

## SUMMARY AND RECOMMENDATION

**1. REZONING: 445 Southwest Marine Drive (Marine Gardens)**

**Summary:** To amend CD-1 (Comprehensive Development) District (71) By-law No. 4570 for 445 Southwest Marine Drive, to permit the development of two residential towers at 27 and 21 storeys containing 512 market strata units, and a seven-storey residential building, containing a 37-space childcare facility at grade and 70 secured market rental housing units, for a total of 582 residential units. A height of 71.6 m (235 ft.) and a floor space ratio (FSR) of 4.21 are proposed.

**Applicant:** GBL Architects

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of February 3, 2015.

**Recommended Approval:** By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application, by GBL Architects, on behalf of 0881269 B.C Ltd. (Concord Pacific) to amend CD-1 (71) By-Law No. 4570 for 445 Southwest Marine Drive [PID 007-971-338, Lot 1, District Lots 311 and 323, Plan 13979] to increase the floor space ratio (FSR) from 0.60 to 4.21 and the maximum height from two-storeys to 71.63 m (235 ft.), to permit a development comprised of two residential towers at 27 and 21 storeys, and a seven-storey residential building including a 37-space childcare at grade, generally as presented in Appendix A of the Policy Report dated January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)", be approved subject to the following conditions:

**CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architects on behalf of Concord Pacific and stamped "Received City Planning Department, March 12, 2013", provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

**Urban Design**

1. Design development to provide variety and interest to the architectural expression of the building(s) with high-quality durable materials that will contribute to the character and quality of the area.

Note to Applicant: A high-quality development that establishes a robust compatible character with the existing neighbourhood fabric is required. Above the podium levels the tower floor plates are to be consistent with the Cambie Corridor Plan floor plate size identified for this site of 585 m<sup>2</sup> (6,300 sq. ft.).

2. Design development to address the overall massing of these building forms, including minimizing their apparent scale through articulation, building character and variety.
3. Design development to the pedestrian/vehicle entry courtyard (Marine Drive) and building interfaces to further engage and enhance its primary function as pedestrian environment that utilizes high quality surface materials.

Note to Applicant: Vehicle turn around movements should be accommodated within the lower level parking structure. Additional larger landscape features (trees) should also be provided within this entry courtyard.

4. Design development to provide high quality hard surface treatments for the parking and loading areas located off of Nunavut Lane.
5. Design development to minimize the change in grade for pedestrian movements through the internal courtyard.
6. Design development to increase the internal courtyard by shifting Tower B and podium closer to Yukon Street and Marine Drive.

Note to Applicant: The podium frontage along Yukon Street should provide for a 15 ft. setback. Tower B along Marine Drive should provide for a 20 ft. setback.

7. Design Development to provide north-south pedestrian connectivity through the site between Marine Drive and the east-west lane at the north end of the site.

Note to Applicant: This can be achieved by providing a pedestrian connection from the north lane, providing a substantial layering of greenery beside the parking access to the rental building as a visual amenity and to create a buffered edge for the adjacent residential properties.

8. Provision of weather protection for commercial frontages and primary residential entries.
9. Design development to minimize the impact of mechanical vents.

Note to Applicant: Vents servicing the below-grade parking structure should be located to minimize their impact of the pedestrian environment.

10. Design development to provide a conceptual lighting plan that incorporates mid-level pedestrian and low-level lighting in localized areas such as the open spaces and courtyards, and pedestrian links.
11. Design development to provide a conceptual signage strategy to ensure a well-conceived and disciplined approach to announcing tenancy.  
  
Note to Applicant: The strategy should confirm general signage hierarchy, location and type. Back-lit signs are not supported.
12. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.  
  
Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff, prior to the preparation of a Development Permit submission, to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.
13. Consideration should be given to combine the access to parking to the one point of entry off of Marine Drive.

#### **Crime Prevention Through Environmental Design (CPTED)**

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

#### **Sustainability**

15. Provision of a deconstruction strategy for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.  
  
Note to Applicant: The deconstruction strategy should be provided at the time of development permit application.
16. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in meeting the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, at least six optimize energy performance points, one water efficiency point, and one storm water point.  
  
Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development; and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing

set. Registration and application for Certification of the project are required under the policy. See the Green Rezoning Process bulletin and the Green Buildings Policy for Rezonings for more information.

17. All space and domestic hot-water requirements of each building comprising the development shall be served through a centralized on-site natural gas boiler plant, with the exception of any heat supplied through internal heat recovery from cooling, if applicable, unless otherwise approved by the General Manager of Engineering Services.
18. Building-scale 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 or heat-producing fireplaces.
19. Design of the development's centralized natural gas boiler plant shall include adequate space and design provisions to support connection to a City-designated Neighbourhood Energy System. Detailed HVAC and mechanical design, including the size and location of the central boiler plant, must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale, where applicable. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. At the building permit stage, the applicant will be required to submit final detailed drawings for review. Design shall provide suitable space for the installation of equipment with adequate provisions for connection to outside neighbourhood energy system distribution piping and communications conduit. Such equipment may include, but is not limited to, energy transfer stations, a steam-to-hot-water converter station, and/or boiler equipment.

#### Landscape Review

20. Design Development of the landscaping to provide a replication of natural systems to utilize sustainable site design principles on the development site.

Note to Applicant: This may include the retention of as many viable trees as possible, use of native plants, the protection of natural habitat from construction, the retention of soil resources, maximizing tree and shrub planting soil depths on structures, locating new trees on natural ground wherever possible, elimination of lawn chemical use and the recycling of green waste.

21. Design Development to demonstrate how the development maximizes access to nature opportunities both on site and off site.

Note to Applicant: This may include maximizing opportunities for growing large trees, creating wildlife habitat, contributions toward

planting trees in other public spaces, provision of maximized public open space or park space, and contributions to new park space on other land.

22. Design Development of the landscaping to provide urban agriculture in the form of edible landscaping and gardening plots suitable for use by the urban gardener. Provide the necessary supporting infrastructure, such as tool storage, hose bibs for water and a potting bench at all common gardening locations. The design should reference the *Urban Agriculture Guidelines for the Private Realm*, maximize access to sunlight, be integrated into the overall landscape design, and provide universal access for residents and their visitors.
23. Design Development of the landscaping to provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater. Note to applicant: Design features to enable sustainable land practices in an urban setting include the use of high efficiency irrigation systems, rain gardens, permeable pavement, drought -tolerant plantings, and mulching of planting beds. Reference the *City of Vancouver Waterwise Planting Guidelines*.
24. Design Development of the Marine Drive public realm to mitigate the conflict between moving vehicles, bicycles, and pedestrians using adjoining pathways and provide a lively and walkable public realm at eye level.

Note to Applicant: This could be achieved by creating a larger plaza space with less vehicular orientation and increased pedestrian opportunities.

## Engineering

25. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the parking and loading design supplement:

- (i) Improve maneuvering for the 2 Class B loading spaces off of Nunavut Lane for the west tower.

Note to Applicant: Engineering recommends that the loading spaces be perpendicular to the lane as shown in the traffic study. If the loading spaces are parallel to the lane as shown on Drawing No. A-2.01, consider providing a hammerhead for improved operations.

- (ii) Provision of automatic door-opening systems for both bike storage areas.

Note to Applicant: The one in the northwest corner on drawing A 2.04 requires accessing 4 doors before getting to the first bike storage area and the one near the Class B loading requires

opening large double doors for access to the corridor leading to the bike storage.

- (iii) Provision of improved bike storage and access on P1 to be located at the highest elevation of El. +31.0'.

Note to Applicant: The bike storage is split into three areas on P1. One is at the main level, another is down a second ramp to El. +28.0' and the third requires stairs to reach El. +26.5'.

- (iv) Provision of section drawings for the parking ramps showing 2.3 m (7.5ft.) of vertical clearance for disability spaces and 3.8 m (12.5 ft.) of vertical clearance for the Class B loading spaces.
- (v) Provision of an improved plan showing the design elevations on both sides of the parking ramp at all breakpoints and within the parking areas to be able to calculate slopes and crossfalls. Provide elevations on sections drawings.

Note to Applicant: Please show the parking ramp from P1 to grade on a single drawing.

- (vi) Improvement to the maneuvering at the bottom of the ramp on P1 at elevation +31' to provide two-way traffic flow.

Note to Applicant: This can be achieved by pulling the angled wall section between the two ramps to align with the westerly ramp.

- 26. Please place the following note on the landscape plans; "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details."

Note to Applicant: All off-site specialty treatments, such as those proposed for Nunavut Lane, require a separate application to the General Manager of Engineering Services. If approved, they will be incorporated into the construction drawings that will be required of the services agreement.

- 27. 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, to the satisfaction of the General Manager of Engineering Services.

### **Social Policy**

- 28. Design development to ensure that the childcare is licensable by CCFL and meets the intent of the City's Childcare Design Guidelines and Childcare Technical Guidelines.

Note to Applicant: The Guidelines call for a minimum gross indoor area of 4,618 sq. ft. and between 4,252 and 5,597 sq. ft. of outdoor area. Design development is required to ensure that the indoor and outdoor spaces are designed to maximize opportunities for healthy child development while ensuring a functional, and financially sustainable facility for the non-profit operator.

29. Sunlight on outdoor play areas must comply with the intent of the City's Childcare Design Guidelines. The Guidelines state that sunlight should penetrate into the outdoor area for a minimum of three hours per day at the winter solstice, two hours of which should occur during the typical playtime of 9:30 to 11:30 am or 1:30 to 4:00 pm.

### **Housing Policy and Projects**

30. Design development to provide 70 units of market rental housing with a minimum total area of 5,871 m<sup>2</sup> (63,188 sq. ft.) gross floor space, including unit mix of 56 two-bedroom and 14 three-bedroom units, plus related parking and other indoor and outdoor amenity space, consistent with relevant Council adopted guidelines.

31. That the proposed unit mix including 32% of the market strata units as 2-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

32. At the time of Development Permit application, the provision of a final Tenant Relocation Plan, indicating the number of tenant's units and their rent as per Section 2 of the Rate of Change Guidelines, including the length of tenancy for all tenants must be provided.

33. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant. Note to applicant: The updated list must be submitted with your development permit application.

34. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rents, and other compensation) and includes a summary of all communication provided to the tenants.

### **CONDITIONS OF BY-LAW ENACTMENT**

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural Services and the

Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### Engineering

1. Dedication of a portion of the site along the south boundary to accommodate the installation of a left-turn bay (east to northbound) for site access, and widened sidewalks and boulevards for the site as shown on the plan in Appendix D.
2. Discharge from title of City SRW 290202M (as shown on Explanatory Plan 5632, for sewer purposes). (See site services requirements for further information).
3. Provision of an option to purchase over the north 3.05 m of the site from Yukon Street to the lane west of Yukon Street to allow for potential future lane development. The applicant is to provide confirmation of the existing width of the area between the parkade ramp and the north property line of the site.
4. Release of Easement & Indemnity Agreement 543776M (commercial crossing agreement) prior to building occupancy. Note: A simple letter of commitment is necessary at the enactment stage, with document release prior to building occupancy.
5. Provision of statutory rights of way over all proposed pedestrian pathways within the site that are shown to connect to public property.
6. Provision on site of a statutory right of way to accommodate a Public Bike Share (PBS) Station.
  - (i) Size: At minimum, the smallest sized station at 16 m x 4 m must be accommodated.
  - (ii) Location: The station must be clearly visible to the public and conveniently located near Marine Drive and Nunavut Lane to allow easy access to the street.
  - (iii) Surface treatment: A hard surface is required. Acceptable surfaces include CIP concrete (saw-cut or broom-finished), asphalt and pavers or other surface treatments subject to approval by the General Manager of Engineering Services.
  - (iv) Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%.

Note: Spot elevations at the four corners of the station must be provided at the Development Permit stage.
  - (v) Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power.



- (vi) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.
7. Arrangements to the satisfaction of the Greater Vancouver Sewerage and Drainage District for the following:
- (i) An increase to their current SRW B62011 (as shown on Reference Plan 11520) from 10 ft. wide to 20 ft. wide (in a southerly direction).  
  
Note: Proposed trees should be removed from within the widened SRW area.
  - (ii) Replacement of the sections of GVS&DD pipe within Marine Drive fronting the property, running through the property, and within Nunavut Lane up to the location where it is to connect with the relocated pipe from the adjacent IntraCorp development.  
  
Note: The documentation indicates these two items have been discussed between the applicant and GVS&DD.
8. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
- (i) Provision of a new storm spur in the lane south of 64th Avenue from the lane west of Yukon Street to Nunavut Lane, to redirect storm water drainage to the storm sewer in Nunavut Lane and abandonment of the storm spur currently located in City SRW 290202M.
  - (ii) Provision of curb, gutter, and pavement to road centerline, improved street lighting, 1.8 m wide concrete sidewalk on the west side of Yukon Street from Marine Drive to 64th Avenue. Work to include all utility adjustments necessary to accommodate the street improvements.
  - (iii) Paving of the lane south of 64th Avenue from the Nunavut Lane to the lane west of Yukon Street and of the lane west of Yukon Street from the lane south of 64th Avenue to 64th Avenue.
  - (iv) Provision of a standard concrete lane crossing at the lane entry on the south side of 64th Avenue at the lane west of Yukon Street
  - (v) Provision of street trees adjacent the site where space permits.

- (vi) Provision of up to \$120,000 for traffic calming within 5 years of final occupancy of the last phase of the development, the scope and location of any calming measures to be subject to neighbourhood consultation and analysis of traffic impacts from the project.
- (vii) Provision of signal modifications at the signalized intersection of Marine Drive and Yukon Street, to accommodate the site's main access. Works may include but are not limited to the relocation of poles, and to the installation of traffic signal heads, pedestrian signal heads, audible signals, communications lines and associated infrastructure, related curb and utility works.
- (viii) Reconstruction of Marine Drive from Cambie Street to 100 m east of the north leg of Yukon St. to the satisfaction of the General Manager of Engineering Services. This may include a an eastbound left turn bay at the signalized intersection of SW Marine Drive and Yukon Street to provide access to the subject site, a westbound right turn lane at Cambie Street and SW Marine Drive, and pedestrian improvements on SW Marine Drive adjacent to the site to include curb realignment, a 1.5 m front boulevard, a 2.1 m CIP concrete sidewalk, improved street lighting and street trees.
- (ix) Upgrading of the existing sanitary sewer on Marine Drive from Yukon Street to Manitoba Street and on Manitoba Street from 70th Avenue to 71st Avenue at 100% the applicants expense. Current estimate for this work in 2013 dollars is \$1,050,000.

Note to Applicant: The sewer upgrading costs borne by this project may be reduced should benefiting nearby development proceed concurrently with this project, with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.

- (x) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

9. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad-mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features.

There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

10. 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 enactment the completion of any legal agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.
11. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex.

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 enactment 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.

### **Sustainability**

12. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to the Cambie Corridor Neighbourhood Energy System, which may include but are not limited to agreements which:
  - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
  - (ii) Require that the natural gas boiler plant for the development be secured for use as a long-term thermal energy peaking and backup plant for the City-designated Neighbourhood Energy System; and
  - (iii) Grant the City-designated Neighbourhood Energy System utility provider access to the development's central plant, individual buildings, private streets and other spaces within the development, as required, for the purpose of installing, operating and maintaining Neighbourhood Energy System utility infrastructure.

Note to Applicant: Until a City-designated Neighbourhood Energy System utility provider has been identified, the Applicant will be prohibited from entering into any energy supply contract for thermal energy

services, unless otherwise approved by the General Manager of Engineering Services.

### **Soils**

13. If applicable:

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

### **Public Art**

14. 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: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

### **Social Policy**

15. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, General Manager of Community Services, and Director of Facility Planning and Development, for the provision of an Air Space Parcel comprising a fully fit, finished, equipped and supplied, childcare facility of no less than 427 m<sup>2</sup> (4,600 sq. ft.) of at-grade indoor space with adjacent outdoor space of approximately 455 m<sup>2</sup> (4,900 sq. ft.), and seven dedicated parking stalls, all to meet the intent of the City of Vancouver Childcare Design Guidelines and Technical Guidelines. This childcare facility must also be licensable by meeting Childcare Licensing Regulations of Community Care Facilities Licensing.

## Housing Policy and Projects

16. Execute a Housing Agreement, as required by the Director of Legal Services in consultation with the Chief Housing Officer to secure the applicant's obligation to design and build 70 units of secured rental housing. The Housing Agreement will address but not be limited to the following:
  - (i) The 70 units will be secured as rental housing in accordance with the Rental Housing Stock Official Development Plan and the Rate of Change Guidelines, and will have the following additional conditions:
    - a. That a mix of at least 56 two-bedroom units and 14 three-bedroom units be provided, suitable for families as per the City's Guidelines for High Density Housing for Families with Children;
    - b. That all "Eligible Tenants" (being all tenants who are resident, as of the date of approval in principle of this application by Council following the Public Hearing (the "Effective Date"), in any of the 70 units that will be demolished if this redevelopment proceeds) will be offered a right of first refusal (on a per household basis) to rent an "Equivalent Unit" (being one of the 70 rental units secured by this Housing Agreement that has the same number of bedrooms as that Eligible Tenant was occupying in the demolished building as of the Effective Date);
    - c. That at initial occupancy, returning Eligible Tenants will be entitled to rent with a discount of 20% off starting rents (the "Starting Rents"), which as of the date of this Report would be \$1,750 per month for a two-bedroom unit, and \$2,100 per month for a three-bedroom unit, but which rents will be finally agreed upon as of the Effective Date;
    - d. That discounted Starting Rents are applicable only to Eligible Tenants who exercise their right of first refusal and occupy a unit in the new development. An Eligible Tenant has to decide, prior to rezoning enactment, if they are going to move out and then move back into a replacement unit, or move out and not return.
    - e. That the Starting Rents may be increased annually at the maximum allowable annual rent increase under the Residential Tenancy Act, between the Effective Date and the date when the final occupancy permit is issued for these 70 units;
    - f. That all secured rental housing units will be contained within a single air space parcel;

- g. That such air space parcel may not be subdivided by deposit of a strata plan, and none of such units may be separately sold;
  - h. That none of such units will be rented for less than one month at a time.
- (ii) The applicant must comply with the Tenant Relocation Plan attached to this report in Appendix D;
  - (iii) No occupancy permit will be issued for any part of this development until a final occupancy permit has been issued for these 70 units of secured rental housing; and
  - (iv) Such other terms and conditions as the Director of Legal Services and the Chief Housing Officer may require.

Note to Applicant: A by-law enacted pursuant to section 565.2 of the Vancouver Charter will be required to authorize the housing agreement.

#### Heritage Density Transfer

- 17. Secure the purchase and transfer of 4,645 m<sup>2</sup> (49,998 sq. ft.) of heritage density (which has a value of \$3,249,870) from a suitable donor site.

Note to Applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to Applicant: "Letter B" in the City's standard format is to be completed by both the owner(s) of the subject site, also referred to as the receiver site, and the owner of the donor(s) site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### Community Amenity Contribution

- 18. Pay to the City the Community Amenity Contribution of \$13,864,330 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 by-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services to be allocated as follows:
  - (i) \$10,000,000 to the Affordable Housing Reserve.
  - (ii) \$2,500,000 towards land acquisition for park space along the Fraser River.
  - (iii) \$174,000 to capital start-up costs for the on-site Childcare.

- (iv) \$1,000,000 towards childcare and/or community facilities to be located in or near the Cambie Corridor.
- (v) \$190,330 to future pedestrian improvements in the Marine Landing area.

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

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

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

- B. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule C of the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)".
- C. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 27, 2015, entitled "CD-1 Rezoning - 445 Southwest Marine Drive (Marine Gardens)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s), prior to enactment of the CD-1 By-law contemplated by this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- D. THAT Recommendations A to C be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion,

regardless of when they are called upon to exercise such authority or discretion.

[RZ - 445 Southwest Marine Drive (Marine Gardens)]