

## SUMMARY AND RECOMMENDATION

**3. REZONING: 3681 Victoria Drive and 1915 Stainsbury Avenue**

**Summary:** To rezone 3681 Victoria Drive and 1915 Stainsbury Avenue from MC-1 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of two six-storey residential buildings with a total of 153 secured market rental residential units, including artist live-work studios. A height of 19.6 metres (64.3 feet) and a floor space ratio (FSR) of 2.57 are proposed.

**Applicant:** DVRM Investments Ltd.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of October 17, 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 Yamamoto Architecture Inc., on behalf of DVRM Investments Ltd., to rezone 3681 Victoria Drive [*PID: 009-420-185; Lot A, Block A, District Lot 195, Plan 10286*] and 1915 Stainsbury Avenue [*PID: 009-420-240; Lot 8, Block A, District Lot 195, Plan 10286*] from MC-1 (Industrial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 2.57 and the building height from 13.8 (45.3 ft.) to 19.6 m (64.3 ft.), to permit the development of two six-storey residential buildings with a total of 153 secured market rental housing units, including artist live-work studios, be referred to a public hearing, generally as presented in Appendix A of the Policy Report dated September 19, 2017 entitled "CD-1 Rezoning: 3681 Victoria Drive and 1915 Stainsbury Avenue", be approved subject to the following conditions:

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

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Yamamoto Architecture Inc. and stamped "Received City of Vancouver, March 10, 2017", subject to the following conditions, provided that the 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 General Manager of Planning, Urban Design and Sustainability, who shall have particular regard to the following:

## Urban Design

1. Design development to reduce the apparent bulk, massing, and height of the building, as follows:
  - (i) Increase the front yard setback for the west building by 4 ft. (to approx. 15 ft. total). (The 8 ft. setback on Levels 5 and 6 should be maintained.);
  - (ii) Increase the setback on Levels 5 and 6 of the east building to 8 ft., on the north and west elevations, and 10 ft. on the south (Stainsbury Ave) elevation. (The setback on the courtyard elevation may be maintained at 6 ft.);
  - (iii) Increase the setback on Levels 5 and 6 of the west building to 10 ft. on the south (Stainsbury Ave) elevation;
  - (iv) Reduce the width of the 6-storey "prow" facing Stainsbury Ave by approx. 9 ft. (full-building height); and
  - (v) The courtyard opening should be maintained at approx. 99 ft. on Stainsbury Ave, and approx. 34.5 ft. on Victoria Dr, as proposed.

Note to applicant: It is anticipated that this condition will result in a reduction in density, to a maximum of 2.57 FSR.

2. Design development to improve the entry forecourt and its contribution to the public realm, as follows:
  - (i) Improve the legibility of the building entries;  
  
Note to applicant: This can be achieved with improved canopies, increased fenestration, material/colours, lighting, and/or signage elements.
  - (ii) Provide an enhanced design treatment of the walls flanking the exterior stair, consider cladding, landscape and lighting opportunities;
  - (iii) Relocate the gate to create a more inviting public realm condition; and
  - (iv) Explore opportunities for public art.
3. Design development to improve the building's interface with the public realm, as follows:
  - (i) Remove the exit stair from the lane setback, and relocate into the building footprint;

- (ii) Expand landscaping in the front yard of the west building, on Victoria Dr (refer to condition 1 regarding an increase to this setback);
- (iii) Improve the design treatment of the lane elevation, to mitigate the impact of the exposed parkade wall;
- (iv) Provide a 6 ft. fence and robust landscaping (outboard) in the buffer at the west side of the lane (refer to Engineering condition (c)3); and
- (v) Improvement of the private patios on Stainsbury Ave.

Note to applicant: It is anticipated that condition 3(i) and 3(iv) will result in a reduction in density. Improvement to the patios on Stainsbury Ave can be achieved by eliminating the walkway from the patios to the courtyard, and increasing landscape screening.

4. Design development to improve livability of dwelling units, as follows:
  - (i) Provide bulk storage for every unit, per the Bulk Storage and In-Suite Storage - Multiple Family Residential Developments bulletin (<http://bylaws.vancouver.ca/bulletin/b004.pdf>);
  - (ii) Provide a minimum depth of 6 ft. for all at-grade patios (including on Stainsbury Ave); and
  - (iii) Provide at minimum 5 ft. clear depth for all balconies for units with one or more bedrooms. Provide at minimum 3 ft. balconies (clear depth) for balconies for studios.
5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

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

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

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

## Landscape Review

7. Design development to the slab and structural design to provide adequate soil volumes and depths for planting.

Note to applicant: 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 may need to angle down to provide deeper soils. Within the site at the plaza level, the slab to be lowered below to avoid the necessity for above-grade planter walls that would impede pedestrian flow.

8. Design development to explore rainwater management solutions 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: The applicant is 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 details may be requested.

9. Design development to locate site utilities and vents on private property and integrated discreetly into the building, avoiding landscaped and common areas.
10. Design development to reduce potable water consumption in the irrigation systems by using drought-tolerant plant species, efficient irrigation rainwater technology and rain water harvesting methods (to the greatest extent practicable).

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.

11. Further coordination with Engineering and Park Board Urban Forestry with regard to review of trees located on City property.

Note to applicant: Further design development may be necessary at the development permit stage, where applicable.

12. Provision of new street trees adjacent to the development site, where applicable, to be confirmed prior to the issuance of the building permit, at the discretion of the General Manager of Engineering Services.

Note to applicant: Contact Eileen Curran, Streets Engineering (604-871-6131) to confirm tree planting locations and Park Board (604-257-8587) for tree species selection and planting requirements. Provide a notation on the plan: "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet

long and 18 inches in deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion.”

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

- (i) Provision of 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) Provision of 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) Provision of spot elevations to all outdoor areas (including top/ bottom walls), including off-site context spot elevations in proximity (public sidewalks, inner boulevards and lanes);

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

Note to applicant: Refer to rezoning condition (b)7. 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 may need to be lowered below or create tree planting pits to avoid the necessity for above-grade planter walls that would impede pedestrian flow.

- (v) Provision of 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) Provision of a “Tree Removal and Protection Plan” in coordination with arboricultural services, including the assessment of existing trees and retention feasibility;

Note to applicant: 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 best located on the proposed phased landscape plans.

- (vii) Provision of a partial irrigation plan to demonstrate efficient irrigation system for all common outdoor planters (existing and new) and individual hose bibs for larger-sized patios to encourage patio gardening; and

Note to applicant: Specification notes and irrigation symbols should be added to the drawing.

- (viii) Provision of all necessary infrastructure to support urban agriculture, including hose bibs, tool storage, work tables and seating.

### Sustainability

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

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

### Engineering

- 15. The lane-bulge design is to provide adequate overhead clearance (25 ft. minimum), for all expected trucks that will use the lane-bulge area, in particular waste haul vehicles, is to be designed to accommodate the weight of the expected trucks and the surface to be asphalt or concrete. Provision of drawings sections confirming the overhead clearances are required.
- 16. Clearly show the lane-bulge dimensions on all relevant plans and ensure there are no encroachments in the lane-bulge right-of-way and that

parking ramps, loading bays, PMTs etc. do not encroach into the bulge area.

17. The parkade ramp should meet City building grades at the property line and not exceed 5% slope or crossfall should it encroach into the lane-bulge area.
18. The owner or representative is advised to contact Engineering Services to determine the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
19. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way.
20. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
21. 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.
22. Confirmation that the latest building grades include confirmed building grades along the new lane alignment as there appear to only be architectural design grades shown.
23. Provide additional design grades opposite each building entry at the property lines clearly showing entries meet City building grades.
24. Delete 2nd row of trees shown on public property along the Victoria Dr frontage.
25. Delete pavers from public property and show standard broom-finished concrete sidewalks.

26. Show 1st risers of all entries a minimum of 1'-0" behind the property line.
27. Gates/doors are not to swing more than 1'-0" over the property lines (see Victoria Dr entries on landscape plan).
28. Provision of a landscape plan that reflects the improvements sought for this rezoning. Please place the following statement on the landscape plan: "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering Services for details." Please note that the civil design process and landscape plans are to be coordinated prior to the start of any work on public property.

Please submit a separate copy of the landscape plans to Engineering Services for review following updating.

29. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Provision of truck-turning swathes by a qualified Transportation Engineer to be shown on the drawings.  
  
Note to applicant: Show the largest truck manoeuvring from Stainsbury Ave, down the lane, into and out of the loading bay towards Porter St.
  - (ii) Provision of additional design elevations of both sides of the main parkade ramp, loading bay, throughout the parking level and at all entrances to calculate the slope and crossfall.
  - (iii) Provision of section drawings showing elevations, vertical clearances, and security gates for the main ramp, through the loading bay, the 12.5% ramp from P1 to P2 and the parking levels.
  - (iv) Label minimum clearance for the parking ramp, the loading bay and the parking levels on the section drawings, including overhead gate and mechanical projections.
  - (v) Confirm requirements for an overhead gate between the visitor and the residential parking and show on the drawings.
  - (vi) Confirm if the main ramp overhead gate will be wireless FOB activated.

Note to applicant: Additional ramp width is required for enterphones or card readers located on the ramp.



- (vii) Provision of additional parking stall width for stalls adjacent to walls.
- (viii) Modify column alignment to comply with by-law. Refer to Section B, between Section C and D on drawing A2.1.
- (ix) Provision of all stalls to be numbered and labelled on the drawings.
- (x) Provision of all columns and column setbacks to be dimensioned on the drawings.
- (xi) Remove tree and landscaping shown in the Class B load throat on drawing L1.1 to provide unobstructed manoeuvring.
- (xii) Provision of an updated 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.

- (xiii) Modify the bicycle parking to meet by-law and design supplement requirements.

Note to applicant: Bicycle room(s) must not contain more than 40 bicycle spaces except where the additional bicycle spaces are comprised of lockers.

- (xiv) Provide automatic door openers on the doors providing access to the bicycle room(s).
- (xv) Provide an alcove for bike room access off the vehicle maneuvering aisle.

Note to applicant: Refer to drawing A2.0, the parking stall adjacent to the bottom of the ramp, north side from P1 to P2.

Note to applicant: Sewer connections are to be to Stainsbury Ave only.

- 30. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.

### Housing

- 31. The proposed unit mix, including 45 studio (29%), 46 one-bedroom units (30%), 35 two-bedroom units (23%), and 27 three-bedroom units (18%), is to be included in the Development Permit drawings.

Note to applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go

lower than 35% of the dwelling units designed to be suitable for families with children.

32. The development is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a kitchenette and accessible washroom in the indoor common amenity rooms.

Note to applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them. The outdoor amenity area should be designed to accommodate a range of children's play activities.

#### CONDITIONS OF BY-LAW ENACTMENT

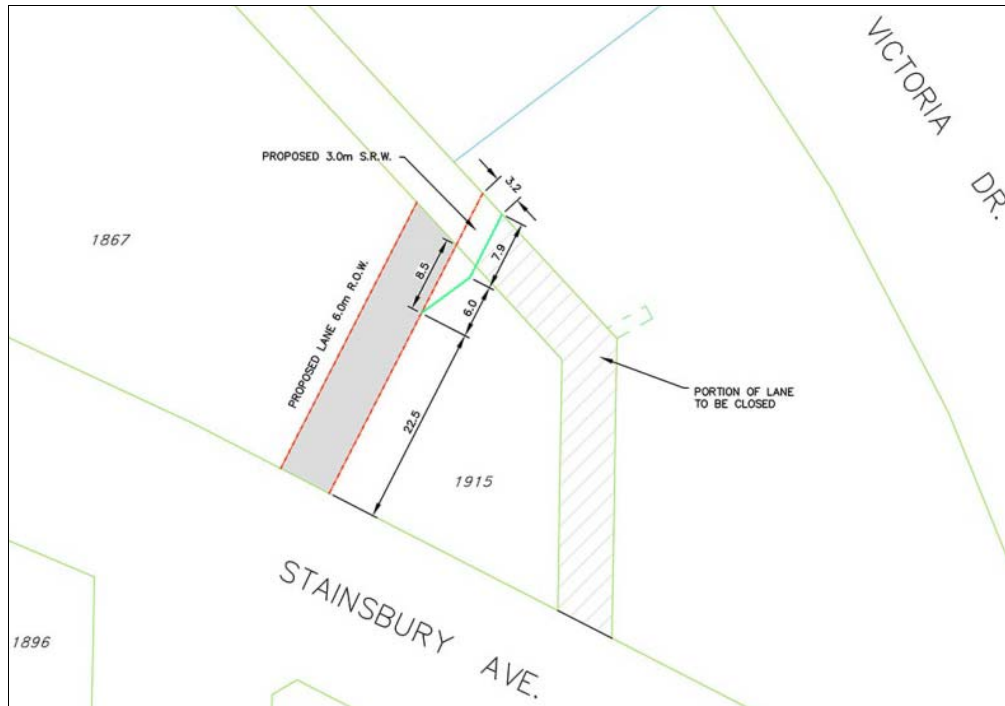
- (c) That prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, the General Manager of Community Services,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

##### Engineering Services

1. The closing of, stopping up and conveying to the owner the required portion of the lane west of Victoria Dr north of Stainsbury Ave, subsequent to Council approval; and the relocation or decommissioning of any utilities within this area.
2. Provision of written confirmation and agreement from all affected utility companies that services can be relocated or removed from the existing lane right-of-way.
3. Consolidation of the closed portion of lane, Lot A and Lot 8 to form a single development parcel, and subdivision of that site to result in the dedication of the westerly 20 feet of Lot 8 for lane purposes and an additional dedication to accommodate a buffer adjacent the eastern edge of 1851 Stainsbury Ave (BCS 2959). The buffer dimension to be minimum 1.5 m with design to be determined in consultation with the Director of Planning.

Note to applicant: A subdivision application will be required.

4. Provision of a Statutory Right-of-Way ("SRW") for a lane-turning bulge over a portion of the development site adjacent to the easterly limit of the new lane bend for vehicle manoeuvring purposes. The bulge design/dimensions are to be to the satisfaction of the General Manager of Engineering Services and at minimum allow for turning of garbage trucks through the lane. The bulge dimensions to be refined during the development permit process (see sketch for general configuration). Parking levels P1 and P2 and those portions of the building structure at and above the 3rd floor level located within the SRW area are to be accommodated within the SRW agreement.



5. Registration of a temporary SRW agreement in favour of the City over the portion of lane to be closed for public utility purposes, to be discharged once all utilities impacted by the lane closure have been abandoned, relocated or otherwise protected, as necessary, and any associated lane and street reconstruction works have been completed or arrangements for their completion to the satisfaction of the General Manager of Engineering Services are established.

6. Provision of building setback and a surface SRW to achieve a 5.5m distance from the back of the City curb to the building face along the Victoria Dr frontage of the site. 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.

7. Release of Easement & Indemnity Agreement 428545M (commercial crossings) 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.

8. Confirmation of arrangements with BC Hydro for the release of Easement B64363.

9. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed,

constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.

- (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
- (ii) Provision of a stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Watercourse By-law. The plan shall achieve the following:
  - (a) retain or infiltrate the 6-month storm event volume (24 mm) onsite;
  - (b) treat the 2-year event (48 mm) onsite; and
  - (c) maintain the pre-development 5-year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.
- (iii) Provision of new concrete curb and gutter, 1.83 m minimum broomed-finished concrete sidewalk with sawcut control joints, 1.5 m sod boulevard, street trees where space permits, upgraded or new street lighting and pavement on Stainsbury Ave adjacent the site. Work to include adjustment or installation of all related infrastructure to allow for the proposed road construction and improvements.
- (iv) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (v) Provision of new 1.83 m broomed-finished concrete sidewalk with sawcut control joints and minimum 1.2 m sod boulevard adjacent the site.

Note to applicant: Sidewalk should align with the sidewalk to the north.

- (vi) Provision of upgraded and/or new street lighting adjacent the site to current LED standards. A lighting study is required to determine the extent of street lighting upgrading necessary.
- (vii) Removal of the old lane entry and related works and installation of a new concrete curb and gutter lane entry with commercial concrete lane crossing at the entry to the new lane.
- (viii) Provision of a new lane constructed to current standards within the new lane dedication area. Work to include all infrastructure to accommodate the new lane including drainage and reprofiling of portions of the existing lane west of the development site to accommodate the construction of the new lane.
- (ix) Provision of upgraded curb return at Stainsbury Ave and Victoria Dr adjacent the site, including new curb ramps to meet current standards.
- (x) Provision of a signed and marked crosswalk and two curb ramps at the intersection of Commercial St and Stainsbury Ave, subject to a detailed review of the crossing proposal with implementation of the crosswalk work fully at the discretion of the General Manager of Engineering Services.
- (xi) Confirmation that any relocated/removed wood poles in the lane adjacent the site will not impact existing lane lighting, should any relocated pole impact existing lane lighting then upgrading or new lane lighting to current standard will be required.
- (xii) Provision of street trees adjacent the site where space permits.

10. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to applicant: Please ensure that in your consultation with BC Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

### Housing

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 all residential units as market rental housing units for the longer of 60 years or 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; and
  - (iv) 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*.

### Public Art

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

Note to applicant: Please call Karen Henry, Public Art Planner (604-673-8282), to discuss your application.

### Environmental Contamination

13. 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 registered charges pursuant to the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

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

- B. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 19, 2017, entitled "CD-1 Rezoning: 3681 Victoria Drive and 1915 Stainsbury Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and 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 General Manager of Community Services.
- C. THAT the application to amend Schedule A of the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated September 19, 2017 entitled "CD-1 Rezoning: 3681 Victoria Drive and 1915 Stainsbury Avenue", be approved.
- D. THAT, subject to the 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 September 19, 2017, entitled "CD-1 Rezoning: 3681 Victoria Drive and 1915 Stainsbury Avenue."

- E. THAT A to 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 sole risk of the person making the expenditures or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the sole risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 3681 Victoria Drive and 1915 Stainsbury Avenue]