

SUMMARY AND RECOMMENDATION

4. REZONING: 1619-1651 East Broadway

Summary: To rezone 1619-1651 East Broadway from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 10-storey mixed-use building consisting of commercial use at grade and 85 residential units above, comprised of a mixed-tenure of secured market rental and strata-titled housing. A height of 33.2 m (109 ft.) and a floor space ratio (FSR) of 4.0 are proposed.

Applicant: IBI Group Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 1, 2018.

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 IBI Group Architects, on behalf of Jameson Development Corp. and 0923172 B.C. Ltd., the registered owners, to rezone:
- 1619 East Broadway [*Lots 9 and 10, both of Lot 2, West 1/2 of Block D of Block 154, District Lot 264A, Plans 1680 and 1771; PIDs: 014-472-635 and 014-472-643 respectively*]; and
 - 1651 East Broadway [*The West 30 feet of Lot 7 and Lot 8, both of Lot 2, West 1/2 of Block D of Block 154, District Lot 264A, Plans 1680 and 1771; PIDs: 014-472-651 and 014-472-627 respectively*],

from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit a 10-storey mixed-use building consisting of commercial use at grade and 85 residential units above, comprised of a mixed-tenure of secured market rental and strata-titled housing, at a maximum floor space ratio (FSR) of 4.0 and height of 33.2 m (109 ft.), generally as presented in Appendix A of the Policy Report dated April 17, 2018 entitled "CD-1 Rezoning: 1619-1651 East Broadway", 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 IBI Group Architects and stamped "Received City of Vancouver, May 4, 2017", subject to the following conditions, 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 ensure all dwelling units meet the minimum dwelling unit area set out in Section 10 of the Zoning and Development By-law;

Note to applicant: Strata dwelling units must have a minimum area of 37 m². Rental units less than 37 m² may be considered, if the unit's design and location provides satisfactory living accommodation. Under no circumstance can a rental unit be smaller than 29.7 m². Dwelling unit area is taken from the interior of the demising walls, paint to paint. Enclosed balcony and storage room areas do not count in the total unit area.

2. Design development to improve the livability of all units.

Note to applicant: This can be accomplished through:

- (i) Eliminating units on levels 2 and 3 whose sole outlook is to the internal property lines. In both the existing context and the future development scenarios, these units do not meet a satisfactory livability standard.
- (ii) Provision of an operable exterior window to all sleeping areas.
- (iii) Confirming, where a bedroom is inboard of an enclosed balcony, the enclosed balconies' internal wall is clear glazing with an operable window.
- (iv) Limiting the number of balconies, enclosed and open, to one per unit. Corner units are permitted two open balconies, one per exposure, to allow for natural ventilation.
- (v) Provision of high and low operable windows for all south facing units, to allow for natural ventilation and passive cooling.

3. Provision of viable, flexible commercial area at grade.

Note to applicant: Staff are seeking commercial at grade that can accommodate a large variety of retail use, with adequate depth for back-of-house functions. This can be accomplished through:

- (i) Increasing the commercial floor area by extending the first storey building mass to the eastern property line.
- (ii) Relocation of service rooms and commercial parking below grade to allow for additional commercial area at grade.

4. Design development to align the entry lobby with the neighbour to create a cohesive street interface.

5. Provision of an indoor amenity area with an associated outdoor amenity area with adequate area to support the large number of residents.

Note to applicant: The amenity area should be a minimum of 1,000 sq. ft. and equipped with a bathroom and kitchenette.

6. Design development to ensure all storage areas meet the requirements set out in the *Bulk Storage and In-suite Storage Administrative Bulletin* (<http://bylaws.vancouver.ca/bulletin/b004.pdf>)
7. Design development to ensure all enclosed balconies meet the requirements set out in the *Balcony Enclosure for New Buildings Administrative Bulletin* (<http://bylaws.vancouver.ca/BULLETTIN/B005.pdf>)
8. Provision of a vertical ventilation shaft that can exhaust air from the ground floor commercial retail units through the highest roof, for every 75 ft. of linear storefront facing E Broadway.

Crime Prevention through Environmental Design (CPTED)

9. 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.

Sustainability

10. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning* (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin [Green Buildings Policy for Rezoning – Process and Requirements](#) (amended April 28, 2017 or later).

Landscape

11. Design development to the second floor amenity deck and structural, as follows:
 - (i) Substantial increase in area dedicated to intensive green roof to accommodate larger soil volumes, trees and layered planting (large expanses of paving can contribute to heat island effect and a lost opportunity to better manage rainwater through the landscape treatment);

- (ii) Addition of continuous permanent planters nearer to the lane edge to present a greener interface to the north;
- (iii) Larger area dedicated to children's play balanced with a reduction in area noted as "gathering"; and
- (iv) Increase in the amount of urban agriculture plots by using a standard rectangular, raised plot design with universally accessible maneuvering space in between the plots.

12. Integration of grades, retaining walls, walkways and structural design with the architecture to ensure adequate soil volumes.

Note to applicant: Soil depths should exceed BCLNA Landscape Standard. To avoid raised planters above grade, at the perimeter of the building angle the corner of the underground slab downward (1 m across and 1.2 m) to maximize contiguous soil volumes. Wherever possible, planted landscapes on slab should be designed to maximize soil depths.

13. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

14. Provision of detailed architectural and landscape cross sections (minimum 1/4 in. scale) through common open spaces, semi-private patio areas and the public realm.

Note to applicant: In tree areas, the sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

15. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to applicant: The plans should be at a minimum 1/8":1 ft. scale. The plant list should include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

16. Provision of plan details and documentation/calculations that support achievement of LEED storm water credit(s) and integrated rainwater management, including absorbent landscapes, soil volumes and detention systems.

Note to applicant: Landscape related solutions and detention systems should be shown on the plan. The LEED consultant should provide

detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

17. Provision of a “Tree Management Plan”.

Note to applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters. The landscape architectural tree management plan provides useful information with regard to important cross sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architects version should change its title label to differentiate it from the arborist tree plan.

18. Provision of an arborist “letter of undertaking” to include signatures by the owner, contractor and arborist.

Note to applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

19. Provision of new street trees adjacent to the development site, where applicable.

Note to applicant: Street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. 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 as follows, "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 ft. long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion."

20. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to applicant: Hose bibs are requested to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

21. Provision of an outdoor Lighting Plan.

Note to applicant: Consider “CPTED” principles and avoid any lighting that can cause glare to residential uses.

Housing

22. 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.

23. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
24. 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.
25. 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.
26. Prior to development permit issuance, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating the proposed total unit mix of 10 studio (11.2%), 47 one-bedroom (52.8%), 22 two-bedroom (24.7%) and 10 three-bedroom (10.6%) units, and in accordance with the *Family Room: Housing Mix Policy for Rezoning Projects*, ensure a minimum 25% two-bedroom units and a minimum 10% three-bedroom units for all strata-titled residential units, and a minimum 35% two-bedroom units or more for all secured market rental residential units, in the Development Permit drawings.

Note to applicant: Any changes in unit mix from the proposed rezoning application may 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.

27. The building is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
28. Design development is needed to the common outdoor amenity area on level 2 to include planters, which would be suitable for urban agricultural activity by residents and to include the necessary supporting infrastructure to support such activity by residents (yard waste composter, a potting bench, tool storage closet or chest, irrigation system / hose bib).

29. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

Note to applicant: Play equipment is not required for the children's play area but a soft surface play area and creative landscape/play features (such as balancing logs and boulders, sandbox, a small/tangible water stream or feature, creative motor-skills developing features, etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

30. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.

Engineering

31. The owner or representative is advised to contact Engineering to acquire 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.

32. 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.

Note to applicant: 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.

33. 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.
34. Clarify residential garbage pick-up operations. The current design appears to rely on use of the 10% portion of the parking ramp to access the compactor. Confirmation that the pick-up operation can be achieved safely using the ramp in this manner. Reconfiguration is recommended such that a 5% maximum grade for pick up operations/vehicle manoeuvring is achieved.
35. Provide improved access to the commercial garbage room; confirm door size and access to and from the pickup point without reliance on use of public property.
36. Provide automatic door openers on the doors providing access to the bicycle room and note on plans.

37. Provision of a 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.

38. Provide grid lines on drawings for reference.

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

(i) Show all columns and note the column dimensions on drawings.

(ii) Dimension all parking spaces.

Note to applicant: Provide additional stall width for stalls adjacent to walls and dimension on drawings.

(iii) Provide the slopes and crossfall within the parkade.

Note to applicant: Additional design elevations are required within the parkade to calculate slopes and crossfall. Slope and crossfall to be shown on drawings.

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

Note to applicant: Where there is a curved ramp, provide grades 2 ft. from the wall on the inside radius. The slope and length of the ramp sections must be shown on the submitted drawings.

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

Note to applicant: Ensure adequate vertical clearance is provided, including utilities, mechanical projections, and other services throughout the parkade.

(vi) Clearly note on the plans the required 2.3 m of vertical clearance for access and maneuvering to all disability spaces.

(vii) Provision of independent access to the Mechanical and Electrical Rooms on Level P1 that does not rely upon the Bike Room for access.

(viii) Provision of internal access from the Commercial parking to the Commercial units that does not require walking in the lane.

40. Provision of Class B loading spaces to the satisfaction of the General Manager of Engineering Services. The following must be addressed:

- (i) Provision of improved loading access from the Class B loading spaces to the CRUs and the elevator core.
- (ii) Provision of stair-free internal access from all loading spaces to the elevator that does not rely upon the lane or maneuvering aisles.
- (iii) Provision of a minimum 1.2 m (4'-0") wide loading dock behind the loading spaces to facilitate goods loading/unloading.

Note to applicant: Consider flipping the loading spaces so that trucks enter from Woodland Dr and/or consider moving the loading spaces to the west property line so that loading spaces are perpendicular to the lane. Refer to the Parking and Loading Design Guidelines for required aisle widths and throat widths.

- (iv) Update the landscape plan with the following note: *The off-site works are "NOT FOR CONSTRUCTION" and a copy of this 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, Development Services and/or your Engineering, Building Site Inspector for details.*
- (v) Provision of an updated landscape plan that reflects the improvements sought for this rezoning. Please submit a copy of the landscape directly to Engineering Services for review.
- (vi) Provision of a reasonable commercial effort to seek removal of a portion of the decorative metal fence and small concrete upstand that is located on the lot immediately to the east preventing the creation of a more continuous walkway in both properties setback areas at grade. Should this request be agreed to by the neighbour then please delete what appears to be hedging along the eastern property line where it extends into the SRW setback.

Note to applicant: The easterly side of the building shown on the north elevation (Page 23) appears to have been drawn incorrectly as the setbacks from the east property line do not agree with those shown on the plan views.

Note to PC: Applicant is showing one large bike room on Level P1. Confirm if separate bike rooms are required for the Residential (Market) and Residential (Secured) and that the bicycle room meets the requirements of Section 6 (6.3.5).

Note to PC: Is a security gate required in the parkade separating the Residential (Market) and Residential (Secured) parking.

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

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 Arts, Culture, and 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

1. Consolidation of Lots 8, 9, 10, and the West 30 Feet of Lot 7, all of Lot 2, West ½ of Block D of Block 154, District Lots 264A, Plans 1680 and 1771 to create a single parcel.
2. Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site, adjacent to East Broadway to achieve a 5.5 m offset distance from the back of the existing curb to the building face. A survey plan prepared by a British Columbia Land Surveyor showing the existing dimension from the back of the City curb to the existing property line to determine the final setback and SRW width is required. The SRW will be free of any encumbrance such as structure, stairs, door swing and plantings at grade and is to accommodate the proposed underground parking structure within the SRW agreement.
3. 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) Upgrading and regrading of approximately 150 m of 250 mm sanitary sewer on 6th Ave from Keith Drive to Glen Drive.
 - (iii) 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: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (iv) Provision of new CIP sidewalk and exposed aggregate utility strip in keeping with area standards. Delete reference to nonstandard treatments and show a continuation of the sidewalk pattern that exists immediately east of the site.
 - (v) Provision of upgraded street lighting on the site frontage to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (vi) Provision of street trees adjacent the site where space permits.
 - (vii) Provision of adjusted parking regulatory signage on E Broadway adjacent the site should it be necessary.
4. Provision of a stormwater and rainwater management plan that meet the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Watercourse By-law. The plan shall achieve the following objectives:
- (i) Retain or infiltration of 50% of the 6-month storm event volume (24 mm) onsite;
 - (ii) Treat the 6-month event (48 mm) onsite; and
 - (iii) Maintain the pre-development 2014 IDF-10 year storm event rate.
 - (iv) The post development estimate shall use the 2100 IDF curve to account for climate change.

Note: Legal arrangements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but 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

6. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing the residential units comprised of a minimum of 50% of the total residential floor area, as secured market rental housing 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;
 - (iv) compliance with the City approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit; and
 - (v) such other terms and conditions as the General Manager of Arts, Culture and Community Services and the Director of Legal Services may in their sole discretion require.

Note to applicant: This condition will be secured by both a Section 219 Covenant and a Housing Agreement to be entered into by the City, by by-law, enacted pursuant to section 565.2 of the *Vancouver Charter*.

Environmental Contamination

7. 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 the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on this 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 issued to the City.

Community Amenity Contribution (CAC)

8. Pay to the City a contribution of \$3,000,000, which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$3,000,000 contribution is to be allocated to support delivery of the *Grandview-Woodland Community Plan Public Benefits Strategy*.

Note to applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registerable charges pursuant to the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as 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-law and at no cost to the City.

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 April 17, 2018, entitled "CD-1 Rezoning: 1619-1651 East Broadway", 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 contemplated by that report.
- C. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 1619-1651 East Broadway", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated April 17, 2018, entitled "CD-1 Rezoning: 1619-1651 East Broadway".
- E. THAT A through D be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the 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 – 1619-1651 East Broadway]