



CITY OF VANCOUVER

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SPECIAL COUNCIL MEETING MINUTES

SEPTEMBER 16, 2008

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, September 16, 2008, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to Heritage by-laws and Zoning and Sign By-laws.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
Councillor Kim Capri*
Councillor George Chow*
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie
Councillor Tim Stevenson

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Capri

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to Heritage by-laws and Zoning and Sign By-laws.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote.)

1. Heritage Revitalization Agreement (HRA): 18 West Hastings Street

An application by Glen Stokes, Bruce Carscadden Architect, was considered as follows:

Summary: To rehabilitate this heritage designated Gastown building through a Heritage Revitalization Agreement (HRA) in exchange for Heritage Building

Rehabilitation Program incentives and a Single Room Accommodation (SRA) Conversion Permit. The proposal includes 30 self-contained SRA units and a retail unit at grade. The SRA units will remain designated in the SRA By-law.

The Director of Planning recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Staff Comments

Zlatan Jankovic, Heritage Planner, explained the application and together with Rob Jenkins, Acting Director of Planning and Cameron Gray, Director, Housing Centre, responded to questions.

Summary of Correspondence

There was no correspondence received on this application.

Speakers

The Mayor called for speakers for and against the application.

Jean Swanson, Carnegie Community Action Project, expressed concern with the application and stressed the need to save these units for low-income housing.

Council Decision

MOVED by Councillor Anton

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement to rehabilitate and preserve the designated heritage building at 18 West Hastings Street, which Agreement will:
 - (1) grant a density bonus of 62,590 sq. ft. available for transfer off site;
 - (2) include a façade grant of \$50,000, with funding to be provided from the 2006 Capital Budget; and
 - (3) vary section 10.21.2 of the Zoning and Development By-law to allow dwelling units in the Heritage Building with floor areas of 24.2 to 29.1 m² measured from the inside of all outer walls,and that Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement;

- B. THAT Council approve an SRA Conversion/Demolition permit to allow for rehabilitation of the existing building to include 30 self-contained SRA-designated units with bathrooms and cooking facilities, subject to Council approval of A, and that the owner enter into a Housing Agreement with the City, to the satisfaction of the Director of Legal Services in consultation with the Director of the Housing Centre, that the property be rental in perpetuity and shall not be strata titled in perpetuity;

- C. THAT, subject to the approval of A, and the carrying out of matters so approved and the assent of the electors or their deemed approval, Council instruct the Director of Legal Services to prepare and bring forward for enactment, generally on the terms set out in Appendix A, to Administrative Report "18 West Hastings Street (DE 411818) - Heritage Incentives, and SRA Conversion/Demolition Permit Application" dated August 18, 2008, hereto, a Tax Exemption By-law for 18 West Hastings Street to provide to it an exemption from the payment of property taxes in an amount up to, but not to exceed, \$144,492 in total or for a period of (10) years, whichever is reached first; and
- D. THAT, the agreements, covenants and by-laws described above shall be prepared, registered and given priority to the satisfaction of the Director of Legal Services in consultation with the Director of Planning;

CARRIED UNANIMOUSLY AND A AND C
BY THE REQUIRED MAJORITY
(Councillor Chow absent for the vote.)

2. Text Amendment: 4480-4650 Oak Street (Women's and Children's Hospital)

An application by Bob Andrews, Andrew Terrett Architect, was considered as follows:

Summary: To amend the Comprehensive Development District (CD-1) By-law to permit a retail use, limited to small-scale pharmacy.

The Director of Planning recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Staff Comments

Rob Jenkins, Acting Director of Planning, responded to questions.

Summary of Correspondence

There was no correspondence received on this application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application and none were present.

MOVED by Councillor Ball

THAT the application by Andrew Terrett Architect to amend Comprehensive Development District (CD-1) By-law No. 5091 (Reference #126) for 4480-4650 Oak Street (PID: 009-471-278; Block 1009, except those portions in Plans 12393, 12719 and Reference Plan 14318, District Lot 526, Plan 10359) to permit a small-scale pharmacy, generally as presented in Appendix A, to Policy Report "CD-1 Text Amendment: 4480-4650 Oak Street (Children's and Women's Hospital)" dated June 16, 2008, be approved.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote.)

3. Text Amendment: 749 West 33rd Avenue (St. Vincent's Hospital)

An application by Tony Gill, IBI Group/Henriquez, was considered as follows:

Summary: To amend the Comprehensive Development District (CD-1) By-law to enable the remaining portion of the former St. Vincent's Hospital to be re-developed over several years with a Campus of Care eldercare facility. The Campus of Care concept includes a geriatric hospital, together with complex residential care, assisted living and supportive housing and a centre of excellence in geriatric medicine. Also included will be limited office and retail uses. The proposed development will consist of four, separate buildings ranging in height from three to six storeys at a proposed density of 1.4 FSR (floor space ratio) with underground parking.

The Director of Planning recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Staff Comments

Joanne Baxter, Planner, explained the application and, together with Rob Jenkins, Acting Director of Planning, responded to questions.

Applicant Comments

Neil MacConnell, Providence Health Care, responded to questions.

Summary of Correspondence

There was no correspondence received on this application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Ball

THAT the application by Tony Gill, IBI Group/Henriquez, to amend CD-1 By-law No. 4671 for 749 West 33rd Avenue (Block 1170, D.L. 526, Plan 14699, P.I.D. 007-755-414) to increase the density from 1.0 FSR to 1.4 FSR to accommodate a Campus of Care eldercare facility comprising hospital and related uses, generally as set out in Appendix A to Policy Report "CD-1 Text Amendment - 749 West 33rd Avenue - St. Vincent's Heather Campus of Care" dated June 24, 2008, be approved subject to the following conditions:

1. PROPOSED CONDITIONS OF APPROVAL

GUIDELINES

- (a) THAT design guidelines entitled "St. Vincent's Heather (SVH) Campus CD-1 Guidelines" attached as Appendix C be approved by resolution of Council at the time of enactment of the amending CD-1 By-law.

FORM OF DEVELOPMENT - FIRST PHASE OF DEVELOPMENT

- (b) THAT the schematic plans prepared by IBI Group/Henriquez Architect and stamped "Received Planning Department (Rezoning Centre) May 31, 2007," illustrating the proposed form of development, specifically in relation to the siting of buildings, development of ground plane, building heights and massing be approved by Council before any development permit is issued.
- (c) THAT, prior to the approval by Council of a detailed form of development for the first phase of development either in Sub-Areas B, C or D of the site, the applicant shall obtain approval of a development application for this first phase of development by the Director of Planning, who shall have particular regard for the following:
- (i) the overall form of development for the entire site previously approved by Council;
 - (ii) the St. Vincent's Heather (SVH) Campus CD-1 Guidelines;
 - (iii) an analysis of view, shadow and liveability impacts for any building exceeding a height of 10.7 m (35 ft.); and
 - (iv) consultation with affected property owners;

SUSTAINABILITY

- (v) provide a LEED scorecard, and consideration to achieve a LEED Silver equivalent rating in the project's sustainability performance;

ENGINEERING

- (vi) a circulation plan for all proposed development on the site, prepared by a qualified professional, to include provisions for vehicle access and egress, underground parking, internal lanes for emergency and Fire Department access, and pedestrian access;
- (vii) a transportation consultant's study to include:
 - a review of the sightlines and visibility at the main entrance of the development on West 33rd Avenue with suggested improvements to street geometry should sightlines not meet transportation standards. The applicant is to agree to all suggested improvements deemed necessary by the General Manager of Engineering Services and enter into or modify any servicing agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to secure the obligations for roadway improvements;
 - a review of the traffic volumes and circulation around the site to determine any increases in expected traffic on Heather Street. The study to recommend traffic calming/mitigation measures to reduce the impact of increased traffic on the Heather Street Bikeway and the neighbourhood. The applicant is to agree to all suggested improvements deemed necessary by the General Manager of Engineering Services and the Director of Legal Services, to secure the obligations for traffic calming/mitigation improvements;

LANDSCAPE

- (viii) design development to maximize the retention of existing trees at the corner of Willow Street and West 33rd Avenue and develop this area as a resident and neighbourhood pedestrian amenity (including walking paths and permanent seating);
- (ix) design development to strengthen the pedestrian linkages through the site;

(Note to Applicant: This can be accomplished by deleting the curb side lot to the north of the Assisted and Supportive Housing located at West 33rd Avenue and Heather Street. The development of a pedestrian oriented double row tree colonnade through the site would further strengthen an east west pedestrian connection and the West 32nd Avenue alignment.)

- (x) design development to explore design options for the retention of the existing rock feature and two associated trees located at the northeast corner of the site;

(Note to Applicant: There may be an opportunity to integrate this existing landscape feature with a children's day care facility play area.)

- (xi) design development to reduce wherever possible surface parking areas, driveway curb cuts and curb let downs to allow easy pedestrian movement through the site;

(Note to Applicant: The proposed open space system seems comprised of thin strips of "left over" land as opposed to a contiguous system of connected spaces.)

- (xii) provide a conceptual outline including activity uses for the plaza proposed at the northwest corner of the site;

(Note to Applicant: There is an existing Sequoia tree in the proposed plaza area which could be integrated into the design as a feature.)

- (xiii) provide a detailed Landscape Plan illustrating both common and botanical name, size and quantity of all proposed plant material. Proposed plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List;

- (xiv) provide a legal survey illustrating the following information:

- existing trees 20 cm calliper or greater on the development site;
- the public realm (property line to curb), including existing trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.

- (xv) provide a significant amount of seating along the pedestrian walkways within the site;

- (xvi) retain existing trees on site, especially along site periphery, wherever possible;

(Note to Applicant: Site inspection indicates 15 existing Sequoia trees at the corner of Willow Street and West 33rd Avenue, whereas only 12 have been identified for retention.)

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (xvii) provide a rationale to address the principles of CPTED cited in the St. Vincent's Heather (SVH) Campus CD-1 Guidelines (refer to Appendix C - Section 2.9);

FORM OF DEVELOPMENT - SUBSEQUENT PHASES OF DEVELOPMENT

- (d) THAT, prior to the approval by Council of a detailed form of development for any development subsequent to the first phase of development either in Sub-areas B, C or D of the site, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:
 - (i) the overall form of development for the entire site previously approved by Council;
 - (ii) the St. Vincent's Heather (SVH) Campus CD-1 Guidelines;
 - (iii) an analysis of view, shadow, and liveability impacts for any building exceeding a height of 10.7 m (35 ft.); and
 - (iv) consultation with affected property owners;

SUSTAINABILITY

- (v) provide a LEED scorecard and consideration to achieve a LEED Silver equivalent rating in the project's sustainability performance;

ENGINEERING

- (vi) provide a parking study which will review the site-generated parking demand and will demonstrate an appropriate parking strategy for the development;

(Note to Applicant: The report will identify location of parking, access to on-site parking and loading areas. The report will show turning swaths for all loading vehicles ensuring there is adequate space available and manoeuvrability is safe along with a written commentary. The report will include turning swaths for two-way vehicular flow at all parking levels, making sure there are no conflict points, identifying any conflict points if any, column encroachment or any other obstruction in the parking or loading spaces and will provide a written commentary including recommended solutions. The report will analyze and ensure that the spaces for loading and parking, manoeuvring aisles for parking and loading, all on-site slopes in the parking and loading areas including slopes for exit and entry ramps and heights for parking and loading areas as per the City of Vancouver's Parking By-law. The report will also ensure disability parking spaces are provided in close proximity of the elevator.)

- (vii) make arrangements, to the satisfaction of the General Manager of Engineering Services, for storm and sanitary services for this site;

(Note to Applicant: Please contact Sewers and Drainage Design Branch (Jim Burnett, 604-873-7357) very early in the detailed design process as there are preferred servicing points which will have significant impact on plumbing design if not first properly considered.)

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (viii) provide a rationale to address the principles of CPTED cited in the St. Vincent's Heather (SVH) Campus CD-1 Guidelines (refer to Appendix C - Section 2.9).

2. PROPOSED PRIOR-TO CONDITIONS TO CONSIDER PRIOR TO BY-LAW ENACTMENT

- (a) THAT, prior to consideration of enactment of the amending CD-1 By-law, the registered owner shall:

LANDSCAPE

- (i) provide a Certified Arborist assessment of all existing trees 20 m calliper or greater located on the development site;
- (ii) provide a tree retention plan illustrating all existing trees to be retained or removed superimposed on the proposed building footprint and keyed to the Arborist assessment of existing trees on site;

ENGINEERING

Make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to provide the following, at no cost to the City:

- (iii) clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided);
- (iv) clarification of the status of the existing rights of way and easements on site as it relates to the overall site development. Provision of a charge summary detailing the status of existing rights of ways and impacts on the project (the summary submitted did not address development impacts on the charges);
- (v) provision of traffic signal improvements at Heather Street and West 33rd Avenue including all street/road geometric changes needed to accommodate signal improvements;
- (vi) provision of a pedestrian activated signal at West 33rd Avenue and Willow Street, including all Street/road geometric changes needed to accommodate signal improvements;

- (vii) provision of concrete curb and gutter, street trees, lamp standards and pavement on West 33rd Avenue from Heather Street to Willow Street at widths to accommodate cycle lanes on West 33rd Avenue;
- (viii) provision of a raised eastbound left turn bay on West 33rd Avenue at the main vehicular entrance to the development. The main entry design is to be modified to accommodate the left turn bay on West 33rd Avenue at the main vehicular entrance to the development. The main entry design is to be modified to accommodate the left turn bay design;
- (ix) provision of sidewalk on the east side of Willow Street from West 33rd Avenue north adjacent to the site;
- (x) provision for the abandoning of the existing sewer that passes through the site (Explanatory Plan No. 11473);
- (xi) undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers, to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged; and
- (xii) provision of street trees adjacent to the site where space permits;

PUBLIC ART

- (xiii) make arrangements, to the satisfaction of the Director of Legal Services and the Office of Cultural Affairs, for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide the security in a form and amount satisfactory to the aforesaid officials; and provide a preliminary public art plan to the satisfaction of the Director of Cultural Affairs, setting out the proposed public art program aims, artist terms of reference, site and artists selection methods, project budget, implementation plan and a schedule;

CHILDCARE

- (xiv) make arrangements, to the satisfaction of the Director of Social Planning and the Director of Legal Services, for the provision of a fully fitted up (i.e., ready for immediate occupancy), furnished and equipped 37-space child day care facility, at a location suitable to the City, comprising: The facility shall comprise approximately 900 m² (9,687.5 sq. ft.) of gross floor area of indoor and contiguous outdoor space, in addition to required staff and parent drop-off parking. Both the indoor and outdoor space must meet all provincial community care facilities licensing and City Childcare Design Guidelines requirements and be satisfactory to the Director of Social Planning. The owner shall bear all start up costs and be responsible for maintaining, repairing and operating the child day

care facility in perpetuity, including the building within which the child day facility is located, and securing a non-profit facility operator, to the satisfaction of the Director of Social Planning and the Director of Legal Services;

ADULT DAY CARE

- (xv) make arrangements, to the satisfaction of the Director of Social Planning and the Director of Legal Services, for the provision of a fully fitted up (i.e., ready for immediate occupancy), furnished and equipped adult day care facility of at least 500.5 m² (5,387.3 sq. ft.), at a location suitable to the City, comprising: The facility shall comprise at least 500.5 m² (5,387.3 sq. ft.) of gross floor area and must meet all provincial adult day care guidelines and be satisfactory to the Director of Social Planning. The owner shall bear all start up costs and be responsible for maintaining, repairing and operating the adult day care facility in perpetuity, including the building within which the adult day care facility is located, and securing a non-profit society, to the satisfaction of the Director of Social Planning and the Director of Legal Services;

COMMUNITY USE

- (xvi) make arrangements, to the satisfaction of the Director of Social Planning and the Director of Legal Services, for community access to a 300 m² (3,229.2 sq. ft.) multi-purpose facility, with adequate storage to accommodate a wide variety of uses at a broad range of hours.

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

CARRIED UNANIMOUSLY

(Councillors Capri and Chow absent for the vote.)

4. CD-1 Rezoning: 745 Thurlow Street

An application by Mark Thompson, Musson Cattell Mackey Partnership, was considered as follows:

Summary: To rezone from Downtown District (DD) to Comprehensive Development District (CD-1) to permit redevelopment of the site with a 300 ft., 22-storey

office building with two or three levels of retail at the base. The purpose of the rezoning is to allow an increase in the total density permitted on this site from a floor space ratio of 7.0 (6.0 for office use) to 15.4 (for office, retail and service uses) increasing the permitted floor area from 181,783 sq. ft. to 399,052 sq. ft.

The Director of Planning recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Staff Opening Comments

Michael Naylor, Planner, explained the application and, together with Rob Jenkins, Acting Director of Planning, Jerry Evans, Associate Director, Real Estate Services, Ralph Segal, Senior Architect/Development Planner, and Kevin McNaney, Planner, responded to questions.

Summary of Correspondence

Council received one letter expressing general support for the application since the date the application was referred to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

The following expressed concerns with the application in relation to zoning, design structure, shadowing, loss of privacy and traffic congestion:

Wayne Hum
Charlotte Kennedy

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Musson Cattell Mackey Partnership, to rezone 745 Thurlow Street (Lots 18, 19, S½ 20, N½ 20, Block 18, Plan 92, DL 185; P.I.D. 009393421, 439, 366, 463) from Downtown District (DD) (Area O) to Comprehensive Development District (CD-1), to increase the maximum floor space ratio from 7.0 to 15.4 for an office building of 22 storeys, as generally set out in Appendix A to Policy Report "CD-1 Rezoning - 745 Thurlow Street" dated July 8, 2008, be approved subject to the following conditions:

1. PROPOSED 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 Musson Cattell Mackey Partnership, Architect, and stamped "Received City Planning Department, June 13, 2007", provided that the Director of Planning or the Development Permit Board may allow minor

alterations to this form of development when approving the detailed scheme of development as outlined in (b) below; and

FURTHER THAT the Development Permit Board may consider significant alterations of this form of development for a residential building, with retail uses at grade and with the floor space ratio for all uses not exceeding 7.0, if the reduced floor area is wholly accommodated within a notably smaller building envelope than that of the form of development approved above and if the Development Permit Board considers all applicable policies and guidelines approved by Council.

- (b) THAT, prior to final 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:

DESIGN:

- (i) design development to ensure that the total height of the tower, including mechanical and architectural appurtenances, do not exceed the applicable view corridor limits established in the Council-approved View Protection Guidelines;

Note to Applicant: Detailed height calculation should be submitted with development application drawings.

- (ii) design development to the tower's architectural treatment to relieve its perceived massiveness and to visually break up expansive planes of glass facade;

Note to Applicant: Introduction of architectural features and solar shading (which will further Green Building performance) at appropriate locations, as well as refinements to the articulation of glass curtain wall is sought. Particular attention is needed for the south façade highly visible from Robson Street as well as the Thurlow/Alberni corner.

- (iii) design development to the corner entry plaza area to enhance pedestrian amenity and interest through the introduction of landscape features, street furniture and possibly Public Art; and

Note to Applicant: The night time experience at this active location should be considered.

- (iv) design development to the proposed floor area for retail and service uses on the ground floor fronting Thurlow and Alberni Streets to improve pedestrian interest.

Note to Applicant: On the Alberni Street podium façade, inset and articulation of the glazed retail frontage behind the tower columns should be considered so as to provide some additional sidewalk space.

LANDSCAPE:

- (v) provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards, parking vents, public realm (building edge to the curb, trees, lamp posts, fire hydrants, sidewalk treatment); and
- (vi) provision of details for vertical trellis and green wall systems;

SUSTAINABILITY:

- (vii) further details to advance "Green Building" components leading to submission of LEED™ Gold accreditation; and
- (viii) provision of plan illustrations, details and documents pertaining to the high performance landscape irrigation and water efficiency system.

Note to Applicant: provide an efficient irrigation system for all common outdoor planters and individual hose bibs to be provided for all patios of 100 sq. ft. or greater. Provide details (location, size, type, materials) of cistern and permeable paving systems. Specification notes and irrigation symbols to this effect should be added to the drawings.

2. PROPOSED CONDITIONS TO BE COMPLETED PRIOR TO BY-LAW ENACTMENT

- (a) THAT, prior to enactment of the amending CD-1 By-law, the registered owner shall, at no cost to the City, make arrangement for the following on terms and conditions satisfactory to the Director of Legal Services:

LEGAL SERVICES

- (i) provide an annotated charge summary to the satisfaction of the Director of Legal Services;

ENGINEERING

- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services for the following:
 - 1. consolidation of the lots comprising the site;
 - 2. upgrading of the sewer mains that serve the site;

Note to Applicant: The application currently does not include enough details to determine if upgrading is necessary, flow monitoring results and projects details as required to finalize the need for upgrading.

3. provision of a standard concrete commercial lane crossing at the lane south of Alberni Street at Thurlow Street;

Note to Applicant: A separate application to the General Manager of Engineering Services is required for all specialty lane treatments.

4. provision of street trees adjacent the site where space permits; and

Note to Applicant: Species, quantity and spacing of new street trees to the approval of the City Engineer and Park Board.

Additional Note to Applicant: Weather protection canopy should be set back a sufficient depth to avoid conflict with street trees.

5. undergrounding of all new BC Hydro and Telus services are to be undergrounded within and adjacent the site from the closest existing suitable service point.

SOILS

- (iii) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion;
- (iv) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment; and

PUBLIC ART

- (v) provide public art according to the provisions of the Public art Policies and Guidelines through an agreement to the satisfaction of the Managing Director of Cultural Services.

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.

Such 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 amending by-law.

The preceding agreements shall provide security to the City including warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other city officials and City Council.

- B. THAT, the application to amend the Sign By-law, dated June 13, 2007, to establish regulations for this CD-1 in accordance with Schedule E [assigned Schedule "B" (DD)], be approved.
- C. THAT, Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law to include this Comprehensive Development District in Schedule B generally as set out in Appendix C to policy report "CD-1 Rezoning - 745 Thurlow Street" dated July 8, 2008.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote.)

**5. CD-1 Rezoning/Heritage Revitalization Agreement (HRA)/
Heritage Designation (HD): 1300-1336 Granville Street**

An application by Martin Nielsen, Busby Perkins & Will, was considered as follows:

Summary: To rezone from Downtown District (DD) to Comprehensive Development District (CD-1) to permit an increase in density from 5.0 to 8.25 FSR. The proposal includes development of a 226 ft. residential tower with commercial at grade, restoration and designation of the Yale Hotel through a HRA, the upgrading and conveyance of the Yale Hotel SRA units to the City, and the exemption and demolition of the SRA-designated units at the Cecil Hotel.

The Director of Planning and the Director of the Housing Centre, in consultation with the Director of Legal Services, recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Staff Comments

Karen Hoesel, Planner, explained the application and, together with Cameron Gray, Director, Housing Centre, and Jerry Evans, Associate Director, Real Estate Services, responded to questions.

Summary of Correspondence

There was no correspondence received on this application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Mike Feser
Vanessa Richards
Waide Luciak, Yale Hotel

Council Decision

MOVED by Councillor Deal

- A. THAT the application by Busby Perkins & Will Architects on behalf of Rize Alliance (1300 Granville Street) Properties Ltd. , to rezone 1300-1336 Granville Street (Lots 1 & 2, Block 113, DL 541, Plan 210 and Lot A, Block 113, DL 541, Plan 9441) from Downtown District (DD) to Comprehensive Development District (CD-1), generally as set out in Appendix A to Policy Report "Rezoning at 1300-1336 Granville Street from DD to CD-1, Heritage Revitalization Agreement at 1300 Granville Street, and Single Room Accommodation Permit at 1336 Granville Street" dated July 8, 2008, be approved subject to the following conditions:

FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Busby Perkins & Will Architects in plans and stamped "Received Planning Department, May 1, 2008", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Design Development

- (i) design development to the projecting balcony elements to increase their transparency without decreasing the robust architectural character of the interconnected forms;

Note to Applicant: Design development should consider reducing the heaviness/solidness of side treatments of the projecting balconies.

- (ii) design development to further enhance the Granville Street frontage to achieve the fine grain active character sought for Granville Street as a pedestrian oriented shopping street;

Note to Applicant: Provision of weather protection is also required.

- (iii) design development to relocate the below-grade parking structure vent to a location that will minimize its impact on pedestrian activities along this frontage;
- (iv) design development to the roofscapes to enhance their visual quality as seen from above through landscaping, screen elements and finishes;

Note to Applicant: Design development should consider expanding the usable outdoor area of the uppermost roof. Vents, mechanical rooms, elevators should be integrated into the roof architectural treatment or screened with material and finishes compatible with the building.

- (v) design development to ensure a high standard of liveability with direct access to usable (unenclosed) outdoor space for each dwelling unit;

Note to Applicant: In conjunction with achieving a LEED Gold standard and no enclosed balconies within the building, provision of an additional 4 percent residential floor area has been provided to enhance the liveability of the dwelling units.

- (vi) provision of high quality, durable architectural materials and detailing;
- (vii) design development to provide street interface solutions, for both existing and anticipated future building grade conditions, with particular consideration given to pedestrian access, building entries and parking and loading access;

Crime Prevention Through Environmental Design (CPTED)

- (viii) design development to take into consideration the principles of CPTED, having particular regard to reduce opportunities for:
 - theft in the underground,
 - graffiti on walls, and
 - mail theft;

Landscape Design

- (ix) notching of parkade slab, where possible, to increase opportunities for planting at or near the property line;

- (x) design development improve the Granville Street commercial interface;

Note to Applicant: the planter at the edge of the commercial patio should be brought to grade level to mitigate blank walls at the pedestrian level. The parkade slab will need to be notched to allocate room for soil depth (refer to section 3, sheet L5).

- (xi) trees at the Rolston Crescent edge to be planted at grade;

- (xii) provide continuous street trees to adjacent streets;

Note to Applicant: This can be done by filling in gaps to existing colonnades or providing new street trees, to the satisfaction of GMES.

- (xiii) design development to improve the quality of the level 13 common terrace;

- (xiv) design development to improve the roof level by:

- providing continuous garden plots planters without compromising the other amenities (**Note to Applicant:** Soil health and planting opportunities can be improved through amalgamation of plots to increase soil volumes),
- providing additional permanent planters that contain small species trees an overall full season planting palette, in addition to edible plants,
- integrating a seating edge to the garden plots;

- (xv) at time of development permit submission, provision of large scale sections through permanent planters and architectural slab;

Urban Agriculture

- (xvi) design development to provide hose bibs, tool storage, composting, a potting/work bench, and sink for the garden plots located on the rooftop;

Note to Applicant: An amenity room could be provided adjacent to the elevator and fan room. The amenity room should include an accessible washroom and kitchenette.

- (xvii) design development to increase the usable rooftop area;

Note to Applicant: Consideration should be given to providing amenity room on the rooftop, in addition to increased outdoor area, in order to increase the functionality and usability of the amenity patio area. A small indoor amenity room could be provided in the northeast corner of the rooftop.

Social Planning

- (xviii) design development to provide an amenity room on level 13 adjacent to the outdoor amenity patio;

Note to Applicant: The amenity room should include an accessible washroom and kitchenette.

- (xix) design development to provide flexible space on the level 13 amenity patio which can accommodate children's play activities, as well as other uses;

Parking, Loading, Bicycle Parking and Passenger Loading

- (xx) provision of an updated Transportation Assessment Report is required. The report is to include turning templates for all parking and loading access points and for all internal parking and loading circulations clearly showing adequate functionality;

- (xxi) provision of full compliment of commercial loading bays is required;

- (xxii) provision of full compliment of commercial parking stalls is required;

Note to Applicant: Relocation of the residential security gate is required to ensure all the residential parking spaces are located behind the security gate.

Provision of direct and convenient access to loading bays from the Yale Hotel is required.

Clarification of the need for valet parking to serve the restaurant use and details of its operation are required.

Provision of internal access to all CRU's from the loading bays is required. Internal access to the CRU in the southeast corner of the site is required.

Provision of adequate visibility to oncoming vehicles, provision of mirrors at key locations is required.

Note to Applicant: There are walls obstructing visibility adjacent grid lines PB and PJ.

Clarify the depiction of the length of the Yale Hotel, some pages indicating it built to the Granville Street property line, and others are indicating it set back.

Delete curb returns at parkade and loading entry and show standard City crossings.

Provide details of garbage storage and pick up operations, including internal routes to and from storage areas.

Correct Legal description on page RZ-001 to include Lot A, Block 113, District Lot 541, Plan 9441.

Sustainability

- (xxiii) a preliminary LEED™ score card should be submitted with development (DE) application showing proposed strategies for attainment of LEED™ Gold;

Note to Applicant: Registration and certification with CAGBC (Canada Green Building Council) to achieve LEED™ Gold certification is encouraged but not required. Best effort to pursue equivalency to the satisfaction of the Director of Planning will be accepted.

Heritage

- (xxiv) supply an Interpretative Plan for the site which takes into account the history of the Cecil Hotel, particularly noting the role the Cecil Hotel played in the late 1960's and 1970's with respect to the formation of Greenpeace and the Georgia Straight newspaper;
- (xxv) based on a S3 structural upgrade approach, integrate the conservation plan, with the seismic upgrading, noting any conflicts between this approach and character defining elements as noted in the SOS;
- (xxvi) revise design of new storefront to more closely resemble the original scale and detailing of the storefront as shown in archival photo (1944 (VA 1184-624) shown in the Conservation Plan page iii. Attention should be paid to the proportion of the window dimensions and the location and detail of the cornice at 1st floor location. The existing "Yale Hotel" sign can be retained but should be incorporated into the revised storefront design;

Environmental Health

- the City's acoustical criteria shall form part of the Zoning By-law, and an Acoustical Consultant's report shall be required which assesses noise impacts on the site and recommends noise mitigating measures;

Licensing - Liquor Primary Use

- (xxvii) the proposed stand-alone pub in the new podium should be limited to the 237 liquor licensed seats transferred from the Cecil Hotel;

- (xxviii) the pub and restaurant must function as separate uses, each with its own entry/exit and without an overlap of functional space;
- (xxix) to avoid future conflicts between the liquor establishments and residential units, the design of the project must provide clear separation of entries with sound attenuation between the uses. A management plan will be required to confirm compatibility of the uses;
- (xxx) the proposal will be subject to a time-limited Development Permit to review compliance and mitigation of traffic, noise, parking and other zoning issues;
- (xxx) standard hours of operation will be limited to 11:00 a.m. to 1:00 a.m., Sunday to Thursday; and 11:00 a.m. to 2:00 a.m., Friday and Saturday; or Extended hours of operation will be limited to 9:00 a.m. to 2:00 a.m. Sunday to Thursday; and 9:00 a.m. to 3:00 a.m., Friday and Saturday;
- (xxxi) a signed Good Neighbour Agreement will be required prior to business license issuance.

AGREEMENTS

- (a) THAT, prior to enactment of the CD-1 By-law (unless otherwise specified below), at no cost to the City:

Heritage

- (i) The owner shall enter into an agreement with the City prior to issuance of the development permit for the 1300-1336 Granville Street project, to secure rehabilitation, protection and on-going maintenance of the "B" listed heritage building at 1300 Granville Street and to restrict occupancy of the new tower until rehabilitation to the heritage building is completed, on terms and conditions satisfactory to the Director of Legal Services;
- (ii) Heritage Revitalization Agreement and Designation By-Laws shall be enacted by Council and registered on title, as applicable, along with any side agreements required at the discretion of the Director of Planning or the Director of Legal Services.

Engineering

- (iii) the owner shall make arrangements on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) dedication of portions of Lot A for road purposes. Delete all structures or portions of the building above and below grade within the dedication area,

- (2) closure & acquisition of portions of Rolston Crescent to form part of the consolidated site,
- (3) provision of a 3.0 m x 3.5 m corner cut at the southeast corner of Lot A. Delete all structures or portions of the building above grade and provide a minimum 3'-0" of cover from the top of the parkade to the building grade. The parkade to be designed to highway loading standards,
- (4) dedication of a 1.0 m x 1.5 m corner cut over the southwest corner of Lot A for pedestrian purposes,

Note to Applicant: For items (1) to (4) above, refer to sketch of site from Engineering Services, dated May 15, 2008, in Appendix H.

- (5) deletion of any portions of building or other structures above and below grade within Right of Way 388292M (as shown on Explanatory Plan 8056); or make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for discharge of the right-of-way,
- (6) consolidation of the site into a single parcel or creation of the proposed lots, arrangements to be made the satisfaction of the General Manager of Engineering Services, Director of Legal Services and Director of Planning to identify all resulting cross boundary issues including the provision of all necessary legal agreements addressing the boundary issues,
- (7) for all existing and proposed encroachments over City streets from the Yale Hotel, and updating and/or replacement of Easement & Indemnity Agreement B77264,
- (8) decommissioning of the existing 2 cavities under the sidewalk, the goods chute and oil intake and discharge of the relevant legal agreements from the title prior to Occupancy of any of the rezoning buildings,
- (9) interim widening of Rolston Crescent to provide adequate passage to the remainder of Rolston Crescent until the loops demolition and road reconstruction takes place. Arrangements to include a detailed design of a road geometric determining adequate temporary road widths. Should the review determine that adequate temporary road widths are not feasible within the existing road rights-of-way arrangements to acquire additional rights-of-way providing for acceptable road widths will be necessary,

- (10) relocation and/or adjustment of hydro poles and utility services along the Rolston Crescent frontages of the site to accommodate changes in the road geometrics and to ensure there is no conflicts with parking and loading access points to the site,
- (11) upgrading of the 250 mm sanitary sewer main on Drake Street from Rolston Crescent to Seymour Street to provide adequate sewer servicing for the development,
- (12) upgrading of the water mains to adequately serve the site. The application currently does not include information to determine if any upgrading is necessary or the possible extent of upgrading, provision of flow rates and additional project details are required to make a determination or arrangements to provide any necessary upgrading must be made,
- (13) provision of new sidewalks (temporary and permanent) adjacent the site in keeping with the sidewalk treatment patterns for the area,
- (14) provision of street trees adjacent the site where space permits,
- (15) provision of improved street lighting on the Rolston Crescent frontages of the site,
- (16) undergrounding of all new utility services from the closest existing suitable service point. All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;

The above are to be included, where appropriate, in one or more registrable servicing agreements, setting out the obligations for construction and maintenance of the works fully at the owner's expense, at the discretion of the general Manager of Engineering Services and the Director of Legal Services.

Affordable Housing - 1300 Granville Street

- (iv) the owner shall, on terms and conditions satisfactory to the Director of the Housing Centre, the Director of Facility Design and Development and the Director of Legal Services, enter into an agreement to upgrade the low-income housing component of the Yale Hotel at 1300 Granville Street, generally in accordance with the Building Specifications included as Appendix E;

Air Space Parcel -1300 Granville Street

- (v) the owner shall, on terms and conditions satisfactory to the Director of the Housing Centre, the Director of Facility Design and Development and the Director of Legal Services, grant the City an option to purchase for a nominal price the air space parcel within which the second and third floors of the Yale Hotel at 1300 Granville Street will be located after subdivision of the Yale Hotel by airspace parcel subdivision;

Sale of Street

- (vi) the owner shall enter into a purchase and sale agreement to purchase a portion of street (Rolston Crescent) at the southeast corner of Lot A, at a purchase price of \$676,000, and to provide an easement for street purposes in favour of the City which would be extinguished following the completion of construction of the proposed new road layout;

Soils

- (vii) the owner shall do all things and/or enter into such agreements as are deemed appropriate by the Manager of Environmental Protection and the Director of Legal Services, in their discretion, to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (viii) (viii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services, in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment, and all other applicable conditions imposed by the City or the Ministry of Environment have been satisfied.

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-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents 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, the application to amend the Sign By-law, to establish regulations for this CD-1, in accordance with Schedule E to the Sign By-law [assigned Schedule "G1" (DD)], generally as set out in Appendix C to policy report "Rezoning at 1300-1336 Granville Street from DD to CD-1, Heritage Revitalization Agreement at 1300 Granville Street, and Single Room Accommodation Permit at 1336 Granville Street" dated July 8, 2008, be approved;
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law to include this Comprehensive Development District in Schedule A as generally set out in Appendix C to policy report "Rezoning at 1300-1336 Granville Street from DD to CD-1, Heritage Revitalization Agreement at 1300 Granville Street, and Single Room Accommodation Permit at 1336 Granville Street" dated July 8, 2008;
- D. THAT Council designate the Yale Hotel building at 1300 Granville Street, listed in the "B" category on the Vancouver Heritage Register, as a protected heritage property.

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment a Heritage Designation By-law.

- E. THAT Council enter into a Heritage Revitalization Agreement for the Yale Hotel Building at 1300 Granville Street, which would secure the long term maintenance and preservation of the building, subject to conditions contained in Appendix B to policy report "Rezoning at 1300-1336 Granville Street from DD to CD-1, Heritage Revitalization Agreement at 1300 Granville Street, and Single Room Accommodation Permit at 1336 Granville Street" dated July 8, 2008;

THAT Council instruct the Director of Legal Services to bring forward for enactment a Heritage Revitalization Agreement and accompanying by-laws.

FURTHER THAT Council instruct the Director of Legal Services to bring forward side agreements for the timely restoration and protection of the building during the construction process;

- F. THAT Council authorize an exemption for 32 of the 82 SRA-designated units at 1336 Granville Street, know as the Cecil Hotel, from the requirements of the Single Room Accommodation By-law.
- G. THAT Council approve a Single Room Accommodation Conversion/Demolition Permit to allow for the demolition of the remaining 50 SRA-designated units at 1336 Granville Street (Cecil Hotel) and the demolition of 1 unit at 1300 Granville Street (Yale Hotel), on the condition that the owner completes with the upgrading and conveyance of the 43 low-cost housing units located at 1300

Granville Street (Yale Hotel) to the City of Vancouver through an Air Space Parcel as outlined further below in this Report;

FURTHER THAT Council authorize the Director of Legal Services to prepare, execute and register such agreements as necessary, noting that Council approval of these resolutions shall not create any legal rights or obligations and none shall arise until the Purchase and Sale Agreement and all other necessary documentation has been fully executed on terms and conditions to the satisfaction of the Director of Legal Services.

- H. THAT Council approve the entering into of legal agreements by the City related to reciprocal easements, indemnities and other legal obligations appropriate to be implemented in connection with the acquisition and operation of an air space parcel by the City at 1300 Granville Street;

FURTHER THAT Council authorize the Director of Legal Services to execute and deliver on behalf of the City all legal documents required to implement the above, and that all such documents be on terms and conditions satisfactory to the Director of Legal Services.

CARRIED UNANIMOUSLY
(Councillor Chow absent for the vote.)

6. Heritage Revitalization Agreement (HRA)/Heritage Designation (HD): 255 East 7th Avenue

This item was withdrawn from the Agenda.

7. Text Amendment: Southeast False Creek Amendments, Area 3C

An application by Director of Planning was considered as follows:

Summary: To adjust the heights and maximum allowed density to accommodate an improved urban form in Area 3C.

The Director of Planning recommended approval.

Staff Comments

Thor Kuhlmann, Planner, explained the application and, together with Kevin McNaney, Planner, Ralph Segal, Senior Architect/Development Planner, and Dale Morgan, Development Planner, responded to questions.

Summary of Correspondence

There was no correspondence received on this application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Rob Fiorvento, Director, Beedie Development Corporation, owners of a site within Area 3C, expressed concern that their site is not included in the recommendation to increase the maximum allowed heights for some buildings within Area 3C.

Council Decision

MOVED by Councillor Louie

THAT the application to amend the Southeast False Creek Official Development Plan by adjusting the maximum and optimum building heights, and by increasing the allowed floor space in Area 3C, generally as presented in Appendix A to Policy Report "Proposed Amendments to the Southeast False Creek Official Development Plan, Area 3C" dated July 3, 2008 be approved.

CARRIED UNANIMOUSLY

8. CD-1 Rezoning: East Fraser Lands Interim Rezoning

An application by the Director of Planning was considered as follows:

Summary: To rezone from industrial zones and a commercial Comprehensive Development District (CD-1) to CD-1 districts to reflect uses and densities in the East Fraserlands Official Development Plan as a transitional step toward phased CD-1 rezonings as development of the site proceeds.

The Director of Planning, in consultation with the General Manager of Business Planning and Service, recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Staff Comments

Rob Jenkins, Acting Director of Planning, and Matt Shillito, Planner, provided an overview on the applications for the interim rezoning and phase one (Item 9), and responded to questions.

Summary of Correspondence

There was no correspondence received on this application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Deal

THAT the application to rezone:

- (i) certain lands described as:
 - (i) 3450 to 3512 East Kent North,
 - (ii) 3151 to 3680 Marine Way,
 - (iii) 3505 to 3515 Preston Avenue, and
 - (iv) 3699 Marine Way (see legal descriptions as presented in Appendix C, to policy report "East Fraserlands - CD-1 Rezoning" dated July 4, 2008),from their current industrial or comprehensive development zoning to a CD-1 comprehensive development zone that will permit multiple dwellings, public schools, and day care facilities, and
- (ii) certain lands described as PID: 007-051-883 Lot 119 District Lot 331 Plan 18928 and PID: 013-594-648 Lot 34 and PID 013-594-681 Lot 35, both of Blocks 9, 10 and 16 to 19, District Lots 330 & 331, Plan 2593 from its current industrial zoning to a CD-1 comprehensive development zone that will permit multiple dwellings and retail, service, manufacturing, institutional, and cultural and recreational uses;

generally as set out in accordance with Parts 1 and 2 of Appendix A, to Policy Report "East Fraserlands - CD-1 Rezoning" dated July 4, 2008 be approved subject to the following conditions:

AGREEMENT

THAT, prior to enactment of the CD-1 By-laws, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services and Director of Planning:

- (a) grant to the City a personal covenant and a covenant under section 219 of the Land Title Act of British Columbia prohibiting any development on either site except to the extent that the City subsequently rezones any portion of a site by way of a further CD-1 rezoning; and
- (b) register the covenant in the Vancouver/New Westminster Land Title Office, with priority over such other liens, charges, and encumbrances affecting the subject sites as the Director of Legal Services considers advisable.

CARRIED UNANIMOUSLY

9. CD-1 Rezoning: East Fraser Lands (Town Square, Park and Waterfront Precincts)

An application by Norm Shearing, Parklane Homes, was considered as follows:

Summary: To rezone from interim Comprehensive Development District (CD-1) to CD-1 districts with detailed provisions for a large mixed-use residential and commercial development as per uses and densities for Area 1 (phase one) in the East Fraser Lands Official Development Plan.

The Director of Planning recommended approval, subject to conditions as set out in the Agenda for this Public Hearing.

Summary of Correspondence

Council received one letter and one email expressing support for daylighting salmon spawning habitat in the water courses proposed within the application since the date the application was referred to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application, two of whom addressed the issue of salmon habitat rehabilitation on the site:

Terry Slack (*brief distributed - on file*)
Steve Lloyd, Co-Vice-Chair, East Fraserlands Committee
Milt Bowling, Co-Vice-Chair, East Fraserlands Committee
John Werring, David Suzuki Foundation

Applicant Closing Comments

Norm Shearing, Parklane Homes, provided closing comments and responded to questions.

Council Decision

MOVED by Councillor Deal

THAT the application by Parklane Homes to carry out the following three rezonings at East Fraserlands be approved subject to the conditions listed below.

- (i) Rezone the lands located at 3350 and 3520 Marine Way, and 3505 and 3515 Preston Avenue, all as described by legal descriptions contained in Appendix K to Policy Report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, to CD-1 (Comprehensive Development District), generally as presented in Appendix A - Town Square Precinct to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515

Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008 subject to the following conditions:

1. **PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT PRELIMINARY FORM OF DEVELOPMENT**
 - (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared on behalf of Parklane Homes and stamped received June 12, 2008 provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this preliminary form of development when approving a Preliminary Development Permit and a detailed scheme of development as outlined below.
 - (b) THAT, prior to final approval by Council of the preliminary form of development, the applicant shall obtain approval of a Development Application by the Director of Planning, or the Development Permit Board, to be consistent with Preliminary Development Permits, for which approvals of the Director of Planning or Development Permit Board are to be obtained by the applicant for Parcels 15, 16.1, 17, 18.1.

The Director of Planning or the Development Permit Board shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Tower Floorplates

- (1) Design development to reduce tower floorplates above the 9th storey to a maximum of 605 m², including all interior floorspace but excluding exterior balconies, except, at the discretion of the Director of Planning, an increase to 650 m² may be considered where the proposed building demonstrates all of the following:
 - a) exceptional green building design, particularly in the area of energy performance. Exceptional green building design and energy performance will be assessed relative to evolving city standards at time of each development permit application;
 - b) exceptional architectural design. While all buildings at EFL are expected to achieve a high standard of quality, materiality and architectural design, taller, larger buildings should be exceptional. Particular emphasis should be placed on articulation to de-emphasize perceived building mass;
 - c) contextually appropriate massing. An increase in building floorplate should be suitable to the localized urban design condition and the role of the building within the overall plan. It

should not adversely affect sun on public places, or the perceived scale of buildings adjacent to important public places.

Note to Applicant: It is anticipated that there will be a variety of tower floorplate sizes in response to the unique conditions, placement, and role that each tower plays. Consideration should be given to relocating building floorspace to mid-rise massing that further enhances definition and overlook of the street and public places. Allowance must be made at upper levels for reduced floorplate sizes to enable useable outdoor space, and sculpting and capping of tower elements.

Frontages on Crescent and Marine Way

- (2) Design development to clarify the extent and location of residential, livework, office, institutional and other allowable non-residential uses in the area described as 'Commercial/Live-work'.
- (3) Design development to live-work frontages on crescent street and Marine Way to make them function well as residential units.

Note to Applicant: Live-work premises should provide an outlook, daylighting, and private outdoor space appropriate to residential. Livework premises may be a two-storey unit with workspace at grade, living space on the upper level (and possibly on a portion of the lower level), one or both of which has direct access to private outdoor space. Live-work premises may also be a single-storey through-unit with 'work' frontage on the street and 'live' exposure at the rear on a courtyard, mews or residential street.

Frontages on Marine Way

- (4) Design development to ensure that enclosed balconies fronting Marine Way, in the opinion of the Director of Planning, meet the intent of the City's approved Balcony Enclosure Guidelines and are:
 - clearly expressed on the exterior of the building
 - project somewhat from the main façade
 - highly glazed, with transparency and openness at corners
 - expressed as open balconies that have been enclosed.

Note to Applicant: Enclosed balconies may be permitted on the first nine storeys of units fronting Marine Way to improve liveability by reduction of noise.

Retail Areas

- (5) Design development of commercial units to provide adequate retail unit depth for a viable and wide range of retail and service uses with a minimum depth of 15 metres, except those CRU's wrapping the anchor tenants on Parcels 15, 16 and 17, and minor anchors in other locations.

Note to Applicant: To ensure a mix of retail uses and to maximize viability, variable depths will be considered to accommodate a range of

retail enterprises, with a target of achieving depths of 18-21 metres wherever possible.

- (6) Design development to ensure a mix of small and medium size retail uses to support an active high street.

Note to Applicant: Medium-size stores are to range in size from 930 m² to 1 500 m², medium size stores are not to exceed a floor area of 2 350 m².

- (7) Design development to optimize pedestrian interest and retail and service use exposure along the high street by appropriately locating retail anchor tenant entries and related entrances to parking access on the high street.

Note to Applicant: Locate the architecturally prominent and wider primary entrance to the grocery store on Parcel 17 as close as possible to the high street while providing animating frontage on the town square. Entrance to the anchor store on Parcel 15 must be located on high street.

Surface Rights-of-Way

- (8) Design development to provide SRWs to secure public access to the secondary system of paths that create permeability and connectivity of the block system, generally as illustrated in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008], to the satisfaction of the Director of Planning, City Engineer and Legal Services.

Note to Applicant: The precise location, width, and functionality of the SRWs are to be determined at Development Permit. SRWs are to be:

- accessible, and comfortable for pedestrians;
- safe, secure, well-lit, ungated, and welcoming;
- overlooked by active, inhabited space;
- typically provide visibility and permeability through the block; and
- align and connect directly with public routes and streets.

Townhouses at lower levels

- (9) Design development to ensure residential street frontages are primarily comprised of two-storey townhouse units with:
- a) active uses such as living rooms and kitchens, on the main level frontage, not bedrooms;
 - b) a main level raised above grade to create a sense of privacy and a comfortable relationship of dwelling to street; and
 - c) useable private outdoor space adjacent to the street or other private outdoor space directly accessible from the more active

living spaces of the unit (i.e. roof decks, balconies off living areas, circulation spaces and courtyards).

Solar access on Town Square (Parcel 15)

- (10) Design development to articulate and shape tower form in a manner that optimizes solar access to the Town Square.

Note to Applicant: This may be accomplished by articulation and shaping of the floorplate that meets the maximum allowable area or reallocating some tower floorspace within the parcel, or to another parcel in the precinct.

Mt. Baker Viewcone (Parcels 15, 17, 18, 19)

- (11) Design development to ensure that no portion (including elevator penthouses, mechanical equipment, etc.) of any building extends into the Mount Baker viewcone. Affected parcels may include 15, 17, 18, 19, 20, 21.

Note to Applicant: The viewcone is to be professionally surveyed and defined to preserve a view extent to the satisfaction of the Director of Planning. Complying with this condition may mean a reduction in height of some taller buildings and possible reallocation of floor area to mid-rise building forms and lower levels.

Setbacks

- (12) Design development to increase residential setbacks along Marine Way, and townhouse setbacks on Kent Avenue North, to 2.5 m to ensure appropriate relationship of dwelling to street, useable private outdoor space, planting area, trees, and room for steps.

Signage

- (13) Provide a conceptual signage plan that confirms design intent for general precinct related signage, retail frontages, anchor tenancies, individual buildings and addressing.

Note to Applicant: The conceptual signage package should carefully consider the overall design intent established in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] with respect to character.

Parcel 17

- (14) Design development to ensure that the underground parking area under the town square will support and sustain large scale tree plantings.

PHASING

- (15) Development is to be phased generally to follow the sequencing set out below:
- a) Parcels 15, 16.1, 17 and 18.1
 - b) Parcels 13, 14, 16.2, 18.2, and 19.

LANDSCAPE DESIGN

Public Realm

- (16) Provision of a variety of spaces consistent with the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008]. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- (17) Provision with each Development Permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- (18) Provision with each Development Permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to Applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- (19) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.
- (20) Provision with each Development Permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale.

- (21) Provision with each Development Permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets and lanes. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (22) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;
 - providing convenient and secure access if residential parking is proposed off-site;
 - reducing the scale of large areas of underground parking to serve specific buildings where possible;
 - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility,
 - reducing opportunities for break and enter;
 - reducing opportunities for mail theft; and
 - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SOCIAL DEVELOPMENT

- (23) Provision with each Development Permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to Applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines. The basic structure and aesthetics of the outdoor amenity areas should allow flexibility for future alternate uses of the spaces.

- (24) Provision of a minimum of one family childcare unit in each of the Affordable Housing buildings where family housing is provided, to the satisfaction of the Managing Director of Social Development.

Note to Applicant: Family childcare unit layouts should comply with the requirements of the Community Care Facility Licensing and should be licensable for the maximum number of spaces.

PARKS

- (25) No utilities located in or adjacent to parks will be included in the park calculation.
- (26) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of West Fraserlands and from the Victoria Fraserview Killarney community.

ENGINEERING

Public Realm Plan

- (27) Design development such that cyclist path transitions between the Kent Avenue North Greenway and on-street sections are clearly defined, appropriately aligned and designed to safely address conflict with pedestrians.
- (28) Design development such that street trees are only provided where protection for the trees is also provided to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Where located adjacent to driving surfaces, trees should generally be located between the sidewalk and the driveable surface.
- (29) Design development such that all roads have a standard crown profile;

Note to Applicant: If a road requires a different profile, the detailed design will be considered through a detailed design review process.
- (30) Design development such that both sides of streets have pedestrian friendly sidewalks.
- (31) Design development such that the lighting design including proposed catenary lighting is finalized to the satisfaction of the General Manager of Engineering Services.
- (32) Design development to provide a double row of trees along the south-side of Marine Way such that any street trees planted to the south of the sidewalk shall be on private property.

Note to Applicant: Consideration may be given to a different form of landscape screening as an alternative to the row of trees planted on private property if it can be demonstrated that it better enhances both the experience of Marine Way and the liveability of units that front along it.

- (33) Design development such that the rainwater management system can accommodate peak stormwater runoff and elements such as raingardens and bioswales accommodate tree growth.

Note to Applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- (34) Design development such that planting strips minimize intrusion into adjacent pathways.
- (35) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.
- (36) Design development such that all streets accommodate all legal users including vulnerable users.
- (37) Design development of a universally accessible connection from the town square to the upland neighbourhood.

Note to Applicant: This connection can utilize existing infrastructure. Further note that Staff do not feel an appropriate connection within the SRW extending north from the existing Cromwell Street is achievable.

Parking

- (38) Confirm on the drawings submitted for Development Permit application that the parking layout adhere with the City of Vancouver Parking and Loading Design Supplement.
- (39) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- (40) Provision at Development Permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.
- (41) Provision at Development Permit application, for each multiple dwelling building where 10% or more of the units contain secondary units, of details to the satisfaction of the General Manager of Engineering Services on the increased impacts of secondary units on streets and the neighbourhood. The City Engineer, if deemed necessary, may require additional mitigation measures at the development permit stage.

Note to Applicant: Details may be requested in the form of a Transportation Study that examines vehicle volumes with and without secondary units and suggests mitigation measures for any impacts.

- (42) Design development to ensure parking and loading access for each parcel be either off the lane or vehicular mews.

Note to Applicant: Parcels 15 and 17 - Access to loading for the commercial/retail store by semi-trailers will need to be refined at development permit, there will be no access to the lane from Marine Way.

ENVIRONMENTAL SUSTAINABILITY

- (43) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC-1) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist. [Refer to Appendix H to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] 22 of 39 equivalent credits that are achieved must be those identified as city priorities in Appendix H to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008.

Note to Applicant: The LEED NC-1 project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- (44) All buildings that are not evaluated under the LEED NC-1 program will achieve a Gold rating under either the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to Applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- (45) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC-1 Gold and/or Built Green Gold equivalent and include reference to appropriate documentation at development permit, building permit and occupancy permit stages.
- (46) Use of electrical resistance heating for residential heating is not permitted.

(47) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.

(48) Provide for individual in-suite metering for energy use.

Note to Applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness.

(49) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing;

Note to Applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

(50) Provide for waste heat capture from the grocery store, for use as an energy source on Parcel 17 or by the NEU.

(51) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.

(52) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.

(53) Twenty percent of all residential parking spaces (excluding visitor parking) will have electric outlets for electric vehicles.

Note to Applicant: The outlets must meet the specification laid out in section 86 'Electric Vehicle Charging' in the Canadian Electrical Code including a 20 amp receptacle circuitry that is designed for all spaces, excluding visitor parking. Clarification for how power will be allocated must be provided.

NEIGHBOURHOOD ENERGY UTILITY

(54) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.

(55) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and

domestic hot water services. Exceptions, however, may be granted by the City Engineer on a case by case basis for the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.

- (56) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

SECONDARY UNITS

- (57) Prior to Development Permit issuance, a covenant will be required to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principle dwelling units.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- (1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- (2) Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. The services shall include:
 - a) the upgrading of all Storm, Sanitary and Water systems as required by the development;
 - b) a bicycle connection along Kent Avenue North that connects Boundary Road with Kerr Street;
 - c) a route to the satisfaction of the General Manager of Engineering Services and the Fire Chief that is south of the CP Rail ROW and connects Kerr Street with the High Street and is suitable for fire access;
 - d) at least one temporary vehicular and pedestrian access route to the waterfront from the town square through all phases of development;

- e) upgrades to Marine Way adjacent to the rezoning area boundaries including six travel lanes, three new signalized intersections (at, from west to east Crescent Street, High Street, and Crescent Street) with left-turn bays at each new signalized intersection, a landscaped median, a treed boulevard, sidewalks and all of the necessary property dedications;
- f) all roads, pathways, sidewalks, lanes, woonerfs, mews, boulevards, greenways, bikeways and all other hard or softscaped surface and subsurface elements for public access as generally shown in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008];
- g) provisions of life-cycle assessments for all non-standard materials proposed for City streets; and
- h) a universally accessible connection to the upland neighbourhood.

Subdivision Plan

- (3) Obtain approval of and deposit for registration a subdivision plan that creates parcels generally as defined in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] and provides for delivery to the City, roads (which includes the waterfront walkway/bikeway), and lands for parks and open space.

Note to Applicant: Provision of an as-built survey of Marine Way and detailed design of those sections of Marine to be improved including the intersection of Marine Way and Road L will be required prior to approval of the subdivision plan.

Note to Applicant: To facilitate vehicle manoeuvring while maintaining adequate pedestrian space, small radius curves at intersections will be replaced with corner chamfers.

Statutory Rights-of-ways

- (4) Execute statutory right-of-way agreements for public access over vehicular passageways traversing parcels, pedestrian mews, and other spaces for public access [refer to the East Fraserlands Design Guidelines - see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] including the town square on Parcel 17.
- (5) Execute blanket statutory rights-of-way for public access over parcels 13, 14, 15, 16.1, 16.2, 17, 18.1, 18.2, 19 to provide at least one temporary vehicular and pedestrian access route to the waterfront from the town square through all phases of development.

Note to Applicant: The SRW area will be reduced and refined when an appropriate alignment has been determined and may be moved and adjusted as needed from time to time to the satisfaction of the General Manager of Engineering Services.

Lease of Roads

- (6) Make arrangements for the execution of a lease agreement for Kent Avenue South, Hartley Street, Kinross Street, Dudley Street and Cromwell Street to the abutting owners in accordance with Council Resolution of December 12, 2006.

Conveyance of Closed Roads

- (7) Make arrangements to acquire from the City, at a cost to be determined by City Council prior to the enactment of this rezoning, the portions of road as described and adjacent to lands described in Appendix K, to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, being:
- a) portions of Kent Avenue North adjacent to Lots 119, 120, 127, and 128;
 - b) portion of Cromwell Street adjacent to Lots 124 to 127; and
 - c) Preston Avenue and Lane adjacent to Lots 23 and 24 for subdivision with adjacent lands.

Neighbourhood Energy Utility

- (8) Make arrangements to identify and secure for acquisition by the utility operator, an approximately 1500 m² parcel of land, between High Street and Boundary Road in East Fraserlands to serve as a site for the Community Energy Centre (the term "Community Energy Centre" is defined in Bylaw 9552).

Note to Applicant: The siting of the plant may be moved in future as mutually agreed upon by the applicant and the General Manager of Engineering Services as further information on the Neighbourhood Energy Utility is known and appropriate arrangements for transfer of lands will occur at that time.

- (9) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility.

Car-share Agreement

- (10) Make arrangements for:
- a) the provision, operation, and maintenance of car-share vehicles and the provision and maintenance of parking spaces for use exclusively by such vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;

- b) designation of visitor or surplus parking spaces which are publicly accessible 24 hours a day (e.g. within visitor parking or outside the building) for future use by car-share vehicles, with such spaces not to be in addition to required parking for residents or visitors; and
- c) car-share vehicles and spaces will be required for multiple residential units, including live-work units and affordable housing units. "Secondary dwelling units" (i.e. secondary suites in a housing unit) will be considered as separate dwelling units for the purpose of calculating the required number of car-share vehicles; all as outlined in the table below:

No. of Dwelling Units in Development Permit Application	Shared Vehicle	Shared Vehicle Parking Space	Visitor Space to be Converted for Future Shared Parking Space
1 - 49	None	None	1
50 - 149	1	1	1
150 - 249	2	2	2
250 - 349	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

SOCIAL DEVELOPMENT

- (11) Grant to the City options to purchase lots within Parcels 13 and 15, to be identified by the City, for Affordable Housing programmes. The optioned lots must be sufficient to develop a minimum of 317 units, including a minimum of 40 family units, and with a minimum aggregate floor area of 20 770 m².
- (12) Make arrangements for the provision of a 49-space childcare centre in Parcel 19 as part of the mixed use building at town square.

Note to Applicant: The childcare facilities must meet the City's Childcare Design Guidelines and the Childcare Technical Guidelines, as well as regulations under the Community Care Facilities Licensing Act, as such guidelines and regulations are set out at the time the developer submits a Development Permit application.

PARKS

- (13) Make arrangements to convey to the City 1.183 ha of land fully constructed as park, to be funded by the developer but supplemented by City contributions as may be approved by Council. The provision of the lit artificial playing field should accompany the development of Parcel 15.

PUBLIC ART

- (14) Make arrangements for the provision of a public art contribution of \$0.95 (in 2008 dollars, to be inflated at the consumer price index for construction costs) per square foot of floorspace (excluding non-market housing), generally in accordance with the approved East Fraserlands preliminary Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the City.

LIBRARY CONTRIBUTION

- (15) Make arrangements for the provision of a library contribution of \$62.75 per East Fraserlands resident (in 2006 dollars, to be inflated at the consumer price index for construction costs) in a series of payments, such agreement to provide for security in a form and amount satisfactory to the City;
- (ii) Rezone the lands located at 3450 and 3512 Kent Avenue South, all as described by legal descriptions contained in Appendix K to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, to CD-1 (Comprehensive Development District), generally as presented in Appendix B - Waterfront Precinct to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008 subject to the following conditions:

- 1. **PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT PRELIMINARY FORM OF DEVELOPMENT**

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared on behalf of Parklane Homes and stamped received June 12, 2008 provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this preliminary form of development when approving a Preliminary Development Permit and a detailed scheme of development as outlined below.
- (b) THAT, prior to final approval by Council of the preliminary form of development, the applicant shall obtain approval of a Development Application by the Director of Planning, or the Development Permit Board, to be consistent with Preliminary Development Permits, for which approvals of the Director of Planning or Development Permit Board are to be obtained by the applicant for development Parcels 29/30, 31, 32, 33/34, 35/36.

The Director of Planning or the Development Permit Board shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Tower Floorplates

- (1) Design development to reduce tower floorplates above the 9th storey to a maximum of 605 m², including all interior floorspace but excluding exterior balconies, except, at the discretion of the Director of Planning, an increase to 650 m² may be considered where the proposed building demonstrates all of the following:
 - a) exceptional green building design, particularly in the area of energy performance. Exceptional green building design and energy performance will be assessed relative to evolving city standards at time of each development permit application;
 - b) exceptional architectural design. While all buildings at EFL are expected to achieve a high standard of quality, materiality and architectural design, taller, larger buildings should be exceptional. Particular emphasis should be placed on articulation to de-emphasize perceived building mass; and
 - c) contextually appropriate massing. An increase in building floorplate should be suitable to the localized urban design condition and the role of the building within the overall plan. It should not adversely affect sun on public places, or the perceived scale of buildings adjacent to important public places.

Note to Applicant: It is anticipated that there will be a variety of tower floorplate sizes in response to the unique conditions, placement, and role that each tower plays. Consideration should be given to relocating building floorspace to mid-rise massing that further enhances definition and overlook of the street and public places. Allowance must be made at upper levels for reduced floorplate sizes to enable useable outdoor space, and sculpting and capping of tower elements.

Frontages on Mount Baker Way

- (2) Design development to live-work frontages on Mt. Baker way to make them function well as residential units.

Note to Applicant: Live-work premises should provide an outlook, daylighting, and private outdoor space appropriate to residential. Livework premises may be a two-storey unit with workspace at grade, living space on the upper level (and possibly on a portion of the lower level), one or both of which has direct access to private outdoor space. Live-work premises may also be a single-storey through-unit with 'work' frontage on the street and 'live' exposure at the rear on a courtyard, mews or residential street.

Retail Areas

- (3) Design development of commercial units to provide adequate retail unit depth for a viable and wide range of retail and service uses with a

minimum depth of 15 metres, except those CRU's wrapping minor anchors.

Note to Applicant: To ensure a mix of retail uses and to maximize viability, variable depths will be considered to accommodate a range of retail enterprises, with a target of achieving depths of 18-21 metres wherever possible.

- (4) Design development to ensure a mix of small and medium size retail uses to support an active high street.

Note to Applicant: Medium-size stores are to range in size from 930 m² to 1500 m², medium size stores are not to exceed a floor area of 2350 m².

- (5) Design development to optimize pedestrian interest and retail and service use exposure along the high street by appropriately locating retail anchor tenant entries and related entrances to parking access on the high street.

Surface Rights-of-way

- (6) Design development to provide SRWs to secure public access to the secondary system of paths that create permeability and connectivity of the block system, generally as illustrated in East Fraserlands Design Guidelines (see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008), to the satisfaction of the Director of Planning, City Engineer and Legal Services.

Note to Applicant: The precise location, width, and functionality of the SRWs are to be determined at Development Permit. SRWs are to be:

- accessible, and comfortable for pedestrians;
- safe, secure, well-lit, ungated and welcoming;
- overlooked by active, inhabited space;
- typically provide visibility and permeability through the block;

In addition, SRWs are to be provided over 1.5 m sidewalks contiguous with public parks in Parcels 29/30, and are to be included in the park calculation.

Townhouses at lower levels

- (7) Design development to ensure residential street frontages are primarily comprised of two storey townhouse units with:
- a) active uses such as living rooms and kitchens, on the main level frontage, not bedrooms;
 - b) a main level raised above grade to create a sense of privacy and a comfortable relationship of dwelling to street; and

- c) useable private outdoor space adjacent to the street or other private outdoor space directly accessible from the more active living spaces of the unit (i.e. roof decks, balconies off living areas, circulation spaces and courtyards).

Solar access on important public spaces (Parcels 26, 31, 33/34)

- (8) Design development to articulate and shape tower forms in a manner that optimizes solar access to important public spaces, in particular, waterfront plaza and waterfront walk, and the Neighbourhood Parks. Tower forms to which this condition refers are those on 26, 31, and 33/34.

Note to Applicant: In some cases this may be accomplished by articulation and shaping of a floorplate that meets the maximum allowable area. In other cases, it may be necessary to reallocate some tower floorspace within the parcel, or to another parcel in the precinct.

Setbacks

- (9) Design development to increase residential setbacks along Marine Way, and townhouse setbacks on Kent Avenue North, to 2.5 m to ensure appropriate relationship of dwelling to street, useable private outdoor space, planting area, trees, and room for steps.

Woonerf Frontages and Setbacks (Parcels 26, 33/34, 35/36)

- (10) Design development to provide increased setbacks along woonerfs where the following criteria are not met in the design of units fronting the woonerfs:
 - a) active uses such as living rooms and kitchens, on the main level frontage, not bedrooms;
 - b) a main level raised above grade to create a sense of privacy and a comfortable relationship of dwelling to street; and
 - c) useable private outdoor space adjacent to the street or other private outdoor space directly accessible from the more active living spaces of the unit (i.e. roof decks, balconies off living areas, circulation spaces and courtyards).

Note to Applicant: This setback and relationship of building to street is contingent on the woonerf design contained within the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008]. Should the final woonerf design vary in concept an increased setback may be required.

Townhouses on Neighbourhood Park (Parcel 29/30)

- (11) Design development to increase setback of townhouses on Parcel 29/30 from the neighbourhood park. A minimum setback of 4.5 m is required.

Note to Applicant: Setback to include 1.5 m sidewalk adjacent to the park, 0.5 m planting strip between the sidewalk and any wall, fence, or other delineation of private outdoor space, and 2.5 m for landscape division, privacy screening, and patio areas. The sidewalk should be a minimum of 1.5 m wide and the materials should be compatible with the remainder of the perimeter walkway on the park, to be determined when the park is programmed and designed.

- (12) Design development to townhouses overlooking the park to create an appropriate configuration and setback on the 4th level to improve solar access to the park.

Signage

- (13) Provide a conceptual signage plan that confirms design intent for general precinct related signage, retail frontages, anchor tenancies, individual buildings and addressing.

Note to Applicant: The conceptual signage package should carefully consider the overall design intent established in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] with respect to character.

Parcel 27

- (14) Design development at the time of Development Permit to demonstrate that a reallocation of density and increase in the illustrative form of development height for Parcel 27, if sought by the applicant, will in the opinion of the Director of Planning, produce a superior urban design and ensure that the scale and definition of streets and public places is not diminished.

Parcel 31

- (15) Design development to articulate and shape the tower form in a manner that considers solar access on the waterfront plaza and mill bay road, and reduces apparent upper level mass as viewed from mill bay.
- (16) Design development to articulate upper level massing in a way that provides greater opportunity for terraces and balconies.

Parcel 32

- (17) Design development to ensure that the height, width and design of the central covered public outdoor access between Mill Buildings provides a high amenity, clearly public, access and views to the riverfront.
- (18) Design development to ensure that the waterfront restaurant on Parcel 32 has a double height ground floor.

- (19) Design development to address appropriate screening and enhancement of the parking ramp edge. The west facing edge of the building should take advantage of its waterfront location and its adjacency to an important part of the public realm.

Parcel 33/34

- (20) Design development to provide terracing and setbacks at upper levels overlooking the park.

Parcel 35/36

- (21) Design development to create upper level articulation and setbacks providing enhanced opportunities for private outdoor space.

HERITAGE

- (22) Design development at the Preliminary Development Permit to integrate heritage artifacts including the traveling crane, fluted v-rollers, and large engine, into the public realm and or building design.

Note to Applicant: Heritage artifacts should be sited in the general vicinity of their original locations where possible.

- (23) Complete an interpretive strategy that documents and communicates the history of the site to future residents of East Fraserlands.

PHASING

- (24) Development is to be phased generally to follow the sequencing set out below:
- a) Parcels 29/30 and 33/34
 - b) Parcels 31, 32, 35/36
 - c) Parcels 26 and 27

Note to Applicant: Parcels 31 and 32 are to be developed immediately following resolution of groundwater remediation but not sooner than the phasing sequence as set out above.

LANDSCAPE DESIGN

Public Realm

- (25) Provision of a variety of spaces consistent with the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] . Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- (26) Provision with each Development Permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- (27) Provision with each Development Permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to Applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- (28) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.
- (29) Provision with each Development Permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale.
- (30) Provision with each Development Permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets, lanes and Woonerfs. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (31) Design development to take into consideration the principles of CPTED having particular regard for:
 - maximizing surveillance provided by ground level residential units to the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;

- providing convenient and secure access if residential parking is proposed off-site;
- reducing the scale of large areas of underground parking to serve specific buildings where possible;
- reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility,
- reducing opportunities for break and enter;
- reducing opportunities for mail theft; and
- reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SOCIAL DEVELOPMENT

- (32) Provision with each Development Permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to Applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines. The basic structure and aesthetics of the outdoor amenity areas should allow flexibility for future alternate uses of the spaces.

- (33) Provision of a minimum of one family childcare unit in each of the Affordable Housing buildings where family housing is provided, to the satisfaction of the Managing Director of Social Development.

Note to Applicant: Family childcare unit layouts should comply with the requirements of the Community Care Facility Licensing and should be licensable for the maximum number of spaces.

PARKS

Waterfront Plaza and the Central Waterfront

- (34) Design development of the waterfront plaza and central waterfront subject to public consultation to ensure the day-long vitality of the spaces, provide for informal play, create a comfortable scale and accommodate a wide range of future activities, including special events and festivals.

Note to Applicant: Consideration should be given to features and seating that animate and provide comfort in those spaces; and power and water should be available to support proposed plaza activities, such as farmers' market, special events, festivals and a possible future café or food service kiosk.

- (35) Design development to ensure adequate and easily accessed storage for furnishings and equipment that support programming of the plaza.

Note to Applicant: This could be provided in the community centre.

- (36) Design development to the water play area proposed for the north end of the waterfront plaza to ensure it is universally accessible, can be used safely and is attractive when not in use.

Note to Applicant: Need to consider whether it can be used without supervision, would there be standing water, how could it be used off season, how accessible it is, etc.

- (37) Design development to the proposed beach to ensure universal access and maintenance vehicle access.

Note to Applicant: The beach must be accessible to everyone and the Park Board will require vehicular access for occasional maintenance.

- (38) Design development to ensure a high level of seating along the entire central waterfront.

- (39) Design development to identify appropriate locations for weather protection along the central waterfront to support activity in inclement weather.

- (40) Design development to site and design one or more fenced off-leash areas for dogs.

Community Centre

- (41) Design development to the satisfaction of the General Manager of Parks and Recreation for a community centre having a floor area of at least 2790 m².

Note to Applicant: The community centre programming will be subject to a public consultation process, in conjunction with the Park Board, including the residents living in the new community, the residents of West Fraserlands and from the Victoria Fraserview Killarney community.

Shoreline Park

- (42) Design development to ensure the ultimate grading and landscape of the proposed water features/wetland in the Kinross corridor just upland of the sanctuary island.

Note to Applicant: Bridge structure(s) will need to be designed and built to accommodate the crossing(s) by the required pathway(s).

- (43) Design development to maintain the integrity of the sanctuary island for habitat.

Note to Applicant: Detailed design should discourage people or dogs from accessing the sanctuary island in the proposed Shoreline Park.

- (44) Design development to ensure the inlet west of the mill buildings, at the foot of west woonerf, is an attractive and engaging ecological feature.

Neighbourhood Park

- (45) Design development to ensure a connected network of sidewalks within the park to increase its usability.

Other

- (46) No utilities located in or adjacent to parks will be included in the park calculation.
- (47) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of West Fraserlands and from the Victoria Fraserview Killarney community.

ENGINEERING

Public Realm Plan

- (48) Design development of the mill bay dock and sheer boom to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The design of the dock and sheer boom should consider: integration into the design of the restaurant pier structure, public access from the waterfront plaza, protection of the dock and pier, and accommodation of future ferry services. Arrangements for appropriate access to, and maintenance of, the dock will require a legal agreement.

- (49) Design development such that the pedestrian and cyclist routes along the waterfront are hard surfaced, continuous and separated throughout. They may converge with minimum separation where required (eg. on structures, in lookout park, and in front of the mill buildings).

Note to Applicant: Cyclist routes shall have clearly defined pedestrian crossing points in appropriate locations. The design of the pedestrian and cyclist routes shall be generally as shown in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008].

- (50) Design development such that street trees are only provided where protection for the trees is also provided to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Where located adjacent to driving surfaces, trees should generally be located between the sidewalk and the driveable surface.

Note to Applicant: Design of the woonerfs may require an alternate design approach and any design is subject to the standard review process and will be subject to approval by the General Manager of Engineering Services. Any design must provide an equal or better level of protection as a standard curb and gutter.

- (51) Design development such that all roads have a standard crown profile.

Note to Applicant: If a road requires a different profile, the detailed design will be considered through a detailed design review process.

- (52) Design development such that both sides of streets have pedestrian friendly sidewalks.

Note to Applicant: Design of the Woonerfs may require an alternate design approach and any design is subject to the standard review process and will be subject to approval by the General Manager of Engineering Services.

- (53) Design development such that the proposed woonerfs address the safety and protection of pedestrians, cyclists, and landscape materials to the satisfaction of the General Manager of Engineering Services.

- (54) Design development such that the lighting design including proposed catenary lighting is finalized to the satisfaction of the General Manager of Engineering Services.

- (55) Design development such that the rainwater management system can accommodate peak stormwater runoff and elements such as raingardens and bioswales accommodate tree growth.

Note to Applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- (56) Design development such that planting strips minimize intrusion into adjacent pathways.

- (57) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City

street prior to occupancy of any buildings on the parcel requiring the agreements.

- (58) Design development such that all streets accommodate all legal users including vulnerable users.

Parking

- (59) Confirm on the drawings submitted for Development Permit application that the parking layout adhere with the City of Vancouver Parking and Loading Design Supplement.
- (60) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- (61) Provision at Development Permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.
- (62) Provision at Development Permit application, for each multiple dwelling building where 10% or more of the units contain secondary units, of details to the satisfaction of the General Manager of Engineering Services on the increased impacts of secondary units on streets and the neighbourhood. The City Engineer, if deemed necessary, may require additional mitigation measures at the development permit stage.
- Note to Applicant:** Details may be requested in the form of a Transportation Study that examines vehicle volumes with and without secondary units and suggests mitigation measures for any impacts.
- (63) Design development to include that provision of adequate parking spaces, as required by the Parking By-law, for Parcel 32 retail uses be accommodated as part of Parcel 31 parking.
- (64) Design development to ensure parking and loading access for each parcel be either off the lane or vehicular mews, with the exception of Parcel 32 where parking access can be from the street.

ENVIRONMENTAL SUSTAINABILITY

- (65) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC-1) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist. [Refer to Appendix H to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] 22 of 39 equivalent credits that are achieved must be those identified as city

priorities in appendix H to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008.

Note to Applicant: The LEED NC-1 project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- (66) All buildings that are not evaluated under the LEED NC-1 program will achieve a Gold rating under either the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to Applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- (67) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC-1 Gold and/or Built Green Gold equivalent, include reference to appropriate documentation at development permit, building permit and occupancy permit stages.

- (68) Use of electrical resistance heating for residential heating is not permitted.

- (69) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.

- (70) Provide for individual in-suite metering for energy use.

Note to Applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness.

- (71) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing.

Note to Applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

- (72) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.

- (73) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.
- (74) Twenty percent of all residential parking spaces (excluding visitor parking) will have electric outlets for electric vehicles.

Note to Applicant: The outlets must meet the specification laid out in section 86 'Electric Vehicle Charging' in the Canadian Electrical Code including a 20 amp receptacle circuitry that is designed for all spaces, excluding visitor parking. Clarification for how power will be allocated must be provided.

NEIGHBOURHOOD ENERGY UTILITY

- (75) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.
- (76) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services. Exceptions, however, may be granted by the City Engineer on a case by case basis for the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.
- (77) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

SECONDARY UNITS

- (78) Prior to Development Permit issuance, a covenant will be required to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principle dwelling units.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- (1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- (2) Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-way for the Services are provided. The services shall include:
 - a) the upgrading of all Storm, Sanitary and Water systems as required by the development;
 - b) a route to the satisfaction of the General Manager of Engineering Services and the Fire Chief that is south of the CP Rail ROW and connects Kerr Street with the High Street and is suitable for fire access;
 - c) design and construction of all rail crossings;
 - d) a continuous waterfront walkway and bikeway;
 - e) the provision of a floating dock attached to the pier structure at the Waterfront Plaza, generally as shown in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008], subject to the execution of a maintenance agreement for the dock;
 - f) pathways as needed that provide continuous and uninterrupted passage along the river's edge, or a suitable alternate route within a reasonable distance through all phases of development such that the connection between the Burnaby foreshore and West Fraserlands for pedestrians and cyclists is maintained through all phases of development;
 - g) at least one temporary vehicular and pedestrian access route to the waterfront from the town square through all phases of development;
 - h) all roads, pathways, sidewalks, lanes, woonerfs, mews, boulevards, greenways, bikeways and all other hard or soft-scaped surface and subsurface elements for public access as generally shown in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008]; and
 - i) provision of life-cycle assessments for all non-standard materials proposed for City streets.

Rail Crossings

- (3) Assign to the City, from CP Rail and any relevant authorities, agreements and approvals satisfactory to the Director of Legal Services in consultation with the General Manager of Engineering Services relating to street crossings and maintenance provisions over all railways, generally in those locations shown in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008].

Note to Applicant: The dimensions, conditions, exact locations, and timing of delivery are to be part of the agreements. One of the vehicular crossings shall maintain the City's seniority and be a dedicated crossing while the other crossings shall be Statutory Rights-of-Way.

Subdivision Plan

- (4) Obtain approval of and deposit for registration a subdivision plan that creates parcels generally as defined in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] document and provides for delivery to the City, roads (which includes the waterfront walkway/bikeway), and lands for parks and open space.

Note to Applicant: To facilitate vehicle manoeuvring while maintaining adequate pedestrian space, small radius curves at intersections will be replaced with corner chamfers.

Statutory Rights-of-ways

- (5) Execute statutory right-of-way agreements for public access over vehicular passageways traversing parcels, pedestrian mews, and other spaces for public access [refer to the East Fraserlands Design Guidelines - Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] including walkways adjacent to Public Parks:
- Parcel 29/30, and
 - Parcel 32 between the shoreline park and the leased waterfront walkway.
- (6) Execute blanket surface statutory rights-of-way for public access over parcels 26, 27, 29/30, 31, 32, 33/34, and 35/36 to provide at least one temporary vehicular and pedestrian access route to the waterfront from the Town Square through all phases of development.

Note to Applicant: The SRW area will be reduced and refined when an appropriate alignment has been determined and may be moved and

adjusted as needed from time to time to the satisfaction of the General Manager of Engineering Services.

Land for Public Spaces, Roads and Community Centre

- (7) Make arrangements to convey to the City such propriety rights in lands to be used for public open spaces, parks, roads, walkways/bikeways and the community centre as considered appropriate by the City Manager.

Conveyance of Closed Roads

- (8) Make arrangements to acquire from the City, at a cost to be determined by City Council prior to the enactment of this rezoning, the portions of road as described and adjacent to lands described in Appendix K, to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, being that part of Lot 62 (Cromwell Street south from Kent Avenue South).

Release of Agreements

- (9) Cause the discharge of SRW GC104773 from all lands encumbered thereby.

Neighbourhood Energy Utility

- (10) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility;

Waterfront Access Agreements

- (11) Grant statutory rights-of-way for public access over the waterfront parcels 27, 31, 32, and 35/36 for continuous waterfront passage.

Lease of Roads

- (12) Make arrangements for the execution of a lease agreement for Kent Avenue South, Hartley Street, Kinross Street, Dudley Street and Cromwell Street to the abutting owners in accordance with Council Resolution of December 12, 2006.

Car-share Agreement

- (13) Make arrangements for:
- a) the provision, operation, and maintenance of car-share vehicles and the provision and maintenance of parking spaces for use exclusively by such vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
 - b) designation of visitor or surplus parking spaces which are publicly accessible 24 hours a day (e.g. within visitor parking or outside the building) for future use by carshare vehicles, with such spaces not to be in addition to required parking for residents or visitors; and
 - c) car-share vehicles and spaces will be required for multiple residential units, including live-work units and affordable

housing units. "Secondary dwelling units" (i.e. secondary suites in a housing unit) will be considered as separate dwelling units for the purpose of calculating the required number of car-share vehicles;

all as outlined in the table below:

No. of Dwelling Units in Development Permit Application	Shared Vehicle	Shared Vehicle Parking Space	Visitor Space to be converted for Future Shared Parking Space
1 - 49	None	None	1
50 - 149	1	1	1
150 - 249	2	2	2
250 - 349	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

SOCIAL DEVELOPMENT

- (14) Grant to the City options to purchase lots within Parcel 33/34, to be identified by the City, for Affordable Housing programmes. The optioned lots must be sufficient to develop a minimum of 76 family units with a minimum aggregate floor area of 7 455 m².
- (15) Make arrangements to secure the provision of a 69-space childcare centre in Parcel 31 as part of the community centre.

Note to Applicant: The childcare facilities must meet the City's Childcare Design Guidelines and the Childcare Technical Guidelines, as well as regulations under the Community Care Facilities Licensing Act, as such guidelines and regulations are set out at the time the developer submits a Development Permit application.

PARKS

- (16) Make arrangements to convey to the City 3.066 ha of land fully constructed as park, to be funded by the developer but supplemented by City contributions as may be approved by Council. The provision of parks should accompany the development of those Parcels as set out below [see East Fraserlands Design Guidelines - Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008 - for park definitions]:
 - a) Neighbourhood Park (with an area of approximately 0.148 ha) - Parcel 29/30;
 - b) Kinross Foreshore Park (inlet to western edge of Area 1) (with an area of approximately 1.505 ha) - Parcel 33/34

- c) Waterfront Plaza and Promenade and the Lookout Park (inlet to eastern edge of Area 1) (with an area of approximately 1.137 ha) - Parcel 35/36; and
 - d) Land for a Community Centre (with an area of approximately 0.276 ha) - Parcel 31.
- (17) Make arrangements for the development of a Community Centre with a floor area of at least 2790 m², and additional floor area for a 69-space child care centre on Parcel 31.

PUBLIC ART

- (18) Make arrangements for the provision of a public art contribution of \$0.95 (in 2008 dollars, to be inflated at the consumer price index for construction costs) per square foot of floorspace (excluding non-market housing), generally in accordance with the approved East Fraserlands preliminary Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the City.

LIBRARY CONTRIBUTION

- (19) Make arrangements for the provision of a library contribution of \$62.75 per East Fraserlands resident (in 2006 dollars, to be inflated at the consumer price index for construction costs) in a series of payments, such agreement to provide for security in a form and amount satisfactory to the City.

SOILS

- (20) Make arrangements to clean the soils in the roads to residential land use numerical standards for the top 3 meters and commercial land use standards below 3 meters and to the most restrictive standards for marine aquatic life for the groundwater, all as prescribed by the *Environmental Management Act*, or make arrangements for an alternative solution which shall be acceptable to the City Manager in her discretion.
- (21) Make arrangements to clean the soils contamination in the parks to residential land use numerical standards and the groundwater contaminants to the most restrictive standard for marine aquatic life, as prescribed by the *Environmental Management Act* or make arrangements for an alternative solution which shall be acceptable to the City Manager in her discretion.
- (22) Make arrangements to clean the soils contamination on the community centre site to residential land use numerical standards and the groundwater contaminants to the most restrictive standard for marine groundwater, as prescribed by the *Environmental Management Act* or make arrangements for an alternative solution which shall be acceptable to the City Manager in her discretion.

- (iii) Rezone the lands located at 3520, 3620 and 3699 Marine Way, all as described by legal descriptions contained in Appendix K to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, to CD-1 (Comprehensive Development District), generally as presented in Appendix C - Park Precinct to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008 subject to the following conditions:

1. PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT PRELIMINARY FORM OF DEVELOPMENT

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared by Parklane Homes and stamped "Received Planning Department, June 12th, 2008", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this preliminary form of development when approving the detailed scheme of development as outlined below.
- (b) THAT, prior to final approval by Council of the preliminary form of development, the applicant shall obtain approval of a Development Application by the Director of Planning, or the Development Permit Board, who shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Tower Floorplates

- (1) Design development to reduce tower floorplates above the 9th storey to a maximum of 605 m², including all interior floorspace but excluding exterior balconies, except, at the discretion of the Director of Planning, an increase to 650 m² may be considered where the proposed building demonstrates all of the following:
- exceptional green building design, particularly in the area of energy performance. Exceptional green building design and energy performance will be assessed relative to evolving city standards at time of each development permit application.
 - exceptional architectural design. While all buildings at EFL are expected to achieve a high standard of quality, materiality and architectural design, taller, larger buildings should be exceptional. Particular emphasis should be placed on articulation to de-emphasize perceived building mass; and
 - contextually appropriate massing. An increase in building floorplate should be suitable to the localized urban design

condition and the role of the building within the overall plan. It should not adversely affect sun on public places, or the perceived scale of buildings adjacent to important public places.

Note to Applicant: It is anticipated that there will be a variety of tower floorplate sizes in response to the unique conditions, placement, and role that each tower plays. Consideration should be given to relocating building floorspace to mid-rise massing that further enhances definition and overlook of the street and public places. Allowance must be made at upper levels for reduced floorplate sizes to enable useable outdoor space, and sculpting and capping of tower elements.

Frontages on Boundary Road and Marine Way

(2) Design development to ensure that enclosed balconies fronting Marine Way and Boundary Road, in the opinion of the Director of Planning, meet the intent of the City's approved Balcony Enclosure Guidelines and are:

- clearly expressed on the exterior of the building;
- project somewhat from the main façade;
- highly glazed, with transparency and openness at corners; and
- expressed as open balconies that have been enclosed.

Note to Applicant: Enclosed balconies may be permitted on the first nine storeys of units with exposure to Marine Way or Boundary Road to improve livability by reduction of noise.

Surface Rights-of-way

(3) Design development to provide SRWs to secure public access to the secondary system of paths that create permeability and connectivity of the block system, generally as illustrated in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008], to the satisfaction of the Director of Planning, City Engineer and Legal Services;

Note to Applicant: The precise location, width, and functionality of the SRWs are to be determined at Development Permit. SRWs are to be:

- accessible, and comfortable for pedestrians; • safe, secure, well-lit, ungated and welcoming;
- overlooked by active, inhabited space;
- typically provide visibility and permeability through the block;
- align and connect directly with public routes and streets (in Parcels 20/21, align with the bridge over the water course in Avalon corridor).

In addition, SRWs are to be provided over 1.5 m sidewalks contiguous with public parks in Parcels 20 and 21 and are to be included in the park calculation.

Townhouses at lower levels

- (4) Design development to ensure residential street frontages are primarily comprised of two storey townhouse units with:
- a) active uses such as living rooms and kitchens, on the main level frontage, not bedrooms;
 - b) a main level raised above grade to create a sense of privacy and a comfortable relationship of dwelling to street; and
 - c) useable private outdoor space adjacent to the street or other private outdoor space directly accessible from the more active living spaces of the unit (i.e. roof decks, balconies off living areas, circulation spaces and courtyards).

Mt. Baker Viewcone (Parcels 20, 21)

- (5) Design development to ensure that no portion (including elevator penthouses, mechanical equipment, etc.) of any building extends into the Mount Baker viewcone. Affected parcels may include 15, 17, 18, 19, 20, and 21.

Note to Applicant: The viewcone is to be professionally surveyed and defined to preserve a view extent to the satisfaction of the Director of Planning. Complying with this condition may mean a reduction in height of some taller buildings and possible reallocation of floor area to mid-rise building forms and lower levels.

Signage

- (6) Provide a conceptual signage plan that confirms design intent for general precinct related signage, individual buildings and addressing.

Note to Applicant: The conceptual signage package should carefully consider the overall design intent established in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] with respect to character.

Parcel 43

- (7) Resolution of existing 10 m City SRW located on the northern property line of Parcel 43.

Note to Applicant: Consideration may be given at time of Preliminary Development Permit to reducing or possible relocation of the SRW within Parcel 43 to improve connections between Road L and Boundary Road.

PHASING

- (8) Development is to be phased generally to follow the sequencing below:
 - a) Parcel 43
 - b) Parcels 20 and 21

LANDSCAPE DESIGN

Public Realm

- (9) Provision of a variety of spaces consistent with the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008]. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- (10) Provision with each Development Permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- (11) Provision with each Development Permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to Applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- (12) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.
- (13) Provision with each Development Permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale.

- (14) (14) Provision with each Development Permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets, lanes and Woonerfs. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (15) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to
 - the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;
 - providing convenient and secure access if residential parking is proposed off-site;
 - reducing the scale of large areas of underground parking to serve specific buildings where possible;
 - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility;
 - reducing opportunities for break and enter;
 - reducing opportunities for mail theft; and
 - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SOCIAL DEVELOPMENT

- (16) Provision with each Development Permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to Applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines. The basic structure and aesthetics of the outdoor amenity areas should allow flexibility for future alternate uses of the spaces.

PARKS

Avalon Corridor

- (17) Provide temporary parking on Parcels 20 and/or 21 to accommodate a minimum of 30 vehicles as near the field as possible and to provide direct access between the parking and the field by at least one pathway prior to construction of Parcels 20 or 21.

- (18) Design development to the Avalon Corridor to incorporate conveyance of water originating in the Avalon Ponds in Everett Crowley Park, augmented by storm and rainwater runoff, to the Fraser River.

Note to Applicant: Option 3 described in Appendix H, to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, that does not use a pump appears to be most supportable, but further development including a life-cycle assessment for both options 2 and 3 would be required to determine the preferred option; the water course should be as natural in appearance as possible and be constructed at the latest with the adjacent parcels 20/21.

- (19) Design development to the Avalon Corridor to integrate the proposed water course with associated riparian planting with the north-south 3.5 m bikeway/pedestrian walkway west of the field.
- (20) Design development to ensure the primary public pedestrian and bicycle paths and rail crossings along the Avalon corridor are as direct and aligned as possible.

Other

- (21) No utilities located in or adjacent to parks will be included in the park calculation.
- (22) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of West Fraserlands and from the Victoria Fraserview Killarney community.

ENGINEERING

Public Realm Plan

- (23) Design development such that street trees are only provided where protection for the trees is also provided to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Where located adjacent to driving surfaces, trees should generally be located between the sidewalk and the driveable surface.

- (24) Design development such that all roads have a standard crown profile.

Note to Applicant: If a road requires a different profile, the detailed design will be considered through a detailed design review process.

- (25) Design development such that both sides of streets have pedestrian friendly sidewalks.

- (26) Design development such that the rainwater management system can accommodate peak stormwater runoff and elements such as raingardens and bioswales accommodate tree growth.

Note to Applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- (27) Design development such that planting strips minimize intrusion into adjacent pathways.
- (28) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.
- (29) Design development such that all streets accommodate all legal users including vulnerable users.

Parking

- (30) Confirm on the drawings submitted for Development Permit application that the parking layout adhere with the City of Vancouver Parking and Loading Design Supplement.
- (31) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- (32) Provision at Development Permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.
- (33) Provision at Development Permit application, for each multiple dwelling building where 10% or more of the units contain secondary units, of details to the satisfaction of the General Manager of Engineering Services on the increased impacts of secondary units on streets and the neighbourhood. The City Engineer, if deemed necessary, may require additional mitigation measures at the development permit stage.

Note to Applicant: Details may be requested in the form of a Transportation Study that examines vehicle volumes with and without secondary units and suggests mitigation measures for any impacts.

- (34) Design development to include that provision of adequate parking spaces, as required by the Parking By-law.

- (35) Design development to ensure parking and loading access for each parcel be either off the lane or vehicular mews.

ENVIRONMENTAL SUSTAINABILITY

- (36) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC-1) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist. [Refer to Appendix H to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] 22 of 39 equivalent credits that are achieved must be those identified as city priorities in appendix H to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008.

Note to Applicant: The LEED NC-1 project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- (37) All buildings that are not evaluated under the LEED NC-1 program will achieve a Gold rating under either the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to Applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- (38) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC-1 Gold and/or Built Green Gold equivalent, include reference to appropriate documentation at development permit, building permit and occupancy permit stages.
- (39) Use of electrical resistance heating for residential heating is not permitted.
- (40) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.
- (41) Provide for individual in-suite metering for energy use.

Note to Applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness.

- (42) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing.

Note to Applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

- (43) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.
- (44) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.
- (45) Twenty percent of all residential parking spaces (excluding visitor parking) will have electric outlets for electric vehicles.

Note to Applicant: The outlets must meet the specification laid out in section 86 'Electric Vehicle Charging' in the Canadian Electrical Code including a 20 amp receptacle circuitry that is designed for all spaces, excluding visitor parking. Clarification for how power must be provided.

NEIGHBOURHOOD ENERGY UTILITY

- (46) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.
- (47) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services. Exceptions, however, may be granted by the City Engineer on a case by case basis for the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.
- (48) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

SECONDARY UNITS

- (49) Prior to Development Permit issuance, a covenant will be required to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principle dwelling units.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- (1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- (2) Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-way for the Services are provided. The services shall include:
 - a) the upgrading of all Storm, Sanitary and Water systems as required by the development;
 - b) all roads, pathways, sidewalks, lanes, woonerfs, mews, boulevards, greenways, bikeways and all other hard or soft-scaped surface and subsurface elements for public access as generally shown in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008]; and
 - c) provision of life-cycle assessments for all non-standard materials proposed for City streets.

Subdivision Plan

- (3) Obtain approval of and deposit for registration a subdivision plan that creates parcels generally as defined in the East Fraserlands Design Guidelines [see Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] and provides for delivery to the City, roads (which includes the waterfront walkway/bikeway), and lands for parks and open space.

Note to Applicant: Provision of an as-built survey of Marine Way and detailed design of those sections of Marine Way to be improved including the intersection of Marine Way and Road L will be required prior to approval of the subdivision plan.

Note to Applicant: To facilitate vehicle manoeuvring while maintaining adequate pedestrian space, small radius curves at intersections will be replaced with corner chamfers.

Statutory Rights-of-Ways

- (4) Execute statutory right-of-way agreements for public access over lanes traversing parcels, pedestrian mews, and other spaces for public access [refer to the East Fraserlands Design Guidelines - Appendix J to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008] including walkways adjacent to Public Parks on Parcel 20 and 21.
- (5) Execute blanket surface statutory rights-of-way for public access over parcels 20 and 21 to provide part of at least one temporary vehicular and pedestrian access route to the waterfront from the Town Square through all phases of development.

Note to Applicant: The SRW area will be reduced and refined when an appropriate alignment has been determined and may be moved and adjusted as needed from time to time to the satisfaction of the General Manager of Engineering Services.

Lease of Roads

- (6) Make arrangements for the execution of a lease agreement for Kent Avenue South, Hartley Street, Kinross Street, Dudley Street and Cromwell Street to the abutting owners in accordance with Council Resolution of December 12, 2006.

Neighbourhood Energy Utility

- (7) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility.

Car-share Agreement

- (8) Make arrangements for:
 1. the provision, operation, and maintenance of car-share vehicles and the provision and maintenance of parking spaces for use exclusively by such vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
 2. designation of visitor or surplus parking spaces which are publicly accessible 24 hours a day (e.g. within visitor parking or outside the building) for future use by carshare vehicles, with such

- spaces not to be in addition to required parking for residents or visitors; and
3. car-share vehicles and spaces will be required for multiple residential units, including live-work units and affordable housing units. "Secondary dwelling units" (i.e. secondary suites in a housing unit) will be considered as separate dwelling units for the purpose of calculating the required number of car-share vehicles;

all as outlined in the table below:

No. of Dwelling Units in Development Permit Application	Shared Vehicle	Shared Vehicle Parking Space	Visitor Space to be Converted for Future Shared Parking Space
1 - 49 None None 1	None	None	1
50 - 149 1 1 1	1	1	1
150 - 249 2 2 2	2	2	2
250 - 349 2 2 3	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

SOCIAL DEVELOPMENT

- (9) Grant to the City options to purchase lots within Parcel 43, to be identified by the City, for Affordable Housing programmes. The optioned lots must be sufficient to develop a minimum of 88 family units with a minimum aggregate floor area of 8 680 m².

PARKS

- (10) Make arrangements to convey to the City 0.629 ha of land fully constructed as park, to be funded by the developer but supplemented by City contributions as may be approved by Council. The provision of parks should accompany the development of those Parcels as set out below:
 1. Promontory Park (with a maximum area of 0.295 ha) - Parcel 43;
 2. Avalon Park North (with an area of approximately 0.334 ha) - Parcel 20 or 21.

PUBLIC ART

- (11) Make arrangements for the provision of a public art contribution of \$0.95 (in 2008 dollars, to be inflated at the consumer price index for construction costs) per square foot of floorspace (excluding non-market housing), generally in accordance with the approved East Fraserlands preliminary Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the City.

LIBRARY CONTRIBUTION

- (12) Make arrangements for the provision of a library contribution of \$62.75 per East Fraserlands resident (in 2006 dollars, to be inflated at the consumer price index for construction costs) in a series of payments, such agreement to provide for security in a form and amount satisfactory to the City.

General 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 may, in her sole discretion and on the terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

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.

- (iii) FURTHER THAT a consequential amendment to the Sign By-law to establish regulations for these CD-1 By-laws in accordance with Schedule B (C-2) of the Sign By-law as set out in Appendix G, to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008 be approved.
- (iv) THAT consequential amendments to the East Fraserlands Official Development Plan By-law, generally as presented in Appendix G, to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008, be approved.
- (v) THAT, the Director of Legal Services be instructed to bring forward the amendments to the Noise Control By-law at the time of enactment of the CD- 1 By-laws to include these Comprehensive Development Districts in Schedule B as set out in Appendix G, to policy report "CD-1 Rezoning - 3350 to 3650 and 3699 Marine Way; 3505 to 3515 Preston Avenue; and 3450 to 3512 East Kent Avenue South (East Fraserlands)" dated July 8, 2008.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Anton

SECONDED by Councillor Chow

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:33 p.m.

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