

## SUMMARY AND RECOMMENDATION

**4. REZONING: 155 East 37th Avenue (Little Mountain)**

**Summary:** To rezone 155 East 37th Avenue (Little Mountain) from RM-3A (Multi-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of 14 residential buildings and three mixed-use buildings containing approximately 1,573 dwelling units, totaling 149,675 square metres (1,610,982 square feet), including 282 social housing units, 3,046 square metres (32,786 square feet) of commercial space, a 69-space childcare, a neighbourhood house and a public plaza and park. An overall height of 36.5 m (120 ft.) and a floor space ratio (FSR) of 2.50 are proposed.

**Applicant:** Holborn Properties Ltd.

**Referral:** This item was referred to Public Hearing at the Standing Committee of Council on Policy and Strategic Priorities meeting of June 29, 2016.

**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 IBI Group Inc. on behalf of Holborn Properties Ltd., the registered owner, to rezone 155 East 37th Avenue [*PID: 002-546-787; Parcel C (Reference Plan 3508) of District Lots 637 and 638, Group 1, New Westminster*] from RM-3A (Multi-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 1.45 to 2.50 FSR and the height from 10.7 m (35 ft.) to 36.5 m (120 ft.) to permit a mixed-use development including:

- approximately 1,573 dwelling units totalling 149,675 m<sup>2</sup> (1,610,982 sq. ft.), including 282 social housing units;
- 3,046 m<sup>2</sup> (32,786 sq. ft.) of commercial space;
- a 69-space childcare;
- a neighbourhood house; and
- a public plaza and park

generally as presented in Appendix A of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 155 East 37th Avenue (Little Mountain)", be approved subject to the following conditions:

**CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the proposed preliminary form of development be approved by Council in principle, generally as prepared by IBI Group Inc. and stamped "Received April 22, 2016", subject to the following conditions, 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 Acting General Manager of Planning and Development Services, who shall have particular regard to the following:

#### **Urban Design**

1. Design development to create opportunities for seating areas, platforms and other design elements extending into the setback for the rainwater management feature to provide unique and inviting places for the public to sit, enjoy and experience the integrated rainwater management feature and associated landscape.
2. Design development to maximize permeable infiltration areas under the central rainwater management feature, and around retained trees. Provide detailed sections illustrating the extent of underground parking and the treatment of infiltration layers.
3. Design development to confirm the adequacy of underground parking setbacks to ensure the continued health of retained trees.
4. Design development to the underground parking to provide for the retention of the existing tree along Ontario adjacent to Building CD as illustrated in the overall site plans.
5. Establish a tree protection protocol to the satisfaction of the City of Vancouver General Manager of Planning and Development Services and Parks Board staff to inform and guide all utility providers, contractors, construction workers, etc. Confirm that an arborist will be retained through all stages of construction and site preparation to ensure protection of legacy trees.
6. Design development of a lighting plan for streets, paths, mews, parks and public open spaces to the satisfaction of the General Manager of Planning and Development Services, and the General Manager of Engineering Services.
7. Design development to ensure private pathways connecting to park, pathways and public spaces are approved by the General Manager of Engineering Services and the General Manager of the Parks and Recreation at the time of detailed design.
8. Design development to ensure that frontages with ground-oriented units fronting onto parks are served by publicly accessible paths. These paths should not be gated, secured, or signed as private.

Note to Applicant: This applies to parcels fronting onto Wedge Park.

9. Design development to provide statutory right of ways (SRWs) on development parcels to secure public access to the Public Plaza, the seating areas, platforms, and other design elements that extend into the rainwater management feature, and the system of paths and mews that provide public pedestrian access to and through the site and to Queen Elizabeth Park, generally as illustrated in the Little Mountain Design Guidelines.

Note to Applicant: The precise location, width, and functionality of the SRWs are to be determined at Development Permit. SRWs are to be:

- (i) Accessible, and comfortable for pedestrians;
  - (ii) Safe, secure, well-lit, ungated, and welcoming;
  - (iii) Overlooked by active, inhabited space;
  - (iv) Typically provide visibility and permeability through the block; and
  - (v) Align and connect directly with public places and streets.
10. Design development to maximize access and usability of roof-tops for outdoor enjoyment, urban agriculture, and extensive green roofs, etc.
  11. Design development to ensure that bird friendly design elements are considered in the building designs as per Vancouver's Bird Friendly Design Guidelines.
  12. Design development to reflect Vancouver's Biodiversity Strategy in the courtyards, streetscapes and public open spaces of Little Mountain.
  13. Design development to maximize the number of ground-oriented units by providing primarily two storey townhouse units at the bases of residential buildings.
  14. Design development to activate the rear façade of ground level retail on Building BC along the pedestrian walk shared with the existing senior's affordable housing.
  15. Design development to ensure that any required surface loading for Building BC is designed to minimize any negative impacts on the Public Plaza area.
  16. Design development to Building BC to improve sunlight access to the Public Plaza at 10:00 at the Equinox.

Note to Applicant: Some adjustment of the stepping pattern of the more westerly portion of the upper levels would increase sunlight access without reducing the effectiveness of the gateway role the building plays in the building hierarchy.

17. Design development to the western edge of the Public Plaza area to further shape and pull back the edge at grade to better connect and open to the Central Spine and the sequence of open spaces to the west.
18. Design development to Building CA-1 to reflect its important role shaping the western end of the Public Plaza area and highly visible alignment on the axis of the new 36th Avenue. Relocate and redesign the underground parking access such that it does not present prominently to this street end view.
19. Design development to provide power and water to support events and activities in the Public Plaza area.
20. Design development to further consider and reflect the unique character, culture, and sensibilities of the area in the more detailed designs of buildings, landscapes, public spaces and uses.

Note to Applicant: The development of Little Mountain represents a unique opportunity to embrace and reflect the bike culture and local ethos of shops, food and food production of Main Street and the surrounding community.

21. Design development to ensure that a commitment to passive energy elements, glazing ratios, shading etc., are integral to the architectural expression of the buildings, with particular focus on ensuring southern and western facades do not overheat.
22. Consideration to advance energy strategies and building envelope performance beyond commitments at time of rezoning to ensure that the developments of Little Mountain continue to exceed required standards of the time.
23. Design development to provide universally accessible connections for pedestrians and people using wheelchairs to all common open space areas throughout the site.

### Landscape

24. Provision of a diversity of landscape types and experiences to benefit the pedestrian environment and improve the livability of building occupants.

Note to Applicant: The public realm should be high quality and consist of friendly, urban street edges with tree-lined streets and appropriate transitions to residential and commercial uses. Semi-private open space design in and around buildings should offer a variety of outdoor experiences. Provide opportunities for habitat, urban agriculture, access to nature, lane greening and more contemplative garden spaces. Childcare play spaces should be integrated in proximity to amenity areas.

25. Retention of trees as outlined in the updated Rezoning booklet (page 38) and the updated arborist report by Arbortech, dated April 28, 2016.

Note to Applicant: While the drawings indicate trees have been integrated into the proposal, further consideration at the development permit stage will be needed to ensure retention. Further arborist information and detailed plans will be requested to inform decisions. Alterations to the built form may be necessary. Trees retained along future streets, the Public Plaza, Wedge Park and public areas will require a multi-disciplinary, stakeholder approach to problem solving.

26. Provision of landscape plan(s), submission materials and a detailed written rationale demonstrating that Sustainability Measures are satisfied.

Note to Applicant: Required at time of individual development permit submissions. For landscape-related *Sustainability Measures*, refer to the Rezoning booklet, page 12, reference 1.6.1, 1.6.2, 1.6.3, 1.6.5.

27. Design development to the tree planting strategy to maximize tree canopy cover in respect to emerging urban forestry policies.

Note to Applicant: The overall master plan should offer opportunities around buildings to plant large legacy tree species in the ground with access to the water table. At the early building design stage, ensure the structure is engineered for optimal soil load capacity for trees planted on slab and green roofs. Employ ecological strategies such as successional planting and naturalized landscapes. The built form should enhance natural processes (rainwater harvesting), wherever possible.

28. Design development to grades, retaining walls, walkways and structural elements, such as underground parking to maximize plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Where applicable, reconfigure underground parking design to increase soil depth for planting. At the site perimeter, angle the slab downward at the corner (1 m across and 1.2 m downward) to increase planting depth for inner boulevard trees and planters. Wherever possible, trees will be need to be planted at grade and not placed in above grade planters to achieve soil depth. Alternative methods and materials, such as permeable paving, structural soils and soil cells are encouraged.

29. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) in 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.

30. Design development to the overall outdoor surface treatment to be high quality, visually interesting and cohesive throughout the master plan.

Note to Applicant: the private property paving treatment should be robust and more individual to the building. Special attention is needed at the material transition from public realm to the private property edge.

31. At time of first development permit, provision of:

- (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. 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/ 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) A phased "Tree Removal/Protection/Replacement Plan" in coordination with a detailed arborist report including the assessment of existing trees, retention recommendations, special construction methods and limitations, site supervision requirements and letters of assurance.

Note to Applicant: Given the size and complexity of the site, provide a 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 all construction stages.

Note to Applicant: The plan should include, but not be limited to, the location of construction materials, staging, site access, temporary structures, underground/ overhead utilities and development phasing. Provide sections that demonstrate the limit of excavation and alternative foundation design (i.e.

vertical shoring and shotcrete). A watering program and soil amendments should be considered.

- (iv) At time of development permit, provision of detailed cross sections (minimum 1/4" inch scale) through all tree protection zones, common open spaces, landscapes on slab 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.

- (v) Provision of universal design principles in all outdoor spaces, such as wheelchair accessible site furniture.

Note to Applicant: Special consideration should be given to the street design, including paving, providing benches, particularly near entrances on site and at reasonable intervals for public use along streets and Mews.

- (vi) Provision of a partial irrigation plan to indicate high efficiency irrigation for all planted areas and hose bibs for all private patios of 9.29 m<sup>2</sup> (100 sq. ft.).

## Parks

- 32. Design development of Wedge Park to provide adequate spatial relations between passive landscaped uses and the public pathway and residential frontages.

Note to Applicant: Provide north-south cross-sections of Wedge Park, showing dimensions and relationships to bike lane at north end and interface with buildings on either side, including walk to access townhouses.

- 33. Design development of the Public Plaza to provide active and compatible edges with adjacent buildings and streets.

Note to Applicant: Provide detailed plan and north-south cross sections of the Public Plaza, showing dimensions, and interface with buildings and 36th Avenue.

## Sustainability

- 34. Identification of significant thermal bridges on design drawings. Provide overall effective R value for the building, including thermal bridges (as per Building Envelope Thermal Bridging Guide - HPO <https://hpo.bc.ca/building-envelope-thermal-bridging-guide>).

Note to Applicant: Minimizing thermal bridges is a passive design measure that provides the potential for the design team to identify low-cost or no cost improvements to details such as slab edges and window transitions that could easily save 20% of the actual heating energy from the development. This means that on this 154,000 m<sup>2</sup> development a simple no-cost improvement to window and slab-edge details could save 510 tons of CO<sub>2</sub> per year, or the equivalent of taking 100 cars off the road.

35. Provision of an air-tightness strategy (e.g. construction details, how envelope protrusions will be minimized & sealed) to meet the target of 2 L/s per m<sup>2</sup> of façade area, as tested to ASTM E779 at 75 pascals. Also, an outline of the testing plan to verify final whole-building air tightness value achieved prior to occupancy. This is in line with the Seattle standard which has been mandatory for over 5 years, and contributes to passive energy efficiency.
36. Provide a Sustainable Food System Plan to include a minimum of three food systems assets as described in the Rezoning Policy for Sustainable Large Developments, to the satisfaction of the Director of Social Policy and Projects.

Note to Applicant: Further clarification is required on provision, location and amount of edible landscaping. Further clarification on how the Public Plaza may accommodate community food markets including: sufficient space for a minimum of ten stalls, with a minimum size of 3 m<sup>2</sup> for each stall, incorporating double receptacle electrical outlets, and direct access to a Class B loading bay.

37. Provision of a minimum of 300 m<sup>2</sup> area flush with the adjacent pavement on the Quebec Street Extension, to locate community garden and/or orchard. The development and construction of the community garden to be funded by applicant and designed using Rezoning Policy for Sustainable Large Developments design guidelines in consultation with City staff with all arrangements to the satisfaction of the Director of Social Policy and Projects.

Note to Applicant: Community gardens and orchards located on City property are managed independently by community groups (non-profits) under a license agreement with the City. Community groups are also typically involved with the design of the community garden space. Any community garden and/or orchards on City property within the Little Mountain development would require a community group (non-profit) to be under license with the City.

## Engineering

38. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick-up from the location shown. Pick-up operations should not rely on bins being stored on the street or



lane for pick-up, bins are to be returned to storage areas immediately after emptying.

39. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.
40. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
41. All special benches to be located on private property.
42. Provide additional information regarding "Wayfinding" proposed in section 6.4.4 Transit on page 105 of the rezoning application booklet. Ensure all wayfinding signs are located on private property.
43. Provision of water pre-servicing to accommodate the community gardens and/or orchard at the Quebec Street Extension.
44. Any proposed street trees planted in proximity to the community garden site should be planted in such a way that they do not shade or impede garden operations.
45. The following statements are to be noted on the landscape plans:
  - (i) All sidewalks between the curb and property line are to be reconstructed fully at the applicant's expense.
  - (ii) A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued.
46. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site.

Note to Applicant: The Sustainable Rainwater Management Plan must also address the City's Integrated Rainwater Management Plan. Post-development flows cannot exceed the site's pre-development flows (pre-development is defined as Little Mountain Housing Project as shown on the City of Vancouver's aerial photograph in 2008).

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

Note to Applicant: Ensure the various ramp designs meet the following requirements:

- a. The slope must not exceed 10% for the first 20 ft. from the property line.
  - b. The slope must not exceed 12.5% after the first 20 ft. from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m in length.
  - c. Ramps which have a 15% slope and are exposed to the weather must be heated.
  - d. Provision of two-way traffic flow in the main ramp (Section I.B) - 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.
  - e. Corner cuts are required at the top and bottom of ramps to provide adequate radii for continuous two-way traffic flow where 200 or more vehicles are being served.
  - f. Parking ramps must be designed to position vehicles perpendicular to the lane to facilitate ease of vehicle ingress and egress from either direction of travel in the lane.
  - g. The slope and cross fall within the parking and loading areas shall not exceed 5%.
- (ii) Provision of the required Class B loading to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Each parcel with over 100 units would require a loading space. Parcel CA would require a Class B loading space.

- (iii) Provision of on-site maneuvering for all Class B loading spaces. Provide improved plans showing the Class B maneuvering to confirm.

Note to Applicant: Engineering does not support delivery vehicles backing in or out from any proposed loading spaces on 36th Avenue or New Central Street.

(iv) Provide a linear ramp for building DC on drawing A14.

(v) Dimension all stall widths, column encroachments, and maneuvering aisle widths.

Note to Applicant: Ensure column sizing and placements comply with the 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'.

(vi) Provision minimum vertical clearance for the main ramp, security gates, and loading bays.

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. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

(vii) All Class A bicycle spaces must be located on the P1 parking level or at grade.

(viii) 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.

(ix) Provision of the required Class B bicycle parking to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: If there is a desire to provide additional bike parking, above and beyond By-law requirements on street ROW, the bike racks must be black COV U Racks securely installed with tamper proof bolts. Bike parking on street ROW to meet APBP Bicycle Parking Guidelines (2nd edition) and recommended spacing of 48". Contact Street Activities for more information.

### Low-Carbon Energy

48. The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated Neighbourhood Energy System (NES) utility provider, shall be provided in detail prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.

49. Building mechanical design shall optimize opportunities for recovery of waste heat from cooling within the development. Any additional sources of heating and domestic hot water energy must be approved by the General Manager of Engineering Services.
50. **Low-carbon through City-designated Neighbourhood Energy System –** Where the service to Little Mountain using Neighbourhood Energy System is deemed feasible and appropriate by the General Manager of Engineering Services at the time of development permit approval, design of the development shall adhere to the following general requirements:
- (i) The development shall incorporate connectivity to a Neighbourhood Energy System, including all equipment and infrastructure associated with the generation, transfer, and distribution of energy for heat and hot water (i.e. the centralized heat production facility, heat generating/transfer/recovery equipment, thermal energy distribution piping, and energy transfer stations) to buildings within the development.
  - (ii) The Neighbourhood Energy System infrastructure for the development shall be designed to integrate optimally with infrastructure for other nearby developments that may also connect to the Neighbourhood Energy System, to the satisfaction of the General Manager of Engineering Services.
  - (iii) All of the development's building heating and domestic hot water systems 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 building design requirements related to neighbourhood energy compatibility. The applicant is encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system.

- (iv) Provide for a suitably located dedicated Centralized Heat Production Facility Room, which may be up to 135 m<sup>2</sup> in size, as determined by the General Manager of Engineering Services. The development's Centralized Heat Production Facility must include adequate space and design provisions to support integration and connection of off-site developments with the Neighbourhood Energy System supplying heat to the development, all to the

satisfaction of the General Manager of Engineering Services prior to issuance of Development Permit.

Note to Applicant: The development will be required to submit detailed drawings for review. Design shall provide suitable space for the installation of the equipment with adequate provisions for connection to off-site Neighbourhood Energy System. Such equipment may include, but is not limited to energy transfer stations and/or boiler equipment. Space requirements will consider the larger energy concept for the development and adjacent developments.

- (v) 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.
- (vi) 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

51. **Stand-alone Low-Carbon Energy System** – If connectivity of the Little Mountain development to a Neighbourhood Energy System is deemed unfeasible or inappropriate by the General Manager of Engineering Services, with such assessment to be made at the time of development permit approval, design of the development shall adhere to the following general requirements:

- (i) The development shall implement a low carbon energy system (i.e. air source heat pump or alternate system approach) that reduces the development's greenhouse gas emissions at build-out by a minimum of 50% relative to a business as usual ("BAU") approach to heating and cooling (where BAU assumes electric resistance and/or natural gas combustion for space and domestic hot water heating, and chillers and/or cooling towers for any space cooling requirements).
- (ii) The energy system for the development shall be designed in such a way as to enable energy metering and the monitoring of performance metrics during system operation for the purpose of optimizing system performance and preparing system performance reports. The applicant shall refer to the *Performance Monitoring and Reporting Requirements for Low Carbon Energy Systems* for a summary of minimum requirements. The applicant will be required to demonstrate compliance with these requirements prior to issuance of building permit.

## Building Review

52. The following items have been identified for resolution at the development permit and building permit stages.

Note to Applicant: Building staff have completed a preliminary and cursory review of the rezoning application plans based on the Vancouver Building By-law (VBBL). The current plans do not include the requisite details to conduct a full building review. Further review will result in additional considerations at the development permit and building permit stages. The following is not an exhaustive list of issues that may need to be addressed by the applicant to ensure VBBL compliance of all buildings.

- (i) For any road that is designated for fire access a 6.0m clear hard surface is required and must be designed for truck loads (per VBBL 3.2.5.6.).

Note to Applicant: The current design of the "fire access" road accessing 37th Avenue does not appear to meet the required criteria for fire truck access (VBBL 3.2.5.6.).

- (ii) The design of building CC-1 does not provide compliant fire access provision as currently sited.

Note to Applicant: A proposal for this building to be a component of a larger building via an air space parcel subdivision would have implications on the solution.

- (iii) All buildings shall meet spatial separation requirements of the VBBL.

Note to Applicant: Buildings DB, CD and BC appear to include exterior walls on or very close to proposed property lines. Buildings DB and CD are located adjacent to Wedge Park. The distance to the centre of the park cannot be included in the spatial separation requirements and all limiting distance measurements must be taken from the property line.

- (iv) Building entrances must meet fire access minimum distance for fire access (3-15 m from adjacent street) street per VBBL 3.2.5.5.).

- (v) Buildings may not be constructed across property lines.

Note to Applicant: The current plans show underground parking structures that straddle proposed property lines.

## Housing

53. Submission with each development application of a summary of former Little Mountain tenant's expressions of interest to return and a summary of their housing needs to the satisfaction of the General Manager of Community Services.

Note to Applicant: Accommodation of former tenants in the first phase of development is the responsibility of BC Housing. Should any social housing within the City Building be required to accommodate these needs financial compensation will be expected from BC Housing.

## 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 Acting 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

1. Make arrangements to the satisfaction of the Approving Officer for the subdivision of the site to dedicate the new roads and to create the Wedge Park Parcel, Parcel AB and the development sites.

Note to Applicant:

- (i) A phased approach to subdivision may be supportable subject to legal arrangements. All road dedications are to be completed and Wedge Park parcel and Parcel AB are to be created in initial subdivision and transferred to City prior to enactment of the rezoning by-law.
- (ii) Parcel AB to be approximately 3,742 m<sup>2</sup> (40,274 sq. ft.) in size, generally as shown and dimensioned in the rezoning application (187 ft. x 143 ft. x 260 ft. x 231 ft.).
- (iii) Wedge Park parcel to be approximately 2,160 m<sup>2</sup> (0.53 acres) in size.
- (iv) It may be preferable to leave the development sites in whole blocks subject to further subdivision prior to development permit issuance. A no-development covenant may be required to secure the future subdivision.
- (v) The Public Plaza, as shown, cannot be a separate parcel from the AB parcel or the AC parcel.
- (vi) The Civic Assets Naming Committee (CIAN) has approved the street name extensions of James Street, Quebec Street, 36th

Avenue, and 35th Avenue. James Street and Quebec Street will intersect at 36th Avenue. Upon dedication of the roads to the City CIAN will advance recommendations to Council for the formal amendment to the Street Name By-law.

- (vii) A dedication on the south side of 33rd Avenue at the new Central Street is required for a westbound left turn bay.
  - (viii) A dedication on the west side of Main Street at 36th Avenue for a left-turn bay is required along Main Street.
2. Provision of building setback and a surface statutory right-of-way (SRW) to achieve a 5.5.m distance from the back of the City curb to the building face on Main Street. 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.
  3. Registration of a SRW for the Public Plaza. The SRW may be a blanket charge (defined by sketch plan) and to be modified to volumetric plan based on the as-built conditions. The modifications are to be registered prior to occupancy of the development on that parcel.
  4. Registration of a SRW over the site for the pedestrian (shared public paths) access routes. The SRWs may be blanket charges (defined by sketch plan) and to be modified to volumetric plan based on the as-built conditions. The modifications are to be registered prior to occupancy of each of the phased parcels.
  5. Transfer of the Wedge Park parcel and Parcel AB to the City for nominal consideration prior to enactment of the rezoning by-law.
  6. Arrangements for a replacement SRW for the existing sewer line which will run through portions of the Wedge Park parcel, and adjacent parcel DD as required.
  7. Arrangements for a SRW for the existing water line which will run through parcel DD as required.
  8. Provision of an access agreement for all parcels sharing underground parking.
  9. 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 services are provided.
    - (i) Provision of a 2.0 m concrete sidewalk, 1.22 m treed buffer, 3.0m asphalt bike path and pedestrian scale LED lighting along the 35th Avenue alignment of Wedge Park between New Central Street and Ontario Street.



- (ii) Provision of a New Central Street north of 35th Avenue including but not limited to a 2.0 m saw cut concrete sidewalk and 2.35 m treed boulevard on the west side, 10.7 m street width curb to curb, a 1.8 m saw cut concrete sidewalk and 1.37 m treed boulevard on the east side.
- (iii) Provision of a New Central Street south of 35th Avenue including but not limited to a 2.0 m saw cut concrete sidewalk, 1.37m treed boulevard, 3.0 m asphalt bike path and 1.37 m treed boulevard on the west side, a 8.3 m street width curb to curb, a 1.8 m saw cut concrete sidewalk and 1.37 m treed boulevard on the east side.
- (iv) Provision of pedestrian and cycling facilities on Ontario Street including but not limited to 2.5 m unidirectional protected bike lanes on both sides of Ontario Street, new curb and gutter, a 1.83 m saw cut concrete sidewalk adjacent to the site and improved street and pedestrian scale LED lighting.
- (v) Provision of street re-construction of 37th Avenue (Ridgeway Greenway) between Main Street and Ontario Street including but not limited to new curb and gutter, a 3.0 m bi-directional protected bike lane and 1.83 m saw cut concrete sidewalk on the north side of 37th Avenue, and street and pedestrian scale LED lighting.
- (vi) Provision of improvements to the intersection at 37th Avenue and Ontario Street to accommodate changes to the cycling infrastructure including but not limited to modification or removal of the traffic circle, modifications to the curb returns, and improved lighting.
- (vii) Provision of lane repaving west of Quebec Street adjacent to the site including but not limited to street repaving, speed humps, curb and gutter.
- (viii) Provision of traffic signal improvements and geometric changes at Ontario Street and 33rd Avenue and Main Street and 37th Avenue to accommodate changes to the cycling infrastructure.

Note to Applicant: The improvements may include a full reconstruction of the signals as a detailed review is required.

- (ix) Provision of new traffic signals and painted left turn left turn bays at Main Street and 35th Avenue and the new Central Street and 33rd Avenue.
- (x) Provision of traffic signal improvement at Main Street and 36th Avenue to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The improvements may include a full reconstruction of the signals as a detailed review is required.

- (xi) Provision of traffic signal improvement at Main Street and 33rd Avenue to provide a painted eastbound and westbound left turn bays with left turn arrows.

Note to Applicant: The improvements may include a full reconstruction of the signals as a detailed review is required. New paving and line painting will be required to eradicate the existing paint markings.

- (xii) Provision of new or improved street lighting adjacent and throughout the site to the satisfaction of the General Manager of Engineering Services. A lighting study will be required.
- (xiii) Provision of bus stop improvements and a bus shelter to the eastbound 33rd Avenue far side stop at Ontario Street (Bus ID 61101) to the satisfaction of the General Manager of Engineering Services including but not limited to a 3 m x 9 m concrete landing area – 9 m cleared space on sidewalk from the BUS ID westward and new sidewalk within the bus stop zone.
- (xiv) Make arrangements to the satisfaction of General Manager of Engineering Services to provide \$225,000 for traffic monitoring and calming measures to reduce vehicle traffic in adjacent neighbourhoods.

Note to Applicant: The traffic monitoring of existing conditions will be required on the local adjacent streets including but not limited to new Central Street and 36th Avenue.

- (xv) 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.
- (xvi) Provision of design and installation of all storm sewer, sanitary sewer, and water as required by the development.
- (xvii) Provision of water main re-routing of the existing water main running through the proposed development to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost to re-route the water main.

Note to Applicant: The water line currently run through parcel DD, EB, AA, AB and AC must be re-rerouted or maintained in a SRW.

- (xviii) 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.
- (xix) Provision of sewer separation of the existing combined sewers running through the proposed development to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost to separate the existing combined sewers.

Note to Applicant: The combined sewers currently run through Wedge Park and must be separated and re-rerouted north along Ontario Street to 33rd Avenue. The 450 mm diameter combined sewer along 33rd Avenue must be separated to James Street.

- 10. 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.
- 11. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The Green Mobility and Clean Vehicles Strategy in Section 4 of the rezoning booklet does not meet the intent of the policy for 1,573 residential units. The write-up seems to be indicating that the site is green based on proximity to Transit and bikeways. Green Mobility Strategy should include TDM measures that go above and beyond Parking By-law requirements to reduce vehicle trips. Engineering recommends that the Green Mobility Strategy include the following items:

- (i) Car sharing vehicles (requires Shared Vehicle Agreement);
  - (ii) Covered Class B bicycle spaces;
  - (iii) Storage areas for bicycle trailers and cargo bicycles;
  - (iv) End-of-trip facilities for commercial, daycare and Neighbourhood House uses; and
  - (v) Commitment for subsidized Transit passes for residential use.
12. Provision of a Cycling Strategy for the Little Mountain Site to the satisfaction of the General Manager of Engineering Services. Additional information and drawings are required detailing the location and number of Class A spaces with 'stairs free' access, Class B bicycle spaces, proposed bike hub, and any additional bicycle facilities being provided. The cycling strategy should also include information about the following:
- (i) Provision of at grade bicycle parking shall be provided within the Public Plaza of sufficient numbers that are appropriate to the destination and in close proximity to New Central Street to reduce conflicts between people arriving by bicycle and people walking to the Public Plaza and Neighbourhood House. Additional destination parking at the Public Plaza and Neighbourhood House is required.
  - (ii) Provision of a plan outlining the at grade bicycle storage/parking strategy for the site that supports the proposed Green Mobility strategy "Ensure bicycle storage and support measures that meet or exceed best practices."
  - (iii) Provision of a detailed Class A bicycle parking plan in the P1 level in accordance with the By-law. The unusable spaces within the parking level have been proposed for bicycle storage without consideration for doors, access, maneuvering or actual storage requirements. More information is required to understand the numbers and locations being proposed. It is expected that the storage proposed will exceed Parking By-law minimums.
  - (iv) All Class B Bike Parking to be located on private property with 'stairs free' access.
13. Provision for a Statutory Right of Way (SRW) for the provision of space to accommodate two Public Bike Share (PBS) Stations.
- (i) Size: At a minimum, two stations measuring 25 m x 4 m (linear configuration) or 14 m x 8 m (back-to-back) should be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2m for a total width of 4 m.

- (ii) Location: The stations should be located on private property while still clearly visible to the public with 24/7 public access. The preferred locations are near Main Street and 37th Avenue and near Ontario Street and 33rd Avenue, as close to the street as possible. Another potential location for PBS is in the Public Plaza adjacent to the Neighbourhood House on 36th Avenue provided there is safe and comfortable access for cyclists moving between 37th Avenue and the Public Plaza.
- (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 leveled 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 operate on solar power. There must be a minimum of 5 m vertical clearance. Ideally the station should receive 5 hours of direct sunlight a day.
- (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.

### Low-Carbon Energy

- 14. All heating and cooling for all buildings in the development shall be achieved using low carbon methods, to the satisfaction of the General Manager of Engineering Services. The development shall be required to enter into appropriate legal agreements to require that all buildings within the development receive thermal energy from a Neighbourhood Energy System or a Stand-Alone Low Carbon Energy system on-site, which assessment will be made prior to issuance of development permit, to the satisfaction of General Manager of Engineering Services.
- 15. **Low-carbon through City-designated Neighbourhood Energy System –** If connectivity of the Little Mountain development to a Neighbourhood Energy System is deemed feasible and appropriate by the General Manager of Engineering Services at the time of development permit approval, the applicant will enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's Neighbourhood Energy Strategy and the Cambie Corridor Plan, that may include but are not limited to agreements which:
  - (i) Require that all buildings within the development connect to and receive all required thermal energy from a City-designated NES.

- (ii) Require that the applicant work collaboratively and in good faith with the City and the City-designated NES utility provider to devise an infrastructure plan and phasing plan (incorporating scheduling consideration) for integrating the NES within the development.
- (iii) Require that the development's neighbourhood energy system related equipment, including all equipment and infrastructure associated with the generation, transfer, and distribution of thermal energy within the development (i.e. the thermal energy centre, heat generating/transfer/recovery equipment, thermal energy distribution piping, energy transfer stations, etc.) be developed, owned and operated by the City-designated NES utility provider, or transferred (at a cost that represents the developer's direct costs associated with developing the thermal energy system, approvable by the BCUC) to the City-designated NES utility provider at such time that one becomes available.
- (iv) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation.
- (v) Grant use of and access to suitable space required for the purposes of energy transfer station(s), to the satisfaction of the General Manager of Engineering Services.
- (vi) Grant use of and access to the centralized heat production facility, which may be up to 135 square meters in size, for the purposes of infrastructure and distribution equipment to the satisfaction of the General Manager of Engineering Services.

Notes to Applicant:

- a. Until a City-designated NES utility provider has been designated, and the Owner will be prohibited from entering into any other external third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.
- b. If the General Manager of Engineering Services deems a connection to a City-designated NES is available and appropriate at the time of development permit issuance, the Development will be required to connect to a NES prior to occupancy. If a NES is being established, but connection to a NES is not available at that time, the agreement will provide for future connection.
- c. Design shall provide suitable space in the centralized heat production facility for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications

conduit. Neighbourhood Energy equipment may include but is not limited to; a centralized heat production plant sized for neighbourhood service, energy transfer stations (ETS), and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

- d. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

16. **Stand-alone Low-Carbon Energy System** – If connectivity of the Little Mountain development to an NES is deemed unfeasible or inappropriate by the General Manager of Engineering Services at the time of development permit approval, the applicant will enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary to secure development of stand-alone low-carbon system to supply all of the development's heating and cooling needs, that may include but are not limited to agreements which:

- (i) Require the developer to undertake performance monitoring of the development's thermal energy system that includes a reporting schedule containing information and prepared in a form as requested by the General Manager of Engineering Services;

#### **City Building and Public Plaza**

17. Make arrangements to the satisfaction of the General Manager of Community Services, the General Manager of Planning and Development Services, the General Manager of Engineering Services, the General Manager of Real Estate and Facilities Management, the Director of Real Estate Services, the General Manager of Parks and Recreation and the Director of Legal Services for the owner to:

- (i) Transfer Parcel AB to the City for nominal consideration prior to enactment of the rezoning by-law;
- (ii) Design, construct, equip and finish the City Building which contains:
  - a. No less than 48 dwelling units to be used as social housing, and comprising not less than 3,530 m<sup>2</sup> (38,000 sq. ft.) of aggregate floor area on floors 3 to 6, fully finished and equipped with associated indoor and outdoor residential amenity spaces in accordance with

the City of Vancouver Housing Design and Technical Guidelines.

- b. A 69 space childcare, comprising not less than 764 m<sup>2</sup> (8,224 sq. ft.) of aggregate indoor floor area and not less than 745 m<sup>2</sup> (8,019 sq. ft.) of associated outdoor play area in accordance with the City of Vancouver Child Care Design and Technical Guidelines with program space for 12 infants, 12 toddlers, 25 children ages 3 to 5, and 20 preschool/flex spaces.
- c. A neighbourhood house on the 2nd floor and ground floor, including a ground floor lobby, comprising not less than 1115 m<sup>2</sup> (12,000 sq. ft.) of aggregate indoor floor area designed to address the functional programming needs of the Little Mountain Neighbourhood House.

together with associated parking and loading, garbage, recycling and bicycle parking as per the Parking By-Law.

- (iii) Design, construct, equip and finish a 1,250 m<sup>2</sup> (0.31 ac.) Public Plaza.
- (iv) Deliver City Building in "turn key" condition to the City in the first phase of the project and prior to issuance of an occupancy permit for any market units in the project.
- (v) In respect of the City Building costs, pay the first \$10,600,000 of the cost of designing and constructing the City Building. Once applicant has spent \$10,600,000 on designing and constructing the City Building, the City will reimburse applicant up to \$15,600,000 at milestones agreed upon between the City and the applicant. Any costs above \$26,200,000 will be the sole responsibility of the applicant and will not limit applicant's obligation to deliver the City Building to the City in accordance with the City's requirements.
- (vi) Deliver a letter of credit in an amount equal to \$10,600,000 prior to issuance of a building permit for the City Building and any building containing market units.

Note to Applicant: The City may permit the letter of credit to be reduced as specific milestones are reached.

- (vii) In respect of the Public Plaza costs, City will reimburse applicant up to \$950,000 upon delivery of the completed Public Plaza to the City. Any costs above \$950,000 will be the sole responsibility of the applicant and will not limit applicant's obligation to deliver the completed Public Plaza to the City.



## Social Housing

18. Make arrangements to the satisfaction of the General Manager of Community Services, the General Manager of Planning and Development Services, the General Manager of Engineering Services, the General Manager of Real Estate and Facilities Management, the Director of Real Estate Services and the Director of Legal Services for the owner to:
  - (i) Design, construct, equip and convey to the Province of British Columbia a minimum of 234 dwelling units, to be secured as social housing, together with the subdivided parcels of land on which those dwelling units are located, in the first two phases of the Little Mountain redevelopment.
  - (ii) Complete a minimum of 58 social housing units (beyond the existing 53 replacement units completed and occupied in 2015) prior to occupancy of any market unit in phase 1, except that number may be increased by the General Manager of Community Services in consultation with General Manager of Planning and Development Services, based on the summary of tenant's expressions of interest to return and a summary of their housing needs.
  - (iii) Complete the balance of such social housing units prior to the earlier of occupancy of any market unit in phase 2 and issuance of any development permit for any building in phase 3 or 4.
  - (iv) Enter into one or more housing agreements pursuant to Section 565.2 of the Vancouver Charter in respect of all such social housing units, in each case:
    - a. For the longer of 60 years or the life of the building, in which such units are located.
    - b. Requiring all such units to be used only for social housing.
    - c. Requiring that no less than 184 of the units will be suitable for families as per the City's Guidelines for High Density Housing for Families with Children.
    - d. Requiring that no less than five percent of the total number of the Social Housing units be suitable as disabled housing as defined by the City's Social Housing Design and Technical Guidelines.
    - e. Containing no-separate-sales and no-stratification covenants.
    - f. Requiring all such units to be made available for rental for a term of not less than one month at a time.

- g. Providing a first-right-of-refusal for former tenants to relocate into a replacement rental unit on the site at rents comparable to what they formerly paid (adjusted for CPI and subject to normal income testing).
- h. Requiring that replacement social housing units beyond those allocated to returning residents must be rented at rates no greater than rents affordable to households with incomes below the Housing Income Limits as published by CMHC for metro Vancouver.
- i. Including such other terms and condition as the Director of Legal Services and the Chief Housing Officer or successor in function may require.

#### **Wedge Park**

- 19. Arrangements to the satisfaction of the General Manager of Parks and Recreation in consultation with the General Manager of Planning and Development Services , General Manager of Engineering Services and the Director of Legal Services including the following:
  - (i) Applicant to transfer Wedge Park parcel to the City for nominal consideration prior to enactment of the rezoning by-law.
  - (ii) Applicant to design and construct Wedge Park.
  - (iii) Applicant to delivery completed park to City prior to occupancy of any dwelling units in Phase 3 or such earlier date as may be required by the City.
  - (iv) City will reimburse applicant up to \$1,200,000 upon delivery of the completed park to the City. Any costs above \$1,200,000 will be the sole responsibility of the applicant and will not limit applicant's obligation to deliver the completed park to the City.

#### **Public Art**

- 20. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager. The public art plan will consider the history of Little Mountain, build on the public consultation process established to date and consider public art planning underway in adjacent Queen Elizabeth Park.

Note to Applicant: Please contact Public Art Program Manager, 604-871-6002, as soon as possible.

## Soils

21. 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.
  - (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 Planning, 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.

## Community Amenity Contribution (CAC)

22. Pay to the City the cash component of the Community Amenity Contribution of \$1,500,000 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law on terms and conditions satisfactory to the Director of Legal Services.

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 registered charges pursuant to 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 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 to include this

CD-1 in Schedule B, generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 155 East 37th Avenue (Little Mountain)".

- C. 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 to provide parking regulations generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 155 East 37th Avenue (Little Mountain)".
- D. THAT, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigning Schedule "B" (C- 2)], generally as set out in Appendix C of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 155 East 37th Avenue (Little Mountain)", be approved;
- E. THAT, at the time of enactment of the CD-1 By-law, the General Manager of Development Services be instructed to bring forward for approval the CD-1 Design Guidelines, generally as presented in Appendix J of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 155 East 37th Avenue (Little Mountain)".
- F. THAT, if after public hearing Council approves in principle the rezoning in Recommendation A and the Housing Agreement condition described in section (c) of Appendix B of the Policy Report dated June 14, 2016, entitled "CD-1 Rezoning: 155 East 37th Avenue (Little Mountain)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law(s) for enactment prior to enactment of the CD-1 By-law in Recommendation A, 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.
- 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 and the expenditures of funds or incurring of costs is at the sole risk of the person making the expenditures 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 - 155 East 37th Avenue (Little Mountain)]**