

SUMMARY AND RECOMMENDATION

3. REZONING: 969 Burrard Street and 1019-1045 Nelson Street

Summary: To amend CD-1 (445) (Comprehensive Development) District for 969 Burrard Street and 1019-1045 Nelson Street to permit the development of a 57-storey residential tower containing 331 market strata units, of expanded church program space and of a seven-storey residential building containing 61 social housing units, as well as seismic upgrade, conservation and restoration of the First Baptist Church building. A height of 169.5 metres (556 feet) and a floor space ratio (FSR) of 11.27 are proposed.

Applicant: Bing Thom Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 27, 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 Bing Thom Architects Inc., on behalf of The First Baptist Church of Vancouver and Westbank Project Corp., to amend CD-1 (445) District By-law No. 9204 for 969 Burrard Street [*The West ½ of Lot 16, the East ½ of Lot 16 and Lots 17 and 18, all of Block 7, District Lot 185, Plan 92; PIDs 015-749-967, 015-749-975, 025-114-042 and 025-114-051 respectively*] and 1019-1045 Nelson Street [*the West ½ of Lot 15, the East ½ of Lot 15, Lot 14 Except the East 30 Feet, the East 30 Feet of Lot 14 and Lot 13, all of Block 7, District Lot 185, Plan 92; PIDs 015-749-941, 015-749-959, 015-749-932, 012-338-311 and 015-749-924 respectively*], to increase the permitted floor space ratio (FSR) from 2.87 FSR to 11.27 FSR and the building height from 75.6 m (248 ft.) to 169.5 m (556 ft.) to permit the development of a 57-storey residential tower containing 331 market strata units, seismic upgrade, conservation and restoration (including interiors) of the First Baptist Church building, expanded church program space and a seven-storey residential building containing 61 social housing units, generally as presented in Appendix A of the Policy Report dated June 13, 2017 entitled "CD-1 Rezoning: 969 Burrard Street and 1019-1045 Nelson 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 Bing Thom Architects Inc., and stamped "Received City Planning Department, March 18, 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 provide a 6.6 m (21.5 ft.) setback from the west property line including a public passage and landscaping.

Note to Applicant: Intent is to provide more space for residential units located along this interior property line, to provide a pedestrian passage for all users, and to help break up the scale of development facing toward Nelson Street and the lane, while still providing interior connections requested to serve the building program. The west elevation should be developed to a similar standard as the street facing sides in terms of architectural interest.

2. Design development to improve the visual transparency and reduce the apparent scale of the podium element, seen by pedestrians on Nelson Street and along the lane.

Note to Applicant: Intent is to reduce the visual mass of the podium, and to reflect the general intent of the *West End Community Plan* to improve the appeal of lanes as secondary walking routes. This can be accomplished by providing substantial openings at the lower levels that permit filtered views and the passage of natural light through the podium, in combination with a more varied approach to the massing and wall treatments of the lane side façade. Public passage is not required through the podium element.

3. Design development to provide a more varied massing and landscaped character for the wall of the new podium facing the lane, including a range of building setbacks with planting on grade, and with other green and landscaped elements.

4. Design development to the residential mid-rise to reduce its height to no more than 18.3 m (60 ft.), as measured below.

Note to Applicant: Intent is to provide more openness between buildings to improve access to natural light and other benefits. The required dimension may be taken from the southwest corner to the roof surface to allow development of the rooftop as an intensive green roof for common access by all residents of the mid-rise. The provision of 22.3 m (73.1 ft.) height limit in the CD-1 By-law is measured to the base surface, as is standard in the Zoning and Development By-law.

5. Design development as required to mitigate wind effects in the open tower corridors, on the podium rooftops, and at the pedestrian areas at grade, as recommended by registered professionals with relevant expertise.
6. Provide more substantial replacement trees to offset the removal of the conifers along Nelson Street.

Note to Applicant: See also Landscape conditions.

7. Design development to maintain the family housing percentage in the tower substantially at 59% while allowing some flexibility to change at the Development Permit stage. Family units design in the tower and rental building shall meet the *High-Density Housing for Families with Children Guidelines*.

8. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: Intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance, by retaining the use and extent of the specific finishes shown such as pre-cast and architecturally finished concrete panels. Material choices including visible areas such as wall returns and soffits should be noted on the elevation drawings.

9. Design development to mitigate privacy and overlook toward nearby residential units.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features proposed to balance the amenity of future and existing residents.

10. Design development to tree planters in the market residential building to provide optimized growing conditions.

Note to Applicant: This can be accomplished by providing an overhead clearance of approximately 24 ft. and by relocating some planted area from the north side to create larger soil volumes for the south-facing planters located at every third floor from Level 4 and up.

11. Provide a preliminary design package indicating the commercial signage approach for any facilities on the site.

Note to Applicant: Intent is to show the intended quality of materials and integration with the architectural approach in general. A separate permit application will be required under the Sign By-law.

12. Note on the drawings of the lighting and acoustic mitigation features or specifications that will be installed to mitigate the effect of equipment and lights to new and existing residences.

Note to Applicant: Features should include full cut-off lights or shrouds to confine building light to the property, quieting measures on gates, and acoustic shrouds on equipment.

13. Consider supplying a bird friendly strategy for the design of the building and landscape with the development permit application.

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>.

14. Retain the unique architectural design and resulting low-efficiency floor layout for the proposed building.

Note to Applicant: These were key factors in the pro forma analysis and resolution of the community benefits offering. As such, the City has acknowledged several premium cost components in the pro forma, including the significantly reduced floor layout efficiency rate at 69%.

Furthermore, the reduced floor layout efficiency rate at 69% reduces the potential sellable area which has a relationship to the amount of Community Amenity Contribution that may be negotiated based on development economics of the site. Therefore, if the applicant chooses to make alterations to the building design, including exterior finishes (as proposed in the application), which result in the removal of such premium cost items or an increase in the sellable area, Council approval must be sought through an application to change the form of development under Schedule 1, Section 16 of the Zoning and Development Fee By-law. Any implications this would have for the Community Amenity Contribution would be reported to Council at that time.

Landscape

15. Design development to the grade oriented open space plan to increase pedestrian amenity through the provision of replacement tree canopy, permanent site furniture, wayfinding measures, creative hardscaping, artistic elements and/or public art (where applicable);

Note to Applicant: Further work may be requested at the development permit stage.

16. Design development to the sustainable site strategy and landscape plan for the private property to include the following:
 - (i) an increase in the overall amount of pedestrian amenity space and tree canopy planting at the plaza level (Note: this will require a reduction or deletion of space dedicated to water features and stairs);
 - (ii) a robust tree canopy replacement scheme at the plaza level and a row of trees at the northern edge (Note: new trees to be medium to large shade species with a medium to large leaf size);
 - (iii) modifications to the slab to ensure that all trees are planted level with the plaza surface and with a minimum growing medium below slab containing soil volume targets of 16 cubic metres. For each tree, growing medium should be no less than 1 m deep and no less than 2 m radially, measured from the trunk. Soil cells, structural soils and contiguous planting troughs should be explored;

- (iv) provision of trees in the common outdoor hallways of the strata use building at a regularly spaced interval of about 1 tree per 3 floors and located in large planters with maximized soil volumes (as permitted in the CD-1 bylaw for the site) of no less than 6.25 square metres;
- (v) meet the requirement for 25% green roof area for the rental building as a combination of adequately sized urban agriculture planters and other intensive green roof features;
- (vi) improvement of the lane experience through additional greening and pedestrian safety measures (Note: except at point of access/egress, consider an evergreen hedge, such as Yew species, and climbing plants established on a support structure to cover blank walls. Where space is limited, portions of the building may need to be further setback to satisfy the requirement).

17. Design development of the rainwater management strategy and related grey water/mechanical systems to be scaled and integrated with full infiltration from hard and soft surfaces within the site, to the greatest extent practicable;

Note to Applicant: refer to Rezoning Policy for Sustainable Large Developments for applicable requirements. The applicant is also encouraged to reference the Integrated Rainwater Management Plan (IRMP), Volume II, Best Management Practices, supported by Council in April 2016. At the development permit stage, further design development may be requested.

18. Site utilities and vents to be located on private property and integrated discreetly into the building, avoiding landscaped and common areas;
19. Design development to reduce potable water consumption in the irrigation systems by using drought tolerant species, rainwater harvesting methods and efficient irrigation technology for all planted areas;

Note to Applicant: Potable water may be needed for urban agriculture areas and patios. Individual hose bibs to be provided for all patios of 100 sq. ft. or greater in size, to encourage patio gardening.

20. At time of development permit application, the following:

- (i) Provide a detailed Landscape Plan illustrating soft and hard landscape treatment;

Note to Applicant: the Landscape Plan should include a planting plan listing 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. Illustrate and clarify all outdoor surface/paving materials,

site furniture, bicycle racks, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment);

- (ii) Provide large scale sections [typical] through landscaped areas, including the ground oriented interface, the slab-patio-planter relationship, street trees, the lane interface, common areas and upper storey planters;

Note to Applicant: the sections should include the planter materials, tree canopy, tree stem, outline of the root ball, voiding, built up membrane and dimensions.

- (iii) Provide spot elevations to all outdoor areas (including top/bottom walls), including offsite context spot elevations in proximity (public sidewalks, inner boulevards and lanes);

- (iv) Provide adequate soil volumes and depths for planting on slabs and in planters;

Note to Applicant: refer to the rezoning conditions. To ensure the long term viability of planting in non-continuous growing medium, soil depths must meet or exceed BCLNA planting standards. At the edges, new slabs should angle down to provide deeper soils. Within the site at the plaza level, the slab must be lowered below to avoid the necessity for above grade planter walls that would impede pedestrian flow.

- (v) Provide universal design principles in the outdoor spaces;

Note to Applicant: special consideration should be given to the ground plane, including paving materials, grade changes, benches near entrances on site and at reasonable intervals for public use along shared circulation routes.

- (vi) Provide a "Tree Removal and Protection Plan" in coordination with arboricultural services, including the assessment of existing trees and retention feasibility;

Note to Applicant: given the size and complexity of the site, provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and/or retained, where applicable, including any tree protection barriers and important construction management directives drawn out of the arborist report(s). Tree replacements are likely best located on the proposed phased landscape plans.

- (vii) Provide a partial irrigation plan to demonstrate efficient irrigation system for all common outdoor planters (existing and new) and individual hose bibs to be provided for all patios of 9.3 sq. m (100 sq. ft.) or greater in size.

Note to Applicant: Specification notes and irrigation symbols to should be added to the drawing;

(viii) Provide all necessary infrastructure to support urban agriculture, including hose bibs, tool storage, work tables and seating;

21. Incorporate the principles of the City of Vancouver, Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat and to reduce potential threats to birds in the City;

Note to Applicant: This can be demonstrated on the landscape plan, plant list and a written rationale. Refer to:
<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>
<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

Access to Nature

22. Include a dedicated and irrigated dog relief area, consisting of a pea gravel area and hose in order to accommodate the needs of building dog owners and their dogs. Approval of the dog relief area design and location are contingent upon approval from the General Manager of the Park Board.

Note to Applicant: This measure is to mitigate negative impacts of dogs on public parks and public sidewalks.

Sustainability

23. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning*, 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 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.

Note to Applicant: For conditions related to meeting the Low Carbon requirements of the *Rezoning Policy for Sustainable Large Developments*, refer to the Neighbourhood Energy Utility conditions below. For conditions related to meeting other requirements of the

Rezoning Policy for Sustainable Large Developments, refer to Engineering, Landscape and Social Policy conditions.

24. The applicant commits the proposed residential tower to demonstrate leadership in sustainable design as required by the *General Policy for Higher Buildings*, through the following measures:
- (i) Energy/GHG Savings: the proposed tower shall achieve the greenhouse gas reductions equivalent to a 45% reduction in energy use from ASHRAE-90.1 using Appendix G (68% GHG reduction compared to BAU), through measures such as energy efficient design and/or connection to a low-carbon energy system. For more on the definition and requirements of a low carbon energy system, refer to the NEU conditions below.
 - (ii) High-Performance Envelope: provide a high-performance thermal envelope that meets or exceeds the performance level described in the rezoning application, which included:
 - a. an effective R(IP)-value of 6 or better for the opaque enclosure when accounting for thermal bridging;
 - b. high-performance double pane windows with thermal breaks at exterior wall conditions; and
 - c. a moderate glazing ratio.
 - (iii) Air-tightness Testing: testing the airtightness of at least 10% of suites under the LEED v2009 ETS protocol.
 - (iv) Heat Recovery Ventilation: make use of ventilation heat recovery for ventilation air provided to all suites, and with direct ventilation provided to each space as interpreted by LEED.
 - (v) Thermal Sub-Metering & Billing: provide suite-level thermal sub-metering, such that the building's total thermal energy use costs can be allocated to the suites based on their monitored usage in the strata bylaws.
 - (vi) Smart Thermostats: provide smart thermostats in all suites, such as the Nest or similar.
 - (vii) Master Cut-Out Switch: provide a single master cut-out switch for each suite, capable of turning off the majority of the lighting loads within the suite.
 - (viii) Post-Occupancy Energy Model Update: the applicant commits to update the energy model for the building post-occupancy, using the actual building energy use, and use this to provide support for ongoing energy performance of the building.

Crime Prevention Through Environmental Design (CPTED)

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

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. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

Heritage

26. Design development to keep the existing entrance facing Nelson Street.

Note to Applicant: Application proposed to re-orient existing entry steps from facing Nelson Street to face Burrard Street. It is recommended that this approach be reviewed as to retain the steps' historic orientation to Nelson Street.

27. Provide fully updated, final version of the Conservation Plan prior to submitting Development Permit application. Include conservation strategies for implementation of proposed seismic upgrades.
28. Provide fully developed seismic upgrade plans prior to applying for the Development Permit.
29. Provide an Interpretive Plan to preserve the memory of the site and structures that stood on this location prior to redevelopment.

Note to Applicant: As four other existing structures (some with heritage merit) are planned to be removed from the site, it is requested that an Interpretive Plan be developed to preserve the memory of the site and structures that stood on this location prior to redevelopment and to provide information about the conservation work on the heritage church. The Interpretive Plan content (panels, plaques, audio/video material) is to be appropriately incorporated within the architectural or landscaped areas where they should be made accessible to the public, preferably accessed from Nelson Street. The provision of the Interpretive Plan is required at submission of a Development Permit application.

Engineering

30. Delete all bollards and other non-standard treatments shown on public property.

31. Delete proposed landscaping in the lane. Match or retain existing lane treatments.
32. Show standard broom-finished saw-cut sidewalks and tree surrounds adjacent the site in keeping with the area treatments of broom-finished saw-cut sidewalks on Nelson Street and with the ceremonial treatments on Burrard Street (Georgia Street Public Realm design on Burrard Street).

Note to Applicant: A separate application to the General Manager of Engineering Services is required and the landscape treatments on public property are to be finalized prior-to development permit issuance.

Note to Applicant: Engineering Services does not support the use of pavers adjacent the site.

33. Clarify if bicycle racks are proposed for public property. If so, a separate application to the General Manager of Engineering Services is required.

Note to Applicant: Class B bicycle parking (bike racks) supplied on public property cannot be counted towards the on-site by-law requirement that would apply to this project. The on-street bicycle racks as shown on the site plan should parallel the curb and use standard City of Vancouver bicycle racks.

34. Delete the portions of parking barrier gate shown in the lane on page A207 (Note: this encroachment does not appear on subsequent page A208).
35. Delete what appears to be added curbing in the lane. The site has existing standard roll over curb for the length of the site, no additional curbing is required.
36. Delete door swings shown over the property line into the lane (A207).
37. Delete reference to "curb roll up" on the Nelson Street frontage, there will be no vehicular access to the sidewalks from Nelson Street.
38. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

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.
39. Provide additional waste management/recycling and compostable space for the church's kitchen, café and retail space. The Zero Waste Planning report does not appear to address these components of the development.

40. Clarify what the white space is shown along the Burrard Street frontage shown just beyond the property line on drawing A211 – is this existing or proposed, at or above grade.
41. Clarify the property line location on landscape plan (Conceptual Render - Nelson courtyard, page 94) to ensure pool structure does not encroach onto public property.
42. Show City of Vancouver building grades on the site plan. Additional design elevations are required adjacent to all entries and on both sides of entries greater than 1.5 m (5 ft.) in width, clearly indicating that the entries meet the building grades.
43. Remove benches and waste receptacles from public property, if desired please provide on-site.
44. Provide the following measures as part of the Green Mobility Plan:
 - (i) two rapid charging stations for electric vehicles;
 - (ii) a bike hub/repair station;
 - (iii) a minimum of 15 Class A bike spaces for the church and childcare;
 - (iv) a minimum of 12 Class A bike spaces and bikes for the “private” bike share;
 - (v) three spaces and vehicles for the “private” carshare; and
 - (vi) the required parking for the church, rental housing and daycare uses
45. Provide revised landscape plans at 1”=1/8”.

Note to Applicant: Please place the following notes on the landscape plans.

- (i) All plant material within the same continuous planting area which is located on street right-of-way within 10 m, measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m, measured from the sidewalk.
 - (ii) All plant material within the street right-of-way which are located outside of the areas described in the bullet above shall not exceed 1m in height, measured from the sidewalk. Exceptions will be approved on a case-by-case basis by the City of Vancouver’s Street Activities Branch.
 - (iii) Plants shall be planted in such a way as to not encroach on the sidewalk, street, lane, and/or bike lane.
46. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

47. Provide a Rain Water Management Plan. The plan is to confirm that site run-off is not to exceed the run-off condition that exists prior to redevelopment of the site and is to propose additional management strategies that will further reduce site run-off.
48. Comply 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) Provide 1/8 scale drawings for the parking and loading levels.

Note to Applicant: Dimension and number all stalls, dimension all column encroachments and maneuvering aisle widths.

- (ii) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: A column 0.6 m (2 ft.) in length must be set back 0.6 m (2 ft.) from either the opening to or the end of the parking space. A column 0.9 m (3 ft.) long may be set back 0.3 m (1 ft.). Provide a minimum 0.3 m (1 ft.) setback from the drive aisle for all columns.

- (iii) Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 1.2 m (4 ft.) from the end of the stall.

- (iv) Provide improved plans showing the required maneuvering to access the three angled stalls along gridline F on P1 to P6.

Note to Applicant: Consider perpendicular stalls as angled stalls may require excessive maneuvering.

- (v) Provide design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking area and at all entrances.

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

- (vi) Provide an improved plan showing the loading access route from the Class B spaces to the church.

- (vii) Provide two-way traffic flow in the main ramp - the current ramp design does not allow for opposing vehicles to pass. Two-way flow is required from level L0 to P3.

Note to Applicant: Corner cuts are required at the top and bottom of ramps to provide adequate radii for continuous two-way traffic flow where 200 or more vehicles are being served. A standard 6 m (20 ft.) ramp width would require a 2.7 m x 2.7 m (9 ft. x 9 ft.) corner cut. Reduced corner cuts

would be acceptable for wider ramps upon review. Provide turning swaths showing two-way flow on the ramp down to P3.

- (viii) Provide an improved plan noting the daycare drop-off and staff parking spaces on drawing A207.

Note to Applicant: Show the daycare spaces on the Daycare Circulation Diagram drawing A602 on drawing A207 and note the daycare spaces in the legend.

- (ix) Provide details regarding daycare drop-off procedure as parents will require security access for the drop-off spaces in the underground parking spaces and elevator access to the daycare on the Level 4.

- (x) Provide minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m (7.5 ft.) of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m (12.5 ft.) of vertical clearance is required for Class B loading spaces and maneuvering.

- (xi) All Class A bicycle spaces must be located on the P1 parking level, mezzanine level, or at grade.

Note to Applicant: Engineering does not support the three Class A bicycle spaces shown on floors 6-55 (150 spaces total).

- (xii) Provide 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.

Neighbourhood Energy Utility

- 49. The proposed approach to site heating and cooling, developed in collaboration with the City and a City-recognized NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 50. All new buildings in the development shall connect to a City-recognized low-carbon Neighbourhood Energy System and adhere to the following requirements:
 - (i) 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;

- (ii) 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;
- (iii) Provide for 21 sq. m (226 sq. ft.) of adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to a City-recognized Neighbourhood Energy System, as outlined in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, at development permit;
- (iv) Provide for up to 150 sq. m (1,615 sq. ft.) of suitably located dedicated Neighbourhood Energy Room and design provisions to accommodate a City-recognized NES, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, to the satisfaction of the General Manager of Engineering Services; and,
- (v) 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.

Note to Applicant:

- a. A Low Carbon Energy System means a thermal energy generating, distribution, and delivery system that incorporates low carbon energy sources (such as sewage heat recovery, geo exchange, surface water exchange, heat recovery, air source heat pumps, solar thermal, biomass, etc.) for space and domestic hot water heating, and in some cases cooling, for one or multiple buildings. The system may include conventional heating and cooling sources (such as boilers, chillers, cooling towers, etc.) to satisfy peaking and back-up thermal energy requirements as agreed to by the General Manager of Engineering.
- b. 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.

51. If, at the time of development permit approval, it is determined by the General Manager of Engineering Services that a City-recognized low-carbon Neighbourhood Energy System has not been secured, design of all new buildings in the development shall adhere to the following requirements:
- (i) Implement, as approved by the General Manager of Engineering Services, a building-scale low-carbon energy system or low-carbon energy supply strategy. The proposed low-carbon approach must achieve a greenhouse gas reduction equivalent to a 45% reduction in energy use from ASHRAE-90.1 using Appendix G (68% GHG reduction compared to BAU).
 - (ii) Any building-scale low-carbon energy system shall be designed in such a way as to enable energy metering and the monitoring of performance metrics during system operation for the purpose of optimizing system performance and preparing system performance reports. The applicant shall refer to *the Performance Monitoring and Reporting Requirements for Low Carbon Energy Systems* for a summary of minimum requirements. The applicant will be required to demonstrate compliance with these requirements prior to issuance of building permit.

Social Policy

52. Provide a Sustainable Food System Plan to include a minimum of three food systems assets as described in the Rezoning Policy for Sustainable Large Developments, to the satisfaction of the Director of Social Policy.

Note to Applicant: The application identifies food assets that can count towards the required three food assets that must be delivered as part of the development. The three identified food assets are (1) edible landscaping, (2) community gardens, and (3) community kitchen. The following comments outline ways to strengthen the submission.

- (i) Edible landscaping:
 - a. In order to enhance the edible landscaping component applicant to specifically identify number, location and species of edible landscaping, and how edible landscaping can fit into the broader landscaping design and features of the site.
 - b. Consider plant design and species selection that supports pollinators, as referenced in "Access to Nature" section of the policy.
 - c. The Urban Agriculture Design Guidelines for the Private Realm are applicable to this site. As such, the Applicant should ensure that design and stewardship requirements for edible landscaping are met.

(ii) Community gardens:

- a. Increase the number of community garden plots on the rental building common roof space to minimum of 30% of units in order to increase opportunities for tenants of the building to take part in food growing. Consider installing the additional plots in the space currently designated for “outdoor kitchen” create a stronger urban agricultural presence on the common roof space.
- b. Provide a Landscape Plan for the garden in accordance with the Urban Agriculture Design Guidelines for the Private Realm (<http://vancouver.ca/files/cov/urban-agriculture-guidelines.pdf>). Please note that this includes hose bibs, a potting bench, tool storage area and compost bins. Given the location of the garden plots on a rooftop, sun and shading should be considered.
- c. In constructing raised-bed community garden plots, ensure that Community Gardens Accessibility Guidelines are met (<http://vancouver.ca/files/cov/Community-Gardens-Accessibility-Guidelines-2011.pdf>). Please note that at least 5% of plots should be accessible raised beds; 10-20% is ideal.

(iii) Community kitchen:

- a. The rezoning package shows the presence of a kitchen in the church. Applicant to further describe how project intends to improve the existing facility - explain what features will be added and/or improved to that of the existing.

Childcare Facility

53. Design development of a licensable 37-space childcare facility that meets the Childcare Design Guidelines (1993), to the satisfaction of the Managing Director of Social Development and Vancouver Coastal Health Community Care Facility Licensing.

Note to Applicant: Further design development required to improve safety for children in pickup/drop-off areas, as well as to ensure that outdoor play spaces are larger, have a more functional layout, and generally meet the intent of the *Childcare Design Guidelines*.

Housing Policy and Projects

54. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant’s unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the Tenant Relocation and Protection Guidelines.

Note to Applicant: An updated list of tenants must be submitted at the time of development permit application.

55. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
56. Provide a notarized declaration, prior to issuance of a development permit which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
57. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.

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 and Development, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facility Design and Management and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lot 13, The East 30 Feet of Lot 14 and Lot 14, Except The East 30 Feet, The East ½ of Lot 15, The West ½ of Lot 15, The East ½ of Lot 16, The West ½ of Lot 16, Lot 17, and Lot 18; all of Block 7, DL 185, Plan 92 to create a single parcel.

Note to Applicant: Covenant BX288747 restricts building on site until the above noted lands have been consolidated. Upon consolidation of the properties this covenant may be released. Arrangements for release of this covenant at the appropriate time are required.

2. Confirmation that the existing disability access ramp that encroaches onto Nelson Street is to be removed and, if so, make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement & Indemnity Agreement R23722 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.

3. Confirmation that the existing duct shaft in the lane is to be removed and, if so, make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement & Indemnity Agreement BV472198 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.

4. Provision of written confirmation from BC Hydro agreeing to the removal of their infrastructure located within Statutory Right of Way K10512 on Lot 15, and the subsequent release of the charge from title.

Note to Applicant: The release is to occur prior to occupancy and after Hydro's works have been removed/relocated/abandoned. The written confirmation from BC Hydro and commitment in writing from the applicant will satisfactorily address this condition.

5. Replacement or modification of the existing encroachment agreement (registered under BA450628-30) to encompass only those existing encroaching elements which are to remain at the completion of the project.

Note to Applicant: Clarification and approval of any additional elements that may encroach prior to DP issuance. Prior to occupancy, arrangements are required to validate all encroaching elements and to include them in any modification or replacement agreement. A building location survey for the entire development is required to facilitate these arrangements. Provision of a letter of commitment prior to enactment and a refundable deposit will be required prior to DP issuance to address this condition.

Note to Applicant: Regarding releases – prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

6. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 2 Shared Vehicles and the provision and maintenance of 2 Shared Vehicle Parking Spaces for use exclusively by such Shared Vehicles, [with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law], on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (i) provide 2 Shared Vehicles 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 Vehicles;
- (iii) provide and maintain the Shared Vehicle Parking Spaces for use exclusively by such shared vehicles;
- (iv) make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Spaces;
- (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 (9.5 ft.).

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 is provided.

- (i) Provision of adequate water service to meet the 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 demand 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.
- (ii) Provision of improved street lighting adjacent the site. A study to determine the adequacy of the lighting for this proposal is required and upgrading to LED lighting including additional lamp standards where applicable is required. Note: the study should

be completed during the development review with a draft lighting plan clearly shown on the development permit plans.

- (iii) Should the project trigger removal of any existing wood poles in the lane that provide lane lighting then replacement lighting will be required through provision of new poles located on private property. A draft lighting plan for the lane lighting will be required to be identified on the approved development permit plans.
 - (iv) Provision of improved curb ramps and curb return at the northwest corner of Burrard and Nelson streets.
 - (v) Provision of street trees adjacent the site where space permits.
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-recognized low-carbon Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the *West End Community Plan*, that may include but are not limited to agreements as determined by the General Manager of Engineering Services which:
- (i) Require all new buildings in the development to connect to a City-recognized low-carbon Neighbourhood Energy System (NES);
 - (ii) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation;
 - (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station as established in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, to the satisfaction of the General Manager of Engineering Services;

- (iv) Grant use of and access to the Neighbourhood Energy Room for the purposes of infrastructure and distribution equipment to the satisfaction of the General Manager of Engineering Services;
- (v) If, at the time of development permit approval, it is determined by the General Manager of Engineering Services that a City-recognized low-carbon Neighbourhood Energy System has not been secured, require the project to implement, as approved by the General Manager of Engineering Services, a building-scale low-carbon energy system or low-carbon energy supply strategy that must achieve a greenhouse gas reduction equivalent to a 45% reduction in energy use from ASHRAE-90.1 using Appendix G (68% GHG reduction compared to BAU); and
- (vi) If, at the time of development permit approval, it is determined by the General Manager of Engineering Services that a City-recognized low-carbon Neighbourhood Energy System has not been secured, require the developer to undertake monitoring of the development's low carbon energy system and performance that includes a reporting schedule containing information and prepared in a form as requested by the General Manager of Engineering Services.

Note to Applicant:

- a. Until a City-recognized NES utility provider has been identified by the General Manager of Engineering Services, 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 connections, unless otherwise approved by the General Manager of Engineering Services.
- b. The Development will be required to connect to a City-recognized low-carbon, if determined to be available by the General Manager of Engineering Services NES, prior to occupancy.
- 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 final room dimensions and technical information.
- d. Design shall provide suitable space for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications conduit. District energy equipment may include, but is not limited to; a steam to hot water converter station sized for neighbourhood service provision, an energy plant sized for neighbourhood service, energy transfer stations (ETS), and/or boiler equipment. At the building permit stage, the applicant will be required to submit

final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

Sustainability

10. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the proposed residential tower to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

Housing Policy and Projects

11. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement securing 61 social housing residential units, for the longer of 60 years and the life of the building, subject to the following additional conditions:
 - (i) a no separate-sales covenant;
 - (ii) a no stratification covenant;
 - (iii) that none of such units will be rented for less than one month at a time;
 - (iv) that a minimum of 41 units (67%) are occupied by households with incomes below the housing income limits as set out in the current "Housing Income Limits (HILS)" table published by the British Columbia Housing Management Commission or equivalent publication, at a rent which is no more than 30% of household income, and meets all other applicable preconditions in order to comply with the development cost levy exemption provisions for social housing under the Vancouver Charter;
 - (v) compliance with the City approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit;
 - (vi) such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Heritage

12. Amendment of the Heritage Designation Compensation Waiver to confirm that The First Baptist Church of Vancouver has been fully compensated through the rezoning and waives any further right to compensation attributable to the 2005 heritage designation.

Note to Applicant: the waiver may form part of the Heritage Restoration Covenant to be registered on title to the Lands.

13. Amend the existing Heritage Designation By-law 9158, as required.
14. Enter into a Heritage Restoration Covenant for the First Baptist Church (FBC) to be completed and fully registered in the Land Title Office to the satisfaction of both the Director of Planning and the Director of Legal Services to, among other things:
 - (i) conserve and rehabilitate FBC in accordance with the proposal, approved FBC Rehabilitation Plan dated September 4, 2015 compiled by Bing Thom Architects including the Conservation Plan dated March 2016 prepared by Don Luxton & Associates;
 - (ii) seismically and structurally upgrade the FBC in accordance with approved Seismic Review and Upgrade Options Report by Glotman - Simpson, dated 2013 and updated in 2014 and particular technical approach chosen for the CAC costing purposes (Option 1A Report dated November 14, 2016, indicating Vancouver upgrade Trigger Model to upgrading the building to 100% of the current Vancouver Building By-Law and related requirements, and accompanied by The Haebler Group cost estimate, dated November 16, 2016);
 - (iii) secure protection of the FBC during construction with supervision by a Heritage Consultant (heritage conservation professional with professional expertise in particular conservation techniques and programs) and periodic status reporting on completion of the approved conservation work, prepared by the Heritage Consultant;
 - (iv) provide that any alteration, modification or deviation from the approved heritage conservation program (including changes to the approved seismic upgrade plan) would need prior approval from the City;
 - (v) provide, as required, that The First Baptist Church waives any further right to compensation attributable to the 2005 heritage designation;
 - (vi) secure the costs of carrying out the rehabilitation and conservation work by an Equitable Charge;
 - (vii) allow a heritage plaque to be placed on the FBC or the subject property;

- (viii) require the owner to provide verification by a Structural Engineer or other Designated Professional of completed upgrade work to 100% VBBL of the current Vancouver Building By-Law as part of the heritage restoration and seismic upgrade works to the church;
- (ix) require the owner, at their cost, to retain an independent quantity surveyor approved by the City, to provide quantity survey cost reports to the City, including interim reports as required and a final quantity survey report (the "Final Report") on completion of the heritage restoration and seismic upgrades; and
- (x) provide that heritage conservation and rehabilitation of the FBC be fully completed and Occupancy Permit issued for the FBC, prior to the issuance of any Occupancy Permit for the tower.

In-kind Community Amenity Contribution (CAC): Heritage Conservation

- 15. The owner is required to rehabilitate, restore and seismically upgrade the FBC sanctuary, narthex and associated interior space as set out in condition 15 and the required Heritage Restoration Covenant at a total estimated cost of **\$21,700,000**.
- 16. In the event that the Additional Contingency is required in part or in whole, an additional contingency of up to **\$4,300,000** (the "Additional Contingency") for premium costs resulting from unforeseen circumstances, the City will reimburse the owner for costs incurred, subject to verification by a Structural Engineer or other Designated Professional of completed upgrade works, and receipt of the Final Report by the independent quantity surveyor cost consultant.

In-kind Community Amenity Contribution (CAC): Affordable Housing Credit

- 17. *Affordable Housing Credit (\$6,500,000)* – A \$6.5 million allowance is allocated for 41 units in the rental building that will be secured at housing income limits (HILs) rate, for the longer of 60 years or life of the building. As the City requires rental replacement at market rents, this allowance reflects the value difference between this base requirement and First Baptist Church's offer to secure 67% of the units at rents below the HILs rental rates.

Community Amenity Contribution (CAC): Cash Payments

- 18. Pay to the City the cash component of the Community Amenity Contribution of \$63,105,225 which the applicant has offered to the City and to be allocated as follows:
 - (i) \$6,000,000 toward support of strategic City-wide public benefits such as the City's Housing & Homelessness Strategy;

- (ii) \$4,300,000 towards the Additional Contingency related to the Heritage Conservation; and
 - (iii) \$52,805,225 to support delivery of the West End Public Benefit Strategy.
19. Payment of the cash portion of the CAC is to be made as outlined below, at no cost to the City, and on terms and conditions and in a form satisfactory to the Director of Legal Services:
- (i) 10% of the Net Cash Contribution (\$6,310,523) must be paid by bank draft, certified cheque or wire transfer prior to enactment of the rezoning by-law; and
 - (ii) the balance of \$56,794,702 in cash must be paid on the following milestones:
 - o 40% of the Net Cash Contribution (\$25,242,090) must be paid by bank draft, certified cheque or wire transfer on the calendar date which is 1.5 years after the rezoning enactment date, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date when such payment is due until the date that such amount is fully paid;
 - o 50% of the Net Cash Contribution (\$31,552,612) must be paid by bank draft, certified cheque or wire transfer on the earlier of:
 - the developer achieving the first occupancy permit for any portion of the tower development; and
 - the calendar date which is 4.5 years after the rezoning enactment date, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date when such payment is due until the date when such amount is fully paid. For certainty, the issuance of any occupancy permit will be subject to full payment of the Net Cash Contribution to the City.

The deferral of \$56,794,702 of the Cash Contributions will be secured a corporate guarantee (the "City Security") provided by Westbank Holdings Ltd (the parent corporation which owns the Westbank group of companies) and its principals, all to the satisfaction of the City's Director of Legal Services (subject to due diligence on such corporation), or other security satisfactory to the Director of Legal Services. The City will be entitled to realize on the City Security if the required payments are not made to the City in the amounts and at the times set out above. The payments will also be secured with permit holds and covenants pursuant to Section 219 of the Land Title Act as appropriate.

Public Art

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

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

Environmental Contamination

21. If applicable:
 - (i) Submit a site profile to the Environmental Protection Branch (EPB);
 - (ii) As required by the Manager of Environmental Protection 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 Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note: 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, 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 June 13, 2017 entitled "CD-1 Rezoning: 969 Burrard Street and 1019-1045 Nelson Street".
- C. THAT, if Council approves in principle this rezoning and the Housing Agreement condition described in section (c) of Appendix B of the Policy Report dated June 13, 2017 entitled "CD-1 Rezoning: 969 Burrard Street and 1019-1045 Nelson Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law(s) for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- D. THAT A to 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; 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 - 969 Burrard St and 1019-1045 Nelson St]