

SUMMARY AND RECOMMENDATION

5. REZONING: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue

Summary: To rezone 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit the development of a 12-storey mixed-use building with 256 dwelling units, of which 30 are secured social housing units, along with 4,000 sq. ft. of secured cultural amenity space for use as artist production space. Retail uses are proposed on grade and a public plaza located adjacent to the rear lane. A height of 35.83 m (117.6 ft.) and a floor space ratio (FSR) of 5.50 are proposed.

Applicant: Franci Architecture

Referral: This item was referred to Public Hearing at the Regular Council Meeting of October 20, 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 Franci Architecture, on behalf of 0839879 B.C. Ltd. to rezone 1837 Main Street [*Lots 8 and A (Explanatory Plan 5598), Block 14, District Lot 200A, Plan 197; PIDs: 015-527-506 and 015-527-531 respectively*], 180 East 2nd Avenue [*Amended Lot 6 (see 318655L) Except Part in Explanatory Plan 7242, Block 14, District Lot 200A, Plan 197; PID:015-527-409 and Amended Lot 7 (See 315656L), Block 14, District Lot 200A, Plan 197; PID: 015-527-468*] and 1847 Main Street and 157-185 East 3rd Avenue [*Lot 11, Block 14, District Lot 200A, Plan 197; PID: 015-527-514*] from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District to, among other things, increase the floor space ratio (FSR) from 3.00 FSR to 5.50 FSR (of which 0.5 FSR is attributable to the floor space for social housing) and the height from 18.3 m (60 ft.) to 35.8 m (117.6 ft.) to allow for a 12-storey mixed-use building with 256 dwelling units of which 30 are secured social housing units, with at-grade retail uses and a plaza located adjacent to the rear lane, and with secured cultural amenity space, generally as presented in Appendix A of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd 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 and stamped "Received Planning & Development Services (Rezoning Centre), received on February 10, 2015", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design Development to remove the south breezeway connecting the internal plaza to Main Street.

Note to Applicant: The removal of this connector can contribute to enhancing the northern breezeway (see condition 2 below).

2. Design development north breezeway to be improved as follows:
 - (i) Increase the width of the breezeway and maintain the proposed height to improve the visual exposure to the internal courtyard, and
 - (ii) Maintain a high quality of material treatment on the soffit space of the breezeway area.

Note to Applicant: Increasing the width of the breezeway will enhance the overall success of the internal plaza space by improving access and visual exposure.

3. Design development of the public plaza to be improved as follows:
 - (i) Improve interface to the lane with the relocation of the class B loading areas, and
 - (ii) Provide at no cost to the City and to the satisfaction of the Managing Director of Cultural Services: a large, level, hard space plaza area immediately outside of the cultural amenity space with easy access for loading to and from the studios as well as for occasional event use; structural load capacity to accommodate loaded forklifts; electrical supply for lighting and power; running water and grey water disposal.

Note to Applicant: The above will ensure a useful, flexible space that can serve a variety of needs which include accommodating spillover functions from the cultural amenity space, and informal and formal plaza use.

4. Design development of landscape planters to, wherever possible, provide opportunities for comfortable sitting and gathering.

Note to Applicant: The above may be achieved with the use of high quality materials such as steel and wood. Where adjacent to areas of circulation such as along Main Street, projections of seating benches may be minimal to ensure safety to passing pedestrians (see also landscape condition # 6).

5. Design development for the application to provide high quality materials for built form and all landscape elements of the proposal throughout subsequent phases of design development and approval processes.

Landscape Design

6. Provide enhanced landscape treatment of public realm open spaces at the street level to create neighbourhood identity and enjoyable spaces for pedestrians to stop rest and interact.

Note to Applicant: At Main Street and 2nd Avenue incorporate landscaped planters on private setbacks, with small trees, low shrubs and groundcover plantings with integrated bench seating. At 3rd Avenue, new boulevard street trees on City property should be placed within residential quality greenery (lawn or other hardy groundcover planting).

7. Design of public courtyard plaza to complement the overall public realm plan. Aspects to consider at time of Development Permit Application include special paving, lighting, planting, pedestrian pathways and safety, wayfinding, permanent site furniture, weather protection, garbage storage, recycling and loading.
8. Provision of high-quality materials for landscape surface treatments within the public realm in accordance with the Mount Pleasant Public Realm Plan in consultation with Director of Planning and to the satisfaction of the City Engineer. Refer to Section 4 of the Mount Pleasant Public Realm Plan.
9. Provide a continuous level pedestrian path with connections through the central public plaza space to 2nd Avenue, Main Street, 3rd Avenue and the lane, to ensure universal accessibility.
10. Design development to ensure the sensitive integration of lane edge features such as vehicle loading bays and the future Public Bike Share located adjacent to the open space courtyard plaza design.
11. Final coordination of the public realm treatment to meet the intent of the Mount Pleasant Public Realm Plan.
12. Provide a continuous colonnade of street trees adjacent to the development site at 2nd Avenue, Main Street and 3rd Avenue in consultation with Park Board and to the satisfaction of the City Engineer.
13. Design development to maximize opportunities to incorporate greenery around the building edge in the form of green walls, planted roofs and patios. Mitigate blank walls by locating continuous linear planters and climbing plants at their base.
14. Provision of maximized plant growing medium volumes to support trees and shrubs within landscaped planter areas to ensure long-term viability of plant species.

Note to Applicant: Soil volumes for landscape planters should exceed BC Landscape Standard (latest edition) with the goal to provide a minimum 4-foot depth of growing medium for large species trees planted in ground, and 3-foot depth for trees on structure. Trees planted on structures should be consolidated within a continuous trench, where possible, to improve planting condition. Where possible, alter (drop) slab to achieve soil depths to accommodate substantial trees and shrubs below the level of courtyards and pedestrian pathways.

15. Provision of adequate sunlit areas for Urban Agriculture activity.

Note to Applicant: Raised planters, tool storage, composting, potting bench, harvest table and hose bibs should be incorporated on the plan to enable residents to practice urban agriculture. The design should reference the Urban Agriculture Guidelines for the Private Realm and should maximize sunlight, integrate into the overall landscape design, and provide universal access.

16. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to applicant: Strategies could include high efficiency (drip) irrigation, the use of drought tolerant plants and mulching.

17. Design development to incorporate the principles of the Draft City of Vancouver Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the city.

Note to Applicant: Incorporate a diversity of native and non-invasive plants within the planting scheme. <http://vancouver.ca/files/cov/bird-friendlystrategy-design-guidelines-draft-2014-09-01.pdf>

18. Provide at the Development Permit stage:

- (i) A legal survey,
- (ii) A fully labelled Landscape Plan, Sections and Details,
- (iii) Provision of larger-scale section drawings at $\frac{1}{4}''=1'-0'' / 1:50$ or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard plaza areas, and
- (iv) An external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents and birds.

Crime Prevention through Environmental Design (CPTED)

19. Design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for:

- (i) theft in the underground parking areas,
- (ii) residential break and enter,
- (iii) mail theft,
- (iv) mischief in alcoves and vandalism, such as graffiti.

Cultural Amenity

- 20. Design and finish the cultural amenity for Artist Studio-Class B purposes (inclusive of Class A and B use).

Note to Applicant: See guidelines for Class B Artist Studios which require a higher degree of ventilation for artists working with more toxic substances, higher degree of sound proofing for possible use of amplified music and industrial machinery, and industrial fittings.

- 21. Design and finish of flex meeting space and presentation windows fronting on East 3rd Avenue for use by the studio artists and social residents for gathering purposes and to display artworks and to maximize pedestrian amenity.

Housing

- 22. That the proposed unit mix for the social housing units of, 43% studio, 30% 1- bedroom and 27% 2-bedroom units, be included in the Development Permit drawings.

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

- 23. Design development to the rooftop to incorporate a common amenity area for social housing tenants, including a soft surface play area for children with creative landscape/play features which allow for motor-skills development and which can be used by a range of ages.

Note to Applicant: Natural low-maintenance features such as balancing logs and boulders are encouraged as they provide a myriad of creative play opportunities, and, if not used for play, simply provide a visually pleasing landscape.

- 24. Design development to the rooftop to provide edible landscaping and/or opportunities for urban agriculture including the necessary infrastructure to support urban agricultural activity such as accessible garden plots, compost bins, tool storage chest, potting bench and hose bib(s) in accordance with the "Urban Agriculture Guidelines for the Public Realm".

- 25. Add an additional washroom in the cultural amenity space and enhance design development to the washrooms connected to these amenity areas to add a baby change table.

- 26. Provision of a Final Tenant Relocation Plan to the satisfaction of the Chief Housing Officer, which in addition to the terms already agreed to,

will include an updated list of tenants and rents, current as of the time of Development Permit application.

27. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information of posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
28. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodations; summarizes the total monetary value given to each tenant (moving costs, rents, any other compensation); and includes a summary of all communication provided to the tenants.

Sustainability

29. Confirmation of 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 to achieve a minimum of LEED Gold Certification, a 22% reduction in energy consumption compared the current City of Vancouver Building Bylaw (ASHRAE 90.1 2010), one water efficiency point, and one storm water point. The City's ASP will be required to achieve a minimum 30% reduction in energy consumption compared to the current City of Vancouver Building Bylaw (ASHRAE 90.1 or NECB 2011).

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Neighbourhood Energy Utility (NEU)

30. The proposed plan for site heating and cooling, developed in consultation with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
31. The buildings heating and domestic hot water system shall be designed to be compatible with the SEFC NEU 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: This building will be governed by the Energy Utility System By-law (9552). The applicant shall refer to the SEFC NEU Developer Document (2014) for specific design requirements, which

include provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for NEU compatibility are provided for in the mechanical design. Prior to issuance of building permit a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied, will be required.

32. The building mechanical system must utilize the energy transfer station for all of its space heating and domestic hot water requirements, and the building mechanical system must not incorporate any additional heat Studio equipment including, but not limited to, boilers, water source heat pumps, air source heat pumps, furnaces, hot water heaters, geo-exchange systems, electric baseboards, or heat producing fire places except that:
- (i) A building may incorporate a solar system to generate heat energy,
 - (ii) A building may incorporate hybrid heat pumps for space cooling, provided the compressor cannot operate in heating mode,
 - (iii) A building may incorporate heat recovery ventilation (air to air heat exchangers) and waste heat recovery from refrigeration or active cooling systems for the purposes of supplementing the heat energy provided:
 - a) the systems used for heat recovery from refrigeration or active cooling do not provide any supplemental heating when there is no active cooling service required,
 - b) the approach to heat recovery is consistent with this Schedule (i.e. hydronic systems with centralized mechanical equipment), and
 - c) waste heat recovery systems do not cross property lines.

Note to Applicant: Exceptions for on-site heat production may be approved by the City Engineer, provided the total heat production produced by all exceptions does not exceed 1% of the total annual thermal energy needs of the building.

33. 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.
34. Provision of a dedicated room in a location suitable for connecting to the SEFC NEU distribution piping for each Energy Transfer Station that is required for servicing the development as to the satisfaction of the General Manager of Engineering Services.

Engineering

The following are to be addressed at the Development Permit stage:

35. Provision of a landscape and site plan that general references all of the off-site improvements sought through this rezoning.
36. Delete reference to potential lane closure.
37. Provision of automatic door openers on the doors providing access to all bicycle room(s).
38. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (i) Provision of an improved plan showing the manoeuvring for trucks to access the loading bay.

Note to Applicant: The design of the loading spaces has changed since the analysis provided in the Bunt traffic study and an update is required.

- (ii) Relocate the Class A bicycle spaces on the mezzanine level to P1.

Note: Engineering does not support the use of stairs or a shared elevator with retail and market residential use for Class A bicycle access.

- (iii) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

- (iv) Provision of wheel ramps for the stairs out to Main Street and the lane from the southern breezeway.

Note to Applicant: This is for the stairs adjacent to the social housing bicycle spaces in the southern building.

- (v) Provision of additional design elevations within the loading areas for the 3 Class B spaces and the plaza adjacent to the loading spaces to calculate the slope and cross fall.

Note to Applicant: The slope and cross fall must not exceed 5%.

- (vi) Provision of a section drawing through the loading bay for the 2 Class B loading spaces showing elevations, 3.8m of vertical clearance, and security gates. Provide a section and cross section drawings through the outdoor loading space to confirm

the concrete banding and plaza is at the same elevation as the loading space.

- (vii) Provision of the required manoeuvring aisle width for stalls 162, 163, 251 and 252.

Note to Applicant: A 6.6m aisle width is required for the full width of the parking stall as the angled wall limits the space available for manoeuvring.

- (viii) Provide a dimension of 2.3m of vertical clearance on the parking ramp on Section D.

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 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 Amended Lot 6 (See 318655L) Except Part in Explanatory Plan 7242, Amended Lot 7 (See 318656L), Lot 8, Lot A (Explanatory Plan 5598); and Lot 11, All of Block 14, District Lot 200A, Plan 197 to create a single parcel and subdivision of that site to result in the dedication for road purposes of a northerly portion of the site to achieve an East 2nd Avenue road width of 104 feet at this location. (See engineering services for clarifying sketch). No portion of the building is to encroach over the portion of the site to be dedicated for road, as appears to be shown on pages A104 to A110.

Note to Applicant: Arrangements should be made to release Easement BV91327 (existing building encroachment onto Lot 8) at the time of subdivision.

2. Release of Easement & Indemnity Agreement 387806M (commercial crossing) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to enactment of the CD-1 By-law, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition for enactment of the CD-1 By-law. Prior to building occupancy the applicant is to supply a written request to the City, a current title search and a copy of the documents along with executable discharge documents to effect the releases.

3. Provision of building setback and a surface statutory right of way to achieve a 5.5.m distance from the back of the City curb to the building face on Main Street and on the 2nd Avenue frontage (note, the setback is to be measured following the 2nd Avenue dedication and from the future curb alignment established for 2nd Avenue). A legal survey of the

existing dimension from the back of the City curb to the existing property line is required to determine the final setback/statutory right of way dimensions.

4. Provision for a statutory right of way for space to accommodate a Public Bike Share (PBS) Station, in accordance with following provisions:
 - (i) Size: At a minimum a 19 m x 4 m sized station should be accommodated (or a size agreed to by Engineering Services). The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4m,
 - (ii) Location: The station should be located on private property (or a location agreed to by Engineering Services) while still clearly visible to the public with 24/7 public access,
 - (iii) Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval,
 - (iv) Grades: The surface must be levelled 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,
 - (v) Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day, and
 - (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station, at the owner's expense.

5. 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 following services are provided:
 - (i) Provision of new sidewalks around the site consistent with the Mount Pleasant Public Realm Plan and the standard commercial sidewalk treatments applicable to the location.
 - (ii) Installation of a bus stop and shelter along the Main Street frontage of the site. The shelter is to be supplied and installed by the City of Vancouver's street furniture contractor with the foundations, drainage and any required electrical service funded by the applicant.

- (iii) Provision of a drinking fountain on public property on 3rd Avenue. The fountain is to be serviced with a separate service connection and once installed is to be maintained by the City.
 - (iv) Provision of upgraded street lighting and pedestrian-scale lighting along the Main Street frontage of the site.
 - (v) Provision of street trees where space permits adjacent the site.
 - (vi) Provision of standard concrete lane crossings on the lane entry on the north side of 3rd Avenue Av and the south side of 2nd Avenue at the lane west of Main Street. Work to include the replacement of curb returns and the provision of upgraded curb ramps on both sides of the lane entries to meet current standards.
 - (vii) Provision of a cash contribution of \$75,000 towards a signalized pedestrian crossing on Main Street at or near 3rd Avenue.
 - (viii) 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 applicant's 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,
 - (ix) 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 City Engineer 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.
6. 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.

Neighbourhood Energy Utility

7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connecting to and securing adequate space for the Southeast False Creek Neighbourhood Energy Utility (SEFC NEU), which may include but are not limited to agreements which:
 - (i) Grant the City Engineer, and other employees of the city, access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling SEFC NEU connection and operation, on such terms and conditions as may be reasonably required by the Applicant,
 - (ii) Grant a Statutory Right of Way for NEU pipes to run through the parkade level P1 for the purposes of servicing adjacent buildings.

Housing and Cultural Amenity

8. Make arrangements to design, construct, equip and finish to the City's Housing Design and Technical Guidelines no less than 1,570 m² (16,900 sq. ft.) comprising of 30 units of social housing, and no less than 372 m² (4,000 sq. ft.) of cultural amenity space, inclusive of studio spaces, office, and flex meeting/presentation space and storage, in addition to outdoor roof amenity space and associated parking, to the satisfaction of the Chief Housing Officer, the Managing Director of Cultural Services, the Director of Facilities Planning and Development and the Director of Legal Services that provides for the following:
 - (i) Transfer to the City at a nominal cost an air space parcel or, at the City's request, two air space parcels containing the social housing units and cultural amenity space (the "Air Space Parcels") together with the appropriate rights and obligations applicable to the ownership and operation of the Air Space Parcels including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations,
 - (ii) Grant a perpetual right in favor of the City and the users of the Air Space Parcels, in the form of a statutory right of way, for access to and non-exclusive use of:
 - a) parking spaces in the underground parkade in accordance with the Parking By-law requirements for the Air Space Parcels,
 - b) bicycle spaces in the underground parkade in accordance with the Parking By-law requirements for the Air Space Parcels,

- c) loading area adjacent to and connecting to the street loading and the cultural amenity space, and
- d) garbage and recycling areas.

All at no cost to the City and the Air Space Parcels occupants,

- (iii) Minimize the obligations of the cultural amenity space toward contributions to the common area costs of the overall development, to reflect those costs which are deemed to be directly attributable to the cultural amenity space or which are related to any part of the development for which the users or invitees of the cultural amenity space may (from time to time) have the use of and/or access to,
- (iv) Provision of interior signage in common areas of the property clearly specifying City-approved use of the cultural amenity space for Class B artist studios to ensure that all owners and occupants of the development are aware of the approved use; a minimum of one sign shall be placed in a clearly visible location of all common entranceways and/or lobbies within the development, and
- (v) Compliance with the Tenant Relocation Plan attached to this report in Appendix E; and
- (vi) Such other terms and conditions as the Chief Housing Officer, Managing Director of Cultural Services and the Director of Legal Services may require.

Note to Applicant: Design development will be required through the Development Permit process, including consideration for the proximity and access to the garbage, recycling and compost rooms.

- 9. Enter into a Housing Agreement with the City pursuant to section 565.2 of the Vancouver Charter securing the social housing units and related amenity space as social housing for 60 years or the life of the building, whichever is greater, and containing covenants prohibiting (i) the subdivision of those units by strata plan, (ii) the separate sale of any of such units, and (iii) rental for less than a month at a time; and such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may require.
- 10. Provision of a cash CAC to be placed in a Facility Reserve in the amount of \$250,000 to be held by the City in an interest-bearing account and used for facility related costs of the cultural amenity space.

Public Plaza

- 11. Provision of a statutory right-of-way for the public plaza which will include provisions to secure community access and priority use of the plaza for the users of the community amenity space as well as the general public.

Public Art

12. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

Soils

13. Submit a site profile to the Environmental Protection Branch (EPB).
14. As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement and do all things and/or enter into such agreements deemed necessary to fulfil the requirements of Section 571(B) of the Vancouver Charter; and

If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated there from on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and the 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(s) / Final Determination (to state that the site is not a contaminated site) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal Covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, 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 October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue".

- 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 of the Sign By-law [assigned Schedule B (C-3A)], generally as set out in Appendix C of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue", 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 Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue".
- E. 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 October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd 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) and prior to enactment of the CD-1 By-law contemplated by the same report.
- F. THAT, subject to approval in principle of the rezoning and the Housing Agreement and the Cultural Amenity Space Agreement described in section (c) of Appendix B of the Policy Report dated October 13, 2015, entitled "CD-1 Rezoning: 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue", Council allocate \$500,000 from previously unallocated Community Amenity Contributions (CACs) received in conjunction with other recent development approvals in Mount Pleasant (to supplement the recommended allocation of \$250,000 CAC from this rezoning), towards a Facility Reserve to support facility related expenses associated with the secured cultural amenity space.
- G. THAT Recommendations A to F 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.

[RZ - 1837-1847 Main Street, 180 East 2nd Avenue and 157-185 East 3rd Avenue]