

## SUMMARY AND RECOMMENDATION

**1. REZONING: 105 Keefer Street and 544 Columbia Street**

**Summary:** To rezone 105 Keefer Street and 544 Columbia Street from HA-1A (Chinatown Historic Area) District to a CD-1 (Comprehensive Development) District to permit development of a 12-storey mixed-use building with commercial uses at the ground floor, 25 social housing units (targeted to seniors) on the second floor and 106 strata residential units on levels 3 to 12. A height of 36.0 m (118 ft.) and a floor space ratio (FSR) of 7.04 are proposed.

**Applicant:** Merrick Architecture

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of May 2, 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 Merrick Architecture, on behalf of Beedie (Keefer Street) Holdings Ltd., to rezone 105 Keefer Street [*PID: 010-650-377, Lot 1, Block A, District Lots 196 and 2037, Plan 7362*] and 544 Columbia Street [*PID: 010-650-407, Lot 2, Block A, District Lots 196 and 2037, Plan 7362*] from HA-1A (Chinatown Historic Area) District to a CD-1 (Comprehensive Development) District, to increase the height from 27.4 m (90 ft.) to 36.0 m (118 ft.) to permit development of a 12-storey mixed-use building with commercial uses at the ground floor, 25 social housing units (targeted to seniors) on the second floor and 106 strata residential units on levels 3 to 12, generally as presented in Appendix A of the Policy Report dated April 18, 2017 entitled "CD-1 Rezoning: 105 Keefer Street and 544 Columbia Street", be approved subject to the following conditions:

**CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Merrick Architecture, and stamped "Received Planning and Development Services December 12, 2016", provided that General Manager of Planning, Urban Design and Sustainability 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 achieve a stronger compatibility with the existing neighbouring public spaces and institutions by increasing the

setbacks for the western portion of the building mass on levels 8 and 9 to:

- (i) a minimum 4.9 m (16 ft.) from the south property line for level 8;
  - (ii) a minimum 7.3 m (24 ft.) from the south property line for level 9; and
  - (iii) a minimum 6.1 m (20 ft.) from the west property line for levels 8 and 9.
2. Design development to increase the ceiling height of the ground-floor Commercial Retail Units to a minimum of 4.9 m (16 ft.) clear. An increase to the overall building height may be increased by 0.6 m (2 ft.) from 35.1 m (115 ft.) to 35.7 m (117 ft.) to satisfy this condition.
  3. Design development to increase the ceiling height of the seniors housing component located on the second floor, to a minimum of 2.7 m (9 ft.) clear. An increase to the overall building height may be further increased by up to 0.3 m (1 ft.) up to a maximum building height of 36.0 m (118 ft.) to satisfy this condition.
  4. Design development to further accentuate the sawtooth profile of the Keefer Street masonry component by increasing the setback of the living space of Suite 2 on Level 9 to 3.7 m (12 ft.).
  5. Design development to visually strengthen the street-facing masonry building components through the use of parapets or cornice features for a more formal finish to their top edges.
  6. Provision of retractable awnings as the primary weather protection over the proposed storefronts facing Keefer and Columbia streets, with a minimum depth of 2.4 m (8 ft.) when in full extension.

Note to Applicant: Provide a notated, large-scaled detail drawing of the proposed awning system.

7. Design development to include a comprehensive lighting plan for the lane elevation at the ground level to facilitate activation of the lanes for pedestrians.
8. Design development to demonstrate that the building complies 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.

#### Crime Prevention Through Environmental Design (CPTED)

9. Design development to respond to CPTED principles, having particular regards for:
  - (i) theft in the underground parking;
  - (ii) residential break and enter;
  - (iii) mail theft; and

- (iv) mischief in alcoves and vandalism, such as graffiti.

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

### Sustainability

- 10. 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: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The design strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

### Landscape

- 11. Design development to integrate elements of the Chinatown Memorial Plaza, such as paving pattern, into the ground level common outdoor space;

Note to Applicant: This is intended to acknowledge and preserve the Plaza as a significant community element.

- 12. Design development to expand programming to include urban agriculture plots in common outside areas;

Note to Applicant: This should follow the City's *Urban Agriculture Guidelines for the Private Realm* and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

- 13. Design development to expand programming to include children's play areas, including benches for parent supervision;

Note to Applicant: This should be located in proximity of an indoor amenity room, where visual access for adult supervision of children can take place.

14. Provision of an Arborist Report by an ISA certified arborist, to assess existing trees for retention potential and recommend methods of protection;
15. 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 and universal accessibility and be outfitted with amenities such as raised beds, water for irrigation, potting bench, tool storage and composting.

Provision requirements at the time of Development Permit application:

16. 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.
17. Section details at a minimum scale of 1/4"=1' scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours, 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.
18. Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the streets, 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.

19. 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.
20. 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.
21. 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;

22. 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.

### Engineering

23. Clarification of the provision of canopies and or awnings that encroach onto public property and submission of appropriate application(s). Note it appears that there is a conflict with existing street lighting at approximately 54 ft. west of the east property line.
24. A canopy application may be 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).
25. An awning application may be required. Awnings must be fully demountable. Awnings are defined as a light detachable structure of fabric, sheet metal or other flexible material supported entirely from the building. (VBBL section 1A.9.7).
26. Provision of automatic door openers for the bike room.
27. Clarify/provide separated garbage storage and pick-up space for commercial and residential uses. 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.

Note to Applicant: 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.

28. Confirmation that the existing wood pole in conflict with the parking access can be relocated to avoid access conflicts. Please provide written confirmation from effected utility companies that the pole and related services can be relocated. Please show new pole location on the development permit plans.
29. Provision of an updated Landscape Plan that reflects the off-site improvements sought for this application. Please submit a copy of the updated Landscape Plan directly to Engineering for review.
30. 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 improved plans for the parking and loading at 1/8 scale.
- (ii) Provision of the required loading and a shared use loading agreement amongst all of the building uses.
- (iii) Relocate all Class A bicycle spaces as they must be located on the P1 parking level or at grade or improvement of the access/egress from the current location by way of stairs free access directly to the street.
- (iv) Provision of 'stairs free' loading access from the loading bays to the CRUs and elevator core and note on plans.
- (v) Provision of an improved site plan and landscape drawings showing the location of the PBS station.

Note to Applicant: Please work with the Engineering PBS branch to finalize a location within the plaza area.

- (vi) Dimension all parking and loading spaces, maneuvering aisle widths and all types of column encroachments.
- (vii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking area.

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

- (viii) Provision of parking and loading access, clear of column encroachments.

Note to Applicant: Columns are shown encroaching onto the parking ramp and into the Class B loading spaces shown.

- (ix) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay.

Note to applicant: 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (x) Provision of column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement. A column 2 ft. in length must be set back 2 ft. from either the opening to or the end of the parking space. A column 3 ft. long may be set back 1 ft. Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4 ft. from the end of the stall. Provide a minimum 0.3 m (1 ft.) setback from the drive aisle for all columns.

Note to Applicant: No columns are shown within the parking levels.

- (xi) Modify the loading bay design to provide the following:
  - a. Provide a loading throat (4 m in width / 68 degrees) as a 23.5 ft. (7.1 m) aisle width is being provided for maneuvering. With a 28 ft. (8.5 m) maneuvering aisle, no loading throat is required.
  - b. Provide a double throat for the Class B loading spaces to provide access from Columbia Street as the east end of the lane is a T-lane.
- (xii) Show a 20ft. wide O/H gate on drawing A2.03 between the commercial and residential parking.

Note to Applicant: If a man door is required, maintain the 20 ft. width for the O/H gate.

- (xiii) Provision of an improved plan showing the Class B bicycle spaces on private property.

Note to Applicant: Locate the bike rack in close proximity to the lobby and commercial entrances with "stairs free" access. Ensure that bicycles locked to the rack do not encroach over the property line.

### Neighbourhood Energy Utility

- 31. The proposed plan for site heating and cooling, developed in consultation 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.
- 32. 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.

33. 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.
34. 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*, at development permit.
35. 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 and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, the Approving Officer and other City staff identified below, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

##### Engineering

1. Consolidation of Lots 1 and 2, Block A, DL 196 and 2037, Plan 7362 to create a single parcel.
2. Confirmation from the City of Vancouver Sewers Design Engineer that right of way 62003M does not contain an active sewer or is necessary for other purposes and may be abandoned, if so release of Statutory Right of Way 62003M (for sewer and drainage purposes) prior to building occupancy is required.

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. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the release.

3. Provision of building setback and a surface SRW to achieve a distance of up to 4.3 m (14 ft.) from the back of the City curb to the building face on the 14.8 m (48.6 ft.) southerly portion of the building frontage along Columbia 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, stairs and walls are not to encroach into the final SRW area.

4. 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 costs for abandonment of the City sewer in right of way 62003M.

(ii) Provision of geometric changes adjacent the site to allow for removal of the service road and modify the plaza to the satisfaction of the General Manager of Engineering Services. Changes will include but are not limited to the following:

a. Removal of the service road and related curb, sidewalk and pavement and reconstruction of the sidewalks and curb to meet adjacent sidewalk and pavement treatments and/or Chinatown sidewalk patterns.

Note to Applicant: Confirmation that the service road is not required for firefighting access is required.

b. Removal of the existing concrete bollards on both sides of the service road.

c. Relocate the 3 double lantern pedestrian lights and poles to improve the pedestrian space and/or provide for improved lighting in the plaza area.

d. If the redesign of the plaza, through a community led process, determines that it is appropriate to include the provision of space for installation of a public bike share station, the following shall be the PBS requirements:

- Size: At a minimum a 16 m x 4 m sized station should be accommodated.
- Location: The station shall be located to the satisfaction of the General Manager of Engineering Services.
- 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.
- 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.

- Sun exposure: No vertical obstructions to maximize sun exposure as the station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
  - Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.
- (iii) Provision of new sidewalks consistent with the Chinatown sidewalk patterns adjacent the site.
- (iv) Provision of a standard concrete lane crossing, new curb returns and curb ramps on the east side of Columbia Street at the lane south of Pender Street.
- (v) Provision of LED intersection lighting at the Columbia Street/ Keefer Street intersection.
- (vi) Provision of street trees adjacent to the site where space permits.
- (vii) 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.
- (viii) Upgrading of approximately 80 m of the existing 200 mm sanitary sewer on L/N Keefer Street to a 375 mm sewer to accommodate the flows from the site at 100% the developer's expense. This upgrade is currently estimated at \$250,000.00. Should the applicant wish to connect their storm and sanitary connections to the separated sewers on Columbia Street, no sewer upgrades will be required. Confirmation from the applicant's mechanical engineer that they can achieve a connection to the Columbia Street sewer is required.

Note to Applicant: No upgrades are required for the storm sewers that will serve the site.

5. 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

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a Neighbourhood Energy System, if and when the opportunity is available and in accordance with the City's policy for Neighbourhood Energy Connectivity Standards where relevant, which may include but are not limited to agreements which:
  - (i) require buildings on site to connect to a Neighbourhood Energy System, at such time that a system becomes available;
  - (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation; and
  - (iii) grant access to and use of suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

#### Note to Applicant:

- a. Until a City-designated Neighbourhood Energy System utility provider has been identified, the Owner will be prohibited from entering into any energy supply contract for thermal energy services, unless otherwise approved by the General Manager of Engineering Services.
- b. 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 at that time, the agreement will provide for future connection.
- c. 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 the final room dimensions and technical information.

## Housing Policy and Projects

7. BC Housing to make arrangements satisfactory to the Director of Legal Services to purchase the 25 non-market units.
8. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement to secure the 25 non-market units for the greater of 60 years or the life of the building subject to the following additional conditions in respect of those units:
  - (i) that the separate sale or transfer of legal or beneficial ownership of any such units are prohibited;
  - (ii) that at least 30% (8) of those units are occupied by households with incomes below housing income limits, as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication;
  - (iii) that the social housing units will be legally and beneficially owned by a non-profit corporation, or by or on behalf of the city, the Province of British Columbia, or Canada;
  - (iv) that all social housing units will be used only to provide rental housing for terms of not less than one month at a time; and
  - (v) such other terms and conditions as the Director of Legal Services and the General Manager of Community Services may in their sole discretion require.

Note to Applicant: this condition will be secured by a 219 Covenant and a Housing Agreement to be entered into by the City by by-law enacted pursuant to Section 565.2 of the Vancouver Charter.

## Social Policy and Projects

9. Make arrangements to the satisfaction of the Director of Social Policy and Projects and the Director of Legal Services to secure the commercial retail unit facing Columbia Street on the ground floor with a minimum area of 115.1 sq. m (1,239 sq. ft.) as a seniors cultural and recreational space through a Community Use Agreement. Such unit to be made available by lease of not less than 10 years, with a possibility to renew, at a discounted rent, to a non-profit organization acceptable to the City.

## Public Art

10. Execute an agreement satisfactory to the Director of Legal Services and the Managing Director of Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid

officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided). Please note a Civic Program Contribution of 10 per cent of the proposed public art budget is to be attributed towards the Public Art Program prior to Development Permit (DP) issuance. Please contact the Public Art Program regarding public art options.

Note to Applicant: Please call 311 to be directed to the Public Art Program Manager to discuss your application.

## Environmental Contamination

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject 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 "C" to the Sign By-law [assigned Schedule "C" (HA-1A)], generally as set out in Appendix C of the Policy Report dated April 18, 2017 entitled "CD-1 Rezoning: 105 Keefer Street and 544 Columbia Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated April 18, 2017 entitled "CD-1 Rezoning: 105 Keefer Street and 544 Columbia Street".
- D. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 18, 2017 entitled "CD-1 Rezoning: 105 Keefer Street and 544 Columbia Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, prior to enactment of the CD-1 By-law, subject to the terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Community Services.
- E. THAT A through D 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 - 105 Keefer Street and 544 Columbia Street]