

SUMMARY AND RECOMMENDATION

4. REZONING: 4255 Arbutus Street (Arbutus Centre)

Summary: To rezone the Arbutus Village Shopping Centre from its current CD-1 (Comprehensive Development) District to a new CD-1 District. The application proposes a phased redevelopment of the existing seven-acre shopping centre site. Proposed are four new building blocks including two new streets. Included within the development are 500 residential dwellings (including 100 units of affordable housing), a food store, liquor store, retail and restaurant uses, offices, a financial institution, an underground self-storage, and community space.

Applicant: Art Phillips, Larco Investments Ltd.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application, by Dialog on behalf of Larco Investments, to rezone 4255 Arbutus Street (Lot 2, DL 526, Plan 14750, PID: 003-501-680) from CD-1 (Comprehensive Development) District (78) to a new CD-1 (Comprehensive Development) District, to permit a mixed-use development with 55 743 m² of residential development and 25 022 m² of commercial development, generally as presented in Appendix A of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning - 4255 Arbutus Street (Arbutus Centre)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Dialog, and stamped "Received City Planning Department, November 18, 2010", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

1. Clarification on the drawings, providing scaled building elevations of all building facades, including interior facing courtyards, indicating proposed materials and colours;
2. Confirmation on the drawings, providing a updated view analysis taken from Quilchena Park, that includes all mechanical and elevator penthouses and roof top appurtenances that may impact views;

Note to Applicant: Most of the massing should be contained underneath the 57 m datum line, with limited intrusions allowed into the Quilchena Park view.

3. Design development to improve the scale transition between the northeast corner of Block A with the adjacent low rise residential building, increasing the Arbutus Street setback by approximately 3 m, from Gridline A to Gridline C (approximately 12 m);

Note to Applicant: A more compatible massing transition, similar to the south west corner is advised. Reference: Arbutus Centre Policy Statement (Section 4.0 Building Form).

4. Design development to the architectural expression to achieve closer conformance with the intent of the Arbutus Centre Policy Statement regarding building form with particular regard but not limited to the following:
 - (i) more articulation and variety of materials, east elevation, Block D;
 - (ii) *Reference:* Arbutus Centre Policy Statement (Section 4.0 Building Form);
5. Confirmation on the drawings and as illustrated in the rezoning documents, the following material palette:
 - (i) predominately brick cladding on the low rise massing, with integration of brick on the upper massing at various accent elements;
 - (ii) high quality, clear transparent glazing systems with colour accent panels;
 - (iii) metal panel systems and solar shading and screening devices;
 - (iv) exposed architectural concrete for vertical articulation of the townhouses, projecting floor slabs, roof overhangs and soffits;
 - (v) living green walls;
6. Design development to ensure good active retail/commercial space in the following manner:
 - (i) provide a minimum floor-to-floor height of 4 m;
Note to Applicant: The floor to floor height of the CRU located in Block C needs to be increased.
 - (ii) direct grade access to sidewalks without need of ramps or stairs;
Note to Applicant: CRU located in Block A needs to meet sidewalk grade at all entry points.
 - (iii) provide continuous full height clear, transparent glazing along all retail/commercial frontages; and

Note to Applicant: There should be direct site lines into the retail space from the street. Blank walls, back of house activities and display shelving against the store frontage are not supported.

- (iv) provide continuous weather protection along all retail/commercial frontages;

7. Design development to ensure an engaging and pedestrian oriented public realm that conforms to the Arbutus Centre Policy Statement (Section 2.4 key Planning Principles) with particular regard but not limited to the following:

- (i) provide for continuous connectivity of pedestrian path networks, avoiding dead ends and integrating accessible requirements;

Note to Applicant: The proposed paths should connect with existing on and off site paths to the west of the subject site.

- (ii) enhance the expression and functional relationship of the pedestrian stair entry to the parking level, Arbutus Mews, Block B, to the retail frontage, and parking level below;

Note to Applicant: The expression should lend greater significance to this entrance, with a more gracious, less utilitarian connecting stair to the parking level. Consider extending the canopy, a larger, more open stair, and with further day lighting of the parking level below.

8. Design development to address liveable work conditions, relocating below grade office use to above grade, providing natural daylight and ventilation;

Note to Applicant: Recommended reference for performance target: Daylight and Views, Credit 8.1, Indoor Environmental Quality, LEED® Canada, NC.

9. Design development to the interface of adjacent uses, with concern for privacy, noise attenuation and minimizing general conflicts and incompatibility between uses;

Note to Applicant: Exposed frontage of liquor store and office into the residential courtyard of Block B requires further consideration.

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point, and one storm water point;

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged.

Landscape Review

11. Provision of a diversity of landscape types and experiences to benefit the pedestrian environment and improve the livability of building occupants;

Note to Applicant: The public realm should be high quality and consist of friendly, urban street edges with tree lined streets and appropriate transitions to residential and commercial uses. Semi-private open space design in and around buildings should offer a variety of outdoor experiences. Provide opportunities for urban agriculture, respecting solar aspect, and sized to a scale proportional to the size of outdoor space available. Patios and courtyards should also include more contemplative spaces with trees and layered planting for passive activity. Childcare play spaces must also be integrated in proximity to amenity areas.

12. Design development to the existing building to the north and Block A;

Note to Applicant: significant landscaping should be provided in this location to enhance the buffer between sites. This can be done by the addition of a double row of large species street trees or equivalent, in addition to other measures such as green walls or upper level layered planting. Refer to Arbutus Centre Policy Statement (Section 4.0, Relationship to Adjacent Sites)

13. Design development to grades, retaining walls, walkways and structural elements, such as underground parking to maximize plant growing depth (exceed BCLNA Landscape Standard);

Note to Applicant: where applicable, reconfigure underground parking design to increase soil depth for planting. Public and private trees will be needed to be planted at grade and not placed in above grade planters to achieve soil depth. Structural soils and variations in the slab may be required. Planted areas adjacent to structures and on slab contain contiguous soil volumes. Underground parking to angle downward at the corner (1 m across and 1.2 m downward) to increase planting depth for inner boulevard trees and planters.

14. Design development to maximize the retention of trees to the north, south and west edges, with particular consideration to impacts to offsite trees and groupings, where possible;

Note to Applicant: while the drawings indicate that perimeter trees have been integrated into the proposal, further consideration at the development permit stage will be needed to ensure that all options for retention have been explored. Further arborist information and detailed plans may be requested to inform decisions. Measures may be needed to mitigate impacts to trees on adjacent sites. Pursuant to tree retention objectives, alterations to the built form may be necessary. Coordination with neighbour sites is highly encouraged. In some cases, arrangements can be made with adjacent property owners to replace trees on their sites. In no case should neighbour trees be rendered hazardous or unhealthy through edge disturbance, without a plan in place for resolving the conflict. A number of tree groupings straddle private and property will require coordination with Engineering Services and Park Board. The grouping of trees along the western edge does not appear to be included in arborist reports to date.

15. Design development to location of utilities to avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) in the public realm;

Note to Applicant: Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

16. Design development to the paving plan should compose a unified and high quality street patterning on sidewalks and public spaces;

Note to Applicant: in addition, the semi-private paving treatment should be robust and more individual to the building. Pay careful attention to the transition from semi-private to public realm grades and edge materials. Where phasing of individual site portions are phased overtime, a public realm material palette should be submitted for the entire site at DE stage, phase one. Details of public and semi-private surface treatment should be provided at each phase.

17. At time of first development permit, provision of a public realm plan;

Note to Applicant: refer to Arbutus Centre Policy Statement (Section 6.0, new street design). The public realm plan presentation should include, but not limited to, final street alignment, public art, water features, sidewalk design, new street trees, retained trees, street furniture, paving, lighting, utilities and pedestrian weather protection.

18. At time of first development permit provision of a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be at 1/8":1'-0" scale minimum. Phased development should include separate landscape plans for individual buildings and adjacent open space. The Plant list should

include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

19. A phased "Tree Removal/Protection/Replacement Plan" in coordination with arboricultural services, including the assessment of existing trees, retention value rating, retention feasibility, remediation recommendations, site supervision and letters of undertaking;

Note to Applicant: given the size and complexity of the site, provide a tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and retained, including any tree protection barriers and important construction management directives drawn out of the arborist report(s). Tree replacements are likely best located on the proposed phased landscape plans.

20. A "Construction Management Plan" outlining methods for the retention of existing trees during construction;

Note to Applicant: The Plan should include, but not be limited to, the location of construction materials, temporary structures, utilities, site access, development phasing, neighbour impact reduction methods, to the satisfaction of Planning Staff. Special construction methods such as applying "shotcrete" to excavation walls near retained trees may be necessary and a watering program.

21. At time of development permit, provision of detailed cross-sections (minimum 1/4" scale) through all proposed common open spaces and semi-private patio areas (typical);

Note to Applicant: The sections should illustrate to scale the relationship between the underground slab, soil, tree root ball, retaining walls, steps, and part of the residential unit.

22. Provision of universal design principles in the outdoor spaces, such as wheelchair accessible site furniture;

Note to Applicant: Special consideration should be given to the street design, including paving, providing benches, particularly near entrances on site and at reasonable intervals for public use along streets and Mews.

23. Provision of high efficiency irrigation for all planted areas, including urban agriculture areas, and hose bibs for all private patios of 100 sq. ft. (9.29 m²);

Engineering

24. Parking, loading, bicycle spaces and passenger loading spaces shall be provided and maintained according to the requirements and provisions of the Parking By-law, and the Engineering Parking and Loading Design Supplement, including those concerning exemption and relaxation, except for the following:
- (i) Parking:
 - a. Multiple Dwelling: The minimum required and maximum allowable parking shall be provided as follows: A minimum parking requirement of one parking space for each 110 m² gross floor area up to 1.25 spaces per unit, and a maximum equal to the sum of the minimum required parking plus 0.5 parking spaces to an absolute maximum of 1.75 spaces per dwelling unit.
 - b. Visitor Parking: Visitor parking must be provided at a minimum rate of 0.1 spaces per dwelling unit, and at a maximum not to exceed 0.2 spaces per dwelling unit. If there are secondary suites (lock-off suites), no vehicle parking will be required for these units; however, these units will be counted as separate stand-alone units when calculating visitor parking and bicycle parking.
 - c. Social Housing (As defined by the Director of Planning): A minimum of one parking space for each 150 m² of gross floor area must be provided. A maximum parking provision must not exceed one parking space for each 110 m² of gross floor area, with an absolute maximum of 0.75 parking spaces per dwelling unit. The total number of Social Housing units is to be included in the total number of residential units when calculating Class A and B loading.
 - d. Non-Residential: All non-residential parking must be provided at a minimum rate of one space for each 70 m² of gross floor area, and at a maximum rate of one space for each 40 m² of gross floor area.
 - (ii) Loading:
 - a. Residential: Class A Loading: Multiple dwelling residential, Live-Work, Social housing and any other type of dwelling use not listed here shall provide a minimum of 0.01 space per dwelling unit up to 299 dwelling units, and 0.008 spaces per dwelling unit for any number of units over 299.
 - b. Class B Loading: Multiple unit residential, Live-work, Social Housing and any other dwelling use not listed here must provide a minimum of 0.008 space per dwelling unit up to 299 units and 0.006 space per dwelling unit for any number of units over 299.

- c. Non-Residential Loading: Class C loading must be provided for all non-residential uses except office at the following minimum rate: One loading space for the first 2 500 m² gross floor area, One loading space for any portion of the next 5 000 m² gross floor area, One loading space for any portion of each additional 10 000 m² gross floor area. Class B loading must be provided for non-residential uses at the following rate: One loading space for the first 100 m² gross floor area, One loading space for any portion of the next 750 m² gross floor area, One loading space for any portion of the next 2 000 m² gross floor area, One loading space for any portion of the next 4000m² gross floor area, One loading space for each additional 7 500 m² gross floor area. Class A loading must be provided for non-residential uses at the following rate: One loading space for the first 100 m² gross floor area, One loading space for any portion of the next 300 m² gross floor area, One loading space for any portion of the next 500 m² gross floor area, One loading space for any portion of the next 750 m² gross floor area, One loading space for any portion of the next 1 500 m² gross floor area, One loading space for each additional 3 000 m² gross floor area;

- 25. Provision of a site servicing plan that contemplates any proposed phasing;

Note to applicant: The area's storm, sanitary and water systems must be analyzed to determine the need and extent of required system upgrading. The current application lacks the details to determine if upgrading is required. Provision of adequate water service to meet the fire flow demands of the project is necessary. The large lot size of Lot A/B will create a large fire flow water demand. Extensive upgrades to the existing water system may be required. Servicing the site under the public square area is not supported. If required, utility rights-of-way are to be a minimum of 6.0 m wide and unimpeded. Only one service connection per legal lot is acceptable.

- 26. Design development to include an accessibility ramp that connects the public square with the foot of the public square stairs and thus eliminates the need for a public elevator;
- 27. Clarify the intended phasing of development as it relates to parking and loading;
- 28. Provision of a public realm plan (landscape plan and lighting plan for public areas and streets) that includes, but is not limited to, new sidewalks (minimum 1.8 m wide), curb, pavement, lamp standards, street trees, landscaping and street furniture adjacent to the site;

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

Note to applicant: All public paths should be the same width throughout the development.

Note to applicant: Park Board approval will be required for the path connections within the Arbutus Village Park that will connect the park's existing paths with the proposed on-site paths.

29. Design development to provide grade separation within the mews;
30. Design development is required to ensure the east to south bound right turn bay in the private street is reduced in size or eliminated;
31. Crossing applications for driveways and approval are required prior to the issuance of a development permit and should be submitted directly to Engineering for review and comment. Discharge any existing crossing agreements made unnecessary by the development will be required;
32. The design and construction of the Yew Street Extension, the lane along the northern boundary of the site and the portions of Arbutus Street and Nanton Avenue adjacent the site, including new lighting and an off-street bike path on the Nanton Avenue bike route, all in keeping with a required public realm plan or streetscape plans issued or required by the City and any other guidelines issued by the City, including guidelines to accommodate Vulnerable Users;
33. Provision of a groundwater management strategy is required to ensure groundwater does not rise in the surrounding neighborhood during or post construction;

Note to applicant: Groundwater shall be managed as per the Arbutus Centre Policy Statement and as per the Vancouver Building By-law.

34. Design development to eliminate the need for loading off the northern extension of Yew Street;
35. Design development to relocate the Block A vehicular ramp as to flatten it and eliminate multiple turns;

Note to Applicant: The multiple turns and slope make this ramp circuitous and difficult to maneuver. All ramp designs are to meet the City of Vancouver Parking and Loading Design Supplement.

36. Provision of a loading management plan;

Note to Applicant: Heights and lengths of trucks to serve the site must be identified and accommodated. The study must clearly show turning templates for all loading access points and for all internal loading

maneuvering. Design deficiencies such as columns, walls, sharp corners, etc. must be identified and accompanied by recommended solutions. Details regarding the self storage center's loading requirements and functionality are required. The design and analysis of the loading facility must also ensure loading operations and truck maneuvering does not interfere with any requirements for solid waste management within the building.

37. Design development to ensure the Solid Waste Storage Facility meets the City of Vancouver Solid Waste Storage Facility Design Supplement and the Solid Waste Diversion Strategy;
38. Confirm on the drawings submitted for development permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement;
39. Make arrangements to the satisfaction of the General Manager of Engineering Services, in consultation with CMBC and Translink, to relocate any bus stops affected by the proposed development;
40. Provision of a canopy application for any canopies that encroach over City street;

Note to Applicant: Canopies must be fully demountable and drained to the buildings internal drainage system as per the Vancouver Building By-law.

Sustainability

41. An approach to Sustainable Site Design shall be taken and, where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, incorporate urban agricultural opportunities, and replicate natural systems where feasible;
42. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;

Note to Applicant: The Green Mobility and Clean Vehicles Strategy should be coordinated with the Transportation Study and Traffic Management Plan.

43. Provision of a Sustainable Rainwater Management plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site;

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan.

44. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the development;

Note to Applicant: The strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

Renewable Energy

45. An intrusive test drilling and loop installation program, followed by Formation Thermal Conductivity testing, shall be performed by a qualified professional to confirm a vertical closed-loop geexchange system is viable for the site and for the purpose of developing a detailed ground loop design, all to the satisfaction of the General Manager of Engineering Services. If results of the testing program support geexchange system development, such a system shall be required for the development. If results of the testing program and further analysis does not support geexchange system development, then a suitable alternative with comparable low GHG performance will be selected from screened technologies and shall be implemented prior to full build-out of the site, all to the satisfaction of the General Manager of Engineering Services;
46. The renewable energy sources (i.e., geexchange or alternative) shall provide a minimum of 70% of total annual space heating and domestic hot water energy requirements delivered as part of the renewable energy system to buildings within the development. Remaining energy demands shall be provided by high efficiency gas boilers for peaking and backup. Exceptions may be granted where the use of either solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services. Such approvals will be made on a case by case basis for the purpose of supplementing the heat energy provided by the Renewable Energy System;

47. Mechanical heating and domestic hot water systems of all buildings shall be designed to be easily serviced by the Renewable Energy System that provides a minimum supply temperature of 65 degrees Celsius and maximum return temperature of 50 degrees Celsius;
48. Locate all heat pumps and required boilers in one centralized mechanical room to service the development. Equipment location and centralization must be to the satisfaction of the General Manager of Engineering Services;
49. Building design must provide for connectivity of all mechanical systems (for heating and cooling) and domestic hot water systems to the Renewable Energy System to the satisfaction of the General Manager of Engineering Services;
50. Final detailed design of the Renewable Energy System must be to the satisfaction of the General Manager of Engineering Services;
51. Enter into agreements to ensure within three years of commissioning the Renewable Energy System, to provide the City with an Energy System Performance Report. This Report is to be prepared by an independent third party, with study terms of reference and final report to be approved by the City;

Note to Applicant: Energy System Performance Reports should include actual measurements of peak and annual cooling/heating loads (including DHW and make-up air, separated into commercial and residential components), heat recovery from cooling on an annualized basis, maintenance costs, COPs of heat pumps in cooling and heating mode, boiler use, and, if applicable, long-term expected performance of any geexchange fields or changes in their performance. All results shall be weather normalized. The purpose of this report is to understand performance of the Renewable Energy System and to obtain more accurate data on energy use demand associated with new building construction.

52. Space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters;
53. No heat producing fireplaces are to be installed within residential suites.

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

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Release of any redundant charges on title, including release of Easement & Indemnity Agreement A29669 (support agreement) prior to issuance of an occupancy permit;

Note to Applicant: An application to the City Surveyor is required (and will be referred to the City of Vancouver Structures Engineer).

2. Clarify the intended phasing of the subdivision and air space subdivision;

Note to Applicant: The applicant is advised to seek advice on air space subdivision practice since there are limits on the ability to phase airspace subdivisions. The applicant should consult with the Approving Officer regarding airspace subdivisions.

3. Registration of a Statutory Right of Way/Option to Purchase agreement over the north laneway and the northerly portion of Yew Street that is required to service Block A. The 12.0 metre laneway and the portion of the 20.0 meter road are to be defined by a Reference Plan of Statutory Right of Way suitable for registration at the Land Title Office. The SRW for lane and road purposes is to be operable upon issuance of notice to exercise the option and the option is to be exercised and the lane dedicated prior to occupancy of Block A;

4. Registration of a Statutory Right of Way over "Arbutus Mews" for 24 hour vehicular and public access, for enforcement of the street and traffic by-law by the City of Vancouver, for parking enforcement by the City of Vancouver, for the utilization of parking meters by the City of Vancouver and for utility purposes. The SRW is to be a blanket charge (defined by sketch plan, 20.0 metres wide) and is to be modified based on the as-built conditions which may include a volumetric plan. The modification is to be registered prior to occupancy of Block A;

Note to Applicant: The commercial entities within the proposed development are to be responsible for the maintenance of "Arbutus Mews".

Note to applicant: If the final building design does not require the area shown under "Arbutus Mews" for underground parking, the City may seek to establish these portions, or portions of, as road.

Note to Applicant: The street names offered are provisional only. The applicant must apply to the Street Naming Committee for street name approval. Note: "Arbutus Mews" is not a suitable name.

5. Registration of a Statutory Right of Way/Option to Purchase agreement over the south (Phase 2) portion of the Yew Street extension. The 20.0 metre road is to be defined by a Reference Plan of Statutory Right of Way suitable for registration at the Land Title Office. The SRW for road purposes is to be operable upon issuance of notice to exercise the option and the option is to be exercised and the road dedicated prior to occupancy of Block B;
6. Registration of a Statutory Right of Way over the "Public Square" & Arbutus Village Park connectors, including the paths along the western boundary of the site through Blocks C and D and the stairs, for 24 hour pedestrian access and public use. The SRW is to be a blanket charge (defined by sketch plan) and to be modified to volumetric plan based on the as-built conditions. The modification is to be registered prior to occupancy of Block C or Block D. Maintenance of the Public Square and Arbutus Village Park shall be the responsibility of the adjacent property owners;
7. Execute a Services Agreement, that facilitates a phased approach to development, 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 agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
 - (i) no development permit will be issued for a parcel until the design of the Services required for that particular phase of development are completed;
 - (ii) no occupancy of any buildings or improvements on a Parcel until the Services required for that particular phase of development are completed; and
 - (iii) shall include the following works to the satisfaction of the General Manager of Engineering Services:
 - a. The design and installation of all Storm, Sanitary and Water systems as required by the development.
 - b. The design and installation of traffic signals at the intersection of the new internal private street "Arbutus Mews" and Arbutus Street, including all necessary landscaping and road works on the east side of Arbutus Street, and including communication between traffic signals on Arbutus Street at Nanton Avenue, King Edward Avenue and Valley Drive.

- c. The design and construction of the Yew Street Extension, the lane along the northern boundary of the site and the portions of Arbutus Street and Nanton Avenue adjacent the site, including new lighting and infrastructure related to the Nanton Avenue bike route, all in keeping with a required public realm plan or streetscape plans issued or required by the City and any other guidelines issued by the City, including guidelines to accommodate Vulnerable Users.
 - d. The redesign and reconstruction of the Arbutus Street median as to accommodate a north to westbound left-turn bay into the internal private street and a north to westbound left turn bay into the lane along the northern boundary of the site.
 - e. Design and construction of path connections within the Arbutus Village Park that will connect the park's existing paths with the proposed on-site paths.
 - f. Provision (including all required testing, analysis and installation) of traffic calming measures on the Nanton Avenue bike route, to be completed after the Yew Street Extension is open to traffic.
 - g. Design and construction of all other roads, pathways, sidewalks, lanes, mews, boulevards, greenways, bikeways and all other public access areas and shall require, to the satisfaction of the General Manager of Engineering Services:
 - (1) Provision of life-cycle assessments for all non-standard materials proposed for City streets.
 - (2) Provision of soil resistivity testing in all roads to determine the need for cathodic protection of utilities.
8. Underground all new utility services from the closest existing suitable service point. All electrical services to the site must be primary with all electrical transformers located on private property. The development is not to rely on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground. Early contact with the Utilities Management Branch is encouraged;

Public Art

- 9. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide

development details to the satisfaction of the Public Art Program Manager (a checklist will be provided);

Note to Applicant: To discuss your public art application and fulfillment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002

Neighbourhood House and Adult Day Care Facility

10. Provide a public amenity in the form of a neighbourhood house and adult day care facility, with a total area of not less than 16,000 sq. ft., as part of the development at 4255 Arbutus Street;
11. Design, construction, equipping and finishing of the proposed neighbourhood house and adult day care facility;

Note to applicant: Design development will be required through the Development Permit process to demonstrate that the functional requirements of the neighbourhood house and adult day care facility can be met.

12. Transfer to the City at a nominal cost an air space parcel containing the neighbourhood house and adult day care facility, together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations;
13. Grant a perpetual right in favour of the City and the users of this neighbourhood house and adult day care facility, in the form of a statutory right of way, for access to and use of three parking spaces and to the loading spaces in the underground parkade of the residential complex on this site, at no cost;
14. Provide a facility operating reserve for the neighbourhood house and adult day care facility in the amount of \$4,000,000 to be held by the City in an interest-bearing account and used to offset the operating costs of the amenity space for a period of approximately 20 years;

Community Amenity Contribution (CAC) Payable on Enactment

15. Pay to the City, prior to enactment of the rezoning by-law, the Cash portion of the Community Amenity Contribution of \$7,500,000 which the developer has offered to the City, of which \$1,000,000 shall be allocated to upgrades to Arbutus Village Park;

Affordable Housing

16. Make arrangements to transfer title at a nominal cost an air space parcel containing the 100 units of affordable housing and associated

parking, together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations; ownership and on-going management terms and conditions to be negotiated by Housing and Real Estate Services Staff, to the satisfaction of the Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services;

17. Design, construction, equipping and finishing of the 100 units of affordable housing and associated parking;

Note to applicant: Design development will be required through the Development Permit process.

Soils

18. Submit a site profile to the Environmental Protection Branch (EPB);
19. That the property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter;
20. Execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance satisfactory to the City, for the on-site and off-site contamination, has been provided to the City by the Ministry of Environment.

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

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

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

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

- B. THAT the application to amend Schedule E of the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" C-2], generally as set out in Appendix C of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning - 4255 Arbutus Street (Arbutus Centre)", be approved.
- C. THAT consequential amendments to CD-1 (78) By-law 4634, to delete references to the rezoned site from the bylaw, generally as set out in Appendix D of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning - 4255 Arbutus Street (Arbutus Centre)", be approved.
- D. THAT, following the approval and enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for enactment the amendment to the Noise Control By-law to include this CD-1 in Schedule B, generally as set out in Appendix C of the Policy Report dated May 31, 2011, entitled "CD-1 Rezoning - 4255 Arbutus Street (Arbutus Centre)".

[RZ - 4255 Arbutus Street (Arbutus Centre)]