

SUMMARY AND RECOMMENDATION

5. TEXT AMENDMENT: 2133 Nanton Avenue and 4189 Yew Street (Arbutus Centre)

Summary: To amend CD-1 (642) (Comprehensive Development) District for 2133 Nanton Avenue and 4189 Yew Street (Arbutus Centre) to increase the allowable floor area by 8,016 sq. m (86,283 sq. ft.) to a site-wide maximum of 75,081 sq. m (808,165 sq. ft.) for all uses combined, with a maximum of 65,016 sq. m (699,826 sq. ft.) for residential uses and a minimum of 10,065 sq. m (108,338 sq. ft.) of non-dwelling uses; and to increase the maximum building height from 57 m (187 ft.) to 60 m (197 ft.) geodetic datum for Block C and from 57 m (187 ft.) to 72 m (236 ft.) geodetic datum for Block D.

Applicant: Arbutus Village Holdings Ltd. (Larco Investments)

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 19, 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 Arbutus Village Holdings Ltd. (Larco Investments) to amend CD-1 (642) By-law No. 11658, as amended by By-law No. 11749 (collectively, the "CD-1 By-law") for 2133 Nanton Avenue [*PID: 029-960-843; Lot 2, District Lot 526, Group 1, New Westminster District Plan EPP59809*] and 4189 Yew Street [*PID: 029-960-835; Lot 1, District Lot 526, Group 1, New Westminster District Plan EPP59809*] to increase the allowable floor area by 8,016 sq. m (86,283 sq. ft.) to a site-wide maximum of 75,081 sq. m (808,165 sq. ft.) for all uses combined, a maximum of 65,016 sq. m (699,826 sq. ft.) for residential uses, a minimum of 10,065 sq. m (108,338 sq. ft.) of non-dwelling uses, and to increase the maximum building height from 57 m (187 ft.) to 60 m (197 ft.) geodetic datum for Block C and from 57 m (187 ft.) to 72 m (236 ft.) geodetic datum for Block D, generally as presented in Appendix A of the Policy Report dated June 11, 2018, entitled "CD-1 Text Amendment: 2133 Nanton Avenue and 4189 Yew Street (Arbutus Centre)" 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 Dialog Architects and received December 22, 2017, 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 of the Block D building to reduce the shadow impact on the park through sculpturing the building as follows:

- (i) Provide further shoulder setback on the 3rd and 4th floors of the townhouses along the northwest edge of the site.

Note to Applicant: The intent is to cast no more shadow on the Arbutus Village Park path than is already cast by the existing trees.

- (ii) Reduce the height of terraces at the north end of Block D building from 10, 8, and 6 storeys to 8, 6, and 4 storeys respectively.

Note to Applicant: This measure also assists with the improvement of the massing transition to the existing adjacent 3-storey residential building on the northeast corner. Stair and the corridor should be contained within the primary terrace massing.

2. Design development of Block C building to increase solar penetration onto the Public Square, particularly with the consideration of the open space and outdoor patio in front of the restaurant.

3. Design development to improve the Block D streetscape along the Yew Street extension as follows:

- (i) Provide a notable shoulder setback of approximately 10 ft. above the 8th floor on the east and south sides of Block D apartment building.

Note to Applicant: The intent is to create a street wall to be compatible with the scale of street space and the building form on the other side of the street and reduce the apparent overall massing viewed from the street.

- (ii) Provide a substantial break on the east façade of Block D building to break up the overall massing to give the appearance of two separate buildings.

Note to Applicant: The proposed overall building width along the Yew Street extension is approx. 230 ft. An appropriate apparent building width generally does not exceed 100 ft. Encourage including a green wall to strengthen the break and soften the façade.

4. Design development to minimize the view impact of the rooftop appurtenances on the uppermost roof of Block C and D buildings, including elevator penthouse, mechanical structure, stair, and screening.

Note to Applicant: All rooftop appurtenances should be set back substantially from the edges of the roofs. Only small mechanical structures and screens can be considered and centrally placed. This condition could be achieved by relocating the elevator core to grid line 8 or 9. The applicant is encouraged to explore other design solutions.

5. Design development to improve the architectural expression in order to simplify and calm the expression of the building.

Note to Applicant: The intent of this condition is to further relieve the apparent massing and height of the buildings and improve the visual interest to the surrounding public realm. The methods could include simplifying the mix of the vertical and horizontal expression, removing the vertical frames of the projected balconies on the east façade of building D, and providing a clearly defined base and pedestrian friendly frontage for the building C on all sides. The applicant is encouraged to explore other design solutions.

6. Design development to ensure commercial retail units on Block C and D are designed to activate and enhance user experience on the Public Square.

Crime Prevention through Environmental Design (CPTED)

7. 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

8. Design development to the landscape treatment to maximize green roof area, tree canopy cover, soil volumes and layered planting on slab, as follows:
 - (i) Maximized intensive/extensive green roof area to all roof spaces and related amenity areas;
 - (ii) Minimize the necessity for above grade tree planters and provide soil volumes below grade, to the greatest extent practicable.

Note to Applicant: Wherever possible, planted landscapes on slab should be designed to maximize soil depths. This will require integration of the landscape design and the structural and architectural plan. Soil depths on slab should exceed BCLNA Landscape Standard. At the perimeter of the building the slab can be angled downward (1.0 m across and 1.2 m down) to maximize contiguous soil volumes.

9. Design development to locate, integrate and fully screen parking garage vents and other utilities in a manner which minimizes the impact to the open space design and public realm.
10. Design development to the Integrated Rainwater Management Strategy to explore opportunities for onsite rain water infiltration, as follows:
 - (i) Maximize landscape based on best management practises;
 - (ii) Minimize the necessity for hidden mechanical water storage;
 - (iii) Increase the amount of planting to the rooftop areas, where possible;
 - (iv) Consider linear infiltration bio-swales along property lines;
 - (v) Use permeable paving on slabs and at grade;
 - (vi) Employ treatment chain systems (gravity fed, wherever possible); and
 - (vii) Use grading methods to direct water to soil and storage areas.

Note to Applicant: Refer to the City of Vancouver *Integrated Rainwater Management Plan*, Vol.1 & 2 for further information. A consulting engineer (subject matter expert) will need to be engaged and early phase soil analysis will be needed. Further comments may be outstanding at the development permit stage.

11. Provision of plans, plan details and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:
 - (i) Detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets;
 - (ii) A separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones; and
 - (iii) An overlay plan that shows amount and ratio of vegetative cover (green roof), permeable/impermeable hardscaping and notations describing the storage location of rainwater falling on each surface, including roofs.

Note to Applicant: Water balance calculations that assume soil volumes are receiving rainwater will only be valid if water falls directly on the soil or is directed from hard surfaces to the respective infiltration zones.

12. Provision of written consent from adjacent owners in respect to offsite tree removal.

Note to Applicant: This will require further coordination with the Park Board and Engineering for trees located on city property. Tree removals on adjacent private property sites will need written consent from the property owners to accompany the tree removal application. In the event

that consent cannot be provided, design development may be needed to ensure safe retention of trees. Further comments may be required at the Development Permit stage.

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

Note to Applicant: The plans should be at 1/8":1' scale minimum. 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.

14. Provision of detailed architectural and landscape cross sections (minimum ¼ inch scale) through common open spaces, private patio areas and the public realm.

Note to Applicant: 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 phased Tree Management Plan.

Note to Applicant: To be submitted at the Development Permit stage at each phase. It is preferred that the arborist Tree Management Plan (rather than a separate Tree Removal Plan created by the landscape architect) become the primary document for tree removal- and protection-related matters. Attach the large scale tree management sheet (at the same size sheet as the architectural plans) to the landscape plan submissions for each phase at the Development Permit stage.

16. 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, as needed. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

17. Submission of construction phase arborist reports, as needed, submitted to the Chief Building Official and the Landscape Planner in a timely manner subsequent to pre-scheduled arborist supervision visits.

18. Provision of high efficiency irrigation for all planted areas, including urban

agriculture areas and individual hose bibs for all private patios of 9.29 sq. m (100 sq. ft.) or larger.

Note to Applicant: Provide a separate irrigation plan (one sheet size only) that illustrates symbols for hose bib and stub out locations. There should be accompanying written notes on the same plan and/or landscape plan describing the intent and/or standards of irrigation.

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 enlarged detailed elevations/sections for all vertical landscape structures and features (i.e. green walls, trellis).

21. Provision of an outdoor Lighting Plan.

Note to Applicant: Consider *Crime Prevention Through Environmental Design* principles and avoid any lighting that can cause glare to residences.

22. Incorporation of the principles of the City of Vancouver *Bird-Friendly Design Guidelines* for the protection, enhancement and creation of bird habitat and reduction of potential threats to birds.

Note to Applicant: Refer to

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>
<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

Technical Check

23. Provide detailed calculations to ensure compliance with Section 10.11 that mechanical appurtenances (if proposed) do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawings and do not, in total, cover more than 10% of the roof area on which they are located as viewed from directly above. If this condition cannot be met, the height is measured to top of mechanical appurtenances. Also refer to Section 7.3.a and 7.3.b per CD-1 (642).
24. Required access to maintain the proposed green roof can be excluded

from height (i.e. stairs, elevator) per Section 10.11. Demonstrate at the development permit stage that planted area at the roof is at least 50% for extensive green roofs, or at least 25% for intensive roofs.

25. Clarify if there are any trellis (or canopy, or arbor, or other similar covered features), as they are counted as floor area if proposed. The overall site plan and Landscape Plan indicate a trellis at the roof top communal dining area of Block D. It should be counted as floor area or deleted. The current set of plans does not have enough details or dimensions to estimate the size/area.
26. Label each residential balcony as "open" or "enclosed". Provide the dimensions and area of each residential balcony. Provide calculations to demonstrate compliance with Section 5.3.a per CD-1 (642) that it must not exceed 12% of the residential floor area being provided. There is discrepancy in the area at levels 4 and 5 on Block D. The floor plan area adds up to 132 sq. m at level 4 on Block D but the summary table noted 167 sq. m. Similarly, the floor plan area adds up to 130 sq. m at level 5, Block D but the summary table noted 92 sq. m. There is a portion of two balconies at level 11 on Block D that is located above the level 10 balconies. The balconies at level 11 add up to approximately 16 sq. m and should be included as balcony area.
27. If enclosed residential balconies are proposed, refer to Section 5.4.a per CD-1 (642) to ensure that no more than 50% of excluded balcony floor area is enclosed.

Note to Applicant: A reminder to the applicant that there is no floor area exclusion for non-residential open or enclosed balconies.

28. Compliance with Section 10.15 about living accommodation below finished grade. Bedrooms in the basement/cellar cannot be located more than 6 ft. below grade. The lowest level with bedrooms may need to be raised if they are too deep. The current plans do not indicate floor plan layouts to determine if there are bedrooms. Applicant will need to consult with Planning, Urban Design and Sustainability to ensure compliance with this section if there are bedrooms below finished grade.
29. Show horizontal angle of daylight (HAD) calculations for each applicable room. Ensure compliance with each applicable room. Horizontal Angle of Daylight applies to bedrooms in townhouse units in the lowest level. Units located adjacent to "Residential Storage" in Block D must also meet Horizontal Angle of Daylight requirements. Also see the note regarding living accommodation below finished grade above.
30. Provide a summary table indicating the net area of each dwelling unit. Net area excludes exclusions such as in-suite residential storage spaces and residential balconies.
31. Label outdoor private residential amenity spaces such as patio, covered porch, roof deck. Indicate the dimensions and area of each outdoor

private amenity space.

32. Confirmation of compliance that mechanical spaces above base surface (if proposed) is counted as floor area. Floor area exclusion is applicable only if they are located at or below base surface per Section 5.3.c of CD-1 (642).
33. Refer to the *Bulk Storage and In-Suite Storage – Multiple Family Residential Developments* bulletin (<http://bylaws.vancouver.ca/bulletin/b004.pdf>). For each dwelling unit, a minimum of 5.7 cu. m of bulk storage is required.

Note to Applicant: Demonstrate compliance with the requirements from this bulletin by means of overlays, notations or dimensions. No FSR exclusion for non-residential storage located above or below base surface.

34. If “Strata Recreation Centre” is accessible by stairs and elevators and the two lobby areas, include them in floor area calculations.

Note to Applicant: Clarify how occupants will access this space.

35. Specify "Cafe" as "Retail".
36. Specify "Restaurant" by Class 1 or Class 2. Clarify the location of kitchen exhaust. Consult with Planning, Urban Design and Sustainability to review its location.
37. Clarify what is “B.O.H.” at level 1.
38. Confirmation that at least 20% of all off-street parking spaces will be available for charging of electric vehicles.
39. Number and label each parking space as standard, small, visitor, or disability. Provide dimensions of each parking space or alternatively, provide a legend. Specify the associated use (such as residential, restaurant, retail etc.) of parking spaces. Same is required for loading spaces.
40. Number and label each bicycle space as horizontal, vertical, or locker, and Class A or Class B. Ensure compliance with Sections 6.3.13 and 6.3.13A. Provide dimensions of each bicycle space or alternatively, provide a bicycle space legend. Specify the associated use (such as residential, restaurant, retail etc.) of each bicycle space or bicycle room.
41. Construction of the bicycle rooms to be in accordance with Section 6.3 of the Parking By-law.
42. The design of the bicycle spaces (including bicycle rooms, compounds, lockers and/or racks) regarding safety and security measures shall be in accordance with the relevant provisions of Section 6 of the Parking

By-law.

43. Provide one electrical receptacle per 2 bicycle spaces for the charging of electric bicycles.
44. Provide End of Trip facilities with details as per Vancouver Building By-law.
45. Delete of all references to the proposed signage, and add a notation on plans confirming that all signage is shown for reference only and is not approved under this Development Permit.

Note to Applicant: Signage is regulated by the Sign By-law and requires separate approvals. The owner[s] assumes responsibility to achieve compliance with the Sign By-law and obtain the required sign permits.

46. Design development to locate, integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impacts on the building's open space and the Public Realm.
47. An acoustical consultant's report shall be submitted which assesses noise impacts on the site and recommends noise mitigation measures in order to achieve noise criteria.
48. Written confirmation shall be submitted by the applicant that:
 - (i) The acoustical measures will be incorporated into the final design and construction, based on the consultant's recommendations;
 - (ii) Adequate and effective acoustic separation will be provided between the commercial and residential portions of the building; and,
 - (iii) Mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise impact on the neighbourhood and to comply with Noise Control By-law No. 6555.

Engineering

49. 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.
50. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law No. 4243 section 3A and access around existing and future utilities adjacent your site.

Note to Applicant: 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.

51. 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 & 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 and removal or slab pour that requires additional street use beyond the already identified project street use permissions.

52. Clarify garbage storage and pick-up space. Please show containers and totes on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. Include manoeuvring diagrams and a confirmation letter from the waste hauler provider regarding access.

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.

53. Design development of "Public Square" space to the satisfaction of the General Manager of Engineering Services.

54. Provision of a public realm plan (landscape and lighting plan for public areas and streets) that includes, but is not limited to, new sidewalks (minimum 1.8 m wide), curb, pavement, lamp standards, street trees, landscaping and street furniture adjacent to the site.

Note to Applicant: A copy of the public realm plan must be submitted directly to Engineering for review, comment and approval prior to the issuance of a development permit.

55. Landscape drawings to reflect the previously approved Civil Drawings.

56. Provide barrier free access along building frontage of the Building on Block C between Yew Street and the elevator, including the main entrance.

Note to Applicant: This will require relocation of the bike racks in front of the Building on Block C to a suggested location at the north west corner of the Public Square (refer to drawing L1.02).

57. Relocate the gates to the patios facing Yew Street on Block D so they do not cross the property line (refer to drawing L1.01).

58. Confirmation on drawings submitted for development permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement.
59. Design Development to comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services. Parking, loading, and bicycle spaces shall be provided and maintained according to the provisions of the Vancouver Parking By-law. The following items are required:
- (i) Provision of all maneuvering details for loading spaces on site.

Note to Applicant: Provide turning tracks to confirm non-standard layout, if required.
 - (ii) Provision of 3.8 m (12.5 ft.) of vertical clearance for access and maneuvering to Class B loading spaces.
 - (iii) Provision of additional loading bay width for the second and subsequent loading spaces.
 - (iv) Provision of convenient, internal, stair-free loading access to/from all site uses and the Class B loading bays.

Note to Applicant: Loading across the Public Square will not be accepted.
 - (v) Modification of main parkade ramp design to align with the manoeuver aisle on the P1 parking level.
 - (vi) Accommodation of unrestricted two way flow on the main parkade ramp.
 - (vii) Provision of improved sightlines at the top of the main parkade ramp.
 - (viii) Provision of automatic door openers on the doors providing access to the bicycle storage rooms.
 - (ix) Provision of Class B bicycle racks that are spaced a minimum of 36 inches apart and minimum 24 inches from buildings or walls.
60. The following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review:
- (i) Provide a tech table showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
 - (ii) Individually number and label all types of parking and loading

spaces on the drawings.

- (iii) Dimension all column encroachments into parking stalls.

Note to Applicant: Dimension the length, width and the setback from the end of the stall

- (iv) Provide dimensions for typical parking spaces.
- (v) Provide dimensions of additional setbacks for parking spaces due to walls
- (vi) Provide dimension manoeuver aisles and the drive aisles including at the parkade entrance and all gates.
- (vii) Provide section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates. These clearances must consider mechanical projections and built obstructions.
- (viii) Label areas of minimum vertical clearances on parking levels.
- (ix) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances.

Note to Applicant: The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.

- (x) Indicate the stair-free access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: Stair ramps are not generally acceptable.

- (xi) Existing street furniture including bus stops, benches etc. to be shown on plans.
- (xii) The location of all poles and guy wires to be shown on the site plan.

- 61. Provision of a revised Transportation Demand Management Strategy and Green Mobility Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

Note to Applicant: The Strategies must include mode share targets and

measures to achieve them. Ongoing monitoring and adjustment of the TDM measures will be required at intervals determined by the General Manager of Engineering Services. Measures, including the bike co-op, will be secured through legal agreements. See Administrative Bulletin for more information:

<http://former.vancouver.ca/commsvcs/BYLAWS/bulletin/R019.pdf> 56.

62. A Class B Passenger Loading Space, designed to accommodate passenger loading for HandyDART vehicles, must be provided at grade, convenient to the Adult Day Centre for the Adult Day Centre Use.
63. Engineering supports a relaxation of 1 Class B loading bay with provision of 2 Class A loading bays, a Shared Loading Agreement and a Loading Management Plan for a total of 1 Class B passenger space, 2 Class B and 5 Class A loading bays provided for Blocks C and D.
64. Provision of End of Trip facilities as per Vancouver Building By-law.
65. Provision of a corner cut Statutory Right of Way at the north east corner of Block C of approximately 1.0 m by 1.0 m to improve pedestrian movement between the crossing and Public Square and access to the Public Square space from the southern east-west crossing of Yew Street at Lahb Avenue.

Green Infrastructure

66. Provision of a Rainwater Management Plan (RMP) that details how the rainwater management system meets the Integrated Rainwater Management Plan requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (i.e. Engineer), subject to review. The proponent should take into account the following:

(i) Under the *Rezoning Policy for Sustainable Large Developments*:

- a. The target under the 'Quantity' deliverable is to match the post-development runoff 2yr-24hr volume and peak to the pre-development 2yr-24hr volume and peak (pre-development being the immediate preceding use).

Note to Applicant: 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.

- b. The target under the 'Quality' deliverable is based on treating 90% of the average runoff (48mm/24hrs) to remove 85% total suspended solids. Preference will be given to landscape based treatment systems integrated within the site's overall landscaping plan.

(ii) Under the *Green Buildings Policy for Rezoning*, in the instance of a zero lot line design staff will consider:

- a. The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume.

Note to Applicant: Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems.

- b. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated.

Note to Applicant: Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24 mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48 mm in 24 hours will also need to be demonstrated.

(iii) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.

(iv) Provide outline area/volume calculations to support the overall rainwater management strategy. Include the area measurement for all pervious/impervious areas and demonstrate that each of the receiving infiltration/treatment areas can accommodate the proposed runoff volumes without being inundated.

(v) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices;

- a. Planters designed as flow-through planters can be used to meet the treatment volume requirement;

- b. Consider increasing the depth of soil throughout planted areas and the inclusion of shallow ponding depths within the planted areas as part of the calculations.
- (vi) The building/public realm should be designed to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.
- (vii) Consideration should be given to a joyful expression of capture and movement of rainwater across the site;
- (viii) Detention tanks shall be considered only where alternative approaches to rainwater retention prove unacceptable. Where detention tanks are to be proposed they should be considered for storing water for alternative uses on site.

Low Carbon Energy

- 67. Prior to issuance of development permit, the applicant must demonstrate, to the satisfaction of the General Manager of Engineering Services, that a minimum of 70% of total annual heating and domestic hot water energy for buildings within the development will be delivered as a part of a renewable energy system.
- 68. If the development is connecting to a City-recognized Low Carbon Energy System, prior to issuance of building permit the applicant must demonstrate compliance with minimum design requirements outlined in the Performance Monitoring & Reporting Requirements for Low Carbon Energy Systems (updated February 2014 or later), 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.

Note to Applicant: A proposed energy system Performance Monitoring and Reporting Plan shall be submitted at the time of building permit application for approval by the General Manager of Engineering Services prior to building permit issuance. The applicant shall refer to the City of Vancouver Performance Monitoring and Reporting Requirements for Renewable Energy Systems for further instructions on performance monitoring and reporting.

Housing

- 69. Ensure no less than 50% of the social housing units are suitable for families with children as per the City's *Guidelines for High Density Housing for Families with Children*.
 - (i) The transfer to the City at a nominal cost of an air space parcel containing the 125 social housing units and associated amenity

space together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations;

- (ii) Granting of a perpetual right in favour of the City and users of this Social Housing air space parcel, in the form of a statutory right of way, for access to and use of required parking spaces and to the lading spaces in the underground parkade of the residential complex on this site, at no cost to the City; and
- (iii) Granting the City an option to purchase, for a nominal purchase price, the Social Housing air space parcel, exercisable upon completion of construction thereof. The applicant will be required to provide the Social Housing to the City prior to receiving an occupancy permit for the space on Block A.

70. Design and construct the social housing in line with the City's *Housing, Design and Technical Guidelines*, including the requirement to deliver a minimum of 5% of units within each social housing building or parcel as wheelchair accessible.

Note to Applicant: Applicant to work with City staff to agree the location and unit type for the accessible units.

Sustainability

71. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning*s (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 phased developments, it is expected that the individual development permits will meet the requirements of the Green Buildings Policy for Rezoning in effect at the time of development permit application. 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*s – *Process and Requirements* (amended April 28, 2017 or later).

Zero Waste Planning

72. Provide a Zero Waste Design and Operations Plan at the time of development permit, and updated with each successive development permit application, to the satisfaction of the General Manager of

Engineering Services, as described in the *Rezoning Policy for Sustainable Large Developments*.

Note to Applicant: The Zero Waste Design and Operations Plan should have a site/development infrastructure design component and an ongoing operations/maintenance component. The document should be structured so as to replicate all of the numbered headings and sub-headings of the Zero Waste Design and Operations Plan and meaningfully address each of these headings.

Sustainable Food Systems

73. 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 following food assets can count towards the required three food assets that must be delivered as part of the development: (1) edible landscaping, (2) community gardens, and (3) on-site organics management. The following comments outline ways to strengthen the submission:

- (i) Edible landscaping – Provide more details on the location and design of the edible landscaping.
- (ii) Shared garden plots – Provide more details on the location and design of shared garden plots.
- (iii) On-site organics management – Provide details of location, type of machine, and management structure of on-site organics management.

Parks

74. Design development to reduce shadow impact on Arbutus Village Park between 10am and noon on the equinox.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Provision of a Shared Use Loading Agreement and a Shared Loading Management Plan to the satisfaction of the General Manager of

Engineering Services and the Director of Legal Services for the Class A and B loading spaces between the Residential and the Non-Residential uses in Block C and D.

Note to Applicant: The Shared Loading Management Plan to include details such as: identification of loading spaces as “shared use”, allocated time periods for shared use, management of the facility, identification of loading bays that can be used for unscheduled loading deliveries and signage/wayfinding proposed for the loading bays.

2. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 5 Shared Vehicles and the provision and maintenance of 5 Shared Vehicle Parking Spaces for use exclusively by such Shared Vehicles, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provision of 5 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 and register 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
 - (vi) Provide a letter of intent from a Shared Vehicle Organization indicating their willingness to supply the Shared Vehicles on the site at building occupancy. The letter is to also indicate acceptance of the general location, configuration and accessibility of the Shared Vehicle Spaces.

Note to Applicant: Shared Vehicle Spaces are required to be a minimum width of 2.9 m.

3. Enter into an amendment of the Services Agreement registered at the Land Title Office under no. CA5499427 – CA5499432 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 Blocks C or D will be issued until the security for the services is provided. The agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services:

- (i) No development permit will be issued for Block C or Block D until the design of the Services required for that particular phase of development are completed;
- (ii) No occupancy of any buildings or improvements on Block C or Block D until the Services required for that particular phase of development are completed; and shall include the following works to the satisfaction of the General Manager of Engineering Services:
 - a. The design and installation of all Storm, Sanitary and Water systems as required by the development;
 - b. Design and construction of path connections within the Arbutus Village Park that will connect the park's existing paths with the proposed onsite paths;
 - c. Provision (including all required testing, analysis and installation) of traffic calming measures on the Nanton Avenue bike route, to be completed after the Yew Street Extension is open to traffic;
 - d. Design and construction of all other roads, pathways, sidewalks, lanes, mews, boulevards, greenways, bikeways and all other public access areas and shall require, to the satisfaction of the General Manager of Engineering Services:
 - 1. Provision of life-cycle assessments for all non-standard materials proposed for City streets.
 - 2. Provision of soil resistivity testing in all roads to determine the need for cathodic protection of utilities.
- (iii) 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.

(iv) The 5-year post-development flow rate discharged to the sewer shall be no greater than the 5-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post-development estimate shall utilize the 2100 IDF curve to account for climate change.

(v) Development to be serviced to the proposed 300 mm sanitary sewer in Yew Street and the proposed 525 mm storm sewer in Yew Street. These sewers are currently being constructed as part of the Owner's Works in the Services Agreement for the currently CD-1 (642).

Note to Applicant: Watercourse covenant may be required based on the presence of an old stream(s).

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

(vi) 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.

(vii) Provision of a 2.13 m (7 ft.) light broom finish saw cut concrete surface for all public walkways and sidewalks.

Note to Applicant: This consistent surface treatment is to ensure that both sidewalks and walkways can clearly be identified as pedestrian space for public use.

(viii) Provision of new street lighting adjacent to the site and pedestrian scale lighting along all public walkways to current standards including a lighting design.

4. Provision of up to \$450,000, at the discretion of the General Manager of Engineering Services, for traffic calming to mitigate the impacts of the development's traffic on the neighbourhood. Measures are to be determined within five years of occupancy of the last building pursuant to this rezoning and are subject to neighbourhood consultation where appropriate.

Note to Applicant: A letter of credit or cash deposit in the value of \$450,000 is required to be delivered prior to by-law enactment. Any balance of unused funds may be returned after five years of occupancy of the last building.

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.

Note to Applicant: 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 B.C. 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.

6. Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to amend the Statutory Right of Way Agreements registered prior to the 2016 Rezoning under no. CA5499331 – CA540048 to include the following terms and conditions:
 - (i) The “Public Square” space to be a minimum of 1,240 sq. m (13,347 sq. ft.);
 - (ii) The Arbutus Village Park connectors, including the paths along the western boundary of the site through Blocks C and D and the stairs, for 24 hour pedestrian access and public use. The SRW is to be a blanket charge (defined by sketch plan) and to be modified to volumetric plan based on the as-built conditions. The modification is to be registered prior to occupancy of Block C or Block D. Maintenance of the Public Square and Arbutus Village Park shall be the responsibility of the owner of the commercial properties.

Low Carbon Energy

7. 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 building 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.

8. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for securing the low carbon energy requirements of the development, which may include but are not limited to agreements which:
 - (i) Require the developer to undertake performance monitoring of the thermal energy system for the development on a reporting schedule, containing information, and prepared in a form as requested by the General Manager of Engineering Services.

Public Art

9. 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 Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

Neighbourhood House and Adult Day Centre Facility

10. Make arrangements to the satisfaction of the Director of Legal Services in consultation with the General Manager of Arts, Culture and Community Services and the Director of Facilities Planning and Development to amend the Neighbourhood House and Adult Day Centre facility registered at the Land Title Office under nos. CA5499449 to CA5499456 to secure the provision of a public amenity in the form of a Neighbourhood House and Adult Day Centre facility, with a total area of not less than 1,889 sq. m (20,333 sq. ft.), which is 386 sq. m (4,155 sq. ft. larger than secured in the 2016 Rezoning) as part of the development at 2133 Nanton Avenue; including:

- (i) The design, construction, equipping and finishing of the proposed Neighbourhood House and Adult Day Centre facility;

Note to Applicant: Design development will be required through the Development Permit process to demonstrate that the functional requirements of the Neighbourhood House and Adult Day Centre facility can be met.

- (ii) The transfer to the City at a nominal cost of an air space parcel containing the Neighbourhood House and Adult Day Centre facility, together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and

maintenance, cost sharing, insurance and other applicable legal obligations;

- (iii) Granting of a perpetual right in favour of the City and the users of this Neighbourhood House and Adult Day Centre facility, in the form of a statutory right of way, for access to and use of three parking spaces and to the loading spaces in the underground parkade of the residential complex on this site, at no cost to the City; and
- (iv) Granting the City an option to purchase, for a nominal purchase price, the Neighbourhood House and Adult Day Centre Facility air space parcel, exercisable upon completion of construction thereof. The applicant will be required to provide the Neighbourhood House and Adult Day Centre Facility to the City prior to receiving an occupancy permit for the space on Blocks C and D.

Community Amenity Contribution (CAC)

- 11. Pay to the City, prior to enactment of the amendment to the CD-1 By-law, the cash portion of the Community Amenity Contribution of \$2,000,000 which the applicant has offered to the City and which will be allocated to construction of the Arbutus Greenway. Payment is to be made prior to enactment of the amendment to the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

Social Housing

- 12. Make arrangements to the satisfaction of the Director of Legal Services in consultation with the General Manager of Arts, Culture and Community Services and the Director of Facilities Planning and Development, to amend the Social Housing Construction and Transfer Agreement registered at the Land Title Office under nos. CA5499411 to CA5499416 to secure the applicant's obligation to design, build and deliver to the City social housing units which comprise no less than 20% of the total floor area for all uses that are included in the calculation of floor space ratio, and associated parking and bike storage for such social housing, all contained within a separate air space parcel.

Note to Applicant: Social housing units are to be delivered in-kind and turnkey, comprising at least 25 additional social housing units (compared to the 2016 Rezoning), in no less than 1,806 sq. m (19,440 sq. ft.) of additional buildable area compared to the 2016 Rezoning, meeting the City's Housing Specifications, and including required parking, amenity and storage spaces, all within a single fee-simple air space parcel, with systems maintained by the Block A rental building or commercial air space parcel (as applicable) with fair and equitable sharing of costs related thereto), transferred to City ownership (free and clear of any financial charges, liens, and other encumbrances), no later than Q2 2020.

Note to Applicant: All 125 social housing units must be delivered in a single, contiguous air space parcel. Air space parcel is to be no less than 9,999 sq. m (107,628 sq. ft.).

The agreement or agreements will include, but not be limited to, the following terms and conditions:

- (i) Total floor area must be at least 20% of the residential floor area included in the calculation of floor space ratio;
- (ii) All associated storage lockers, vehicle and bicycle parking and amenity to be provided is not included in the above net floor area;
- (iii) Unit sizes, parking numbers and finish specifications must be as per the City's *Housing Design and Technical Guidelines*;
- (iv) Unit design and associated storage and amenity space must be as per the City's *High Density Housing for Families with Children Guidelines*; and
- (v) The air space parcel for the social housing must be designed to be as autonomous as possible, with design considerations maximizing the efficiency and minimizing the cost of operations over the life of the project and within the larger development.

Note to Applicant: All units must be designed and delivered in compliance with the City's *Housing Design and Technical Guidelines*.

- (vi) Grant the City an option to purchase, for a nominal purchase price, the social housing air space parcel, exercisable upon completion of construction of the social housing.
- (vii) As a condition of issuance for the Building Permit, a Letter of Credit will be required in an amount equal to the estimated cost. The estimated cost is typically the cost to complete and deliver the Social Housing Parcel to the City. This includes the costs to finish and equip, provide all furnishings and equipment; complete all landscaping, if any; and cover all soft costs such as consultant design fees and permit fees for the Social Housing Parcel.

Note to Applicant: The value of the Letter of Credit will be determined at the time of registration of the legal agreements related to the provision of Social Housing.

13. Make arrangements to the satisfaction of the Director of Legal Services and the General Manager of Arts, Culture and Community Services to enter into a Housing Agreement applicable to the social housing air space parcel for 60 years or the life of the building, whichever is greater, which will contain the following terms and conditions:

- (i) A no separate sales covenant;
- (ii) A no stratification covenant;
- (iii) A provision that none of such units will be rented for less than one month at a time; and
- (iv) A requirement that all units comply with the definition of “social housing” in the applicable DCL By-law.

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.

Secured Rental Housing

- 14. Submit a complete application and payment for Development Permit Amendment for Block A.
- 15. Enter into one or more agreements, including a Housing Agreement and Section 219 Covenant, as required by the Director of Legal Services in consultation with the General Manager of Arts, Culture and Community Services, to secure 91 dwelling units at a square footage of not less than 9,202 sq. m (99,050 sq. ft.) gross floor space as secured market rental housing, plus related parking and other indoor and outdoor amenity space consistent with relevant Council-adopted guidelines. An additional 975 sq. m (10,500 sq. ft.) will be secured at moderate income rates as set out in the Moderate Income Rental Housing Pilot Program.

Note to Applicant: Target the Unit Mix Guidelines in the Moderate Income Rental Housing Pilot Program while designing this space, with the goal of delivering the maximum number of units across a range of unit sizes. Final unit mix will be subject to approval of the General Manager of Planning, Urban Design and Sustainability.

The agreement or agreements will include but not be limited to the following terms and conditions:

- (i) A no separate sales covenant;
- (ii) A no stratification covenant;
- (iii) A provision that none of such units will be rented for less than one month at a time;
- (iv) All rental units will be secured as rental for a term of 60 years or the life of the building, whichever is greater; and
- (v) The average starting monthly rents of the units secured at moderate income rates will be at or below the following rates, applicable at the time of initial occupancy:

- Studio \$950*
- 1 Bedroom \$1,200
- 2 Bedroom \$1,600
- 3 Bedroom \$2,000

as set out in s. 2a of the [“Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements And Available Incentives: Admin Bulletin”](#) and rent increases will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy.

Note to Applicant: A rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services.

- (vi) The applicant will verify eligibility of new tenants for the units secured at moderate income rates:
 - a. For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent).
 - b. There should be at least one occupant per bedroom in the unit.
- (vii) The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every 5 years after initial occupancy:
 - a. For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent).
 - b. There should be at least one occupant per bedroom in the unit.
- (viii) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the Moderate Income Rental Housing Units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income units, and a summary of the results of eligibility testing for all units.

- (ix) Such other terms and conditions as the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services may require in their sole discretion.

Note to Applicant: This condition will be secured by 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 prior to enactment of the rezoning by-law.

Soils

16. If applicable:

- (i) Submit a site profile to Environmental Services (Environmental Protection);
- (ii) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (iii) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

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

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

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

All agreements, where appropriate, should be structured to contemplate and allow for a phased occupancy of buildings and units.

- 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 June 11, 2018, entitled “CD-1 Text Amendment: 2133 Nanton Avenue and 4189 Yew Street (Arbutus Centre)” the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to the enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, and the General Manager of Arts, Culture and Community Services.
- C. THAT A and B be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the 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 – 2133 Nanton Avenue and 4189 Yew Street (Arbutus Centre)]