

## SUMMARY AND RECOMMENDATION

**8. REZONING: 5050-5080 Joyce Street**

**Summary:** To rezone 5050-5080 Joyce Street from C-2C (Commercial) District to CD-1 (Comprehensive Development) District to permit development of a 30-storey mixed-use building with commercial retail units at grade and 256 residential strata-titled units above, 65% being family-oriented units. A height of 89.33 m (293 ft.) and a floor space ratio (FSR) of 15.37 are proposed.

**Applicant:** Henriquez Partners Architects

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of November 15, 2016.

**Recommended Approval:** By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Henriquez Partners Architects, on the behalf of 5000 Joyce Property Inc. (Westbank Projects Corp.), to rezone 5050-5080 Joyce Street [*Lots 5 and 6 except portions in Explanatory Plan 8341 and LMP 19566, Block 16, District Lots 36 and 51, Plan 1650; Lot 7, except part in Explanatory Plan 8340 and LMP 18090, Block 16, District Lots 36 and 51, Plan 1650; and Lot 8, except: firstly; part in Explanatory Plan 7093, Secondly; Part in Explanatory Plan LMP 18086, Block 16 District Lot 51, Plan 1650; PIDS: 014-497-077, 014-497-085, 014-497-093, 014-497-107, respectively*] from C-2C (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 3.00 to 15.37 to permit the development of a 30-storey mixed-use commercial-residential building with a maximum height of 89.33 m (293 ft.), generally as presented in Appendix A of the Policy Report dated November 1, 2016 entitled "CD-1 Rezoning: 5050-5080 Joyce 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 Henriquez Partners Architects and stamped "Received Planning & Development Services (Rezoning Centre), June 29, 2016", provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:

## Urban Design

1. Design development to improve the continuity of pedestrian activation at the south lane.

Note to Applicant: This can be achieved by providing active commercial uses on both Joyce Street and the south lane, creating a prominent, rather than inset corner. Commercial entries should be located from the south lane as well as Joyce Street. The residential entry should be easily identifiable, but not be so large as to detract from an active street edge.

2. Design development to improve the relationship of the building to the public realm at the south lane.

Note to Applicant: The south lane is proposed to be closed to vehicular traffic and enhanced as a public open space. The improved relationship can be achieved by providing setbacks more in keeping with the Precinct Guidelines of a minimum of 4 ft. at the lane edge and a 20 ft. at residential levels to improve the sense of openness in the new pedestrian public space. The upper setback should not be any less than 16'-6".

3. Design development to the podium to improve its architectural relationship to the tower.

Note to Applicant: Maintain a distinct podium, while bringing elements of the tower to the ground through the podium.

4. Design development to the balconies to mitigate the apparent width of the building and ensure livability.

Note to Applicant: While developing the balcony design expression, reduce the extent of wrap-around balconies to allow some exposure of the building corners. Ensure that units have balconies that are appropriately sized for their occupancy. Through design development, seek opportunities to increase shared outdoor amenity space. Balcony area in excess of 12% will be included in the calculation of FSR, but shall not be captured in or converted to enclosed floor area or otherwise cause an increase in building bulk.

5. Design development to the upper levels of the tower to improve the contribution to the general skyline.

Note to Applicant: Design development to create a distinctive and attractive top of the building that distinguishes it from other towers in the area and provides a distinct character to add to the skyline. Consider shaping, material and lighting elements that may reflect the tower expression.

6. Design development to confirm integration of all rooftop mechanical equipment, including elevator override service volumes, photovoltaic

panels, window washing infrastructure and other service equipment within the proposed mechanical penthouse and enclosure.

Note to Applicant: The roof should remain uncluttered, as proposed, with all equipment being housed in the appurtenances. Where possible, enclosures should be of non-opaque materials and contribute to the overall architecture of the building.

7. Incorporate built form requirements in the development to achieve required acoustic mitigation.

Note to Applicant: Acoustics requirements are currently being updated to ensure comfort in dwelling units adjacent to Skytrain or rails. It is possible that certain building construction upgrades may be required to meet the updated acoustics criteria in the Zoning and Development By-law. However, revisions to achieve required acoustic mitigation should not increase the apparent bulk of the building nor diminish its architectural character.

8. Provision of high-quality and appropriately scaled weather protection along the Joyce Street and south lane facades.

Note to Applicant: Canopy depths of a minimum of 5 ft. at a height 9 ft. above the ground should be provided. Canopies at higher heights should be proportionately deeper. Coordinate with street trees.

9. Confirmation of the proposed demising of the commercial area so that no frontage exceeds 15.3 m.

Note to Applicant: At least two commercial units are required to ensure an animated building frontage. Exception may be made if a single ground floor tenant offers a comparable amount of activity and visual interest, such as a restaurant.

10. Confirmation on the ground floor (Level 1) plan of separate means of egress and access to services for the residential and commercial users of the building.

11. Provision of a vertical vent space to accommodate future exhaust from the commercial level.

Note to Applicant: Intent is to allow for a wider range of uses, including restaurants, without requiring the retrofitting of exhaust ducting on the outside of the building.

#### **Crime Prevention through Environmental Design (CPTED)**

12. Design development to consider the principles of CPTED, having particular regard for security in the underground parking in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.

13. Design development to improve defensibility and reduce opportunities for loitering.

Note to Applicant: The inset portions of the street and south lane frontage provide an opportunity of loitering and collection of refuse. This issue should be resolved, while maintaining façade interest.

14. Design development to reduce opportunities for graffiti.

Note to Applicant: Opportunities for graffiti can be mitigated by reducing areas of exposed wall, by covering these walls with vines, hedges, or by using a protective coating material.

## Landscape

15. Design development to improve Joyce Street interface, activate and enhance the front entry area.

Note to Applicant: The presentation to the street should be better developed by deleting the water feature (refer also to Urban Design condition 1).

16. Coordinate with Engineering to integrate some user-friendly, interactive landscape features into the public realm, such as benches or seat walls, colourful planting, interesting paving patterns, sculptures or public art.

17. Provision of plant species on structures which are non-invasive and non-aggressive, by replacing the bamboo at parkade ramp and roof terrace.

Note to Applicant: This is a concern for future maintenance of concrete structures, as bamboo has proven to eventually create cracks in concrete, despite use of containers and root barriers.

18. Coordination with Engineering to determine locations of utility infrastructure under pedestrian lane and how this will affect existing proposed retained trees.

19. Provision of arboricultural information, as follows:

- (i) A Letter of Assurance for arborist supervision during any excavation into the Critical Root Zones of retained trees, or any work in proximity to retained trees which may cause root damage to retained trees. The letter should be signed and dated by arborist, owner and contractor.

- (ii) An updated arborist report, to discuss in detail methods of safe protection, for retained trees, in context of proposed footprint, grades and other site constraints. Report to include a scaled and dimensioned tree protection plan and Critical Root Zones. Confirmation of safe tree protection is required.

20. 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>.

21. Provision of a pedestrian friendly experience at both the east and south lane edges by the use of down lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by an 8" high curb.

22. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BCSLA standards or better.

23. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's *Urban Agriculture Guidelines for the Private Realm* and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

24. Provision requirements at the time of Development Permit application:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future.
- (iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: : The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

- (iv) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (v) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (vi) A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade;
- (vii) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

### Sustainability

- 25. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED™Gold with a minimum of 6 optimize energy performance points, 1 water efficiency point and 1 stormwater point.

Note to Applicant: Provide a checklist and a detailed written description of how the rating system points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set, with significant elements keyed to the building plans and elevations. A letter from the Mechanical consultant shall be submitted outlining how the 6 optimize energy points will be achieved in this building design.

### Engineering Services

- 26. Clarification is required for the note "Land Dedication" in the vicinity of the base of the parking ramp on page A1.07. There are no dedications proposed or required of this application.
- 27. Provision of Class B bicycle parking on private property outside of the pedestrian SRW on Joyce Street.

Note to Applicant: Should bicycle racks be desired on public property staff will provide an approved location prior to building occupancy once new sidewalks and all street features are installed and constructed. Class B bicycle parking must be provided as per the parking by-law on-site or relaxed to the satisfaction of the Director of Planning. On-street bicycle parking does not count towards class B bicycle requirements.

28. Provision of a revised site plan and landscape plan (drawing L1.6) that includes the off-site improvements sought by this rezoning and to include the future BC Parkway walking and cycling path alignment included as part of the Phase 2 Long-Term Station Upgrades in the Joyce-Collingwood Station Precinct Plan and the Skytrain Station Upgrades.

Note to Applicant: The 4.0 m width of the pathway is to be clearly marked on the plans.

29. Provision of a revised design for the interface between the site that better anticipates the BC Parkway and TransLink bus loop plans, ensuring that pedestrian connections created now will continue to function when Phase 2 of the station is constructed.

Note to Applicant: The alignment of the 'Future Proposed Bike Path' on drawing L1.6 does not represent the design that was approved as part of the Phase 2 concept design for Joyce Collingwood SkyTrain Station Upgrades. For background information please refer to:

<http://vancouver.ca/files/cov/joyce-collingwood-station-precinct-plan-2016-07-20.pdf>

[http://www.translink.ca/-/media/Documents/plans\\_and\\_projects/station\\_exchange\\_improvements/joyce\\_collingwood/joyce\\_collingwood\\_information\\_boards\\_december\\_2014.pdf](http://www.translink.ca/-/media/Documents/plans_and_projects/station_exchange_improvements/joyce_collingwood/joyce_collingwood_information_boards_december_2014.pdf)

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

31. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking levels and at all entrances.

Note to Applicant: The slope, crossfall and length of the ramp sections must be shown on the submitted drawings. The slope and crossfall must not exceed 5% within the parking and loading areas.

- (ii) Confirmation of the minimum vertical clearances are met 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.

- (iii) Provision of a section drawing for stall 7 on P2 to confirm 2.0 m of vertical clearance is being provided. This condition exists on multiple levels.
- (iv) Provision of a parking ramp design to the satisfaction of the General Manager of Engineering Services.
- (v) Provision of additional ramp width, corner cuts or column relocations may be required. Remove the south edge of the ramp that is encroaching over the PL into the closed lane on drawing A1.07. The maneuvering shown in Exhibit 3 of the Bunt analysis is different than the ramp design shown on drawing A1.07. Clarification of this conflict is required. Contact Dave Kim of the Parking Management Branch for more information.
- (vi) Dimension all loading stalls, parking stalls and columns encroachments into parking stalls.
- (vii) Provision of 'stairs free' loading access from the residential loading bay to elevator core.

Note to Applicant: Consider a loading lift or elevator.

- (viii) Provision of 'stairs free' loading access to the CRU at gridline B/6.

Note to Applicant: Ramping the loading corridor would achieve this.

- (ix) 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.

- (x) Confirmation that firefighting requirements are met for the proposed residential building entry shown via the closed portion of lane.
- (xi) Confirmation that the proposed vista switch location will not impede parkade ramp grades and construction.

## Housing Policy and Projects



32. That the proposed unit mix of 22% Studio, 13% one-bedroom, 44% two-bedroom, and 21% three-bedroom be included in the Development Permit drawings.

Note to Applicant: This unit mix reflects the proposed increase in square footage per floor to increase the amount of family units within the proposal. Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the General Manager of Planning, Urban Design and Sustainability.

33. 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).
34. 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, Urban Design and Sustainability, the General Manager of Engineering Services and the Chief Housing Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

##### Engineering

1. Consolidation of Lots 5 and 6, Both Except Portions in Explanatory Plans 8341 and LMP19566; and Lot 7 Except Part in Explanatory Plan 83440 and LMP18090; and Lot 8 Firstly, Part in Explanatory Plan 7093, Secondly, Part in Explanatory Plan LMP18086; all of Block 16, District Lots 36 and 51, Plan 1650 to create a single parcel.
2. Provision of a "jug handle" Statutory Right of way over an eastern portion of the site to accommodate truck and vehicle turning from the existing north/south lane onto the new east/west lane. The SRW area is to be free and clear of all obstructions from grade to a minimum of 25' (7.62 meters) above grade but will allow for construction within the SRW area below grade. All City by-laws including the Street and Traffic By-law will apply to this SRW area.

Note to Applicant: Engineering Services will provide a sketch.

3. Provision of building setback and a surface SRW to achieve a 5.5 meter distance from the back of the City curb to the building face on Joyce 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. Landscaping, door swings, exhaust vents, bike racks, stairs and walls are not to encroach into the final SRW area. The SRW will allow construction within the SRW area below grade.

4. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 3 Shared Vehicle(s) and the provision and maintenance of 3 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (i) provide 3 Shared Vehicle(s) to the development for a minimum period of 3 years;
  - (ii) enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);
  - (iii) provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles;
  - (iv) make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
  - (v) provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
  - (vi) registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
  - (vii) provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m.

5. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of pedestrian lighting in the closed portion of the lane and street and/or pedestrian lighting in the new portion of lane.
  - (ii) Construction of a new paved lane within the existing right-of-way from the lane east of Joyce St. to Payne St. lane design to include drainage, street and pedestrian lighting, adjustments to the street end at Payne St. to provide for the new lane entry/exit and construction of a retaining wall and regrading of adjacent lands to the south as needed to accommodate the lanes construction.

- (iii) Construction of a new pedestrian walkway/plaza in the lane allowance between Joyce St. and the lane east of Joyce St. including provision of standard treatments proposed for the closed portion of laneway to include standard broom-finished concrete, simple landscaping, bollards, required lighting and street trees. A separate application to the General Manager of Engineering Services is required for the proposed treatments which will be reimbursed by City upon completion of the new walkway / plaza.
- (iv) Provision of a standard commercial lane crossing at the new lane entry at Payne St.
- (v) Provision of an upgrade of the full traffic signal at the intersection of Joyce and Wellington to a fully actuated signal. The traffic from the development will be directed to use this signal to access Joyce Street as the existing E-W lane will be removed. This upgrade is subject to a more detailed review to determine if there is any reduction in the extent of signal upgrading necessary for this project. Any reduction is fully at the discretion of the General Manager of Engineering Services and is to be determined prior to issuance of the related development permit.
- (vi) Provision of up to \$100,000 for neighbourhood traffic calming to address any traffic concerns as a result of the signal upgrade and lane relocation is required. This will be secured with a letter of credit. Any traffic calming measures are to be provided within 2 years of issuance of the first occupancy permit for the building.
- (vii) Provision of new concrete sidewalks on Joyce St. adjacent the site in keeping with area standards.
- (viii) Provision of a new bus shelter including foundation and electrical service should it be required is to be provided at the new bus stop location. A final location for the shelter will be provided prior to issuance of the related development permit.
- (ix) Provision of upgraded street lighting on Joyce St. adjacent the site.
- (x) Provision of speed humps within the north/south lane subject to neighbourhood notification.
- (xi) Provision of street trees adjacent the site where space permits.
- (xii) Provision of the following Transportation Demand Measures:
  - a. A \$100,000 transit incentive fund is to be provided for the building residents that will offer a 25% rebate on transit passes until such time as the fund is exhausted.

- b. A vehicle ownership study is to be provided 6 months after occupancy that will look at vehicle ownership in this building and in the surrounding area. A commitment letter is required to secure this requirement.
- (xiii) Provision of a new northbound bus stop located 27.0 m north of south PL. No physical obstructions are to be located within area 9.0 m south and 3.0 m east of new Bus Stop ID Sign.
  - (xiv) 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
  - (xv) Upgrading of approximately 260 m of existing 200 mm Joyce St. sanitary sewer to 300 mm between Vanness Avenue and Euclid Avenue [Manhole 402565 (legacy I.D. FJCQP1) at Vanness Avenue to Manhole 416504 (legacy I.D.FJCQQF) at Euclid Avenue] is required. The upgrade is at the full cost of the applicant and is currently estimated at \$750,000.00 in 2016 dollars. This upgrade is subject to a more detailed review to determine if there is any reduction in the extent of sewer upgrading necessary for this project. Any reduction is fully at the discretion of the General Manager of Engineering Services and is to be determined prior to issuance of the related development permit.
- 6. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.
  - 7. Closure to vehicles of the existing portion of lane adjacent to the south side of the site between Joyce Street and the lane east, including all adjustments and relocations to infrastructure to accommodate the closure such as removal of the existing lane entry, pavement and existing lane lighting. Replacement on Joyce St. with curbing, sidewalk, signage and drainage adjustments as needed including adjustment, relocation or removal of the existing fire hydrant at the Joyce St. lane

entry. The lane closure treatments must consider all existing underground and overhead utilities as well as new utilities to be supplied as a result of the development of the site all to ensure those utilities can be easily accessed and maintained by the respective utility companies. Confirmation of ease of access design will be required from all utility companies.

8. The design of the closed portion of lane is to accommodate a Public Bike Share station and electrical power is to be provided on site yet in close proximity to the PBS station. Relocation, adjustment or reconstruction of existing stairs and pathways between the closed lane and Skytrain is required.
9. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law except that a minimum of 155 off-street parking spaces shall be provided.

#### **Community Amenity Contribution (CAC)**

10. Pay to the City the cash component of the total Community Amenity Contribution of \$4,719,000 which the applicant has offered to the City to be allocated to community facilities servicing the Joyce-Collingwood area such as a renewed and expanded Collingwood Library, new childcare facilities or new affordable housing; with priority to a renewed and expanded Collingwood Library.

#### **Public Art**

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

Note to Applicant: Please contact the Public Art Program staff to discuss your application as soon as possible.

#### **Environmental Contamination**

12. If applicable:
  - (i) Submit a site profile to Environmental Services (Environmental Protection);
  - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have 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 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 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 the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (C-2C), generally as set out in Appendix C of the Policy Report dated November 1, 2016, entitled "CD-1 Rezoning: 5050-5080 Joyce Street", be approved.
- 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 Noise Control By-law, generally as set out in Appendix C of the Policy Report dated November 1, 2016, entitled "CD-1 Rezoning: 5050-5080 Joyce Street".
- 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 November 1, 2016, entitled "CD-1 Rezoning: 5050-5080 Joyce Street".
- E. THAT A through D above 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 expenditures 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 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.

In addition to the motion to refer the above application to public hearing, Council adopted the following recommendation at the Regular Council meeting on November 15, 2016.

- F. THAT Council reaffirm its support for additional amenities and services for the Joyce Collingwood Neighbourhood, including the Collingwood Neighbourhood House beyond the identified expanded new Collingwood library, new childcare facilities or new affordable housing;

FURTHER THAT, subject to further appropriate approvals, these additional amenities and services be funded through grants, operating budgets and other appropriate means in order to support improved services to the growing area population.

[RZ - 5050-5080 Joyce Street]