

SUMMARY AND RECOMMENDATION

4. REZONING: 408-488 West King Edward Avenue

Summary: To rezone 408-488 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential development comprised of 32 community care bedrooms and 103 Seniors Supportive or Assisted Housing Units, in which 47 of the latter would be strata titled and 56 would be secured as market rental. A height of 20.3 m (66.5 ft.) and a floor space ratio (FSR) of 2.27 are proposed.

Applicant: Norr Architects Planners

Referral: This item was referred to Public Hearing at the Regular Council Meeting of February 3, 2015.

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 Norr Architects Planners, on behalf of Care Pacific (The Gardens at Villa Royale) Inc., to rezone 408-488 West King Edward Avenue [*Lots 5 to 12 Block 681 District Lot 526 Plan 6853; PIDs 010-795-316, 010-795-341, 003-502-015, 010-795-359, 010-795-367, 010-795-383, 010-795-413 and 010-795-448 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.27 and height from 10.7 m (35.1 ft.) to 20.3 m (66.5 ft.) to permit a six-storey seniors residential development comprised of 32 community care bedrooms and 103 Seniors Supportive or Assisted Housing units, in which 47 of the latter would be strata titled and 56 would be secured as market rental, generally as presented in Appendix A of the Policy Report dated January 26, 2015, entitled "CD-1 - 408-488 West King Edward Avenue", 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 Norr Architects Planners and stamped "Received City Planning Department, June 5, 2014", 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:

Design Development

1. Design development to reduce the scale of the west building in relation to the lane and to the residential properties to the south by:
 - (i) Providing a minimum 8 ft. setback from the lane, and
 - (ii) Providing more substantial landscaping along the lane to screen the lower two storeys of the building, especially through tree planting.

Note to Applicant: Intent is to balance programmatic requirements for care space with a form that provides a neighbourly transition of scale for existing residents. Development of greener and more open expression to the sides of this building can also help meet this condition.

2. Design development to provide a more active frontage on Yukon Street.

Note to Applicant: Refer to the Cambie Corridor Plan for a description of elements that can be used to advance this condition.

3. Reduction in the height of exterior elements at the top level of each building that are not required to accommodate care functions.

Note to Applicant: Intent is to reduce the skyline impact on nearby residents that is created by optional building volume, such as over height ceilings.

4. Design development to ensure maximal transparency through the building connectors.

Note to Applicant: Intent is to provide a more visible opening between buildings and reduce the apparent frontage of the development in combination with the proposed setbacks and returns. This can be accomplished by maximizing the extent of clear glazing, and by relocating furnishing elsewhere.

5. Explore feasibility of retaining the large deciduous tree in the northwest portion of the site as a part of the development permit application.

Note to Applicant: The arborists report provided indicates the tree is in good condition and a candidate for retention. The application should provide schematic drawings indicating potential solutions to retain the tree. If, in the opinion of the Director of Planning there is an acceptable solution, the tree must be retained. Retention will likely require setting part or all of the eastern building further back from King Edward Boulevard than was contemplated at the rezoning stage, and relocation of some floor area within the site.

6. Design development to the townhouses to provide a greener and more active interface to the lane.

Note to Applicant: This can be accomplished through the addition of entryways, doors, more windows, and further landscaping.

7. Design development to mitigate privacy and overlook toward existing residents.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features proposed to balance the amenity of future and existing residents.

8. Design development to the exterior design to create a more residential expression, especially at the east and west ends of the buildings.

Note to Applicant: In particular, consider the building portions that will be visible from along King Edward Avenue.

9. Design development to provide a more active and pedestrian-oriented ground floor along Yukon Street.

Note to Applicant: Intent is to reflect the residential scale of this street and the general goals of the Cambie Corridor Plan for activated edges, in conjunction with Condition 7. This can be accomplished by the more notable use of residential character doors, windows, gates and patios. See also Landscape condition 27.

10. Design development to locate and dimension exterior mechanical units, especially at roof levels, and provide visual and acoustic screening.

Note to Applicant: Mechanical units should be located below grade wherever possible.

11. Design development to meet the Cambie Corridor Draft Public Realm Plan when available 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.

12. Consideration to provide exterior built features that improves the sustainable performance of the building.

13. Design development to amenity spaces to improve their access to natural light and outdoor space.

14. Design development to address the Seniors Supportive and Assisted Housing Guidelines.

Note to Applicant: As an example, extensive weather protection should be provided at the main visitor and resident entries and coordinated on

the elevations and sections. Security lighting that increases safety while avoiding glare to neighbouring properties should be shown on the drawings and in enlarged details. Lamps should be full cut-off or dark sky compliant fixtures, which may also relate to LEED credits. The application should include a design rationale addressing the relevant sections of the guidelines, with reference to specific building features on the plans and elevations.

15. Consideration to better develop the lane entry area to better reflect its role as the main arrival point to the facility.

Note to Applicant: Response should consider the comments of the Urban Design Panel.

16. Provision of high quality and durable exterior finishes.

Note to Applicant: Intent is to maintain the proposed architectural quality including the use and extent of brick. Material choices should reflect a residential and avoid an institutional character.

17. Design development to the landscape on the site to add more opportunities for south-facing outdoor gathering spaces at grade that are adjacent to common indoor amenity spaces.

18. Design development to the lane townhouses to better relate their form to the adjacent building.

19. Design development to provide a wayfinding design for visitors and residents of the site.

Note to Applicant: In addition to conventional signage, the exterior expression should be used to help signify the various common entrances around the perimeter.

Crime Prevention Through Environmental Design (CPTED)

20. 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;
- (iv) mischief in alcove and vandalism, such as graffiti.

Sustainability

21. Provision of a Deconstructed Building Material Recycling and Reuse Plan, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding materials banned from disposal).

Note to Applicant: The Deconstructed Building Material Recycling and Reuse Plan should be provided at the time of development permit application.

22. 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 Rezonings, 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.

23. The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated Neighbourhood Energy utility provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
24. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
25. The building(s) heating and domestic hot water system 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 at the building scale. 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.

26. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (e.g. gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

Landscape

27. Landscaping of the public realm interface at the street and lane edges to provide substantial green setbacks at various locations around the building edge:

- (i) Provide open lawn extending well back from the public sidewalk towards the building with new trees on the private property and simplified shrub foundation planting along the base of the building at Yukon Street;
- (ii) Incorporate vine plantings at grade to mitigate bare exterior walls at the west lane edge;
- (iii) Provide substantial landscape buffers at private residential patios to soften the view of bare planter walls at property edges adjacent to West King Edward Avenue;
- (iv) Provide a row of closely spaced columnar deciduous trees within the 8 ft. wide setback to soften the view of the southwest corner of the building, at the south lane. Soften bare planter walls with layered greenery, as viewed from the street and lane. See also Condition 9.

28. Optimize pedestrian circulation opportunities within the north-facing landscaped entry courtyard by reconfiguring the balance of water feature and hard surface pathway widths.

Note to Applicant: The intent is to improve pedestrian flow at this building entrance. Consider reducing the size of the water feature (width and length) at the north and south ends of the courtyard.

29. Provision of in-ground planting opportunities for new trees and shrubs within landscape setbacks along street and lane frontages, with direct access to the natural water table, where possible.

Note to Applicant: The intent is to provide optimum growing conditions for new trees and shrubs to ensure long term viability and contribution to the greening of the city.

30. Maximization of plant growing medium volumes (to exceed BCSLA latest standards) for tree and shrub planters on structures, to ensure long term health of plant species.

Note to Applicant: Structures such as underground parking slabs and retaining walls should be designed to accommodate adequate planting depth and continuous soil volumes by incorporating angled, notched or depressed slab. Trees planted on structures and with pavement surrounds should be consolidated within a trench to improve planting condition.

31. Minimize height of planter walls on structures to create a more naturalized appearance to landscaped planters within patios and courtyards and greater sense of open space for the enjoyment of the residents.

32. Provision of opportunities and supporting infrastructure for Urban Agriculture on common amenity roof decks.

Note to Applicant: The spaces should include areas for tool storage, composting, potting bench, shelter, harvest table, seating, and hose bibs for water. Refer to City of Vancouver Urban Agriculture Guidelines for the Private Realm.

33. Provision of best current practices for irrigation and managing water conservation including high-efficiency irrigation, aspects of xeriscaping making use of drought tolerant plant selection and mulching.
34. Provision of hose bibs for all patios greater than 100 sq. ft. in area.
35. Provision of an external lighting plan consistent with the Draft Cambie Corridor Public Realm Plan.

Note to Applicant: The lighting plan must address all common pedestrian routes, courtyards and the lane edge. Ensure that light levels are achieved for CPTED performance while minimizing glare for residents.

36. Design development of the landscaping to provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Design features to enable sustainable land practices in an urban setting include the use of high efficiency irrigation systems, rain gardens, permeable pavement, drought -tolerant plantings, and mulching of planting beds. Refer to the City of Vancouver Waterwise Planting Guidelines.

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

Note to Applicant: Advanced planning will be needed to integrate utilities and access into structures and behind lockable, decorative gates or screened landscaping. Avoid the awkward placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.

Engineering

38. Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances.

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

39. Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay and note on plans.

Note to applicant: 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

40. Provision of an improved plan showing all passenger loading spaces labelled with dimensions on the site plan.

Note to Applicant: Remove the tables and chairs shown in the HandyDart/loading area or ensure that adequate space for truck maneuvering is being provided.

41. Provision of a double throat for the Class B loading space and note on plans.

42. Relocate the parking ramp to provide of a minimum of 24 ft. separation between the parking ramp and the east-west lane.

Note to Applicant: This is to provide enough separation for vehicles to turn from the east-west lane onto the correct side of the ramp.

43. Clearly show and dimensions all columns in the parking area.

Note to Applicant: Engineering recommends that the layby pick-up/drop-off area in the rear east-west lane be operated as westbound only to reduce driver confusion, improve passenger drop-off and U/G parking access.

44. Delete proposed back boulevard trees and specialty sidewalk treatment from public property and show standard sidewalk treatments.

45. Show root barriers adjacent all street trees and trees proposed on private property but adjacent street or lane.

46. Note: A separate application to the General Manager of Engineering Services is required for all street tree and sidewalk improvements.

47. Clarify how proposed sidewalk adjacent the lane is to be separated from the city laneway and how protection for pedestrians who will use this walkway is to be provided.

48. The applicant is to supply a copy of Restrictive Covenant GB41818 (see 54399L) and a representative copy of one of the following Restrictive Covenants: GB41813 (see 76415L), GB41815 (see 90073L) or GB41817 (see 87162L). Should these agreements have any impact on the development proposal the Development Permit submission should reflect such impacts.

Housing

49. The proposed unit mix of 8 studios, 76 one bed apartments and 19 two bed apartments is to be included in the Development Permit drawings.

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

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, the Chief Housing Officer, the Managing Director of Social Development, the Managing Director of Cultural Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 5 to 12, Block 681, DL 526, Plan 6853 to create a single parcel and subdivision of that site to result in the dedication of a 10 ft. x10 ft. corner-cut truncation in the southwest corner of the site for lane purposes.

Note to Applicant: All proposed structures must be deleted from the required corner-cut lane dedication.

2. Provision of a statutory right of way over the north 0.55 m of the site for road purposes.
3. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until security for the services is 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 adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the General Manager of Engineering Services to determine if sewer 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 sewer system upgrading that may be required.

- (iii) Provision of new curb, gutter, raised cycle track, sidewalk and treed boulevard for the full length of the development site with the following proposed cross section: 0.15 m curb/2.35 m raised asphalt cycle track/ 0.15 m curb/1.2 m front boulevard/1.8 m concrete sidewalk with saw cut joints/0.3 m back boulevard strip.
 - (iv) Provision of a concrete lane crossing and related curb adjustments at the lane east of Cambie Street on the south side of King Edward Avenue and at the lane south of King Edward Avenue on the west side of Yukon Street.
 - (v) Provision of a curb ramps on the King Edward median at the west leg of Yukon Street.
 - (vi) Provision of an on-street separated bike lane in the median on King Edward Avenue at the west leg of Yukon Street providing a continuous bicycle facility connection between both legs of Yukon Street.
 - (vii) Provision of LED street lighting and LED pedestrian scale lighting on King Edward Avenue and improved LED street lighting on Yukon Street adjacent the site.
 - (viii) Provision of street trees adjacent the site where space permits.
4. 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.

Renewable Energy

5. 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 prior to occupancy, if connection is deemed available and appropriate at the time of development permit issuance, or post-occupancy through a deferred services agreement, or otherwise, at such time that a system becomes available;

- (ii) Grant the operator of the City-designated Neighbourhood Energy System access to the building(s) 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 Applicant; and
- (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) 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, other than conventional electricity and natural gas services, unless otherwise approved by the General Manager of Engineering Services.

Soils

- 6. If applicable:
 - (i) Submit a site profile to 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.

Heritage Density Transfer

- 7. Secure the purchase and transfer 157 m² (1,690 sq. ft.) of heritage density (which has a value of \$109,805) from a suitable donor site.

Note to Applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density

above \$65.00 per buildable square foot unless a bona fide market conditions demonstrate transactional evidence to the contrary.

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

Housing

8. Make arrangements to secure by registered legal agreement 56 of the seniors supportive and assisted living housing units as rental for the longer of the life of the building or 60 years, and to include registrable covenants in respect of such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such rentals being made available as market rental housing units and subject to such other terms and conditions as are satisfactory to the Director of Legal Service, and the Managing Director of Social Development.

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

Community Amenity Contribution (CAC)

9. Pay to the City the cash component of the Community Amenity Contribution of \$988,240 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, and is allocated as follows:
 - (i) \$549,023 to the Affordable Housing Reserve.
 - (ii) \$439,217 to local park improvements and/or community facilities serving the Cambie Corridor Plan area targeted for seniors.

Public Art

10. 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.

Note to Applicant: Please call Bryan Newson, program manager, 604 871 6002, to discuss your application.

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 CD-1 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, 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 Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 408-488 West King Edward Avenue".
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule C of the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 408-488 West King Edward Avenue".
- D. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 408-488 West King Edward Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s), prior to enactment of the CD-1 By-law contemplated by this report, 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.
- E. THAT Recommendations A to D 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 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.