Heritage Density

22. That the owner secure the purchase and transfer of heritage density valued at \$2,600,000 (a minimum of 40,000 sq. ft./12,192m²) from a suitable donor site;

Note to applicant: For this application, the City attributes a value of \$65 per buildable square foot density transferred to this site. This value is based on the analysis of current and prevailing market activity and the determination of the value is subject to periodic updating. The owner may negotiate its best price to secure the required density, however it is noted that for this application the City will only recognize the above attributed values for a resulting total value of \$2,600,000

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Community Amenity Contribution (CAC)

23. Transfer title to the City for 58 West Hastings (Plan BCP39144, Block 29, Lot 1 PID: 027-736-032);
24. Pay the Community Amenity Contribution of \$5,508,850 which the developer has offered to the City.
- \$808,850 to provide the hard surface recreation improvements to the City land under the Cambie Bridge; and
 - \$500,000 to provide interim improvements to the seawall walkway and bike path on the north side of False Creek between Quebec Street and the Plaza of Nations site;
 - \$4,200,000 as a contribution to the construction of a non-motorized boating facility at the Creekside Community Centre or other marine related improvements

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, 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, 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 the False Creek North Official Development Plan, By-law No. 6650, generally as presented in Appendix C of the Policy Report dated May 2, 2014, entitled "CD-1 Rezoning - 998 Expo Boulevard (Concord 5B West)", be approved.
- C. 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 dated May 2, 2014, entitled "CD-1 Rezoning - 998 Expo Boulevard (Concord 5B West)", be approved.
- 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 Noise Control By-law, generally as set out in Appendix C of the of the Policy Report dated May 2, 2014, entitled "CD-1 Rezoning - 998 Expo Boulevard (Concord 5B West)".
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 2, 2014, entitled "CD-1 Rezoning - 998 Expo Boulevard (Concord 5B West)".
- F. THAT Recommendations A through E be adopted on the following conditions:
 - (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any appeal that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

[RZ - 998 Expo Boulevard (Concord 5B West)]