

## SUMMARY AND RECOMMENDATION

**4. REZONING: 445 Kingsway and 2935 St. George Street**

**Summary:** To rezone 445 Kingsway and 2935 St. George Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a six-storey mixed-use building, containing 109 secured market rental units and retail use on the ground floor. A height of 23 m (75.5 ft.) and a floor space ratio (FSR) of 3.60 are proposed.

**Applicant:** FNDA Architecture

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of June 14, 2016. Note that the street number for the property on St. George Street was incorrect in the Policy Report presented for referral. It has been corrected in this Summary and Recommendation, and in the by-laws posted for this item.

**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:

**RECOMMENDATION**

- A. THAT the application by FNDA Architecture, on behalf of Razgul Holdings Ltd., to rezone 445 Kingsway [*PID: 011-726-598; Lot L, Block 132, District Lot 264A, Plan 21842; and PID: 009-994-131; Lot 2, Except Part in Explanatory Plan 6822, of Lot A, Block 132, District Lot 264A, Plan 7272*], and on behalf of Azizamalco Holdings Canada Ltd., to rezone 2935 St. George Street [*PID: 010-671-919; Lot 1 of Lot A, Block 132, District Lot 264A, Plan 7272*], all from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 2.50 to 3.60 and the maximum building height from 13.8 m (45.3 ft.) to 23.0 m (75.5 ft.) to permit a six-storey mixed-use building with 109 secured for-profit affordable rental housing units, and retail and service uses, generally as presented in Appendix A of the Policy Report dated May 31, 2016, entitled "CD-1 Rezoning: 445 Kingsway and 2935 St. George Street", 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 FNDA Architecture and stamped "Received Planning and Development Services, September 3, 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 provide common outdoor amenity space at the roof of the podium at the north side.

Note to Applicant: Usable common roof deck should be provided in this location, as well as greenery and landscape treatments. Access should be provided from the indoor amenity room to common outdoor amenity space at the front and rear podium. A planter border should be provided at the roof edge to screen potential overlook impacts to the site(s) to the north.

2. Design development to provide an improved relationship to St. George Street and Robson Park with a landscaped setback at the east edge of the site.

Note to Applicant: A landscaped setback should be provided along St. George Street in conjunction with the retained cedar tree and north of the commercial corner, which may maintain a 0.6 m setback as proposed. The landscaped setback may incorporate elements in response to the St. George Rainway initiative as outlined in the Mount Pleasant Community Plan. See Landscape condition 8.

3. Design development to maintain the high quality of materials and details indicated for the building design.
4. Submission of a bird friendly strategy for the design of the building and landscape 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)

5. Design development to address CPTED (Crime Prevention Through Environmental Design) principles at the north side of the site.

Note to Applicant: A walkway may be provided at the north side of the site with exterior lighting to ensure it is safe and secure. Windows should be provided at the rear north elevation adjacent to the path to provide visual interest to the façade, and casual surveillance to the walkway.

6. Design development to respond to CPTED principles, having particular regards for:
  - (i) theft in the underground parking;
  - (ii) residential break and enter;
  - (iii) mail theft; and
  - (iv) mischief in alcove and vandalism, such as graffiti.

### Sustainability

7. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the Green Buildings Policy for Rezonings, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; 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 are also required under the policy. Confirm whether the project will be built to LEED® or Passive House® standards. If Passive House is chosen, supply similar information on the drawings as noted above.

### Landscape Design

8. Design development to ensure an optimal tree protection setback for tree #11 that does not necessitate canopy pruning.

Note to Applicant: This is a significant condition that will require that the building be set back below and above grade. Tree #11 is a full canopied cedar tree located on the inner boulevard adjacent the site on City property. Of all trees within influence of the immediate development work, this single tree is regarded as a high valued retention candidate due to its health and location at the perimeter of the site.

To inform design, the outer limits of the existing canopy have been measured from the trunk to the outer branch limits (or dripline): 6.5 m to the west, 4.7 m to the north, 6.7 m to the south. Preliminary review of the tree by City arboricultural staff has recommended a setback distance of 6.0 m. The ultimate setback distance to the building, measured from the trunk, must consider any necessary canopy clearance requirements to enable construction.

Also, the setback must be sufficient to prevent unnecessary conflicts with the building as the tree grows. The rezoning response should offer an optimised solution that shall be no closer to the tree than 6.5 m (or more if construction clearance is identified).

Though the Rezoning condition remains, staff and the applicant team are aware of information gaps at the time of writing. At the time of development permit, staff will coordinate with the applicant team and the City Arborist to review the setback requirements in detail. Employ special construction methods such as vertical shoring, and set back the limit of excavation outside the dripline. The scheme should not rely on canopy encroachment pruning or root zone disturbances (such as intensive re-landscaping). Avoid landscape or grading proposals that may cause unnecessary compaction of roots and changes to the existing growing conditions (water availability and drainage). Modifications to the proposed streetscape may be needed in coordination with the General Manager of Engineering Services.

9. Design development to the retention of the row of trees to the north edge.

Note to Applicant: While an increased setback is not required to retain these trees, further commentary is required by the arborist with regard to special construction methods and/or foundation design to ensure safe and responsible protection of the trees.

10. 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 landscaping.

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 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.

11. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad-mounted transformers, "Vista" junctions, underground venting) visible from the public realm. 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.

12. Consideration to explore design options that respect the City's Bird Friendly Design Guidelines.

Note to Applicant: Refer to  
<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

13. At time of development permit application:

- (i) Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. The Plant List should include the common and botanical name, size and quantity of all existing/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 or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of a Tree Management Plan.

Note to Applicant: 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 dimensioned tree protection barriers and important construction management directives drawn out of the arborist report(s) such as clearly illustrating the limit of excavation and footing design strategy (i.e. vertical shoring, shotcrete).

- (iii) Provision of detailed architectural and landscape cross sections (minimum 1/4" scale) through tree protection zones, all proposed common open spaces and semi-private patio areas.

Note to Applicant: In tree protection areas, the sections should illustrate and dimension the limit of excavation, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

- (iv) Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.
- (v) Provision of the necessary infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common amenity locations.
- (vi) Provision of a partial irrigation plan.

Note to Applicant: Provide high efficiency irrigation for all planted areas, including urban agriculture areas and individual hose bibs for all private patios of 100 sq. ft. (9.29 m<sup>2</sup>). On the plan, illustrate hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed.

- (vii) Provision of an outdoor Lighting Plan.

Note to Applicant: Consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

- (viii) Provision of an updated, detailed arborist report.

Note to Applicant: The expanded report should inform design and discuss all impacts. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements.

- (ix) Provision of a letter of assurance for arborist supervision.

Note to Applicant: Arborist supervision is typically necessary when any work is required within a minimum root protection zone of a retained tree. The arborist should discuss the details of any supervision requirements within the arborist report, particularly if the plans depict any work that encroaches into a minimum root protection zone. Typically, an assurance letter will outline up to four key construction points where the arborist shall be contacted to attend the site. The letter must be signed by the owner, the contractor and the arborist.

## Engineering

- 14. Reconfigure parking allocations on sub-basement and basement levels such that commercial vehicles do not drive through residential parking areas.

Note to Applicant: Engineering does not support commercial vehicles driving through the residential parking area.

- 15. Relocate public bike pump and maintenance station on drawing L1.0 to be on private property, which are to be fully maintained by developer/tenant appointed by developer. (Note: Legal arrangements will be required to ensure on-going maintenance.)
- 16. Relocate proposed Class B bike racks to private property.

Note to Applicant: Design or orientate the bike racks so when in use bikes will not encroach onto the City sidewalk.

17. Provide automatic door openers on the doors providing access to the bicycle room(s).
18. 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 location of poles and guy wires to identify conflicts with the proposed vehicle crossings and any required relocation of poles or guy wires.
- (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, within the parking area, both sides of the loading bay, and at all entrances.

Note to Applicant: This is required to calculate the slope and cross-fall.

- (iii) Provision of a Vehicle Delivery Plan for the auto dealership.

Note to Applicant: Additional information is required to understand how new vehicles will be delivered to the site. Provide information about delivery schedule and procedures, size of delivery vehicles, use of a storage lot and any additional related delivery procedures.

- (iv) Provision of a review of the parking and loading design by a qualified Transportation Consultant.

Note to Applicant: This must analyse vehicle and truck turning movements and show vehicle turning swaths on the submitted plans. Additional items to include in the review are as follows:

- Identify conflicts at the crossing on St. George Street between residential and dealership vehicle access. Current design shows numerous vehicle paths crossing over each other to access the building. The Transportation Consultant should provide a solution to resolve the conflicts.
- Solutions to achieve the required maneuvering for the Class B loading spaces with loading throats and additional stall widths for second and subsequent loading spaces. Show maneuvering from the street into and out of the site.
- Provision of an improved residential Class B loading space. The space shown is not supported as trucks are required to back in or out 80' (24 m) down the maneuvering aisle.

- Provision of car elevator dimensions, confirm maneuvering for the car elevator on the ground floor as drawing A2.08 shows a 15' maneuvering aisle. (There is inadequate space to access elevator).
- Review maneuvering aisle widths as electrical rooms and elevator cores are located within the maneuvering aisle. Without the required maneuvering, the stalls cannot be included in the parking calculations.
- Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement. A column 2' in length must be set back 2' from either the opening to or the end of the parking space. A column 3' long may be set back 1'.
- Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4' from the end of the stall. Provide a minimum 0.3 m (1') setback from the drive aisle for all columns.

(v) Dimension all parking stalls and columns encroaching into parking stalls.

(vi) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays and clearly note them on plans.

Note to Applicant: A section drawing is required showing elevations and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and 3.8 m of vertical clearance is required for all Class B loading spaces and maneuvering. Without the required vertical clearance, the Class B spaces shown are not acceptable.

(vii) Remove columns located within the maneuvering aisle on drawing A2.08.

Note to Applicant: The columns are located along gridline E.

(viii) Confirm 2.0 m of vertical clearance is being provided for stalls 31-34 on drawing A2.02.

(ix) Provision of 2.9 m stall width for the carshare stall and provision of an improved plan showing the routing from the carshare vehicle to the street.

Note to Applicant: Confirm that 24/7 public access is being provided to the carshare stall.

(x) Provide a signed letter from the BC Safety Authority which supports the provision of the vehicle elevator/lift device.

- (xi) Provision of corner cuts to improve maneuvering at the bottom of the ramps.

Note to Applicant: A 9' x 9' corner cut is required on the south side of the ramp on drawings A2.00 and A2.02.

- (xii) 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.

Please contact the Neighbourhood Parking and Transportation Branch at 604-871-6279 for more information or refer to the Parking and Loading Design Guidelines at the following link: (<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>)

- 19. Provide a City standard commercial driveway for the proposed dealership driveway entrance on St. George Street as curb returns are shown. Note a crossing application is required.
- 20. Confirmation that canopies or awnings are proposed over the property lines and submit a separate application to the General Manager of Engineering Services.
- 21. Clarification of separated garbage storage and recycling facilities (separated between residential and commercial uses), clarification that waste haulers can access and pick-up from the locations shown and pick up operations for both that do not rely on use of public property for storage of bins.
- 22. Provision of details within the garbage and recycling areas to confirm adequate space for bins and recycling. Please refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.
- 23. Provision of standard exposed aggregate 4-piece tree surrounds for all new trees on Kingsway.

Note to Applicant: Drawing No. L1.0 (Landscape Plan) - The placement of the bus stop and shelter do not match the current location. Clarify if the existing bus stop and bus shelter will be relocated. Ensure that the proposed new street trees do not conflict with the existing or relocated bus stop and bus shelter location.

- 24. Delete references to rain garden on public property and show turf or plantings that meet the boulevard planting guidelines.

25. Provision of a separate application to the General Manager of Engineering Services for all public property treatments. Please update the landscape and site plans to reflect the geometric changes sought for this application. (Geometrics will be supplied by the City).
26. 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 the Director of Planning and to the satisfaction of the City Engineer.
27. Final coordination of the public realm treatment to meet the intent of the Mount Pleasant Public Realm Plan.

### Housing

28. The proposed total unit mix of 29 studio (26.6%), 53 one-bedroom (48.6%) and 27 two-bedroom (24.8% ) units is to be modified to ensure that a minimum 25 per cent of units are two-bedroom units in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25 per cent of the dwelling units designed to be suitable for families with children.

29. Design development to ensure that a minimum of 25 per cent of the proposed secured market rental units are designed to be suitable for families with children.
30. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
31. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

### 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, the Managing Director of Cultural Services, the Chief Housing Officer (or successor in function), 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 Lot 1 and Lot 2 Except Part in Explanatory Plan 6822, Both of Lot A, Plan 7272; and Lot L, Plan 21842; All of Block 132, DL 264A to create a single parcel.
2. Release of Easement 94188M and Easement & Indemnity Agreements 95614M and 129302M (all for commercial crossings), and associated extension agreements GB77378 and GB77379 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 shared access agreement for vehicular traffic onto any future development on the adjacent Lot 7, Except Portions in Reference Plans 847 and 1617, Block 132, DL 264A, Plan 923 and 1771. Note: Provision of a knockout panel at the appropriate location along the vehicular entry ramp is required.
4. Provision of building setback and a surface SRW to achieve a 5.5 m distance from the back of the City curb to the building face. 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/SRW dimension. The SRW agreement is to accommodate the underground parking within the SRW area.
5. Provision of a corner-cut at the St. George/Kingsway corner of the site to accommodate sidewalk widths. A detailed review is required to determine if a corner-cut is necessary, and if so, dedication or other arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required.
6. 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 that 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 is provided:
  - (i) Provision of a minimum 1.83 m (6'-0") broom-finish concrete sidewalk with saw-cut joints and a minimum 2.0 m (6'-6") front boulevard with sod on St. George Street to match the boulevard on the east side of the street. Final sidewalk dimensions and

location to be determined in consultation with the Vancouver Park Board and Director of Planning should the proposal to retain the large cedar tree on St. George Street be achievable;

- (ii) Provision of new curb ramps and curb return at the intersection of Kingsway and St. George Street.
- (iii) Provision of new sidewalks adjacent the site in keeping with the area standards.
- (iv) Provision of street trees adjacent the site where space permits.
- (v) Should the existing bus shelter and stop on Kingsway require relocation to accommodate the development proposal, all costs are to be borne by the applicant.
- (vi) Provision of geometric changes on St. George Street, north of the proposed driveway crossing. The geometric changes shall include the following.
  - a. A raised crosswalk on the north leg of St. George Street and East 13th Avenue.
  - b. The closure of St. George Street with geometric changes for a cul-de-sac.
  - c. Removal of the existing traffic circle at St. George Street and East 13th Avenue.
  - d. Removal of a bi-directional protected bike lane on the east side of St. George Street adjacent to Robson Park for the length of the site.
- (vii) Provision of a new traffic signal on Kingsway at the parkade entry aligned with the driveway crossing for Mount Saint Joseph Hospital on the south side of Kingsway. Work to include geometric changes on Kingsway (median and curbs) to accommodate the proposed access including relocation and/or adjustment of all utilities and services to allow for the signal installation and geometric changes with on-site space to accommodate signal kiosks and controllers should space not be available for these items within the road right of way. (Note: Legal arrangements will be required should any feature require placement on the site.)
- (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.

- 7. 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), and 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.

## Housing

- 8. Make arrangements to the satisfaction of the Chief Housing Officer (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years and life of the building, subject to the following additional conditions:
  - (i) A no separate-sales covenant;
  - (ii) A no stratification covenant;
  - (iii) That none of such units will be rented for less than one month at a time;

- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and again prior to development permit issuance;
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents, subject to any increases allowed by section 3.1B(c) of the Vancouver Development Cost Levy By-law:

Unit Type	445 Kingsway Proposed Average Starting Rents
Studio	\$1,242
1-bed	\$1,561
2-bed	\$1,972

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of the Chief Housing Officer (or successor in function) and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by section 3.1B(c) of the Vancouver Development Cost Levy By-law.
- (vii) Such other terms and conditions as the Chief Housing Officer (or successor in function) and the Director of Legal Services may in their sole discretion require.

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.

**Public Art**

- 9. 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 the Public Art Program Manager at 604-871-6002 to discuss your application.

**Soils**

- 10. 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.

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 are considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law. The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. 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 May 31, 2016, entitled "CD-1 Rezoning: 445 Kingsway and 2935 St. George Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, prior to enactment of the amending by-law contemplated by the same 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.
- 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-2)], generally as set out in Appendix C of the Policy Report dated May 31, 2016, entitled "CD-1 Rezoning: 445 Kingsway and 2935 St. George Street", 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 Parking By-law, generally as set out

in Appendix C of the Policy Report dated May 31, 2016, entitled "CD-1 Rezoning: 445 Kingsway and 2935 St. George Street".

- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 31, 2016, entitled "CD-1 Rezoning: 445 Kingsway and 2935 St. George Street".
- F. THAT Recommendations A through E 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 and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any 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 sole 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 - 445 Kingsway and 2935 St. George Street]