

## SUMMARY AND RECOMMENDATION

**3. REZONING: 375 West 59th Avenue**

**Summary:** To rezone 375 West 59th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of three six-storey residential buildings, containing a total of 155 dwelling units. A height of 22.3 m (75 ft.) and a floor space ratio (FSR) of 2.66 are proposed.

**Applicant:** Intracorp Projects Ltd.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of November 17, 2015.

**Recommended Approval:** By the Acting 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 Intracorp Projects Ltd., on behalf of Cedarhurst Private Hospital Ltd., to rezone 375 West 59th Avenue [*PID 009-658-386; Lot A, Block 1006, District Lot 526, Plan 9413*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.66 FSR and the height from 10.6 m (35 ft.) to 22.8 m (75 ft.) to permit a residential development of two six-storey buildings and one five-storey building, containing a total of 155 dwelling units, as generally presented in Appendix A of the Policy Report dated November 3, 2015, entitled "CD-1 Rezoning: 375 West 59th 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 Ramsay Worden Architects, Ltd., on behalf of Intracorp Projects Ltd., and stamped "Received, Planning and Development Services, February 19, 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 the approval of 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 reduce building massing to achieve a form of development that is more compatible with neighbouring buildings.

Note to Applicant: This can be achieved by setting back the two upper levels of the north building at the east edge and setting back the top level of the north portion of the east building at the east edge to create a better transition and reduce shadow impacts to the adjacent townhouse building.

2. Design development to reduce the apparent width of the proposed buildings to be more compatible with the area context and the Marpole Community Plan Built Form Guidelines.

Note to Applicant: The Marpole Community Plan Built Form Guidelines recommend a maximum building width of 100 ft. The apparent building length can be minimized by removing the "bridge" element between the west and north buildings, creating 3 separate buildings. Further, the north building should have a visual separation to mitigate its length. This can be achieved with a deep inset or separating the upper storeys into two distinct blocks.

3. Design development to minimize privacy impacts and overlook to adjacent properties.

Note to Applicant: This can be achieved by increasing the east setback of the east and north buildings to a minimum of 15 ft. and 19.5 ft. respectively. For the east building, this setback should increase further north along the east property line where shadow and overlook potential are more impactful.

Overlook can be further reduced by reducing and/or redirecting the outlook for balconies on the east elevations. Roof decks should be set back from building edges to prevent overlook. Delete the private pathway at the east edge of the site connecting the courtyard to the 58th Avenue right of way.

4. Design development to reduce the apparent height.

Note to Applicant: The Marpole Community Plan supports consideration for buildings up to six storeys and recommends floor-to-floor heights of approximately 9 ft. At the southwest corner of the site, the dropping grade creates the appearance of a taller building. Reducing the apparent height of the development can be achieved by setting back the upper floor from approximately gridlines B to C. This condition can be reviewed in conjunction with condition 5. Floor to floor heights should be generally consistent with the Plan. The intent is to provide standard 8 foot ceiling heights through most buildings.

5. Design development to street-fronting entries to improve the public realm interface.

Note to Applicant: The Marpole Community Plan generally supports ground level entries to be raised approximately 3 ft. above grade to create a sense of privacy while maintaining close contact with the public realm. Reduce the height of the proposed patios, so they are closer to 3 ft. above grade and set back the front edge of the private

patio away from the property line to create space for planting on private property.

6. Design development to building form to retain mature trees on site.

Note to Applicant: This is a large site with many mature trees. Coordinate with Landscape conditions to retain recommended mature trees. This will result in increased building setbacks and a reduction in parkade structure.

7. Design development to the vehicle entry.

Note to Applicant: As there is no lane, the vehicle entry must be located on a street. Alberta Street provides pedestrian access between Winona Park and the Langara Golf Course Perimeter Trail. The vehicle access should be minimized and the loading bay located within the underground parkade space to improve the safety and comfort of the pedestrian realm.

8. Design development to improve access to natural light in the amenity room.

9. Provision of notation on the drawings to indicate the location of significant building services.

Note to Applicant: Servicing such as a pad mounted transformer (PMT) or mechanical venting, etc. should be located so that it does not have a negative impact on the public realm, or private outdoor space. It should be screened from view. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

10. Provision of information on the drawings that indicate the full measures required to achieve fire fighter access.

Note to Applicant: Indicate on the site plan the location of the annunciator panel, firefighter connections, and any other significant site planning requirements.

11. Submission of a bird friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to Applicant: Strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or to reduce these risks. For more information, see the guidelines at

<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

## Crime Prevention through Environmental Design (CPTED)

12. Design development to improve security and visibility in the underground in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.

## Sustainability

13. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

14. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including achieving Gold certification under LEED® For Homes - Multi-family Mid-rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

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.

## Landscape

15. Design development to maximize the retention of trees, especially near the south perimeter edge.

Note to Applicant: Pursuant to urban forest objectives, alterations to form of development will be required. Preliminary exploration of options has identified large trees at the south edge that merit retention (trees #801, 802 and 836). Further technical analysis is required by the arborist and design team in coordination with City staff. Where the analysis concludes that tree retention is not feasible, open space with access to the water table will need to be integrated into the design for the provision of long lived, tall branched replacement trees. This is a significant condition.

16. Design development to grades, retaining walls, walkways and structural design, such as underground parking, to maximize soil volumes (exceed BCLNA Landscape Standard) to accommodate new and existing trees and plants.

Note to Applicant: Wherever possible, take advantage of natural soils and the water table by locating new trees at grade beyond the edge of the underground slab. To avoid raised planters above grade, angle the corner of the underground slab downward (1.0 m across and 1.2 m) to maximize contiguous soil volumes. Planted landscapes on slab should be designed to maximize soil depths by lowering the slab, wherever possible, or providing tree wells, if necessary.

17. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (PMTs, "Vista" junctions, underground venting) visible to the public realm.

18. At time of development permit application, provision of:

- (i) A detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at a minimum 1/8": 1 ft. scale. Where applicable, phased development should include separate landscape plans for individual buildings and adjacent open space. The Plant list should include the common and botanical name, size and quantity of all existing and proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The Landscape Plan should include the public realm treatment (to the curb) and all existing and proposed street trees, adjoining walkways, surface materials, PMTs, "Vista" junctions, underground venting and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) A "Tree Removal/Protection/Replacement Plan" in coordination with arboricultural services, including the assessment of existing trees, retention value rating, retention feasibility, remediation recommendations, site supervision and letters of undertaking.

Note to Applicant: Given the size and complexity of the site, provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and retained, including any tree protection barriers and important construction management directives drawn out of the arborist report(s). Tree replacements are likely best located on the proposed phased landscape plans.

- (iii) A "Construction Management Plan" outlining methods for the retention of existing trees during construction.

Note to Applicant: The Plan should include, but not limited to, the location of construction materials, temporary structures, utilities, site access, development phasing, to the satisfaction of planning staff. Special construction methods such as applying "shotcrete" to excavation walls near retained trees and a tree watering program may be necessary.

- (iv) Provision of detailed cross section through tree protection zones to indicate limits of excavation, special construction methods, footing design, grading and re-landscaping.
- (v) Provision of detailed cross sections (minimum 1/4" inch scale) through all proposed common open spaces and semi-private patio areas (typical).

Note to Applicant: The sections should illustrate to scale the relationship between the underground slab, soil, tree root ball, retaining walls, steps, and part of the residential unit.

- (vi) Provision of revised technical tree protection reports (by arborist or other).

- 19. Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.

Note to Applicant: special consideration should be given to the ground plane, including paving materials, grade changes, benches near entrances on site and at reasonable intervals for public use along streets and shared walkways.

- 20. Provision of the necessary supporting infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common gardening locations.
- 21. Provision of high efficiency irrigation for all planted areas, including urban agriculture areas, and hose bibs for all private patios of 100 sq. ft. (9.29 sq. m).

#### **Pest Control**

- 22. At time of development permit application, provide a pest control management plan that details strategies for ensuring that existing pests are not released due to demolition of the existing building and landscaping.

#### **Housing Policy**

- 23. That the proposed unit mix include at least 52% two-bedroom units, 20% three-bedroom units and 3% four-bedroom units are to be included in the Development Permit drawings.

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

#### **Engineering Services**

- 24. Arrangements to the satisfaction of the General Manager of Engineering Services in consultation with the General Manager of the Park Board and

the Director of Planning for removal, replacement and revegetation of the 58th Avenue right-of-way adjacent to the site.

25. Clarification of the proposed exiting to the 58th Avenue right-of-way and deletion of all but emergency exiting to the 58th Avenue right-of-way.
26. Provision of a note on the landscape drawing legend L1.00 'CIP concrete sidewalk with broom finish with saw cut joints' for the 6 ft. wide concrete sidewalks proposed on both 59th Avenue and Alberta Street. Note that section 5 on L3.02 should be revised to a 6 ft. sidewalk. It currently indicates a 5.69 ft. wide sidewalk and the plan view on the same page indicates 6 ft.
27. Provision of a minimum 300 mm grass buffer strip between the sidewalk and any landscape proposed in the back boulevard.
28. Confirmation of any retained private property trees along the 59th Avenue frontage and provision of a sidewalk design to accommodate their retention.
29. 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) Align proposed underground driveway access to minimize conflicts with headlights of exiting vehicles and residential properties across Alberta Street.
- (ii) Provision of a standard driveway crossing at the entrance to the proposed underground parking on Alberta Street.
- (iii) Provision of a Class B loading space with the required on-site maneuvering.

Note to Applicant: The loading space shown requires trucks to back in off the street. Consider providing a perpendicular loading space from the parking ramp or relocate the loading space to the underground parking level. Class B loading requires 3.5 m of vertical clearance.

- (iv) An existing street light pole on Alberta Street conflicts with parking access. Arrangements to the satisfaction of the General Manager of Engineering Services for the pole relocation is required.
- (v) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances along the property lines.

Note to Applicant: Where there is a curved ramp, provide grades two feet 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.

- (vi) Provision of 2-way flow on the parking ramp and at the curved portion of the maneuvering aisle at the bottom of the ramp.

Note to Applicant: Provide an improved plan with turning swaths showing that two-way flow can be achieved through this section of the maneuvering aisle on the design shown.

- (vii) Provision of 2.3 m of vertical clearance for access and maneuvering to all disability spaces.

Note to Applicant: Section H on drawing DP4.03 shows 7 ft. (2.1 m) of vertical clearance.

- (viii) Modification of the parking ramp design to provide a 9 ft. X 9 ft. corner cut through the inside radius at the bottom of the main parking ramp to enable two vehicles to pass each other unobstructed.

Note to Applicant: Corner cuts are required at gridline J/4 and J/2 to provide two-way flow.

- (ix) Number all stalls and show all columns within the parking levels to comply with the Parking and Loading Design Supplement.

Note to Applicant: No columns are shown on level P2.

- (x) Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

- (xi) 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.

- (xii) Confirmation that the proposed garbage storage and recycling areas meet Engineering Services garbage storage guidelines. Please confirm that the spaces provided are in agreement with the guidelines including confirmation that a waste hauler can pick up from the location shown on the plans.

- 30. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 31. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy 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. As a pre-condition to 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. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
33. 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, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines.
34. 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.

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

##### **Engineering Services**

1. Provision of a statutory right of way to allow the public to access and use of the proposed seating area on private property at the south west corner of the site (corner of 59th Avenue and Alberta Street).

Note to Applicant: See condition 3 (vi).

2. Release of Easement & Indemnity Agreement 370312M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, 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 zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

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 the security for the services are provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the 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. Note, an interconnected water service will be required for this development.
  - (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 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.
  - (iii) Provision of new concrete curb and gutter, pavement (to centerline) concrete sidewalk and improved street lighting and additional pedestrian scale lighting to current standards on the east side of Alberta Street from 59th to 58th Avenue including all utility relocations, asphalt and concrete connections to existing street alignments necessary for the construction of a new road.
  - (iv) Provision of a curb bulges on the north-east corner of 59th Avenue and Alberta Street on both street frontages, complete with improved curb ramps.
  - (v) Provision of curb bulges on the north and south sides of 59th Avenue at the west leg of Columbia Street, improved curb ramps

on both sides of 59th Avenue within the bulges to meet current standards and a Greenway pedestrian light to be located on the north side of 59th Avenue at the west leg of Columbia to facilitate crossing 59th Avenue (Similar to the bulge treatment at 59th Avenue and Manitoba Street).

- (vi) Provision of a seating area to be located on private property adjacent the proposed bulge area on the north side of 59th Avenue at the west leg of Columbia Street with two Greenway benches on concrete pavers within the seating area.
- (vii) Provision of a water drinking fountain and landscaping within the proposed curb bulge on the north side of 59th Avenue at the west leg of Columbia Street.

Note to Applicant: The drinking fountain shall be serviced by a separate water service connection. Once installed the fountain will be maintained by the City of Vancouver.

- (viii) Provision of standard city greenway treatments on 59th Avenue adjacent the site including 1.8 m wide saw cut concrete sidewalk, provision of improved street lighting and Greenway pedestrian pole mounted acorn lighting on 59th Avenue adjacent the site. All lighting to be LED luminaires with louvers.
- (ix) Provision of speed humps on 58th Avenue between Alberta and Cambie Street subject to neighbourhood notification to local residents.

- 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.
- 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 Neighbourhood Energy System, if and when the opportunity is available and in accordance with the City's policy for Neighbourhood Energy Connectivity Standards and the Cambie Corridor Plan, which may include but are not limited to agreements which:
  - (i) require buildings on site to connect to a Neighbourhood Energy System, once available;

- (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation; and
- (iii) grant access to and use of suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

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

Note to Applicant: The development will be required to connect to a Neighbourhood Energy System prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a Neighbourhood Energy System is not available at that time, the agreement will provide for future connection.

## Soils

- 6. If applicable:
  - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

## Public Art

- 7. 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 a preliminary public art plan to the satisfaction of the Public Art Program Manager.

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

#### Heritage Density Transfer

8. Secure the purchase and transfer of 470 m<sup>2</sup> (5,064 sq. ft.) of heritage density (which has a value of \$329,134) 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 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.

## Community Amenity Contribution (CAC)

9. Pay to the City the Community Amenity Contribution of \$6,253,541 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. The \$6,253,541 is to be allocated as follows:
  - (i) \$3,291,337 to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Marpole area; and
  - (ii) \$2,962,204 toward community facilities and/or childcare serving the community serving residents and/or workers in or near Marpole including a minimum of \$500,000 toward renewal of Marpole Place.

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

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

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

- B. THAT, subject to the enactment of the CD-1 By-law, the Subdivision By-law be amended, generally as set out in Appendix C of the Policy Report dated November 3, 2015, entitled "CD-1 Rezoning: 375 West 59th Avenue".
- C. THAT Recommendations A to B 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 - 375 West 59th Avenue]