

SUMMARY AND RECOMMENDATION

2. REZONING: 3070 Kingsway

Summary: To rezone 3070 Kingsway from C-2 (Commercial) to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building and three-storey townhouses at the lane with commercial at grade and 40 for-profit affordable rental housing units. A height of 21.5 m (70.5 ft.) and a floor space ratio (FSR) of 3.48 are proposed.

Applicant: Conwest Ventures Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of July 10, 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 Conwest Ventures Ltd. on behalf of 3070 Kingsway Inc., to rezone 3070 Kingsway [*Lots 1 and 2, Except Part in Reference Plan 2424, Block 16 District Lot 37 Plan 3952; PIDs 011-986-549 and 011-986-565 respectively*] from C-2 (Commercial) to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 3.48 and the building height from 13.8 m (45.3 ft.) to 21.5 m (70.5 ft.) to permit the development of a six-storey mixed-use building and three-storey townhouses at the lane with commercial at grade and 40 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated July 6, 2018 entitled "CD-1 Rezoning: 3070 Kingsway", 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 GBL Architects and received November 10, 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 to improve livability by removing the external courtyard stairs. Stair access should be internalized within the townhome development. Removal of the exterior stair also prevents the need for vertical privacy screens which create Horizontal Angle of Daylight concerns.
2. Design development to improving the privacy and outdoor open space of the ground-floor two-bedroom/ 817 sq. ft. unit, as the visual access between the bedrooms and the courtyard is a concern.

Note to Applicant: A two-bedroom ground-floor unit that satisfies privacy and daylight expectations for livability may not be possible in this configuration.

3. Design development to improve livability by reducing overlook and privacy concerns between units. Recommendations include the use of privacy mitigation techniques such as landscaping, privacy screens or solid guardrails.

Note to Applicant: Clearly show this on the drawings. Any changes in courtyard configuration may not result in a reduction in courtyard depth to less than 6.1 m.

4. Design development to improve livability by improving the unit design of the western studio units on levels four to six by increasing unit width.

Note to Applicant: The unit appears to be only 6 ft. wide in places, a unit of this width is not supportable; consideration to combine the 469 sq. ft. and 443 sq. ft. units into one unit.

5. Design development to improve livability by exploring additional daylight access to the western studio units on levels four to six.

Note to Applicant: If the units are combined, recommendation is to add additional glazing to the south east facing wall.

6. Confirm that the Horizontal Angle of Daylight requirements of the CD-1 By-law are met.

Note to Applicant: Clearly show this on the drawings. Note that the distance that the Horizontal Angle of Daylight (HAD) plane extends has been relaxed in section 6.2 of the CD-1 By-law from the standard 24.0 m to 6.1 m. Refer to the C-2 Design Guidelines for guidance.

7. Design development to enhance the quality of the lane and considering the treatment of the transformer and utility spaces.

Note to Applicant: Provide 4 ft. landscaping treatment in the rear setback.

8. Design development to improve circulation and access by reconfiguring the internal circulation space to provide direct access between the commercial loading bay and the commercial units and to limit impact on residential units.
9. Design development to improve circulation and access by provision of residential corridors that are not overly long or circuitous; residential corridors should be adequately sized to facilitate the moving of furniture.

Note to Applicant: It is recommended to incorporate a circulation route directly from the lobby to the courtyard along the east wall. This may require reconfiguration of the amenity space. Also refer to building code condition of approval.

10. Design development to more clearly articulate and identify the residential entrance along of Kingsway. This may be achieved through the incorporation of distinctive materials, lighting, signage and or canopy treatments.

Note to Applicant: Bicycle racks should be located away from the front entry in order to enhance the entry experience and decrease potential CPTED concerns.

11. Design development to consider the architectural treatment of
 - (i) the east wall adjacent to existing co-op development.
 - (ii) the west wall next to the level two deck space of the adjacent six-storey development.

Note to Applicant: Walls exposed for the foreseeable future are to be treated with an increased quality of materiality and expression.

12. Design development to consider the impact of shadowing on the development to the west.

Note to Applicant: show the adjacent western property's proposed level two floor plan and deck space in the shadow analysis drawings.

13. Weather protection should be continuous across façade (including residential entrance).

Note to Applicant: clearly show extent of weather protection above on the ground level floor plan. Provision of canopy details and sections is recommended for the development permit submission package.

Affordable Housing

14. That the proposed unit mix, 28% 2-bedroom units and 10% 3-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

15. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them.

16. 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

17. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.
18. 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 / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
19. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
20. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
21. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage If this cannot be

confirmed then an on-site garbage bin staging area is to be provided adjacent the lane.

22. Clearly show the existing property line and the proposed Statutory Right-of-Way (SRW) line on the site and landscape plans.
23. Development to be serviced to the existing storm and sanitary sewers on Kingsway.
24. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.
25. Please place the following statement on the landscape plan; *This plan is "NOT FOR CONSTRUCTION" and 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.*
26. Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to engineering for review.
27. Provision of automatic door openers on the doors providing access to the bicycle room.
28. Provision of a plan showing the access route for 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.

29. Design development to improve the parkade layout, the loading and the access design and compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including:

- (i) Provision of a warning light system for the single lane ramp.

Note to Applicant: A qualified Transportation Engineer to provide details on the system and the design to also include cyclist use, if the ramp is to be used for Class A bicycle access. The locations of all lights, signs and detection devices to be shown on the Architectural drawings.

- (ii) Provision of a 6.6 m (21.66 ft.) vehicle maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.
- (iii) Provision of a security gate for the residential parking.

Note to Applicant: 2.3 m vertical clearance is required at the gate for access and manoeuvring to disability parking.
- (iv) Provision of a double load throat for the Class B loading bay.
- (v) Provision of an overhead door at the rear of the loading bay for loading operations.
- (vi) Provision of minimum 3.5m vertical clearance for the Class B loading.
- (vii) Provision of stair free loading access from the Class B loading bay to the commercial unit.
- (viii) Label Class B loading Bay as shared use Residential and Commercial.

30. The following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review of compliance with the Parking and Loading Design Supplement and the Bicycle Parking Design Supplement:

- (i) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
- (ii) All types of parking and loading spaces individually numbered, dimensioned, and labelled on the drawings.
- (iii) Section drawings showing elevations, vertical clearances for: parking levels, loading bays, ramps, and security gates with mechanical projections. Label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.
- (iv) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances. The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.
- (v) Dimension all columns encroaching into parking stalls.
- (vi) Dimension the drive aisle at the parkade entrance, the gates and the manoeuver aisles.

- (vii) Additional setbacks of parking spaces from walls to be dimensioned on drawings.
- (viii) Legal survey of the laneway showing the location of all poles and guy wires.

Landscape Design

- 31. Resolution of the conflict with the proposed development and the row of offsite trees at the south edge;

Note to Applicant: It has been acknowledged that the offsite trees are in conflict with the proposed building and a neighbor consent letter is on file that provides consent for the removal of the trees. The neighbor consent letter also declares that the trees will not be replaced and a proposed re-landscape plan has been shared between parties. At time of writing, staff is not aware of any city approvals in place to review or approve the re-landscaping intent. At time of development permit application, a tree removal permit application must be made for # 3090 Kingsway, subject to review. Staff is aware that issuing a tree removal permit may place the owners of # 3090 Kingsway in contravention of their approved landscape plan. Therefore, unless an approved re-landscape plan can be presented, development permit issuance for # 3070 Kingsway is conditional upon a minor amendment application (development permit) be in place and approvable for # 3090 Kingsway, to address the landscape changes. In the event the conflict cannot be resolved, for whatever reason, design development may be needed to retain the trees or accommodate new landscaping.

- 32. Provision of detailed **architectural and landscape** cross sections (minimum 1/4 in. scale) through the common open space and the lane planting;

Note to Applicant: Illustrate the slab design and location, the soil profile, root ball and any associated landscaping. For, 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.

- 33. Provision of plan details and documentation/calculations that support achievement of storm water targets 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 consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

- 34. Provision of a detailed "Tree Management Plan";

35. 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 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

36. Provision of an outdoor Lighting Plan;

Note to Applicant: Consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

Sustainability

37. 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).

Crime Prevention Through Environmental Design (CPTED)

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

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with experience of the more

specific CPTED risks in this area is recommended, and should be included the response to this condition.

Building Code

39. A fire department access route is required from the street to the townhouses at the lane in accordance with the Vancouver Building Bylaw (VBBL).

Note to Applicant: The provision of the access route may result in potential loss in density.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management 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 1 and 2, Both Except Part in Reference Plan 2424, Block 16, District Lot 37, Plan 3952 to create a single parcel.
2. Provision of a Statutory Right-of-Way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the north property line to give an overall distance of 5.5 m (18 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings and benches at-grade but the SRW agreement will accommodate underground parking Level P1 and portions of building levels two to six within the SRW area.

Note to Applicant: Feature paving proposed on Kingsway to be removed from SRW.

3. Release of Easement & Indemnity Agreement 521167M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

4. Provision of a shared use agreement to the satisfaction of the General Manager of Engineering Services for the Class B loading space between

the retail and residential uses and which loading space will be labelled as 'Residential and Commercial Loading'.

Note to Applicant: The shared use agreement should specify allocated time periods for shared use by residential vs. commercial units.

5. 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. Based on an estimate of the development's water demands, the water system should be adequate to service the development. No upgrades currently noted. Supply project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, Water Supply for Public Fire Protection, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required. Should review of the confirmed project details deem upgrading is 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.

Note to Applicant: The above analysis assumes the proposed building will *not* utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid. Contact Water Design for further details.

(ii) Provision of a fire hydrant fronting the development to be installed.

(iii) The post development 10-year flow rate discharged to the sewer shall be no greater than the 10-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF Curves, whereas the post development estimate shall utilize the 2100 IDF curves to account for the climate change.

(iv) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

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

- (v) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (vi) Provision of lane lighting on standalone poles with underground ducts.
 - (vii) Provision of a new 1.53 m (5 ft.) exposed aggregate front boulevard, 0.31 m (1 ft.) building strip, and light broom finish saw cut concrete sidewalk between the front boulevard and building strip.
 - (viii) Removal of existing driveway crossing on Kingsway and provision of new curb and gutter.
 - (ix) Provision of street trees adjacent the site where space permits.
6. 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 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.

Green Infrastructure

- 7. Provision of a detailed response toward the Integrated Rainwater Management Plan (IRMP) requirements outlined in the *Green Buildings Policy for Rezoning*s.
- 8. Provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for infiltration, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review.

- (i) In this 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;
 - b. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems.
 - c. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated;
- (ii) Staff does 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 24mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48mm 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) 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.
- (vi) Staff does not accept the inclusion of off-site areas in calculations for infiltration and/or treatment.
- (vii) 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 include shallow ponding depths within the planted areas as part of the calculations.

Note: 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.

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

Affordable Housing

9. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or the life of the building, and subject to the following additional conditions:

- (i) A no separate-sales covenant;
- (ii) A no stratification covenant;
- (iii) That none of such units will be rented for less than one month at a time;
- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into and again prior to development permit issuance;
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	3070 Kingsway Average Starting Rents
Studio units	\$1,469
1-bedroom	\$1,730
2-bedroom	\$2,505
3-bedroom	\$3,365

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts Culture and Community Services (or successor in function) and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial

occupancy, as per the maximum increases authorized by Section 3.1B(c) of the Vancouver Development Cost Levy By-law.

- (vii) 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 in their sole discretion require.

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.

Environmental Contamination

10. If applicable:

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

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject 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-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined

by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in section (c) of Appendix B, of the Policy Report dated July 6, 2018 entitled “CD-1 Rezoning: 3070 Kingsway” the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to 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 and the General Manager of Arts, Culture and Community Services.
- C. THAT Council approve 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 July 6, 2018, entitled “CD-1 Rezoning: 3070 Kingsway”.
- 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 July 6, 2018, entitled “CD-1 Rezoning: 3070 Kingsway”.
- E. THAT A through D be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ – 3070 Kingsway]