



POLICY REPORT
DEVELOPMENT AND BUILDING

P5

Report Date: December 1, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: December 15, 2009

TO: Vancouver City Council

FROM: Director of Planning in consultation with the Director of Real Estate Services, General Manager of Engineering Services, Managing Director of Social Development, and the General Manager of Parks and Recreation

SUBJECT: East Fraser Lands Area 2 and Kerr Street Properties Rezoning

RECOMMENDATION

- A. THAT Council refer to public hearing:
- (1) amendments to the East Fraser Lands Official Development Plan, generally in accordance with Appendix B, to re-order the development phasing, modify the uses and restrictions on use in the various phases, and other technical amendments;
 - (2) an amendment to the Zoning and Development By-law, generally in accordance with Appendix C, to repeal the building line for four blocks of Kent Avenue South between Kerr Street and Kinross Street;
 - (3) amendments to the proposed Town Square Precinct By-law, Park Precinct By-law, and Waterfront Precinct By-law, in Area 1 of East Fraser Lands, approved by Council at the public hearing on September 16, 2008 but none of which by-laws Council has yet enacted, generally in accordance with the italicized wording in section 3.2 of each of Appendices D, E, and F, to add "Cultural and Recreational Uses limited to Park or Playground" as a permitted use, and also to include technical amendments to the interim High Street and non-High Street CD-1 By-law No.'s 9732 and 9733 to remove the lands comprising the Town Square, Park, and Waterfront Precincts from those by-laws;
 - (4) an amendment to the proposed Waterfront Precinct By-law, generally in accordance with Appendix F, to amend the boundaries of that precinct by removing from it an area being added to Area 2 South;

- (5) modifications to the Area 1 conditions as set out in the Policy Report dated July 8, 2008 and approved by Council at public hearing on September 16, 2008 for the proposed Waterfront Precinct, Town Square Precinct, Park Precinct, generally in accordance with Appendix G;
- (6) an amendment to CD-1 By-law No. 6533 for CD-1 (247), generally in accordance with Appendix H, to amend the boundaries of the CD-1 zone that is the subject of that by-law by removing from it the Kerr Street Properties;
- (7) the application by Parklane Homes to rezone to CD-1 (Comprehensive Development) the Kerr Street Properties (3250 Marine Way, 3098 Southeast Marine Drive, and 8450 Kerr Street) outlined in black on the map attached to Appendix A, together with:
 - (a) plans prepared on behalf of Parklane Homes received December 1, 2009 and represented in Appendix O,
 - (b) the draft CD-1 by-law, generally in accordance with Appendix I,
 - (c) the recommendation of the Director of Planning to approve the application, subject to approval of the conditions contained in Appendix J, and
 - (d) draft East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines, generally in accordance with Appendix P;
- (8) the application by Parklane Homes to rezone to CD-1 (Comprehensive Development) Area 2 North (3099 to 3151 East Kent Avenue North) outlined in black on the map attached to Appendix A, together with:
 - (a) plans prepared on behalf of Parklane Homes received December 1, 2009 and represented in Appendix O,
 - (b) the draft CD-1 by-law, generally in accordance with Appendix K,
 - (c) the recommendation of the Director of Planning to approve the application, subject to approval of the conditions contained in Appendix L, and
 - (d) draft East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines, generally in accordance with Appendix P;
- (9) the application by Parklane Homes to rezone to CD-1 (Comprehensive Development) Area 2 South (3098 to 3310 East Kent Avenue South) outlined in black on the map attached to Appendix A, together with:
 - (a) plans prepared on behalf of Parklane Homes received December 1, 2009 and represented in Appendix O,
 - (b) the draft CD-1 by-law, generally in accordance with Appendix M,
 - (c) the recommendation of the Director of Planning to approve the application, subject to approval of the conditions contained in Appendix N, and
 - (d) draft East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines, generally in accordance with Appendix P;

- (10) a consequential amendment to the Sign By-law to establish regulations for the Kerr Street Properties, Area 2 North, and Area 2 South CD-1 By-laws, generally in accordance with Appendix Q;

AND FURTHER THAT Council instruct the Director of Legal Services to prepare the by-laws referred to in the preceding paragraph for consideration at the public hearing.

- B. THAT, subject to approval of the rezoning by-laws for the Kerr Street Properties, Area 2 North, and Area 2 South, Council approve an amendment to the Noise Control By-law to include the by-law in Schedule B to the Noise Control By-law, generally in accordance with Appendix R;

AND FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the amendment to the Noise Control By-law at the time of enactment of the by-laws referred to in the preceding paragraph.

- C. THAT Council adopt Recommendations A and B on the following conditions:

- (1) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (2) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the applicant; and
- (3) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

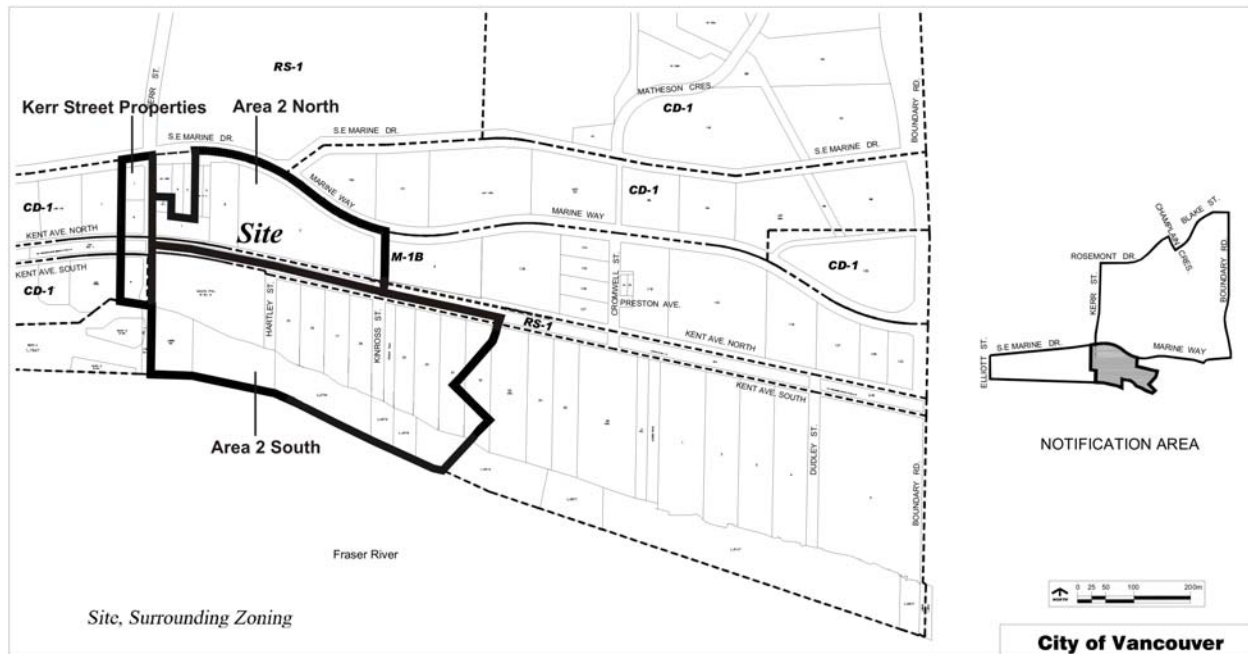
GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

- Victoria-Fraserview/Killarney Community Vision, approved January 2002
- East Fraser Lands Planning Program, approved May 2002
- East Fraser Lands Policy Statement, approved December 16, 2004
- East Fraser Lands Official Development Plan, approved November 14, 2006 and amended October 20, 2009
- East Fraser Lands Area 1 Policy Report, approved at public hearing September 16, 2008
- By-law No. 6533 Riverside East - Block 67 to Kerr CD-1 (247)
- Passive Design Toolkit and Passive Design Toolkit for Homes, approved May 2009

Figure 1 - Proposed Rezonings - Area 2 North, Area 2 South and Kerr Street Properties - Site and Context



PURPOSE AND SUMMARY

This report recommends that Council approve a re-ordering of the development phasing set out in the East Fraser Lands Official Development Plan (the "ODP"). The current ODP indicates the development phasing for six areas defined in the ODP with each area requiring a rezoning. Area 1, the first area to be developed, consists of the Town Square Precinct, the Park Precinct and the Waterfront Precinct. Council approved the rezoning of Area 1 at a public hearing on September 16, 2008, however none of these rezoning by-laws have been enacted.

Parklane Homes, the majority property owner of the ODP lands, has indicated that it is not able to proceed with development of Area 1 at this time due to the challenging market conditions for the concrete and mixed use building forms which constitute a significant portion of this part of the East Fraser Lands ("EFL"). The current difficulty in securing development financing for this type of development is also a significant problem. As a result, the applicant has proposed to vary from the ODP phasing plan by starting development with the primarily woodframe buildings to the west of Area 1, for which market conditions are more favourable.

If Council approves the amendment to the ODP to re-order the development phasing to permit Area 2 (as revised) to be developed first, this report recommends the terms and conditions for the rezoning of Area 2 (as revised) from CD-1 (Comprehensive Development) to two new CD-1 Districts, one for Area 2 North and one for Area 2 South, both as shown on Figure 1.

In addition to rezoning Area 2 North and Area 2 South, Parklane has applied to rezone, on behalf of the City of Vancouver, three additional legal lots (defined above as “Kerr Street Properties”) which are to the west, and outside the boundaries, of the ODP lands. The Kerr Street Properties are owned by the City of Vancouver and zoned for commercial use as part of CD-1 (247). Parklane is interested in acquiring these Kerr Street Properties from the City. The current zoning allows for two storey commercial at a Floor Space Ratio of 0.75 FSR. The zoning has been in place since 1989 and the sites have remained undeveloped. Staff recommend that the Kerr Street Properties be rezoned concurrently with the rezoning of Area 2 North and Area 2 South, as their development would complete both the eastern edge of West Fraser Lands (WFL) and the western edge of EFL.

The applicant seeks to develop a range of residential forms from townhouses to 13-storey apartment towers as well as parks, a public waterfront, elementary school site, two child care facilities and a small scale commercial building. Staff have assessed the application and concluded that it generally meets the intent of the ODP, with the exception of the provisions addressed in this report.

Staff recommend that the applications be referred to a public hearing together with draft CD-1 By-laws generally as shown in Appendices I, K and M and the recommendation of the Director of Planning that the application be approved, subject to approval of conditions listed in Appendices J, L and N.

Also recommended to be referred to the same public hearing are:

- amendments to the East Fraser Lands ODP generally as shown in Appendix B,
- an amendment to the Zoning and Development By-law to repeal the building line for four blocks of Kent Avenue South generally as shown in Appendix C;
- amendments to the proposed East Fraser Lands Area 1 draft bylaws to include “Cultural and Recreational Uses limited to Park or Playground” and to amend the boundary for the Waterfront Precinct to move a portion of the waterfront to Area 2 generally as shown in Appendix F;
- modifications to the Town Square Precinct, Waterfront Precinct, and Park Precinct to include two new sections dealing with contamination generally as shown in italics in Appendix G;
- modifications to three conditions of the Waterfront Precinct rezoning report regarding design development, park conveyance and community centre development generally as shown in italics in Appendix G;
- an amendment to CD-1 By-law No. 6533 for CD-1 (247), generally in accordance with Appendix H, to amend the boundaries of the CD-1 zone that is the subject of that by-law by removing from it the Kerr Street Properties; and
- other required consequential amendments as set out in this report.

BACKGROUND

The sawmill at EFL ceased operations in 2001. In 2003, City Council directed staff to explore redevelopment possibilities and carry out a public consultation process that actively involved the local community. Since that time, a major planning process has been in progress to plan the redevelopment of EFL as a compact, complete and sustainable mixed use community.

Policy - In December 2004, the EFL Policy Statement was adopted by Council, establishing general principles for the creation of a new mixed-use community on the site. The Official Development Plan further refined the principles of the Policy Statement and developed a physical plan. The ODP, receiving positive support from the community, was adopted by Council in November 2006.

Rezoning Area 1 - The first area rezoning, including the Town Square, Waterfront and Park Precincts, was approved by City Council at public hearing in September 2008.

Rezoning Area 2 - Parklane Homes submitted a rezoning application for Area 2 in May 2009. The application was presented to the local community for input at open houses in June and the Urban Design Panel voted to unanimously support the application at its meeting on August 26. The application has been comprehensively reviewed by City staff, Council advisory committees and the EFL Committee (a neighbourhood committee with longstanding involvement in the project). A summary of the comments received from the community is included in Appendix S.

Staff would like to acknowledge and thank members of the EFL Committee for their tireless efforts in helping to represent community interests throughout the planning process and for participating constructively in the review of the rezoning applications. A letter from the EFL Committee commenting on the rezonings is contained in Appendix S.

DISCUSSION

1. Rezoning Site in Relation to ODP Areas

The rezoning applications cover an area of 15.5 hectares (38.34 acres) and include a portion of Areas 1, 2, 6, and the entirety of Area 3, as currently defined in the ODP, and the Kerr Street Properties in WFL which are outside of the ODP boundary.

The following revisions to the ODP Areas are proposed (refer to Figures 2 and 3 below):

Area 1 will have:

- a portion of the foreshore park removed from Area 1 is now included in Area 2,

Area 2 will have:

- Area 3,
- a portion of Area 6,
- the western portion of Area 2, and
- the western portion of foreshore park previously included in Area 1,

Area 3 will have:

- the eastern section of Area 2, and
- Area 4,

Area 4 will have:

- the portion of ODP Area 6 that is not owned by Parklane Homes.

Figure 2 - The existing ODP Areas with an overlay of the proposed Area 2 (within heavy dashed line) and Kerr Street Properties (shown hatched) rezoning boundaries

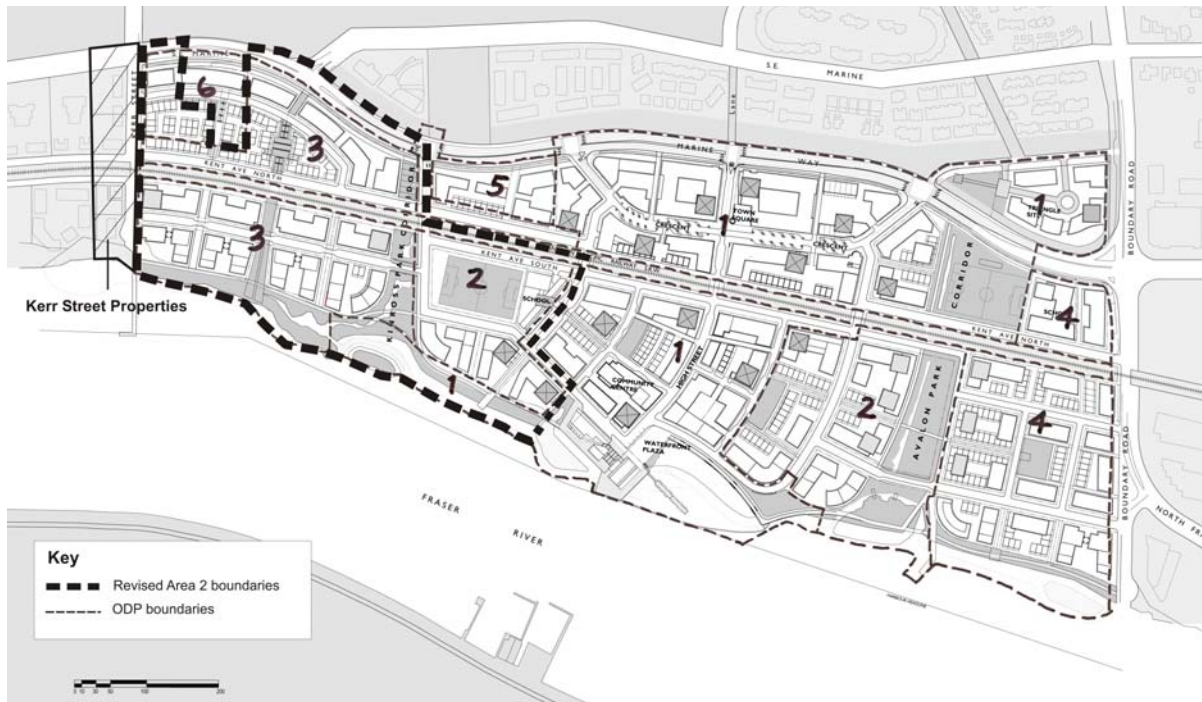
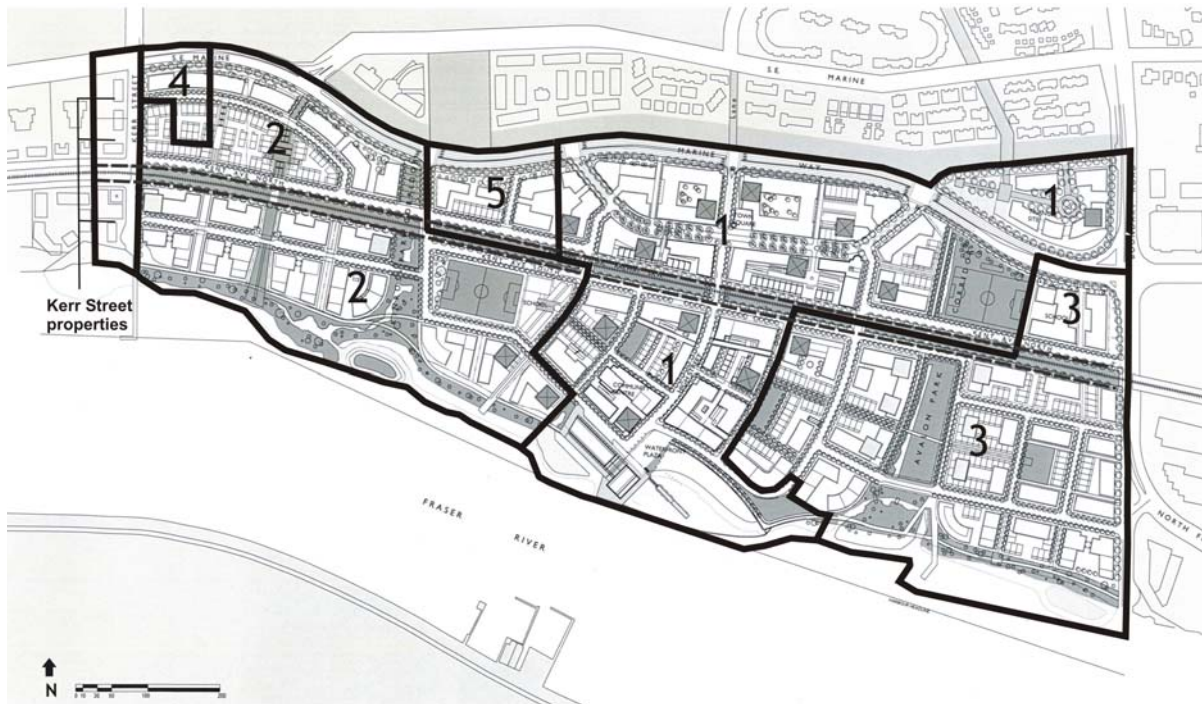


Figure 3 - East Fraser Lands showing the proposed revised Areas and the Kerr Street Properties



For clarity, from this point forward all references will be based on the revised boundaries, uses and amenities for ODP Areas 1, 2, 3 and 4 (as outlined above) unless otherwise indicated.

The proposed revisions to the ODP Areas are contained in Appendix B.

Kerr Street Properties: The rezoning applications include the Kerr Street Properties which are outside of the ODP area and are currently part of the WFL CD-1(247). These sites have not been added to the ODP lands. In the balance of this report, the Kerr Street Properties are discussed separately.

2. Official Development Plan Phasing

EFL is expected to be developed in a series of phases over a period of approximately 20-25 years. The ODP indicates the planned phasing of development, including the need to establish from the outset a sense of place and identity, as well as a complete community with a balance between new housing and provision of local amenities such as shops, services, community facilities and parks.

Pursuant to these objectives, the ODP indicated that the first area to be developed should include the heart of the central neighbourhood, which combines higher density residential uses with the 'High Street' shops and services, as well as some key public amenities such as the community centre. The lower density, predominantly residential western and eastern neighbourhoods would follow in subsequent phases. In accordance with this phasing strategy, rezoning of the majority of the central neighbourhood, Area 1, was approved by Council at public hearing in September 2008.

The applicant, Parklane Homes, has indicated that they are not able to proceed with development of Area 1 at this time due to the challenging market conditions for the concrete and mixed use building forms which constitute a significant portion of this part of EFL. The current difficulty in securing development financing for this type of development is also a significant problem. As a result, the applicant has proposed that the ODP be amended by changing the phasing plan to permit Area 2, comprising primarily woodframe buildings for which market conditions are more favourable, to proceed before Area 1.

As part of the staff review of the rezoning applications, a residual land value analysis was undertaken to compare the financial performance of the project under both the original ODP phasing plan and the revised phasing proposed by the applicant. In summary, the analysis indicates that:

- under both phasing scenarios, the project is now estimated to yield considerably lower residual land values than was estimated through the equivalent analysis carried out in 2006 during preparation of the ODP; and
- the applicant's proposed phasing would perform significantly better than the ODP phasing plan from a financial perspective.

The primary factors causing the lower residual land values compared with the 2006 analysis are higher costs - primarily holding costs, soft costs, servicing costs, property taxes - and an increase in City-wide DCLs.

The residual land value analysis represents a snapshot in time, and it has always been anticipated that there will be ups and downs in the market over the 20-25 year development timeline, however, these results suggest that amending the phasing plan in line with the

applicant's request is justified in order to enable the project to get underway during the current challenging economic times. This is also considered preferable to other options such as significant changes to the overall plan itself and/or reductions in the proposed public amenity package.

Accordingly, staff recommend that the ODP phasing plan be amended to enable development to commence in Area 2, as per the applicant's proposal. In making this recommendation, staff note that inclusion of a retail building on one of the Kerr Street Properties provides place-making and local retail opportunities that will partially mitigate the delay in delivery of the shops and services proposed for Area 1. Staff also note that Area 2, where development would commence, contains an array of public amenities to support the new population, including two daycares, an elementary school site and various parks, including a full-size playing field.

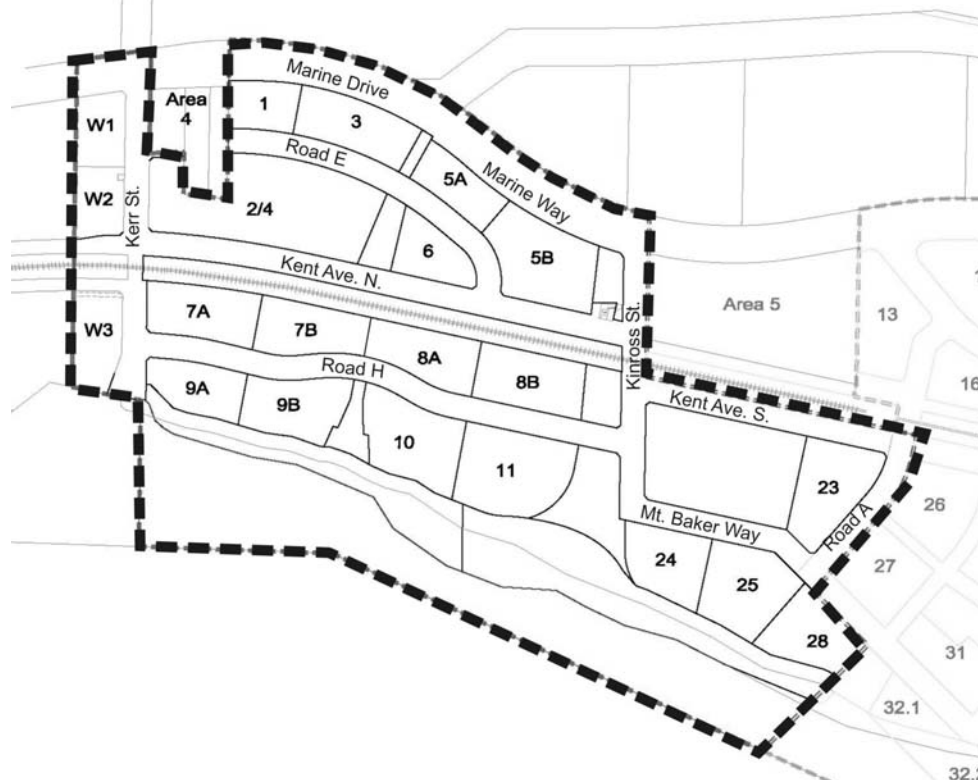
The proposed ODP amendments (see Appendix B) indicate that the mixed-use central neighbourhood 'High Street' (Area 1) will be the next phase of development once the western neighbourhood (Area 2) is complete and allow for this area to be brought forward earlier if market conditions improve.

Kerr Street Properties: The Kerr Street Properties are not part of the ODP area and are not affected by the ODP phasing requirements.

2. Site Structure (Parcels, Zoning Districts, Design Guidelines and Development Approvals)

There are twenty-one development parcels (the "Parcels") to be created through the subdivision of the site as illustrated in Figure 4 below.

Figure 4 - Development Parcels



Comprehensive Development Districts (CD-1) - Staff determined that three separate comprehensive development district schedules (CD-1s) would be optimal for managing the approvals process and development phasing of this large site. The CD-1 boundaries are described below:

- Area 2 North - is located north of the CP rail line between Kerr Street and Kinross Street and consists of Parcels 1, 2/4, 3, 5A, 5B, and 6;
- Area 2 South - is located south of the CP rail line and consists of Parcels 7A, 7B, 8A, 8B, 9A, 9B, 10, 11, 23, 24, 25 and 28; and
- Kerr Street Properties - are the three properties located on the west side of Kerr Street and consist of Parcels W1, W2 and W3.

All three CD-1s are described in this report and drafts of the CD-1 by-laws are contained in Appendices I, K and M.

Design Guidelines - As part of this rezoning package, the applicant team has worked with staff to develop a comprehensive set of draft design guidelines for East Fraser Lands Area 2 and the Kerr Street Properties (the "Design Guidelines"). The Design Guidelines include three sections: public realm plan; built form and parcelization; and character and expression. The Design Guidelines provide a design framework as the development moves through the permitting and construction processes. In addition, the programming and design of public parks will require a public consultation process, and the design of streets and lanes will require approval by the General Manager of Engineering Services.

The draft Design Guidelines contained in Appendix P are put forward for Council's consideration and approval as part of this application. They are available for viewing in the City Clerk's office or on-line at:
http://vancouver.ca/ctyclerk/councilmeetings/meeting_schedule.cfm.

Development Permit Process - As is typical, each development Parcel will be reviewed as a full development permit application and will be presented to the Development Permit Board for its advice and approval.

4. Land Uses

The predominant proposed land use is residential. Residential uses will be developed in a variety of forms from 3-storey townhouses to 8 to 13 storey towers along the Kinross Park corridor and the waterfront. Residential uses will be included in the draft by-laws for Area 2 North, Area 2 South and the Kerr Street Properties.

Secondary units within multiple-dwelling residential building units are proposed for each of these rezonings. This will allow for the potential development of rental suites or "granny" suites associated with a principal dwelling in multiple dwellings or townhouses, which will add to the diversity of housing options provided. Secondary units will be designed to comply with the city's *Principal Dwelling Unit Combined with a Secondary Dwelling Unit Guidelines*. No additional density is proposed to achieve these secondary units.

The community-serving uses proposed for Area 2 include:

- an elementary school including 60 out-of-school spaces, and a ground oriented 69-space child care facility including 20 out-of-school spaces, proposed to be co-located on Parcel 23,
- a second child care facility with 69-spaces proposed on Parcel 5B, and

- three family childcare units (one in each affordable housing building).

All of the proposed land uses contained within the draft by-laws for the Area 2 North and Area 2 South are consistent with the ODP provisions.

Kerr Street Properties: This rezoning application includes residential uses and a small local-serving commercial building at the riverfront (Parcel W3). The uses for Parcel W3 include retail, office, live-work, and those service uses that are compatible with a residential mixed-use development. These uses will be included in the draft CD-1 by-law for the Kerr Street Properties.

Live-work has also been included as a permitted use in the Kerr Street Properties draft by-law. On October 18, 2005 Council directed staff not to pursue additional zoning for this use pending resolution of assessment and taxation issues, this resolution was not expected to apply to EFL, which was in process during the Council discussion on live-work. Live-work uses were included in the Area 1 rezoning and staff recommend that live-work also be permitted on Parcel W3 to help animate the southern end of Kerr Street, known as Kerr Street landing, to create additional opportunities for retail and service uses to support both EFL and WFL, until the 'High Street' is constructed as part of Area 1.

Since the existing, purely commercial, zoning for these sites has not attracted development interest since 1989 staff are supportive of the proposed rezoning to mixed residential and commercial uses.

5. Floor Area and Density

As outlined in section 1 above, several revisions to the ODP Areas (defined in the ODP as "areas") are required to bring them in line with the proposed rezoning boundaries for Area 2 North and Area 2 South. As a result, revisions are also required to the floor area allowances in the ODP Areas, although it should be noted that the overall total floor area allowance for EFL will remain unchanged. The proposed revisions to the floor area totals for each Area are shown in Table 1 below. An ODP amendment for the proposed floor areas is included in Appendix B.

Table 1 - Proposed ODP Floor Area Revisions (in square metres)

Use	Area 1 (unchanged)	Area 2 (proposed)			Area 3 (proposed)		Area 4 (proposed)	Area 5 (unchanged)
		Area 2 (west)	Area 3	Area 6	Area 2 (east)	Area 4	Area 6 (other owners)	
Residential	306 802	32 227	96 500	16 430	88 771	105 700	7 120	17 850
Retail	23 350							
Flex	24 900							
Area Totals	355 052	145 157 m²			194 471 m²		7 120 m²	17850 m²
Combined Total	719 650 m²							

The totals include residential and retail uses but exclude floor area for "public" institutional uses (e.g. elementary school and child care facilities). These uses are typically excluded from floor space calculations in zoning by-laws.

The tables below show the floor area amounts by land use that staff recommend for each draft bylaw.

Table 2 - Proposed Floor Area by Use for Area 2 North and Area 2 South

Area (CD-1)	Residential Use	Commercial Use	Total
Area 2 North	38,414 m ²	0 m ²	38,414 m ²
Area 2 South	106,743 m ²	0 m ²	106,743 m ²
EFL ODP Area 2 TOTAL	145,157 m²	0 m²	145,157 m²

Table 3 - Proposed Floor Area by Use for the Kerr Street Properties

Area (CD-1)	Residential Use (including live-work)	Commercial Use	Total
Kerr Street Properties	11,825 m ²	930 m ²	12,755 m ²
TOTAL	11,825 m²	930 m²	12,755 m²

The Area 2 North and Area 2 South floor areas are consistent with the ODP.

6. Preliminary Form of Development

The ODP organized EFL into three distinct neighbourhoods, defined and connected by a continuous riverfront walkway and bikeway system, and two park corridors that extend north from the river, connecting with the Champlain Heights neighbourhood.

The ODP describes the western neighbourhood as being primarily residential, with a variety of housing forms such as townhouses, stacked townhouses, low- and mid-rise apartments, with development intensity increasing towards the central neighbourhood. The ODP calls for a variety of tower heights up to thirteen storeys in the southern portion of the central neighbourhood.

The proposed form of development for Area 2 North is designed to respond to significant grade changes between Marine Way and Southeast Marine Drive and the CPR right-of-way. Buildings along Marine Way and Southeast Marine Drive are proposed to be primarily four and six storeys. Townhouses occupy the central section of the area and take advantage of views generated from the sloping site.

Area 2 South is relatively flat between the rail line and the river's edge. Buildings terrace down towards the river, with overall heights generally increasing toward the central neighbourhood.

Kerr Street Properties: These three properties form the western entry to EFL. Parcels W1 and W2 respond to the steep site grades by stepping down the hill. Parcel W3 includes a double height retail building at the riverfront. The retail building adjacent to the Kerr Street landing and pier will be the main community destination until the central neighbourhood is constructed.

Overall, the development Parcels provide a range of building types and scales within an urban structure that creates a highly permeable, pedestrian-friendly public realm. The proposed preliminary form of development is shown in Appendix O.

7. Building Height

The proposed building heights in the rezoning application vary from the ODP in some locations, however they are generally consistent with its intent. The ODP illustrates buildings that terrace toward the river, increased massing along the park corridor and toward the central neighbourhood, and a mix of building scales to create variety within blocks and neighbourhoods. The increases in height proposed in the rezoning applications range from one to five storeys, and are located to accentuate the transition in scale to the central neighbourhood, and the visual marking of Kinross Corridor.

During the rezoning process, the applicant requested additional flexibility in the zoning to enable:

- a reduction in the height of some of the mid-rise buildings down to four storeys to enable more woodframe construction, and
- a corresponding further increase in heights of one to two storeys along Kinross park corridor and on the waterfront parcels within the central neighbourhood.

This alternative massing and heights option would allow greater flexibility in responding to market conditions as Area 2 develops over time. Table 4 below summarizes approved ODP maximum heights, heights proposed in the rezoning application and subsequent changes proposed in the draft by-laws.

Table 4 - Proposed Maximum Building Heights

	ODP Maximum Height	Proposed Height (RZ Submission)	Maximum Height (Draft By-laws)
Area 2 North			
Parcel 5B	5	10	11
Area 2 South			
Parcel 8B	7	8	10
Parcel 11	7	8	9
Parcel 24	13	9	11
Parcel 25	13	11	12
Parcel 28	13	12	13

A solar access study has been carried out to assess the shadowing impact of taller buildings both on adjacent properties and within the EFL development itself. The study indicates that the height and massing of buildings provide acceptable solar access to public parks and children's outdoor play areas. The Design Guidelines address solar access in more detail for some of the taller buildings. View analysis indicates that the proposed building height increases do not impact important public views from Everett Crowley Park.

Kerr Street Properties: The current zoning allows for two storey commercial buildings. The proposed maximum height for Parcels W1 and W2 is five storeys. Parcel W3 has a four storey residential building and a two storey retail building at the river's edge.

The Urban Design Panel (UDP) unanimously supported this application. Their support was based on both the proposed heights and the maximum heights as outlined in the table above. The minutes of the August 2009 UDP meeting are included in Appendix S.

Public open houses were held illustrating the proposed heights in the rezoning applications. A subsequent follow-up letter outlining the alternative heights plan was sent to residents in the

notification area and those on the information mailing list for EFL. The website was updated to reflect the proposed maximum heights.

The modifications in height are supported by staff on the basis of development and urban design objectives, noting that they do not represent an increase in overall floor area. The draft CD-1 by-laws reflect these height maximums and consequential amendments to the heights section of the ODP are set out in Appendix B.

8. Affordable and Family Housing

Affordable Housing - The ODP requires that at least 20% of all residential units in EFL be available for affordable housing and that at least 50% of those units be suitable for families with children. Figure 17 in the ODP identifies the affordable housing sites and their distribution across the ODP area.

As the ODP does not set a maximum number of units, but only a maximum allowable floor space, the affordable housing requirement needs to be translated from 20% of all the units to a percentage of the total floor area. On the basis of previous new neighbourhoods, where the 20% affordable housing policy has been applied, and a detailed analysis of the affordable housing projects proposed for EFL, staff have determined that the 20% of total units is equivalent to 17% of the total residential floor area. The share of floor area is less than the percentage of units because the average size of an affordable housing unit is smaller than the average size of a market unit.

The previously approved Area 1 included a reduced percentage of affordable housing because of the complexities associated with developing affordable housing in air space parcels. Consequently, the ODP was amended to make up the shortfall in future phases.

Figure 17 of the ODP identifies three sites for affordable housing in the western neighbourhood, representing approximately 191 units. Those sites were anticipated to provide the required 19.5% of floor area for the current ODP Area 3. The addition of three market parcels (24, 25 and 28) to the rezoning site result in a decrease in the percentage of the affordable housing floor area to 13.8%. The affordable housing is proposed on Parcels 3, 5A and 8A. Amendments to the ODP are proposed to ensure the 17% target is achieved across the entire ODP lands, and the percentage for Area 3 will need to be increased to capture the shortfall for Area 1 and Area 2. Table 5 illustrates the distribution of affordable housing across the ODP Areas.

Table 5 - Affordable Housing in ODP Areas

Area	# of Units (approx)	% of residential floor area
Area 1	481	12%
Area 2	191	13.8%
Area 3	631	27.3%
Area 4	tbd	17%
Area 5	tbd	17%
Total	1303	17%

Staff recommend that the ODP be amended to revise requirements for affordable housing for each Area as set out in Appendix B.

Family Housing - The ODP requires that at least 35% of all residential units be designed for families with children, with at least 50% of the affordable housing component to be suitable for families with children. This requirement is achieved, as shown in Table 6. All units designated for family housing will be required to satisfy the Council-adopted guidelines for "High-Density Housing for Families with Children". In addition, one family childcare unit is to be provided in each affordable housing building, designed to comply with Community Childcare Facility Licensing requirements and be licensable for the maximum capacity of childcare spaces.

Table 6 - Family Housing in Area 2

Area	# of Units	# of Family Units	% of Family Units
Affordable Housing	191	191	100%
Market Housing	1380	359	26%
Total	1571	550	35%

This table excludes the Kerr Street Properties because the ODP requirements for family housing are not applicable.

Affordable Housing for Families - The applicant's proposal includes 191 affordable family housing units, representing 100% of the total affordable housing units in Area 2. Subject to more detailed design, the unit composition is expected to be: 60% two bedrooms, 30% three bedrooms, and 10% four bedrooms.

Table 7 - Affordable Housing units in ODP Areas

Area	# of Family Units	As % of affordable housing units	# of Non-Family Units	As % of affordable housing units	Total Units
Area 1	204	42%	277	58%	481
Area 2	191	100%	0	0%	191
Area 3	339	54%	292	46%	631
Total	734	56%	569	44%	1303

ODP Areas 4 and 5 are in separate ownership and are not included in Table 7. Areas 4 and 5 must meet the requirement for 20% of units as affordable housing, of which at least 50% is for affordable family housing, as set out in the ODP.

Delivery of Affordable Housing - Affordable housing will be delivered as non-profit rental or co-operative housing with a priority for housing for core-need households. If senior government funding is not available to develop the affordable housing and to subsidize core-need households, City Council has the ability to select alternative forms of affordable housing. City Council would also retain the right, subject to a rezoning amendment to the CD-1 by-laws, to allow a site designated for affordable housing to be converted to market housing on condition that the developer pay the difference between the market value of the affordable housing and the City's option price.

The City's inclusionary housing policy for new neighbourhoods such as EFL assumes that Federal and/or Provincial funding will be available to pay the option price for the affordable housing sites, the construction costs, and the operating subsidies required to accommodate core-need households. Staff note that senior government funding for affordable housing has been limited in recent years, especially affordable housing for families, and has not always been available when affordable housing sites are ready to be developed. Staff will work with

the applicant to facilitate options for the development of the affordable housing on the same timeline as the adjoining market development is proceeding.

In order to allow development to proceed in a comprehensive manner and to avoid the creation of vacant sites, the option to purchase will have a mechanism to convert affordable housing sites to market sites with a payment in lieu. The City will exercise the option to purchase or accept payment in lieu within one year of issuance of a development permit of the adjacent site. The payment in lieu mechanism will only be used in the event that funding is not available to proceed with development when the affordable housing site is fully serviced and/or the adjoining market development is proceeding. Such potential payment in lieu funds generated from the conversion of affordable housing sites will be invested in other affordable housing sites in EFL, with a priority on sites within the same Area.

Staff also acknowledge that affordable housing sites in EFL may need to be purchased in advance of senior government funding, and that the City may need to offer affordable housing sites to the senior levels of government for long-term leases with nominal prepaid rents, and therefore may have to pay the option price itself. Staff propose that the City use the City-wide DCLs designated for replacement housing which are generated from the sites within the ODP lands to purchase affordable housing sites in EFL, noting that other sources of City funding may need to be accessed if insufficient DCLs are available to acquire an affordable housing site when it is ready to be developed or accept payment in lieu instead.

Kerr Street Properties: These three parcels were originally planned as part of the WFL development where a high level of affordable housing has been achieved. As such, there is no requirement to meet the 20% affordable housing policy.

9. Elementary School and Child Care Facilities

The ODP requires an elementary school site and two 69-space child care facilities. The elementary school site, proposed on Parcel 23, meets the area requirement of 0.44 hectares as set out in the ODP. The school building, to be funded by the Vancouver School Board when funding is available, is anticipated to be approximately 4 500 m². Parcel 23 will also accommodate a licensable 69-space child care facility, with an indoor floor area of at least 764 m² and an outdoor area of at least 615 m². A second 69-space child care facility is proposed on Parcel 5B, with an indoor floor area of at least 764 m² and an outdoor area of at least 615 m², in accordance with the Childcare Design Guidelines.

The ODP also requires two out-of-school child care centres, each consisting of 125 spaces. Since completion of the ODP, further investigation of the practicalities of delivering out-of-school child care has indicated a need to modify the amount and distribution of out-of-school spaces in EFL. It has been determined that 60 is the optimal number of students for supervision in an out-of-school program. As such, it is recommended that 60 spaces will be provided in the elementary school, 20 spaces accommodated with the childcare facility on Parcel 23, and a further 60 spaces in the Community Centre located in Area 1 (with an increase in floor area).

Area 3, which will be the subject of a future rezoning, is not considered an appropriate location for out-of-school childcare spaces because of the distance from the elementary school site and logistical challenges in the pick-up and drop-off of children before and after school.

Consequential amendments to the out-of-school childcare centre section of the ODP are set out in Appendix B. Delivery of the child care facilities will be secured through legal agreements that are conditions of rezoning enactment.

Kerr Street Properties: There are no childcare or school requirements for the Kerr Street Properties.

10. Public Art

The rezoning of Area 2 North, Area 2 South and Kerr Street Properties will impose obligations on the applicant with respect to the provision of public art in accordance with the City's Public Art Policies and Guidelines. On October 19, 2009 the applicant presented a preliminary public art plan to the Public Art Committee. The preliminary plan proposes a range of options, including establishment of a dedicated public art endowment to fund ongoing public artworks, adding artists to design teams, and ongoing support for an artist residency program. These options and final directions for the public art strategy will be developed in a Detailed Public Art Plan prior to issuance of the first development permit.

Legal agreements to secure the contribution required under the City's Public Art Policies and Guidelines are conditions of zoning enactment.

11. Parks

The following adjustments are considered by staff to be supportable adjustments to the park allocation required in the ODP:

- increased park area along the riverfront;
- inclusion of a portion of the Foreshore Park between the sanctuary island and the inlet to the east which was previously included in Area 1;
- exclusion from the park calculation of the two mews between Parcels 3 and 5, and Parcels 7B and 8A which are considered better secured with a road dedication for the northern mews and statutory right-of-way for the southern mews due to their small size; and
- 242 m² of right-of-way, where access is considered essential for wetland maintenance, is included in the park calculation.

As a result of these changes, the total park area included in Area 2 North and Area 2 South is 4.2 hectares. An amendment to the proposed park area for Areas 1, 2 and 3 is set out in Appendix B. The ODP total park area remains unchanged at 10.2 ha.

The Design Guidelines provide direction for the design of the public parks in EFL. The parks network includes the following spaces:

Area 2 North: There are two parks in this area, one is located between Parcels 2/4 and 6, and the other is to the east of Parcel 5:

- **Neighbourhood Park North** (0.132 ha/0.326 acres) - the neighbourhood park provides a connection through the site to the rail corridor and views to the river; and
- **Kinross Park North** (0.106 ha/0.263 acres) - is the northern portion of an ecological corridor connecting the river to Everett Crowley Park (through Kinross Ravine park).

Area 2 South: There are several parks in this area, including:

- **Neighbourhood Park South** (0.120 ha/0.296 acres) - situated between Parcels 9B and 10, it provides a public entrance to and an area for unstructured activities at the Foreshore Park;
- **Kinross Park South** (0.525 ha/1.298 acres) - as envisaged in the ODP, this park includes a watercourse, seasonal biofiltration area and a permanent wetland in the southern section of the park. The source of the water will be storm and rainwater runoff, supplemented by water from the Fraser River, contributing to rainwater remediation and habitat creation;
- **Foreshore Park** (2.361 ha/5.835 acres)
 - **Foreshore Park** - the waterfront park adjacent to Parcels 9A, 9B and 10 is the most naturalized portion of the waterfront. Most of the riverfront in this park is red-coded by the Fraser River Estuary Management Plan and will remain in its naturalized state except for removal of invasive plant species, and
 - **Foreshore Park (formerly Area 1)** - a portion of the waterfront park adjacent to Parcels 11, 24, 25 and 28 was previously part of the Area 1 rezoning application. It has been added to Area 2 to complete the Foreshore Park in front of those Parcels. The park includes the sanctuary island and termination of the proposed Kinross Park South wetland;
- **Playfield Park** (0.984 ha/2.43 acres) - situated adjacent to the elementary school site, it will include a full-size grass playfield.

Kerr Street Properties: The landing designed at the foot of Kerr Street does not include any new dedication of park area, however a portion of the street will be designed to function as a public plaza/gathering place, an extension of Riverfront Park and forecourt to the existing Kerr Street pier, referred to in the Design Guidelines as Kerr Street landing. As this area is outside of the EFL ODP, no additional park requirements were contemplated.

12. Street Network

The street network identified in the ODP was designed to create an efficient circulation system reflecting the City's transportation priorities. The rezoning application is consistent with the ODP.

Kerr Street, Kinross Street, and Kent Avenue North and South have all been planned to have wider travel lanes to accommodate buses. This is consistent with routes identified in the ODP and discussions with Translink regarding possible future service.

The Design Guidelines provide direction for the design of the street network. Section A of the Design Guidelines, the public realm plan, illustrates sample cross-sections of the new streets as well as a re-designed Southeast Marine Drive and Marine Way for the purposes of demonstrating the types of surface treatments and generally showing how the street functions will be delineated. Prior to construction of the streets, there will be a full design review to ensure the streets are constructed to the City's satisfaction, considering all current applicable policies and transportation priorities.

Kerr Street Properties: Improvements have been planned for Kerr Street as it forms the western entry to EFL.

A servicing agreement is a condition of zoning enactment and will secure design and construction of the streets at no cost to the City.

13. Greenways and Bikeways

EFL provides a key waterfront greenway and bikeway facility as well as a number of both on- and off-street east-west and north-south connections. The following greenways and bikeways have been reviewed by staff and the Bicycle Advisory Committee (BAC) and are illustrated in the Design Guidelines:

Fraser River Greenway - The ODP calls for a riverfront walkway and bikeway to complete the Fraser River Greenway between WFL and the Burnaby foreshore. Waterfront routes in the city typically have parallel paths with the pedestrians on the water side, and bikes and other wheeled users on the upland side. A continuous and separated route will be provided along the entire length of the Foreshore Park.

Kent Avenue North Bikeway - The ODP calls for upgrading the existing Kent Avenue bikeway. A separated bicycle facility is proposed on Kent Avenue North which connects to approved bicycle facilities in Area 1 to the east and existing facilities on Kent Avenue North in WFL.

On- and Off-Street Bicycle Connections - The streets in EFL are designed to be primarily low-speed residential streets and most bicycle movement is accommodated on-street. In addition, there are several proposed off-street and on-street separated bicycle routes that facilitate cyclist connections from the waterfront to the areas north of the rail tracks, and to the surrounding upland neighbourhoods. These include:

- a dedicated bicycle path along Marine Way between Marine Drive and Kinross Street; and
- connections to a separated off-street route planned adjacent to the future elementary school site.

Kerr Street Properties: A separated bicycle facility is proposed on Kerr Street to enhance and expand the existing Kerr Street bikeway and connect to Kent Avenue North bikeway and the waterfront walkway and bikeway to the south.

14. Parking, Loading and Circulation

Parking, loading and circulation provisions apply to the draft by-laws for Area 2 North, Area 2 South and the Kerr Street Properties.

Parking - The parking standards included with this rezoning are designed to reduce auto dependency by setting maximum and low minimum parking requirements. These new standards will apply to multiple dwelling units and live-work units. There will be an even lower minimum standard for affordable housing units. All other parking provisions will be provided as per the Parking By-law at the time of development permit.

The proposed design for Kerr Street landing seeks a balance between enhancing the public realm and providing limited short-term parking and drop-off at the landing.

Developments in EFL with 50 or more dwelling units are also required to provide shared vehicles, including off-street shared vehicle parking stalls. Conditions of enactment are included in Appendices I, K and M to ensure the provision of shared vehicles and shared vehicle parking spaces.

Tandem parking is permitted only on Parcels 2/4 and 6. A maximum of 50% of the dwelling units may be allowed to have tandem parking spaces. Tandem parking allows for two parking

spaces, one in front of the other, within a townhouse unit and reduces the frontage required for a parking garage. This parking configuration results in a substantial reduction of typical parking requirements but is supportable for the townhouse form of development on Parcels 2/4 and 6. The success of tandem parking relies on resident coordination to not put unreasonable pressure on off-street and on-street parking. Tandem parking is also beneficial in this case as it facilitates the provision of a greater number of narrower units with two parking spaces on Parcels with challenging grades while enabling front doors, trees and landscaping to enhance the liveability of the internal lane.

Loading - Loading is to be provided as outlined in the draft by-laws (see Appendices I, K and M). Class A loading has been increased to allow for 0.01 spaces per dwelling units (any number equal to or greater than 0.5 counts as one space). Class B loading is consistent with the current parking by-law with 0.005 loading spaces for each unit (any number equal to or greater than 0.5 counts as one space). Access to the off-street parking and loading areas is primarily from mews between buildings or private courtyards. An updated study is required at the development permit stage to evaluate turning templates for all parking and loading access points and for internal parking and loading circulation.

Circulation - To facilitate circulation and transportation throughout the neighbourhood the following measures are proposed in addition to the bikeways and greenways detailed above:

- one new traffic signal on Marine Way at Kinross Street;
- parallel parking provided where appropriate throughout the neighbourhood; and
- streets designed to accommodate transit on the routes identified in the ODP.

15. Environmental Sustainability

Sustainability is a core concept of the proposed development of EFL. The rezoning application identified several site-wide sustainability elements and a strategy for implementing green buildings that will apply to all three rezonings.

Site-wide Sustainability - Major projects, where the developer is responsible for the design and construction of the site services, present a unique opportunity to incorporate site-wide sustainability initiatives. Some of the key features to be provided include:

- a landscape-based rainwater management strategy designed to target the 'first flush' of rainwater falling on the site. Streets and open spaces are designed with raingardens and swales in strategic locations where rainwater can be collected and filtered prior to infiltration or release into the Fraser River.
- site ecological health is enhanced through a number of initiatives, notably major shoreline habitat restoration including the creation of a sanctuary island at the foot of Kinross Park corridor, creation of a watercourse, biofiltration area and permanent wetland in the Kinross Park corridor, and a site-wide landscape strategy designed to provide songbird habitat.
- urban agriculture with edible landscaping and communal gardening opportunities will be designed throughout the site on the development Parcels and in the public realm.

Neighbourhood Energy Utility (NEU) - Staff and the applicant are working together to incorporate a NEU into EFL. Energy source options include utilizing the waste heat from the Metro Waste-to-Energy plant, a biomass plant, short term and peaking natural gas boiler plants and a distributed utility system. Discussions are underway with Metro Vancouver and the applicant to address the phasing, ownership and operation of a NEU that uses waste heat from the Metro Waste-to Energy plant.

Green Building Strategy - The applicant is committed to creating a sustainable community, and as such has volunteered a strategy for green buildings that applies LEED® (Leadership in Energy and Environmental Design) Gold equivalent and Built Green™ Gold equivalent with an EnerGuide target of 80 points, depending on the construction method, as a baseline requirement for all buildings in EFL. To monitor the progress toward achieving LEED® and Built Green™ Gold equivalent, the applicant would be expected to submit a sustainability strategy with an accompanying LEED® checklist and Built Green™ project checklist with each development permit application.

Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC) program must target all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist (see Appendix P). 22 of 39 equivalent credits that are achieved must be those identified as City priorities in the Design Guidelines. Buildings that are not evaluated under the LEED® NC program will target a Gold rating under either the Built Green™ program, or the Built Green™ BC "Multi" program, with a minimum Energuide score of 80.

In addition to the green building targets discussed above, the following measures will be included:

- green roofs over concrete structures, excluding the tops of tower. Roofscapes will be highly programmable, useable and accessible spaces;
- buildings will be designed to reduce potable water consumption and achieve a high level of energy performance through a number of strategies including eliminating electric resistance heating in the residential units and utilizing the proposed NEU;
- Energy Star™ appliances required in residential units;
- no natural gas fireplaces; and
- dual flush (3/6 litre) or HET (high efficiency toilet) equivalency (3.65 litre) toilets in all buildings.

The applicant is encouraged to register the buildings with LEED® Canada Green Building Council (CaGBC) or Built Green™.

16. Public Amenities

During the ODP process a package of amenities was determined that would meet the needs of a complete community, with a level of amenity appropriate to the future population in EFL. The Area 2 North and Area 2 South rezonings include the following amenities:

- 4.2 ha parks;
- 0.44 ha elementary school site;
- two 69-space childcare facilities; and
- 80 out-of-school childcare spaces on Parcel 23 as follows:
 - 20 in the child care facility, and
 - 60 in the elementary school.

In addition, Appendix N, as a condition of enactment, a requirement that the applicant provide funds for the out-of-school spaces, and a financial contribution to the Vancouver Public Library as set out in Appendices L and N, as required under the ODP. Staff supports the amenity package as proposed, which is consistent with the ODP.

Kerr Street Properties: The Kerr Street properties will contribute DCLs and CACs toward the public amenities already established in the ODP.

17. Development Sequencing and Amenity Delivery

It is anticipated that the sequencing of development will follow the general approach described below. The development is planned to begin at the western edge and move eastward, although each of Area 2 North, Area 2 South and Kerr Street Properties may be developed concurrently. The development of Parcels within each area is expected to follow the sequencing below (refer to Figure 3 for Parcel locations):

- Kerr Street Properties - Parcels W3, W1 and W2
- Area 2 North (in order of sequence):
 - Parcels 2/4 and 6
 - Parcels 1 and 3
 - Parcels 5A and 5B
- Area 2 South (in order of sequence):
 - Parcels 7A, 7B, 9A and 9B
 - Parcels 8, 10 and 11
 - Parcels 24, 25 and 28

The elementary school and 60 out-of-school spaces on Parcel 23 are not tied to the development sequencing outlined above. This enables the school to proceed according to the Vancouver School Board's (VSB) development timeline.

Parks and Community Facilities - Agreements for the delivery of the parks and community facilities (e.g. child care) will be conditions of enactment (see Appendices J, L and N). The delivery of parks and community facilities will be tied to the first occupancy permit of the Parcels, as outlined below:

Table 8 - Parks, Child Care Phasing and Elementary School

Amenity	Parcel
Area 2 North	
Neighbourhood Park North	2/4
Kinross Park North	5B
69-space childcare facility	5B
Area 2 South	
Foreshore Park - Kerr Street to east side of Parcel 10	9B
Foreshore Park - east edge of Parcel 10 to the east side of Kinross Corridor, and Kinross Park South (south of road H)	11
Foreshore Park - east side of Kinross Park corridor to west side Parcel 28	24
Neighbourhood Park South	10
Kinross Park South - CPR to and including bridge over Road H	8B
Playfield Park	Parcel 28 or delivery of the school (whichever is first)
69-space childcare facility and 20 Out-of-school spaces on Parcel 23	Parcel 25 or delivery of the school (whichever is first)
Elementary school and 60 Out-of-school spaces on Parcel 23	no trigger (depends on VSB development timeline)
Kerr Street landing (plaza/parking area)	9A

The Kerr Street landing improvements are to be completed with Parcel 9A, including design and construction.

18. Site Remediation, Waterfront Tenure, CP Rail Line

The site, as former industrial land, has a number of complicated legal and land ownership challenges. There will be legal agreements related to site remediation, waterfront tenure and the CP rail line crossings.

Site Remediation - Certificates of Compliance have been issued by the Ministry of Environment for a portion of Area 2. The issued Certificates of Compliance are to prescribed standards for residential and urban park land soil use and freshwater aquatic life water use and cover areas that will be dedicated roads, and areas that will be parks, and private development parcels. Appendices J, L and N contains prior-to enactment conditions relating to the remediation of road dedications, park parcels, development parcels and lands outside of the existing Certificates of Compliance.

Waterfront Tenure - The Fraser River falls within the jurisdiction of Port Metro Vancouver under head lease from the Province. Throughout EFL, portions of the Fraser River have been filled in over time (the "filled foreshore") and will be designed to look and feel like park. As a condition of rezoning enactment, the applicant will be required to secure, at no cost to the City, long term tenure to the satisfaction of the City of the filled foreshore and wetted portions of the Fraser River within Area 2 for the purposes of park and the waterfront walkway and bikeway (see Appendix P). The resolution of this condition will be a model for future waterfront areas of EFL including Area 1.

CP Rail Crossings - There are three proposed Canadian Pacific Railway (CPR) crossings within Area 2. Two of the crossings are existing, one at Kerr Street and another at Kinross Street. The City is seeking crossing agreements that sees the City maintain its seniority at the existing crossings. An agreement with CPR will be required to secure the crossings.

A third crossing for pedestrians and cyclists, aligned with the Neighbourhood Park North, was identified in the ODP. To date, discussions with CPR have not been successful in securing it. A design development condition is included that will require the applicant to continue discussions with CPR. If no crossing can be secured by the time the final parcel in Area 2 is developed, then the City will likely continue discussions with CPR to secure the crossing in the future.

19. Site Servicing

The redevelopment of a brownfield site of this size requires an extensive network of new services and infrastructure. The services will have to be designed and constructed to service both the ultimate build-out of the ODP area as well as the individual phases as they proceed. The new services include surface infrastructure such as roads, pathways and landscaping (including sustainability features such as swales and rain gardens) as well as underground utilities such as sewer and water mains. All of the obligations to design and construct the new services will be at no cost to the City and will be secured by legal agreement.

20. Kent Avenue South Building Line

The Zoning and Development By-law Schedule E contains building line requirements that apply to certain streets, in particular a building line requirement for Kent Avenue South to be 33 feet wide between Ash Street and Boundary Road along the south side of the CPR right-of-

way. The EFL road network is designed to discourage short-cutting and as such, Kent Avenue South is proposed to be discontinuous in sections between Kinross and Kerr streets. Vehicles will be diverted from Kent Avenue South to road H between Kerr Street and Kinross Street and therefore this section of Kent is not required. Staff recommend that the by-law be amended to provide an exception for the blocks between Kerr Street and Kinross Street (refer to Appendix C).

21. Floodplain Level Review

The Subdivision Approving Officer reviewed flood plain levels city-wide, including those for EFL, in 2007. The ground level of EFL is to be raised to meet current City flood plain regulations for the site. The Approving Officer intends to undertake regular city-wide reviews of flood plain levels on an approximately four-year interval to assess the science and data on sea level rise and its implications for flood plain safety. The flood plain level at EFL will be subject to the findings of these reviews and will be revised as necessary.

22. Proposed Area 1 Modifications

Through the evaluation of the Area 2 rezonings, staff has identified several items contained in the Area 1 rezonings that require modification. The three proposed by-laws from the Area 1 rezoning (Waterfront Precinct, Town Square Precinct, and Park Precinct) have been approved at public hearing but have not yet been enacted. Staff wish to modify the draft by-laws to include 'Cultural and Recreational Uses, limited to Park and Playground' and to revise the boundary for the Waterfront Precinct, as the western portion of the waterfront is now included in Area 2 South (as noted above). In addition, staff recommend modification of the following conditions of enactment for:

- a. Waterfront Precinct
 - Park Areas - the park area requirement is reduced to reflect the transfer of a portion of the Foreshore Park to area 2, and removal of a surface right-of-way from the park conveyance requirement;
 - Out-of-School spaces - 60 spaces have been added to the Community Centre on Parcel 31;
 - Crane - the traveling crane is to be located within the waterfront plaza; and
 - Contamination - two new conditions for contamination on development Parcels.
- b. Town Square Precinct
 - Soils - two new conditions for contamination on development Parcels.
- c. Park Precinct
 - Park Areas - removal of a surface right-of-way from the park conveyance requirement; and
 - Contamination - two new conditions for contamination on development Parcels.

These modifications are included in Appendix G.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications directly associated with this rezoning with respect to fees or staffing. However approval of the Area 2 rezoning will have future financial implications to the City.

Funding of Public Amenities - The following amenities are included in the Area 2 rezonings:

- two childcare facilities including out-of-school childcare spaces,
- three affordable housing sites, and
- new public parks.

When the ODP was approved, Council endorsed the principle that all of the Development Cost Levies (DCLs) and Community Amenity Contributions (CACs) accruing from development in the ODP area would be used to fund public amenities in EFL. Additional funds would be provided through DCLs and CACs from the development of 3rd party owned sites within the ODP area and the Kerr Street Properties. In addition, Council also has the ability at its option to allocate other City funding to the provision of amenities. As the project proceeds, staff will monitor the balance between the cost of providing the public amenities and the funding available from DCLs and CACs. If costs are expected to exceed the planned funding sources, staff will report to Council recommending options to address any funding shortfalls.

Futhermore, the timing of receipt of the DCLs / CACs is unlikely to match the timing of delivery of the public amenities as the community is developing. Therefore, during the ODP process it was agreed, subject to Council approval, that the City may need to provide interim financing where it is determined (by the City) that the amenities need to be delivered in advance of the receipt of the DCLs / CACs. Any such interim financing would be subject to Council approval.

These principles continue to guide the strategy for the funding and delivery of public amenities within EFL, and it should be emphasised that any contributions that are proposed to be made by the City will be subject to Council approval.

Operating Funding - There may be ongoing costs associated with operating new facilities and maintenance costs of supporting new infrastructure including:

- new parks and streets are proposed, as illustrated in the Design Guidelines, and will require on-going maintenance funding; and
- two child care facilities including out-of-school care, depending on the form in which ownership will be secured for the City, may require on-going funding.

Some of these costs will be offset by the additional property tax revenue to be generated from development within the ODP lands, however the balance between revenues and expenditures is not fully understood at this time. Once these costs are fully understood, staff will report back to Council with the appropriate maintenance and operating funding requests.

ENVIRONMENTAL IMPLICATIONS

The proposed development will achieve numerous environmental sustainability objectives outlined in this report and in more detail in the Design Guidelines.

SOCIAL IMPLICATIONS

The proposed development includes family housing, urban agriculture opportunities, two child care facilities, out-of school childcare spaces, an elementary school site, options to purchase sites for affordable housing, and family childcare units in affordable housing buildings. These are key elements in creating a socially sustainable, complete and inclusive community.

CONCLUSION

Staff assessment of this application concluded that the proposed revised phasing and other consequential amendments are supportable. The Director of Planning recommends that the following be referred to public hearing:

- a) amendments to the East Fraser Lands ODP generally as shown in Appendix B;
- b) amendments to the Zoning and Development By-law for the Kent Avenue South building lines generally as shown Appendix C;
- c) adjustments to the Area 1 draft by-law for the Waterfront Precinct rezoning, generally as shown in Appendix F; and
- d) revised conditions of approval for the Town Square Precinct, Waterfront Precinct and Park Precinct generally as shown in Appendix G.

Staff assessment also concluded that the proposed use, density and form of development for Area 2 North, Area 2 South and the Kerr Street Properties are supportable. The Director of Planning also recommends that the rezoning applications for Area 2 North, Area 2 South and Kerr Street Properties be referred to the same public hearing including:

- a) draft CD-1 By-laws generally as shown in Appendices I, K and M;
- b) draft East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines generally as shown in Appendix P; and
- c) a recommendation of the Director of Planning that they be approved, subject to the conditions of approval listed in Appendices J, L and N, including approval in principle of the form of development as shown in plans included in Appendix O.

* * * * *