

**WATERFRONT PRECINCT  
3450, 3512 E. Kent Avenue South**

**PROPOSED CONDITIONS OF APPROVAL**

Note: These are draft conditions which are subject to change and refinement by staff prior to the finalization of the agenda for the Public Hearing to the satisfaction of the Director of Legal Services.

Names of parks and streets are as identified in Figure 2 in Appendix I.

Any reference to development "Parcels" refers to the parcels identified in Figure 2 in Appendix I.

Documents referred to that are not included within this rezoning package can be viewed at the City Clerk's Office, 3<sup>rd</sup> Floor, City Hall.

**A. 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 9<sup>th</sup> storey to a maximum of 605 m<sup>2</sup>, including all interior floorspace but excluding exterior balconies, except, at the discretion of the Director of Planning, an increase to 650 m<sup>2</sup> 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. Live-work 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 m<sup>2</sup> to 1500 m<sup>2</sup>, medium size stores are not to exceed a floor area of 2350 m<sup>2</sup>.

- (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 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 (ie 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 2.5m 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 (ie 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). 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 1.5m sidewalk adjacent to the park, 0.5m planting strip between the sidewalk and any wall, fence, or other delineation of private outdoor space, and 2.5m 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 4<sup>th</sup> 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) 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) . 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 m<sup>2</sup>.

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 wonerf, 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 Frasersview 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).

- (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 D) 22 of 39 equivalent credits that are achieved must be those identified as city priorities in appendix D.

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.

### B. 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), 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); 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).

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) 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) 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 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 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**

- (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 7455 square metres.
- (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 therefor.



## 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 - 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 m<sup>2</sup>, 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.

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.

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