

SUMMARY AND RECOMMENDATION

1. REZONING: 2106-2138 Main Street

Summary: To rezone 2106-2138 Main Street from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of a stepped six-storey mixed-use building with 51 market residential units and ground-floor commercial spaces. A height of 22.5 m (73.75 ft.) and a floor space ratio (FSR) of 3.0 are proposed.

Applicant: Proscenium Architecture and Interiors Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of January 24, 2017.

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 Proscenium Architecture and Interiors Inc., on behalf of 2106 Main Nominee Ltd. to rezone 2106-2116 Main Street [*Lots A and B, Block 29, District Lot 200A, Plan 9375; PIDs: 009-712-712 and 004-392-604 respectively*], and on behalf of A.C.L. Air Cair Ltd., to rezone 2136-2138 Main Street [*The North 1/2 and The South 1/2 of Lot 4, Block 29, District Lot 200A, Plan 197; PIDs: 015-512-665 and 015-512-673 respectively*], from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit a floor space ratio of 3.0 and increase the maximum building height from 18.3 m (60 ft.) to 22.5 m (73.75 ft.) to permit a stepped six-storey mixed-use building with 51 residential units and commercial uses at grade, generally as presented in Appendix A of the Policy Report dated January 10, 2017 entitled "CD-1 Rezoning: 2106-2138 Main 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 Proscenium Architecture + Interiors Inc. and stamped "Received Planning and Development Services, April 22, 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 reduce the overall building height by a minimum 4.5 ft.

Note to Applicant: This may be achieved by removing 2.5 ft. from the commercial and mezzanine levels, and a further 2 ft. from the five residential levels. As a result of this condition, the top of parapet at Level 6 will be reduced to 73.75 ft. from 78.25 ft.

2. Design development to improve the interface to potential/future development on the adjacent site to the south, as follows:
 - (i) Provide maintenance access to the portion of the roof between the exit stair and the southeast corner unit.

Note to Applicant: This may require that the exit stair be relocated.

- (ii) Mirror the southeast corner unit on Levels 3 and 5, to provide improved private outdoor spaces, and a stronger corner expression.
3. Design development to strengthen the geometry of the north corner of the residential building, by mirroring the northeast corner unit on Levels 2 and 4.

Note to Applicant: Consider also mirroring the northwest corner units on Levels 2 and 4, to create a stronger corner expression on both "prows" of the residential building. This revision will also provide more functional unit layouts for the corner units.

4. Design development to improve the interface of commercial/retail Unit #1 with the public realm, as follows:
 - (i) Raise the floor elevation of Unit 1 to 82.15 ft., to better align the entry with City of Vancouver building grades.
 - (ii) Delete sunken area and retaining walls along the west property line, to create an "open" condition between the public sidewalk and the private patio/cafe area.
 - (iii) Consider providing a secondary entry on W 5th Avenue (steps may be required).

5. Design development to improve the architectural expression of the podium, as follows:
 - (i) Provide a more legible, identifiable entry to the residential lobby (north elevation). Consider adding more solid walls, to contrast with the highly glazed commercial/retail units.
 - (ii) Improve the legibility of the townhouses as "residential" units, distinct from the commercial units.
 - (iii) Provide increased privacy for the townhouses. Consider landscape screening and more solid, translucent and/or screened exterior wall surfaces.

- (iv) Provide greater articulation to large wall surfaces along the lane.
6. Design development to improve the private outdoor spaces, as follows:
- (i) Increase depth of at-grade patios for the townhouses to a minimum 6 ft.
 - (ii) Increase depth of southwest corner unit to minimum 6 ft. (Levels 4 and 6).
7. Design development of the architectural detailing and materials, as follows:
- (i) Provide a material key on all Elevation drawings. Specify colours and finishes for all exterior materials.
 - (ii) Confirm soffit and fascia material(s).
 - (iii) Provide information on windows (frame type, colour, trim (if provided)).
 - (iv) Provide the following large-scale detail drawings:
 - a. residential entry (including special features such as canopy, lighting, etc.);
 - b. vertical "fins" at podium level;
 - c. typical balcony, illustrating glass/wood railings, soffit and drainage;
 - d. typical canopy/weather protection;
 - e. prefinished metal fin (at parapet);
 - f. PMT screen/enclosure (if provided).

Note to Applicant: Architectural design details, rather than building envelope or construction details, are required for development permit review.

8. Identification on the architectural drawings of any built features intended to create a bird friendly design;

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

9. The proposed unit mix, including 20 one-bedroom units (39%), 27 two-bedroom units (53%), and 4 three-bedroom units (8%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of

Planning or Development Permit Board provided that it does not go lower than 25% of the dwelling units designed to be suitable for families with children.

Crime Prevention through Environmental Design (CPTED)

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

Landscape Design

11. Design development of the Public Realm treatment to meet the intent of the Mount Pleasant Public Realm Plan.

Note to Applicant: Further details will be requested at the development permit stage. For treatment along Main Street and East 5th Avenue refer to Pages 75, 65, and 111 respectively. Special consideration should be given to surface treatments, site furniture, landscaping, etc.

12. Design development to improve pedestrian circulation within the plaza at the northwest corner of the site.

Note to Applicant: There should be a seamless transition into Commercial Retail Unit 1 from the Public Realm (see Condition (b)4 (ii)). The tree in the proposed planter near the corner of the site should be planted at grade and not in a raised planter. The slab may need to be angled down to allow for sufficient soil volumes in this location. The proposed planters with edge seating adjacent the building are supported.

13. Design development to improve the relationship between the private outdoor open space of Residential Unit 1 and 2 with the streetscape.

Note to Applicant: To ensure privacy, provide a landscape screen planted at-grade between the municipal sidewalk and the private open space of Residential Unit 1 and 2 (see Condition (b)6).

14. Design development to ensure appropriate location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

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

Note to Applicant: Strategies include high efficiency (drip) irrigation, the use of drought-tolerant plants and mulching. Proposed plantings should be consistent with the City of Vancouver Water-wise Planting Guidelines. Refer to page 105 of the Mount Pleasant Public Realm Plan for other strategies that may be explored.

16. Provision of a common outdoor area that receives adequate sunlight to be used for Urban Agriculture activity.

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

17. Provision of having adequate soil volumes for all proposed planting.

Note to Applicant: Soil volumes for landscape planters should meet or exceed BCLNA/BCSLA Landscape Planting Standards (latest edition) with the goal to provide a minimum 4 ft. depth of growing medium for trees planted in ground, and 3 ft. depth for trees on structure. Where possible, alter (drop) slab to achieve soil depths to accommodate substantial trees and shrubs at the edges of the site, courtyards and common spaces. Trees planted on structures should be consolidated within a continuous trench, where possible, to improve planting condition.

18. Provision of a flexible Child Play Space incorporating forms for children to engage in active and passive social play within a common open space.

Note to Applicant: The use of solid natural elements arranged for children to climb, step-up and socialize around is recommended. Refer to the High-Density Housing for Families with Children Guidelines for further features that are recommended.

19. At the time of Development Permit application:

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

Note to Applicant: The plans should be at 1/8" = 1 ft. scale. 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 using characters and not graphic symbols. 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, and fire hydrants.

- (ii) Provision of large-scale section architectural and landscape drawings at ¼"=1'-0" / 1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard plaza areas.
- (iii) Provision of large-scale architectural and landscape details 1/2"=1'0" or 1:25 or better to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other landscape features applicable to proposal. Planter section details to confirm depth of proposed planting on structures.
- (iv) Provision of an external lighting plan (public and private property) for Main Street, East 5th Avenue and the adjacent lane, , to ensure that adequate lighting is provided that: meets the intent of the Mount Pleasant Community Plan; increases CPTED performance; minimizes glare for residents and birds.

Sustainability

- 20. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezonings including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

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

Engineering

- 21. Clarification is required if any portions of the building are encroaching over the property lines. Pages A205 to A210 indicate small portions of the building beyond gridlines 1 & 9. All building encroachments are to be deleted.
- 22. Provision of additional design elevations at all entries, both sides of the parking ramp at the property line and both sides of all break points on the ramp, clearly indicating that City building grades are met.
- 23. A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. Canopies are defined as a rigid roof like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (VBBL section 1A.9.8).

24. Update the landscape and site plans to reflect the off-site improvements sought by this rezoning application including the following statements 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. Please contact Kevin Cavell at 604.873.7773 for details.
25. Provision of 3 additional commercial parking spaces to meet Parking By-law requirements.
- Note to Applicant: The 3 commercial spaces located in front of the knock out panel do not count towards meeting the requirement for the commercial parking.
26. Arrangements to the satisfaction of the General Manager of Engineering Services for the relocation of the utility pole in the rear lane obstructing access into the loading bays (elevation 27.63m on drawing A203). Written confirmation from BC Hydro that the pole can be relocated is required.
27. Confirmation that the Class B bicycle racks located on 5th Avenue when in use will not encroach into the 2' 2" setback area.
28. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.
- Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:
- (i) Provision of an updated parkade ramp plan.
- Note to Applicant: The plan should show the full extent of the main parkade ramp on one drawing with design elevations, slopes and lengths of slopes dimensioned on both sides and along the centre of the ramp at all break points.
- (ii) Chamfer the external loading corridor wall located in the curved section of the main parkade entrance to improve flow into the main parkade.
 - (iii) Improve two-way traffic flow in Parking Level 2 and 3 at gridlines E5/F5.
- Note to Applicant: Explore shortening the ramp wall at gridline 4 to allow the ramp to flare towards the stairwell wall.

- (iv) Provision of design elevations at both sides of the loading bay, at all entrances, both sides of the drive aisle at all break points and throughout the parking levels.

Note to Applicant: This is to calculate slope and crossfall.

- (v) Hatch all access aisles in the parking levels including the access aisle between the bicycle storage rooms to the 4' bike ramp.
- (vi) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: the columns located between stalls R45 and R50 on P3 parking level should be set back in line with the parking stalls.

- (vii) Provision of additional section drawings that show the minimum vertical clearance for the main ramp, all security gates and all loading bays. Provision of design elevations at these locations is required.
- (viii) Confirm that the elevations provided at the lane at the Class B loading, the load corridor and the CRUs on drawing A203 are consistent with what is shown on section drawing A316.

- (ix) Provision of additional elevations at all entrances off the loading corridor and label the slopes of all ramps in the corridor on drawing A203.
- (x) Provision of an improved Section drawing A316 showing the design elevations for the loading bay.

Note to Applicant: The slope of the loading bay must not exceed 5%.

- (xi) Provision of double loading bay throats for the Class B loading spaces.
- (xii) Provision of an improved loading corridor with stair free loading operation and minimum 4 ft. wide loading corridor access doors from the Class B loading spaces to all CRUs and to the residential lobby.
- (xiii) Provision of an overhead security gate with a minimum 3.8 m vertical clearance for the Class B loading bays and the garbage and recycling.

Note to Applicant: The width of the overhead security gate is to be continuous and accommodate the load throats.

- (xiv) Provide automatic door openers on the doors providing access to the bicycle room(s).

- (xv) Provision of the 3 Commercial Class A bicycle lockers to be co-located.
 - (xvi) Confirm provision of an overhead security gate at the main parkade ramp and ensure that the 20 ft. gate width will not be reduced by provision of man doors at the gate.
29. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Parking By-Law.

Note to Applicant: Three Class A bicycle spaces need to be provided for the Commercial uses, and 17 Class A bicycle spaces need to be provided for the Residential uses.

Neighbourhood Energy Utility

30. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
31. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the Neighbourhood Energy Connectivity Standards - Design Guidelines for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

32. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
33. Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines.
34. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, the Managing Director of Cultural Services, the General Manager of Community Services (or successor in function), and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots A and B, Plan 9375; and The North and South ½ of Lot 4, Plan 197; all of Block 29, DL 200A into a single parcel.
2. Provision of building setback and a surface statutory right of way for pedestrian purposes to achieve a 4.5 m distance from the back of the City curb to the building face on 5th Avenue. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension. The SRW will allow for below grade structure and structure above grade as determined by the General Manager of Engineering Services in consultation with the Director of Planning.
3. Provision of a statutory right of way to allow for use of the space at the corner of East 5th Avenue and Main Street by the public.
4. Release of Easement & Indemnity Agreement 229553M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

5. Provision of a shared use loading agreement between residential and retail uses for one of the required loading bays.
6. Provision of a shared access agreement for vehicular traffic onto adjacent Lot 5, Block 29, DL 200A, Plan 197 (2148 Main Street). Note: Provision of a knockout panel at the appropriate location along the vehicular entry ramp is required.
7. 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 Mount Pleasant public realm treatments adjacent the site.

- (ii) Provision of standard concrete lane crossing on the south side of 5th Avenue at the lane east of Main Street including reconstruction of the curb returns on both sides of the lane entry to meet current standards.
 - (iii) Provision of street trees adjacent the site where space permits.
 - (iv) Provision of count down timers at the intersection of Main Street and East 5th Avenue.
 - (v) Provision for road reconstruction on East 5th Avenue adjacent to the site to include new sidewalk, boulevard, protected bike lanes and street and pedestrian LED lighting. A lighting study is required to determine the extent of upgrading necessary. The City will provide a geometric for the design and confirm all dimensions.
 - (vi) Provision of new curb ramps at the intersection of Main Street and East 5th Avenue adjacent the site; include reconstruction of the curb return to meet current standards should it be required.
 - (vii) Provision of upgraded street and new pedestrian LED lighting adjacent to the site on Main Street. A lighting study is required to determine the extent of upgrading necessary.
 - (viii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, 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.
8. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Neighbourhood Energy Utility

9. 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), which may include but are not limited to agreements which:
- (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;

Notes to Applicant:

- a. The development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available or appropriate, a deferred services agreement or similar agreement will be required.
 - b. If the development is required by the General Manager of Engineering Services to connect to an NES, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.
- (ii) grant the operator of the City-designated NES access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the Applicant.

Environmental Contamination

10. 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.

- (iv) A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media of suspect quality which may be encountered during subsurface work.

Community Amenity Contribution (CAC)

11. Pay to the City the Community Amenity Contribution of \$2,800,000 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$2,800,000 is to be allocated as follows:

- (i) \$1,400,000 towards childcare and community facilities in and around Mount Pleasant;
- (ii) \$1,120,000 to the Affordable Housing Reserve to increase the City's affordable housing supply in and around Mount Pleasant; and
- (iii) \$280,000 towards the Heritage Conservation Reserve to increase heritage conservation in the City of Vancouver.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as 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 sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

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

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign-By-law [assigning Schedule B (C-3A)], generally as set out in Appendix C of the Policy Report dated January 10, 2017 entitled "CD-1 Rezoning: 2106-2138 Main Street", be approved.
- C. THAT, subject to the 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 January 10, 2017 entitled "CD-1 Rezoning: 2106-2138 Main Street".

- D. THAT A through C be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the 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 - 2106-2138 Main Street]