



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: June 13, 2017  
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Meeting Date: June 27, 2017

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Rezoning: 969 Burrard Street and 1019-1045 Nelson Street

**RECOMMENDATION**

- A. THAT the application by Bing Thom Architects Inc., on behalf of The First Baptist Church of Vancouver and Westbank Project Corp., to amend CD-1 (445) District By-law No. 9204 for 969 Burrard Street [*The West ½ of Lot 16, the East ½ of Lot 16 and Lots 17 and 18, all of Block 7, District Lot 185, Plan 92; PIDs 015-749-967, 015-749-975, 025-114-042 and 025-114-051 respectively*] and 1019-1045 Nelson Street [*the West ½ of Lot 15, the East ½ of Lot 15, Lot 14 Except the East 30 Feet, the East 30 Feet of Lot 14 and Lot 13, all of Block 7, District Lot 185, Plan 92; PIDs 015-749-941, 015-749-959, 015-749-932, 012-338-311 and 015-749-924 respectively*], to increase the permitted floor space ratio (FSR) from 2.87 FSR to 11.27 FSR and the building height from 75.6 m (248 ft.) to 169.5 m (556 ft.) to permit the development of a 57-storey residential tower containing 331 market strata units, seismic upgrade, conservation and restoration (including interiors) of the First Baptist Church building, expanded church program space and a seven-storey residential building containing 61 social housing units, be referred to a Public Hearing, together with:
- (i) plans prepared by Bing Thom Architects Inc., received March 18, 2016;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT, subject to *enactment* of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 (445) in Schedule A, generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- C. THAT, if after Public Hearing Council approves in principle the rezoning in Recommendation A and the Housing Agreement condition described in section(c) of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law(s) for enactment prior to enactment of the zoning by-law, 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.

### ***REPORT SUMMARY***

This report evaluates an application to amend CD-1 (445) for the site at 969 Burrard Street and 1019-1045 Nelson Street to permit a development which includes a 57-storey market residential tower, expanded program space for The First Baptist Church, a seven-storey social housing building, and seismic upgrading and interior restoration to the existing heritage church building.

The proposed land uses and form of development proposed in the application are supported, subject to design development and other conditions outlined in Appendix B. The report recommends that the Community Amenity Contribution (CAC) offered by the applicant be allocated towards seismic upgrading and interior restoration of the heritage church building, securing below-market affordability in the social housing component, and a cash allocation in accordance with the West End Community Plan Public Benefit Strategy and with key city-wide priorities.

It is recommended that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the Public Hearing, along with the conditions of approval outlined in Appendix B.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

Relevant Council by-laws, policies and regulations for this site include:

- *CD-1 (445) (By-law No. 9204)*
- *Heritage Designation By-law No. 9158*
- *West End Community Plan (2013)*
- *Rezoning Policy for the West End (2013)*
- *Green Buildings Policy for Rezonings (2009; last amended 2017)*
- *General Policy for Higher Buildings (1997; last amended 2014)*
- *Rezoning Policy for Sustainable Large Developments (2013)*
- *West End RM-5B Guidelines*
- *View Protection Guidelines (1989)*
- *Rental Housing Stock Official Development Plan (2007)*
- *Affordable Housing Policies (1991)*
- *Housing and Homelessness Strategy 2012-2021 (2011)*
- *Mayor's Task Force on Housing Affordability (2012) - Priority Action Plan*
- *High Density Housing for Families with Children Guidelines (1992)*
- *Housing Design and Technical Guidelines*
- *Vancouver Neighbourhood Energy Strategy (2012)*
- *Neighbourhood Energy Connectivity Standards - Design Guidelines (2014)*
- *Family Room: Housing Mix Policy for Rezoning Projects (2016)*
- *High-Density Housing for Families With Children Guidelines (1992)*
- *Community Amenity Contributions – Through Rezonings (1999, last amended 2016)*
- *Financing Growth Policies (2003)*
- *Transfer of Density Policy and Procedure (1983; last amended 2013)*
- *Heritage Policies and Guidelines (1986, last amended 2002)*
- *Public Art Policy for Rezoned Developments (2014)*

### ***REPORT***

#### ***Background/Context***

##### **1. Site and Context**

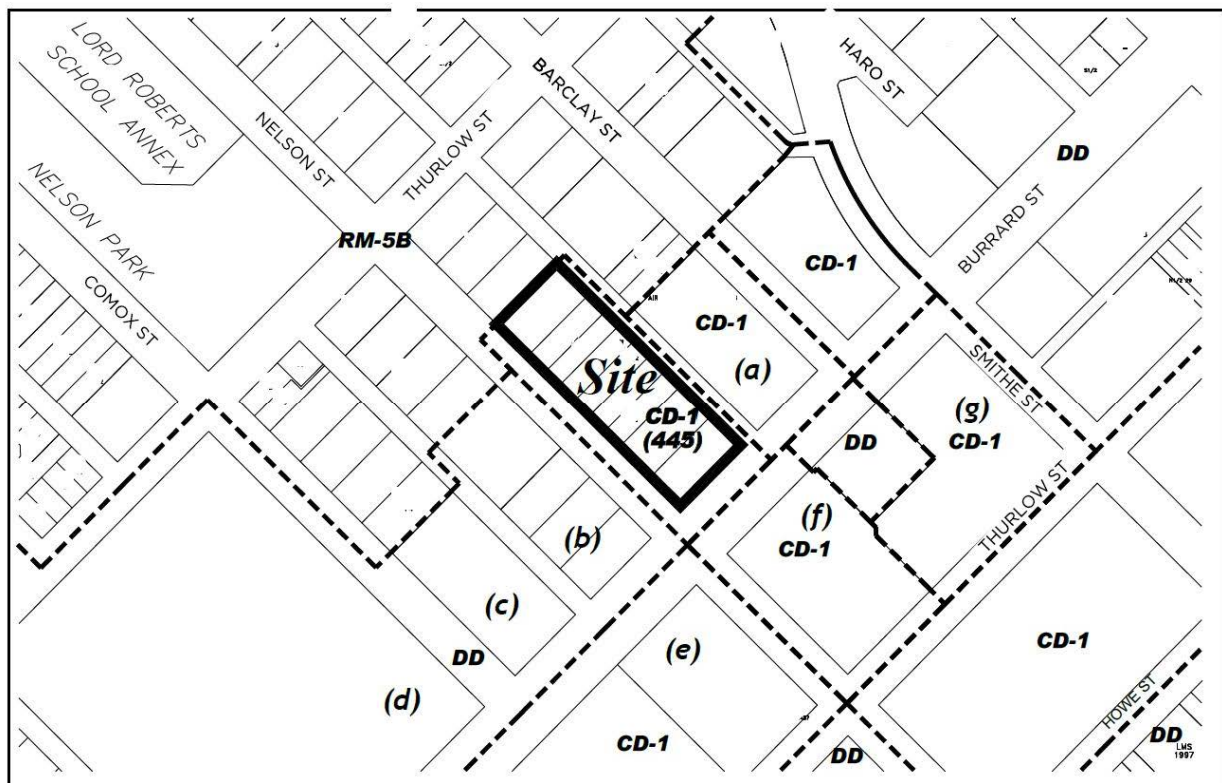
The subject site is located at the northwest corner of Burrard and Nelson streets, in the Burrard corridor of the West End Community Plan. It occupies 4,821.6 sq. m (51,912 sq. ft.) and has a frontage of 119 m (395 ft.) along Nelson Street –two-thirds of the length of the block– and a depth of 39.6 m (130 ft.) along Burrard Street.

The site is comprised of nine legal parcels and currently developed with the following, from east to west:

- 969 Burrard Street (First Baptist Church) – Located at the corner of Burrard and Nelson streets, the church was built in 1911 and is a municipally designated category “A” heritage building.
- 1017 Nelson Street – A surface lot providing accessory parking for the church which has a substantial row of evergreen trees along the Nelson Street frontage.
- 1021-1023 Nelson Street – A two-and-a-half-storey wood-frame house historically known as Mitchell Residence, built in 1890 and a two-storey coach house located at the back of the lot by the lane. Nine existing rental housing units are on this lot.
- 1025 Nelson Street – A two-storey wood-frame house constructed in 1890, also known as Diplock Residence (or Hobbit House).
- 1045 Nelson Street – A four-storey apartment building built in 1945, containing 23 rental units.

The blocks surrounding the site contain a variety of residential development ranging from low-rise apartments to recently built high-rise strata development. Some of the older buildings have heritage value. To the east of the site and across Thurlow Street is Nelson Park, where Lord Roberts Elementary School Annex is located.

Figure 1: Site and Surrounding Zoning



Significant adjacent developments are noted in Figure 1:

- (a) 1028 Barclay Street ("Patina") – a 34-storey market strata residential building; and 955 Burrard Street – Downtown YMCA Facility, built/renovated in 2005
- (b) 1022 Nelson Street – St. Andrew's Wesley United Church and 1028 Nelson Street – the Residences at St. Andrew's Wesley, a 24-storey market rental building, built in 2002
- (c) 1763 Comox Street – Century Plaza Hotel, a 35-storey building, built in 1969
- (d) 1081 Burrard Street – St. Paul's Hospital
- (e) 1088 Burrard Street – Sheraton Wall Centre Hotel, including a 48-storey residential/hotel tower, built in 2001
- (f) 969 Nelson Street ("Electra") – a 21-storey market strata residential building converted from the former BC Hydro offices
- (g) 900 Burrard Street – Scotia Bank Theatre Complex and 933 Hornby Street/938 Smithe Street ("Electric Avenue") – a 23-storey market strata residential building, built in 2005
- (h) 909 Burrard Street ("Vancouver Tower") – 28-storey market strata residential building, built in 1992

## 2. First Baptist Church and Existing CD-1 (445)

The First Baptist Church is a significant heritage resource in the city. It is valued for its architecture and landmark status among the grouping of important heritage buildings on Burrard Street, for its place within the religious architecture of Vancouver, and as a symbol of the role of the Baptist Church in Vancouver.

The exterior of the First Baptist Church was municipally designated in 1976. This designation includes the main church building, as well as the adjoining Pinder Hall.

The site was subsequently rezoned in 2005 from DD (Downtown District) and RM-5B (Multi-family District) to CD-1 (445) (Comprehensive Development) District. The site across the lane to the north, containing the Downtown YMCA, was rezoned at the same time to CD-1 (444).

Under CD-1 (445), it was envisioned that the First Baptist Church would be seismically upgraded and rehabilitated, and that a 24-storey market residential development would be built on the western portion of the site. Linking the church and the residential development would be a new three-storey ancillary church building.

As a condition of the 2005 rezoning, The First Baptist Church of Vancouver agreed to Council designating, by by-law, the Sanctuary and the Narthex of the interior of the church as protected heritage property. Pursuant to Section 595 of the *Vancouver Charter*, The First Baptist Church of Vancouver applied for compensation for the reduction in the market value of the church lands attributable to the designation, which would necessitate significant heritage premium costs associated with seismic upgrades and interior restoration. It was agreed by the City and The First Baptist Church of Vancouver that such compensation would be provided by way of transferable heritage density to be created by a future Heritage Revitalization Agreement (HRA) and The First Baptist Church of Vancouver and the City entered into a Heritage Designation Compensation Waiver to that effect.

Following the rezoning, the Downtown YMCA site proceeded to development right away with a 43-storey strata residential building (called “Patina”) and with a new Y facility that incorporated the building’s heritage façade. For the subject site, however, no development took place and the proposed HRA was never settled. As such, the City has not yet provided the agreed-upon compensation to The First Baptist Church of Vancouver.

Two relevant legal agreements resulted from the 2005 rezoning:

- The Heritage Designation Compensation Waiver signed between the City and The First Baptist Church of Vancouver confirming that the City would compensate the church for the reduction in the market value of the church lands attributable to the 2005 designation by way of transferable heritage density to be created by a future HRA.
- For any future development on the site, a minimum of 1,858 sq. m (20,000 sq. ft.) of replacement rental housing would be required to be provided to compensate for the loss of existing rental units on site.

### 3. Policy Context

*West End Community Plan and the Rezoning Policy for the West End* – In 2013, Council adopted the West End Community Plan which outlines a blueprint for the future of this historical neighbourhood. The plan embraces continued population and economic growth, while maintaining and enhancing the quality of community life. The Burrard Corridor is envisioned as one area where significant population growth would be accommodated.

In keeping with the overall directions of the plan, the Rezoning Policy for the West End allows consideration for rezoning on sites within the Burrard Corridor for market residential when significant public benefits can be achieved for the community. The plan and the policy further outline that, for the subject site, a tower up to 167.6 m (550 ft.) in height may be considered, subject to view cone restrictions, shadowing and other urban design considerations.

*Rental Housing Stock Official Development Plan* – In May 2007, Council updated the Rental Housing Stock Official Development Plan (ODP). The ODP requires one-for-one replacement of existing rental housing units on redevelopments of six or more units in certain RM, FM, and CD-1 zoning districts. The rental replacement requirement of the ODP applies to this site. The proposal exceeds the replacement requirements of the ODP as it is to not only replace the existing 32 units, but expand the rental provision to a total of 61 units.

*Housing and Homelessness Strategy 2012-2021* – On July 29, 2011, Council endorsed the *Housing and Homelessness Strategy 2012-2021*, which includes strategic directions to increase the supply of affordable housing and to encourage a housing mix across all neighbourhoods that enhances quality of life. Priority actions were identified to achieve some of the strategy’s goals, including refining and developing new zoning approaches, development tools and rental incentives to continue securing purpose-built rental housing, and using financial and regulatory tools to encourage a variety of housing types and tenures that meet the needs of diverse households.

## Strategic Analysis

### 1. Proposal

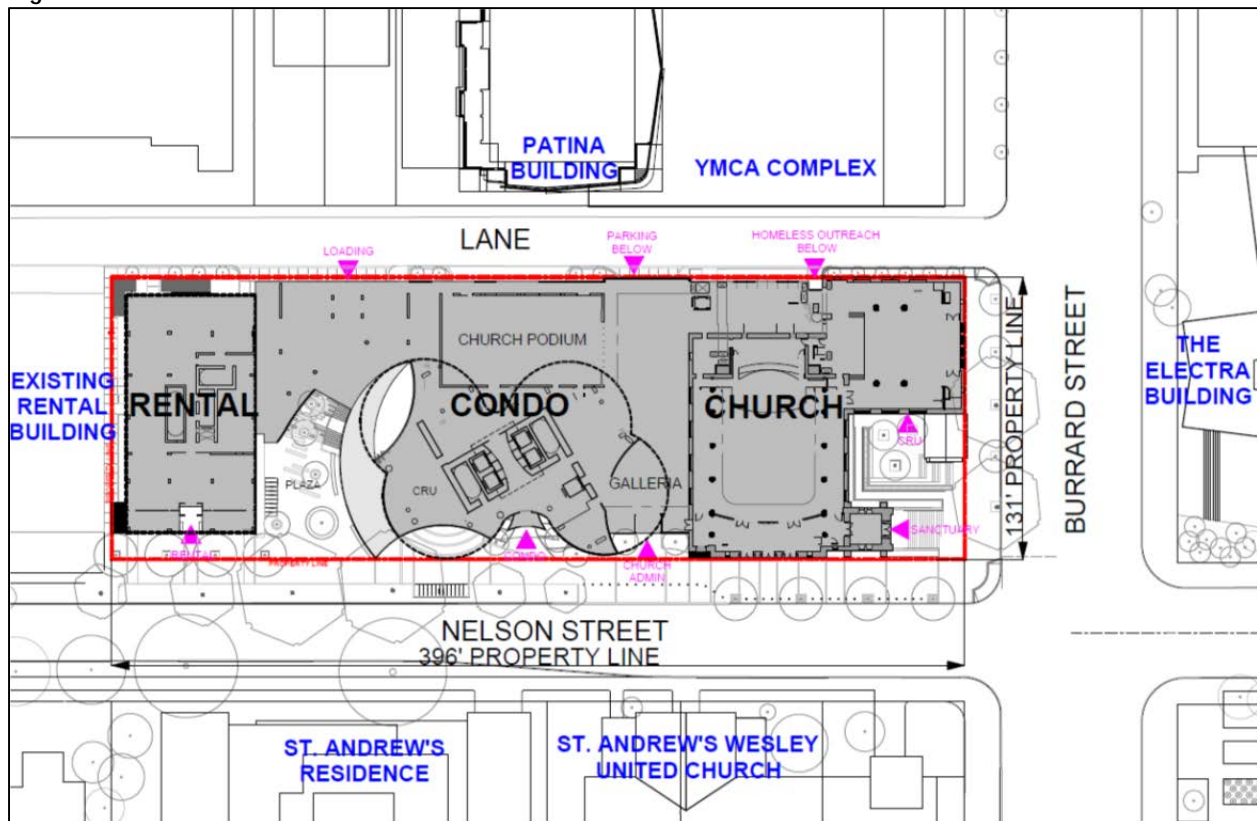
This application proposes to amend CD-1 (445) to allow redevelopment of this significant site in the West End. The proposal includes:

- rehabilitation of the heritage church building, including seismic upgrade and interior restoration;
- significant expansion of church ancillary and community service uses;
- a market residential tower;
- a church-owned social housing building; and
- below-grade parking on the non-heritage portion of the site.

As shown in the site plan in Figure 2, the strata residential tower is proposed in the centre of the site on a podium containing the expanded church ancillary space, with the new social housing located on the westerly portion of the site (labelled "rental"). Between the tower and seven-storey social housing building is a proposed open space plaza at the ground level.

With the exception of the heritage church, other existing structures on site are proposed to be demolished. The existing row of trees along Nelson Street is also proposed to be removed.

Figure 2: Site Plan



During the course of application review, the applicant has proposed to increase the floor area of strata residential use by adding a floor into the proposed tower. Further, in response to staff design conditions, the applicant is proposing a few changes to the original application. As a result of the changes initiated by the applicant and in response to staff conditions, the overall floor area would be 54,354.5 sq. m (585,086 sq. ft.) and overall density across the entire site would be 11.27 FSR. The resulting building height would be 169.5 m (556 ft.) or 57 stories. These numbers represent an increase from those in the original application (see Appendix J for further details.)

## 2. Land Use

The proposal includes a mix of institutional, residential and commercial uses.

***Institutional Uses*** – The First Baptist Church has been part of the West End community since 1911 and has provided invaluable services to its congregation and to the community in general. With the expansion, the church proposes to not only significantly improve existing services and programs, but also to add new services and programs. In addition to the main church Sanctuary, key aspects of the proposed expansion include:

- a new 37-space childcare facility, owned by the church, to serve the church community and local families;
- a galleria/event space that connects the existing church with the new church ancillary spaces;
- a gymnasium;
- a counselling centre that targets the underprivileged local population;
- kitchen and dining facilities that serve the church, as well as the homeless population in the area;
- multipurpose rooms and church administrative offices; and
- a restored Pinder Hall which provides space for large events such as seminars, concerts, weddings and memorial services.

Staff do not have concerns with the proposed church expansion as long as it is contained within a supportable form of development (see next section). Staff are supportive of the proposal to provide a childcare and a counselling centre. The improved meal service to the homeless population through this expansion is also supported.

In particular, there is a high level of unmet needs for childcare facilities and youth services in the downtown area. Childcare is in short supply across the city, with an estimated service level to only 35% for children under five years of age. In the West End and Downtown, childcare facilities serve both families who live in and near the downtown peninsula, as well as employees who work in the area. Quality early care and learning opportunities can help to ensure healthy long-term outcomes for children.

***Commercial Uses*** – A café is proposed inside Pinder Hall, directly adjacent to the church's existing courtyard along Burrard Street. The use and location are supportable as the café would enliven the corner of Burrard and Nelson streets by inviting people to sit in the courtyard.



**Residential Uses** – The West End Community Plan anticipates high density residential development in the Burrard Corridor area. The proposal includes a mix of market strata, market rental and affordable rental units. See a detailed discussion in section 4 Housing. Overall, the proposed mix of institutional and residential uses, along with limited commercial uses fronting Burrard Street, is supportable for this site as it is consistent with the West End Community Plan.

### 3. Height, Density and Form of Development (refer to drawings in Appendix I)

This section provides a brief description of the proposed form of development. A detailed assessment, considering issues such as shadowing and view impacts, is provided in the Urban Design Analysis in Appendix G.

**Density** – The application proposes a density of 10.83 FSR across the entire site. With the changes proposed by the applicant during the review process, the overall density would increase to 11.27 FSR. The overall density proposed on site is chiefly achieved through new construction to the west of the church that extends approximately 78.6 m (258 ft.) in length and across the depth of the site from Nelson Street to the lane. When the proposed height and form of development are supported, the resultant density can also be supported.

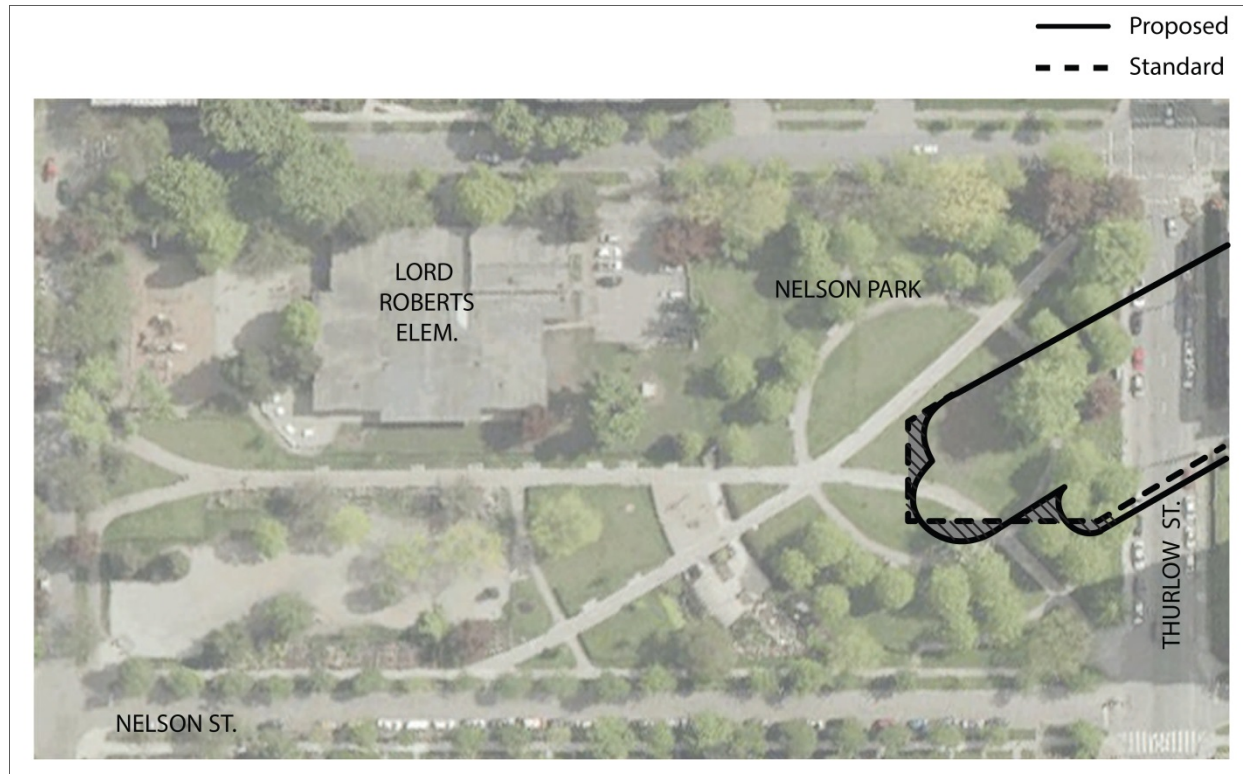
**Height and Form of Development** – The new development is comprised of three primary elements: a tall residential tower with floors extending to 167.6 m (550 ft.) in height and a further rooftop structure above; a podium element that runs along the lane for 65.2 m (214 ft.) at five storeys; and a second, lower residential building at eight storeys located 2.7 m (9 ft.) from the west property line of the site. An outdoor space opening onto Nelson Street provides a separation of 13.4 m (44 ft.) between the two residential elements.

Figure 3: Perspective from Burrard Street



The tall tower is proposed to the maximum height contemplated in the *West End Community Plan*. During the application review process, the applicant has proposed to further increase the height by an additional 1.8 m (6 ft.) in order to allow another floor in the tower. Staff have assessed the fit of the proposed 169.5 m (556 ft.) tower within its particular context and the considerations that are noted in detail in the Urban Design Analysis (see Appendix H). In general, staff accept the proposed height based on the factors noted in the analysis and in the summary of this section.

Figure 4: Shadow Effect Comparison (June 21 at 10am)



**Tower Floor Plate** – The proposed average floor plate of a typical residential level in the tower is 807.3 sq. m (8,690 sq. ft.), larger than the maximum 696.8 sq. m (7,500 sq. ft.) floor plate recommended in the *West End Community Plan*. The site has nearly 400 feet frontage along Nelson Street and could accommodate two separate towers if it was not for the significant heritage resource (the church) located on the eastern portion. Given this constraint, staff indicated at the enquiry stage that staff were open to considering a larger floor plate for a single tower on site.

Staff have assessed the impact of the proposed floor plate size against the adjacent context, considering in particular the rounded shape of the tower, effects to the nearest residential tower, and alternative tower shapes. Figure 4 illustrates the difference in shadow impact between the rounded floor plate in the application (solid outline) and a hypothetical, 7,500 sq. ft. floor plate with a rectangular plan (dashed outline). Diagonal shading indicates the difference in shadow cast between these two plates. In this case, the shading created by a standard plate is approximately equal to the shading from the proposed plate. Staff have concluded that due to its shape, the proposed floor plate does not create an undue effect on Nelson Park when compared to the recommended plate.

Staff also have assessed the impact of the proposed floor plate on the existing residential tower across the lane ("Patina") and conclude the incremental impact on view and privacy from those existing units is comparable to a tower of standard floor plate. Additional detail on this analysis may be found in Appendix H.

**Removal of Existing Trees** – The development as proposed, especially the position of the tall tower, would require removal of the existing row of conifers along Nelson Street. Staff have assessed the loss of these healthy trees against alternate locations for the tower, and concluded that retention would be challenging in this instance. While new trees are indicated on the site, their canopy size at maturity will be limited by the concrete slab below. Staff recommend additional work to offset the effect of these large specimens (see Appendix B).

The application was reviewed and supported by the Urban Design Panel (UDP) on April 6, 2016 (see minutes in Appendix F).

**Summary** - Staff have considered the overall form of development including the proposed height and floor plate of the tower within the context of its particular set of circumstances which includes a site that has a 395-ft. frontage; the development permitted under the existing CD-1 by-law; the Vancouver Heritage Register “A” listed and protected church building that occupies a quarter of the site; the proximity of the tower to the ceremonial stature of Burrard Street; the distance to the nearest affected public park; the location of nearby residences; and the considerations noted in the Urban Design Analysis in Appendix H, and conclude that the proposed form presents an acceptable balance of the multiple goals in the *West End Community Plan* and related policies.

Staff recommend that, subject to a public hearing, the form of development be approved subject to conditions which seek additional design development at the development permit stage (see conditions in Appendix B).

#### 4. Housing

The application proposes 294 market strata units in the tower and 66 social housing units in the westerly eight-storey building which would be owned by the church.

During the application review process, the applicant proposed to increase the tower’s floor area by inserting another floor. They also proposed to adjust the tower’s unit mix. As a result, there would be a total of 331 market strata units. In response to staff design condition to reduce the rental building height to be in keeping with the maximum allowable podium height under the *West End Community Plan*, the applicant has proposed to eliminate a floor from the rental building, resulting in a total of 61 social housing units.

**Strata Residential** – For the market strata units, 195 units, which account for 59% of the total units, would have two or more bedrooms. This high ratio of provision of family housing is supported by *Family Room: Housing Mix Policy for Rezoning Projects* as well as the *West End Community Plan*. It should be noted that the application was made prior to July 2016 when Council adopted the family housing policy, and that the draft CD-1 By-law contained in Appendix A requires a minimum of 25% of the strata units to be family housing. However, a condition to ensure the percentage of family housing in the tower remain substantially unchanged at 59% throughout the Development Permit review process is included in Appendix B.

**Social Housing** – The *Rental Housing Stock Official Development Plan* requires the replacement of existing rental units on a one-for-one basis with new market rental housing. The application seeks to replace the 32 existing rental units and create an additional 29 units (61 total rental units) owned and operated by the First Baptist Church as social housing on a

month-to-month rental basis. 67% of the units (41 units) will be rented to households with incomes below the HILs at rents that are no more than 30% of the household income. The value difference between the market rental requirement and the social housing offer will be reflected in the Community Amenity Contribution, as outlined in the Public Benefits Section. The Housing Agreement will secure the property as social housing for the longer of 60 years or the life of the building, as outlined in Appendix B.

The proposed social housing would satisfy the outstanding requirement, which is registered on title as a restrictive covenant, of the provision of a minimum 1,858 sq. m (20,000 sq. ft.) replacement housing for the existing rental housing on site (part of the legal conditions from the 2005 rezoning of the site).

Specifically, this application, if approved, would provide:

- an expansion and preservation of long-term housing, through the replacement of 32 existing rental housing units by a 61-unit mixed-income social housing complex;
- a Tenant Relocation Plan that provides current tenants with the opportunity to relocate into the new development;
- housing targeted to seniors, with 25 (64%) studio and one-bedroom units being provided;
- an important new affordable housing supply for families, with 22 new family units (34%) being family-sized (two- and three-bedroom units) to assist low- and moderate-income families to live in Vancouver; and
- new mixed-income affordable rental housing in the West End, located close to transit, parks, and social and recreational services.

Vancouver has one of the lowest rental vacancy rates in Canada. In October 2016, the vacancy rate in the city was 0.8 per cent<sup>1</sup>. That means only eight out of every 1,000 market rental units were empty and available for rent. A vacancy rate of three per cent is considered to be a balanced rental market. The vacancy rate in the Downtown area where this housing is located was also very low at 0.5 per cent<sup>2</sup>.

This application, if approved, would add 61 units to the city's inventory of social housing, which would contribute towards the stated near- and long-term targets in the *Housing and Homelessness Strategy*. The approval of these units would bring the total number of social housing units completed, under construction and approved since 2011 to 4,386 units. The net number of additional rental units is 29 (see Figure 5).

The *West End Community Plan* requires that 50% of the units within the proposed social housing building to be two- and three- bedroom units for families (except for seniors and supportive housing). The application provides 36% of two- or three-bedroom units (see Figure 6) and 64% of studio and one-bedroom units. In this case, because The First Baptist Church is targeting senior households, the lower percentage of family units is supportable.

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<sup>1</sup> CMHC Rental Market Report, October 2016

<sup>2</sup> CMHC Rental Market Report, October 2016

Figure 5: Progress towards Social & Supportive Unit Targets as set in the City's Housing and Homelessness Strategy 2012-2021 (March 31, 2017)

	TARGETS	CURRENT PROJECTS	GAP
	Long Term (2012-2021)	Committed, Under Construction and Completed	(2021 Target)
Supportive Housing Units	2,900	1,702	1,198
All Other Non-Market Housing Units	5,000	2,119	2,881
Total Non-Market Housing Units	7,900	3,821*	4,079

Targets are established in the Housing and Homeless Strategy.

\*Unit numbers exclude the units in this proposal, pending Council's approval of this application.

Figure 6: Proposed Unit Mix in the Social Housing Building

<b>Non-family units (20)</b>			
Studio	14	23%	<b>64%</b>
1-bedroom	25	41%	
<b>Family units (31)</b>			
2-bedroom	17	28%	<b>36%</b>
3-bedroom	5	8%	
<b>TOTAL</b>	<b>61</b>		<b>100%</b>

The applicant will also be required to ensure that all eligible returning tenants will be offered units in the new building at a rent affordable to them as described in the draft Tenant Relocation Plan in Figure 7.

## 5. Existing Rental Accommodation and Tenant Relocation

If Council approves this application, the 32 units now existing on the subject site would be replaced with 61 new units. Redevelopment of the site would require the relocation of existing tenants. The existing apartment building at 1045 Nelson Street consists of 12 studio units and 11 one-bedroom units, while the house at 1021 Nelson Street consists of seven sleeping units, one studio unit, and one one-bedroom unit. When the application was received in December 2015, the rents ranged from \$430-\$450 for per month for a sleeping unit, from \$600-\$925 for a studio unit, and \$630-\$1,600 for a one-bedroom unit. The average rent in the apartment building was approximately \$984 per month and \$482 per month in the house. Average length of tenancy was five years, and there were four tenants who have been in the apartment building for more than ten years.

Figure 7: Summary of Existing Tenant Rents

Unit type	1021 Nelson Street		1045 Nelson Street	
	Number	Average rent	Number	Average rent
Sleeping Unit	7	\$444	-	-
Studio	1	\$600	12	\$919
One-bedroom	1	\$630	11	\$1,055
<b>Total</b>	<b>9</b>	<b>\$482</b>	<b>23</b>	<b>\$984</b>

*The Rate of Change Guidelines (2007)* apply to this site. As such, the applicant has provided a draft Tenant Relocation Plan which provides tenant protections and will be a condition of rezoning. The draft Tenant Relocation Plan is summarized in Figure 8 below. A final Tenant Relocation Plan will be required at the time of Development Permit application, and a final Tenant Relocation Report will be required prior to issuance of the Occupancy Permit.

Figure 8: Summary of Tenant Relocation Plan Terms for 1021 and 1045 Nelson Street

Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer
Financial Compensation	<ul style="list-style-type: none"> <li>Provide each tenant with two months free rent.</li> <li>One additional month of free rent for those with tenancies of longer than ten years.</li> </ul>
Notice to End Tenancies	<ul style="list-style-type: none"> <li>FBC will provide regular project updates to tenants throughout the development process.</li> <li>A minimum of two months' notice to end tenancy after all permits are issued is required.</li> </ul>
Moving Expenses - flat rate or arrangement of pre-insured moving company	<ul style="list-style-type: none"> <li>A flat rate of \$750 will be provided at a minimum to all tenants.</li> </ul>
Assistance in Finding Alternate Accommodation (3 options)	<ul style="list-style-type: none"> <li>Applicant has committed to providing tenants requesting assistance with three options in Vancouver, including two options in the West End.</li> <li>All options will rent for no more than 10% above their current rental rate, unless otherwise agreed to with the tenant.</li> <li>The applicant should consider: assessing all tenants for rent subsidy; contacting non-profit social housing operators to identify unit availability within their portfolio; assisting in adding qualified tenants to BC Housing registry; and appointing a Tenant Relocation Specialist to identify suitable accommodations.</li> </ul>
First Right of Refusal with 20% discount off starting rents	<ul style="list-style-type: none"> <li>Tenants who are eligible under this relocation plan will be offered the first right of refusal to return to the new units once completed if they meet the eligibility criteria of the new social housing building (i.e. Income below BC Housing HILs with rents set at 30% of income).</li> <li>Tenants who are not eligible for social housing (i.e. income above HILs) will be offered a market unit at a 20% discount off market rents for newer product as published by CMHC. Any subsequent rent increases for returning tenants will be in line with the Residential Tenancy Act.</li> <li>Residents of 1021 Nelson Street are of particular concern to the City and must be offered the First Right of Refusal. The tenant contribution to rent will not exceed 30% of income, however, rent supplement programs could be accessed to increase total rent if available.</li> </ul>

## 6. Heritage

First Baptist Church sits on the easterly portion of the subject site, with its main entrance fronting Nelson Street. The church is municipally designated for its exterior as well as a part of the interior (Sanctuary and Narthex), and is listed under category “A” on the Vancouver Heritage Register (VHR). There are four more buildings located on the remainder of the site, as follows:

- 1021-1023 Nelson Street – Mitchell Residence (built in 1890) and its laneway house containing rental units – not listed on the VHR but evaluated as a potential “C” category building,
- 1025 Nelson Street – Diplock Residence or Hobbit House (built in 1890), currently used as programming space for the church – not listed on the VHR but evaluated as a potential “C” category building, and
- 1045 Nelson Street – four storey apartment building containing existing rental units.

All four buildings, especially those with identified heritage potential, will be offered by the applicant for relocation and salvage to interested parties; or will be demolished to facilitate the new development.

The primary objective for the designated church building is to conserve and rehabilitate the heritage components of the building while providing additional spaces and building upgrades to meet future functional requirements. The key components of the proposed conservation strategy are:

- preservation of the original character-defining elements, interiors and finishes;
- restoration of the character-defining elements that have been altered or lost over the years (including the restoration of the Pinder Hall);
- seismic and structural upgrades (including lowering of the basement floor and upgrades to the foundation and the exterior walls);
- extensive building systems upgrades;
- restoration of the historic church roof;
- restoration of historic windows and doors;
- reorientation of the front entry steps;
- rehabilitation of some interior areas and the structure, to provide expanded and more functional spaces;
- removal of the 1967 addition at the rear of the original church and construction in its place of the new building; and
- exterior courtyard re-configuration.

Staff support the conservation and rehabilitation of this important heritage building. The conservation plan prepared by Donald Luxton and Associates dated March 2016 is generally consistent with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*. Important additional content to the heritage conservation plan are the two seismic upgrade reports. The first one was prepared by Read Jones Christoffersen in 2003, while the second, more comprehensive one, was prepared by Glotman-Simpson in 2013, with updates in 2016 (contained in Appendix E). Both reports have informed the seismic and structural upgrade procedures, taking into consideration sensitive and technically demanding heritage conservation requirements.



Furthermore, in order to better address current and future programmatic needs, the applicant has developed a church rehabilitation plan which consolidates the design development of the expansion, heritage conservation, structural/seismic upgrades and building system upgrades into a comprehensive conservation approach.

As part of the 2005 rezoning for this site, The First Baptist Church of Vancouver and the City entered into a Heritage Designation Compensation Waiver that anticipates that the City would compensate the church for the reduction in the market value of the church lands attributable to the designation, which would necessitate significant heritage premium costs associated with seismic upgrades and interior restoration. The HRA was never entered into and so this compensation has not yet been provided.

With the proposed heritage restoration of the church as part of the current rezoning, the City is obligated to evaluate a reasonable amount of compensation to the church for seismic upgrade and interior restoration as agreed in 2005. As outlined in the Public Benefits section, staff have estimated a total cost of \$21.7 M for this work. An additional contingency of up to \$4.3 M is also available should the cost exceed staff estimates due to unforeseen circumstances. Legal agreements to secure the delivery of the heritage work are included in Appendix B.

The waiver signed in 2005 makes this compensation for heritage work a unique case. As a standard practice, the City evaluates heritage compensation requests on a case-by-case basis. The heritage incentive tools and program is currently under review through the Heritage Action Plan which will be coming forward to Council later this year. It is anticipated a revised program will include refinements to program components including eligibility criteria, methodology to determine incentives (including the calculation of CACs in rezonings), support mechanisms available, and the introduction of a competitive application process and maximum limits for incentives in the future.

Vancouver Heritage Commission has reviewed the proposed application along with the church rehabilitation plan on April 25, 2016 and supported it (see Appendix E for meeting minutes).

## **7. Transportation and Parking**

The site is well served by public transit, with multiple bus routes within walking distance. Comox Street, to the south of Nelson Street, is an All Ages and Abilities bike route. Burrard Street has a painted bike lane.

The application proposes to meet and exceed the minimum parking requirements under the Parking By-law. A total of 540 vehicle parking spaces and 520 bicycle parking spaces would be provided in the development, mostly in eight and a half underground parking levels.

With this amount of vehicle parking spaces provided on site, staff have reviewed the traffic study provided by the transportation consultant and are satisfied that there would not be significant negative impact on the local road network.

A total of six Class A loading and two Class B loading spaces are proposed for this site. Staff have reviewed the proposed loading spaces and locations and support the proposal. The applicant will be required to demonstrate compliance with the Parking and Loading Design Supplement at the Development Permit stage.

Staff further recommend additional provisions on site to meet the Green Mobility Plan. These are outlined in the next section Environmental Sustainability.

Engineering conditions of approval are set out in Appendix B.

## 8. Environmental Sustainability

This application is subject to the following policies that contain environmental sustainability objectives and targets.

***General Policy for Higher Buildings*** – The *General Policy for Higher Buildings* (last amended by Council in 2014) requires that all higher buildings demonstrate and advance the City's objective for carbon neutrality for new buildings with a stated objective to achieve a 45% reduction in energy consumption as compared to the 2014 Vancouver Building By-law, and demonstrate leadership in sustainable design.

***Green Building Rezoning Policy*** – The *Green Building Rezoning Policy* (last amended by Council in 2016) requires that residential rezoning applications satisfy either the near zero emissions buildings or low emissions green buildings conditions within the policy. These new requirements will be mandatory for all rezoning applications received on or after May 1, 2017. Applications received prior to May 1, 2017 may choose to meet this updated version of the policy or the preceding version.

The application has opted to satisfy the preceding version of the *Green Buildings Policy for Rezonings*, which require rezoning applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

***Rezoning Policy for Sustainable Large Developments*** – This rezoning policy applies to rezoning proposals having either a total minimum site size of 8,000 sq. m (1.98 acres) or containing more than 45,000 sq. m (484,375 sq.ft.) of new floor area. The intent of this policy is to achieve higher sustainability outcomes through strategies that implement opportunities for low carbon energy, sustainable site design, green mobility, sustainable rainwater management, enhanced solid waste diversion, and housing affordability and mix.

***Vancouver Neighbourhood Energy Strategy*** – The *Vancouver Neighbourhood Energy Strategy* (2012) targets specific areas of the city for the expansion and development of Neighbourhood Energy Systems to support Green House Gas (GHG) reduction targets. The policy focuses on high-density mixed-use neighbourhoods with the greatest carbon reduction potential, particularly those undergoing large and rapid development, including the Downtown.

The application, which was developed and submitted before the *Zero Emissions Building Plan*, includes many of the priority measures identified in that plan for high performance buildings in 2016. The application proposes to meet the energy performance level mandated by the *Green Buildings Policy for Rezonings* through measures such as high performance wall panels and windows, with full accounting for thermal bridging, and a wall performance that is 30-50% better than typical concrete high rises. Other measures include heat recovery and direct ventilation, and a balanced consideration of the energy trade-offs associated with exterior

breezeways which, when taken together with a high performance envelope, can save 10% of building energy use. In addition, the application proposes to meet the higher efficiency and low carbon requirements of the *Rezoning Policy for Large Sustainable Sites* and the *General Policy for Higher Buildings* through the implementation of a low carbon energy approach.

As a requirement of the *Rezoning Policy for Large Sustainable Sites*, the applicant conducted a *Low Carbon Energy Supply Feasibility Screening Study* to identify viable approaches to achieving a minimum greenhouse gas reduction of 68% as compared to business as usual (“BAU”). The applicant’s preferred pathway for achieving this reduction is through connection to a low carbon energy system (i.e. low carbon fuel switch of the existing downtown neighbourhood energy system, or development of a local neighbourhood energy node served by a low carbon source). The proposed approach is in alignment with both the *Greenest City 2020 Action Plan* and the *Vancouver Neighbourhood Energy Strategy* which prioritize the pursuit of low carbon Neighbourhood Energy Systems in high-density mixed-use neighbourhoods, including Downtown. Conditions to secure delivery of low carbon energy and performance outcomes are outlined in Appendix B.

Further, staff have reviewed the applicant’s overall response to the *Rezoning Policy for Sustainable Large Developments* and recommend improvements in order for the proposal to have a more fulsome response to the policy. Specifically, the proposal will be required to meet the policy through the following provisions:

- *Access to Nature* – provide a dog relief area on site that will serve the residents in the development, thus lessening the detrimental effect of dogs on public parks and sidewalks; and to provide additional landscape design features to offset urban canopy loss;
- *Sustainable Food Systems* – provide a Sustainable Food System Plan to include a minimum of three food systems assets on site;
- *Green Mobility* – provide a Green Mobility Plan to include additional sustainable transportation infrastructure/services such as carshare spaces and vehicles; and
- *Rainwater Management* – provide a Rainwater Management Plan to explore opportunities for additional green infrastructure on site ensure, at a minimum, not exceeding the pre-development runoff volumes, or exceed this performance.

Conditions to secure the delivery of these features at the Development Permit stage are included in Appendix B.

#### ***PUBLIC INPUT*** (refer to Appendix G)

##### **Public Notification and Community Open House**

Prior to making a rezoning application, the applicant held a meeting with tenants living in the existing buildings on site in order to outline the process by which the applicant will be required to assist with the housing needs of these tenants as part of the site redevelopment. Following that meeting, the applicant held a pre-application open house that introduced the preliminary design concept to the public and sought feedbacks.

After the application was made, a rezoning information sign was installed on the site on February 24, 2016. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage ([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).

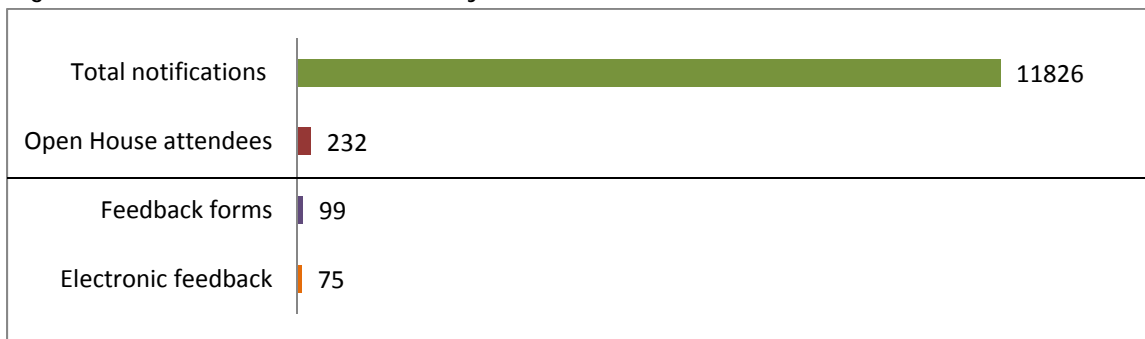
A City-led community open house was held on March 10, 2016, at First Baptist Church, 969 Burrard Street. A total of 11,826 notifications were distributed within the neighbouring area on or about February 25, 2016. Staff, the applicant team, and approximately 232 people attended the Open House.

**Public Response**

Public responses to this proposal have been submitted to the City as follows:

- In response to the March 10, 2016 open house, 99 comment sheets were submitted from individuals.
- A total of 75 letters, e-mails, and online comment forms were submitted from individuals.

**Figure 9: Public Notification Summary**



In addition, many residents of the Patina building, which is across the lane from the subject site, have had multiple correspondences with City staff and expressed their on-going concerns with the proposal.

Overall, those in support mentioned the conservation work of the church, the provision of social housing and the interesting architecture as main positive aspects of the proposal.

By far the most significant concern is the proposed height of the tower. People commented that the scale and density of this tower were inappropriate for its location and context. It would overshadow other buildings in the area and have a particularly negative shadow and private view impact on the Patina building across the lane. Many people singled out the proposed tower height as the only issue they have with this otherwise supportable proposal.

Traffic is another significant concern of many respondents, who felt the proposal would exacerbate the current traffic conditions of already congested local streets and lanes. The proposed amount of vehicle parking was seen as too excessive and would result in more congestion. Improvement to the laneway has been mentioned by many as important for pedestrian and bike safety.

Further, respondents expressed concerns that the proposed strata units would not be affordable to local people and that they would like to see more affordable housing (such as social housing, rental housing, or affordable housing) incorporated in the tower.

Other general concerns include:

- a perceived deterioration of quality of life with overcrowding, noise and pollution that would be caused by this development;
- that this particular block is taking its unfair share of concentration of high density redevelopment; and
- frustration that the respondents' voices would not matter because the decision has already been to densify the area.

These concerns have been considered as part of the staff's review of the application. As outlined in Appendix H (Urban Design Analysis), staff have assessed the proposed tower and, given the site's unique history and location, support its proposed height and density. The tower's impact on adjacent buildings has also been assessed. Staff have determined that, subject to design conditions contained in Appendix B, the effect on views and shadowing from the tower is considered acceptable given the urban context and that the tower would not unduly harm the liveability and environmental quality of the neighbourhood.

Staff assessment of the submitted traffic study has also concluded that the additional traffic that may be generated from this development (including church and auxiliary spaces, the strata residential tower, and the social housing building) would not have significant negative impact on the local road network.

### ***PUBLIC BENEFITS***

In response to City policies which address changes in land use and density, this application, if approved, can be expected to realize the public benefits noted below.

#### **Required Public Benefits**

Development Cost Levies (DCLs) – Development Cost Levies collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement (social/non-profit) housing and various engineering infrastructure. The subject site is in the City-wide DCL District where the rate for residential and commercial uses developed at a density greater than 1.2 FSR is \$149.73/sq. m (\$13.91/sq. ft.).

The proposed market residential portion and the retail use in the existing church would be subject to DCL payment based on the city-wide rate. It is anticipated that the total eligible floor area of 42,829 sq. m (461,023 sq. ft.) will generate DCLs of approximately \$6,412,786.

DCLs are not applicable to the floor area attributed to the church use under Section 523D(10)(a) of the Vancouver Charter. The value of this exemption is estimated to be approximately \$987,619, based on a floor area 6,596 sq. m (71,001 sq. ft.).

Under the DCL By-law and Section 523D(10)(d) of the Vancouver Charter, social housing is exempt from DCLs where a minimum of 30% of the dwelling units are occupied by households with incomes below BC Housing Income Limits, as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication, for which a Section 219 covenant, housing agreement or other security that restricts the use of such units is registered against title and where the housing is owned by the City or a non-profit organisation. The social housing component of the project

meets these criteria and is exempt from paying DCLs. The value of this exemption is estimated to be approximately \$630,064, based on a floor area of 4,208 sq. m (45,296 sq. ft.).

The proposed childcare facility, to be owned by the church, is subject to a flat-rate DCL of \$10.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment which takes place on September 30 of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12 months from the date of the DCL By-law rate amendment, provided that it has been submitted prior to the adoption of annual DCL By-law rate adjustments. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply. See the City's [DCL Bulletin](#) for details on DCL rate protection.

**Public Art Program** – The *Public Art Policy and Procedures for Rezoned Developments* requires rezoning proposals having a floor area of 9,290.0 sq. m (100,000 sq. ft.) or greater to contribute public art or provide 80% cash in lieu as a condition of rezoning. Public art budgets are based on a formula (effective September 30, 2016) of \$21.31/sq. m (\$1.98 per sq. ft.) for all areas contributing to the total FSR calculation. Social housing is not subject to public art requirement and neither is the existing church building. It is anticipated that the proposed eligible floor area of 46,882 sq. m. (504,650 sq.ft.) will generate a public art budget of approximately \$999,055.

Developers may fulfill the public art commitment in one of two ways:

- Option A - Artwork is commissioned by the developer. An experienced public art consultant must be engaged to coordinate the public art process. Consultants are responsible for the preparation of art plans and the coordination of artist selection and artwork fabrication, installation, and documentation. The Public Art Committee reviews and approves the Public Art Plan which must be completed prior to issuance of the Development Permit.
- Option B - For developers not wanting to directly commission the artwork, 80% of the required art budget is paid to the City as a contribution to the Signature Projects Fund. These contributions are pooled with contributions from the City, philanthropists, and other agencies to commission artworks of major significance at key city sites.

### Offered Public Benefits

**Community Amenity Contribution (CAC)** – In the context of the City's *Financing Growth Policy*, an offer of a community amenity contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. Such a CAC is typically made through the provision of either on-site amenities or a cash contribution towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

Contributions are negotiated and evaluated by staff considering the increase in land value expected to result from the rezoning proposal. As part of this application, the applicant has offered a total CAC package of \$91,305,225. Real Estate Services staff have reviewed the applicant's development pro forma and concluded that the total CAC value offered by the applicant is appropriate and recommend that the offer be accepted.

The following is a description of allocation of this offering.

**In-kind Contributions (\$28,200,000)**

The applicant has offered the following in-kind contributions:

- **Church Heritage Restoration Premium Costs (\$21,700,000)** – Pursuant to the 2005 Heritage Designation Compensation Waiver between The First Baptist Church of Vancouver and the City, the City is obligated to consider a reasonable amount of compensation for heritage premium costs related to seismic upgrading and interior restoration.

As part of this rezoning, the heritage premium cost is estimated to be \$21.7 million. The estimate is based on Glotman Simpson Seismic Review and Upgrade Options Report dated March 2013, with upgraded Option 1A Report dated November 14, 2016 indicating upgrade Trigger Model consideration to upgrading the building to 100% of the current Vancouver Building By-law and related requirements. In addition to this estimate, an additional contingency of up to \$4.3 million is included for premium costs that may result from unforeseen circumstances, discussed in the cash CACs below. Any additional overages beyond the \$4.3 million will be the responsibility of the applicant. See Appendix D for the draft Conversation Plan and Appendix E for the Glotman-Simpson Seismic Review and Upgrade Options report.

If the \$4.3 million or any remaining amount is not used towards the heritage work, it will be allocated based on the *West End Public Benefit Strategy*.

The applicant's proposal to rehabilitate, conserve and seismically upgrade the First Baptist Church will be fully secured as legal obligations contained in a heritage restoration covenant. The covenant will be registered on title to the site pursuant to Section 219 of the Land Titles Act to enable the City to enforce those obligations and ensure that they will be fulfilled at the applicant's expense (see Appendix B for further detail).

As previously noted in the report, the waiver signed in 2005 makes this compensation for heritage work a unique case. As a standard practice, the City evaluates heritage compensation requests on a case-by-case basis. The heritage incentive tools and program is currently under review through the Heritage Action Plan which will be coming forward to Council later this year. It is anticipated a revised program will include refinements to program components including eligibility criteria, methodology to determine incentives (including the calculation of CAC value achieved through rezonings), support mechanisms available, and the introduction of a competitive application process and maximum limits for incentives in the future.

- **Affordable Housing Credit (\$6,500,000)** – \$6.5 million is allocated to deepen the affordability for 41 units in the rental building to achieve at or below housing income limits (HILs) rate, for the longer of 60 years or life of the building. As the City requires

rental replacement at market rents, this allowance reflects the value difference between this base requirement and First Baptist Church's offer to secure 67% of the units at rents below the HILs rental rates.

The social housing units will be owned and operated by the First Baptist Church, a registered third-party not-for-profit housing provider. Conditions to secure this enhanced level of affordability on site through a Housing Agreement are included in Appendix B.

### Cash CACs (\$63,105,225)

In addition to the proposed in-kind contributions, the applicant has offered a cash CAC, to be allocated towards the priority projects in the *West End Public Benefit Strategy* as well as city-wide strategic priorities, as outlined below.

- Contingency for Church Heritage Restoration Work (\$4,300,000) – Any unused amount in this allocation will be re-allocated based on the *West End Public Benefit Strategy*.
- Strategic and city-wide public benefits (\$6,000,000) – This \$6.0 million allocation will be targeted to support strategic city-wide public benefits in the area of housing and other Council priorities, such as housing site acquisition at 356 East Hastings Street.
- West End Public Benefit Strategy (\$52,805,225) – The *West End Public Benefit Strategy (PBS)* identifies public benefits and infrastructure to support growth in the West End. The CACs offered will support both short-term and long-term priorities in and around the plan area. As cash CACs are received from this and other rezonings, funding will be earmarked for specific priority projects to optimize the efficient delivery of the PBS. The recommended preliminary allocation of the cash CAC from this rezoning is as follows:
  - Community and Civic Facilities (\$21,000,000) – To support delivery of new facilities or the expansion of existing facilities used for recreation, library, public safety and/or cultural spaces. Examples of these facilities include the Vancouver Aquatic Centre, West End Community Centre complex, and area Fire Halls.
  - Parks and Open Spaces (\$10,500,000) – To support delivery of new or expanded parks and open spaces, such as improvement in the waterfront parks to accommodate increased demand associated with growth, future phases of the Davie Village public space improvements plan and/or other parking improvements in the area.
  - Childcare (\$10,500,000) – To support delivery of new or expanded childcare facilities. This may include the construction of a 69-space facility for 0-4 year olds and new school-age care at the West End Community Centre, new and expanded childcare in elementary schools to be renewed (Lord Roberts, Coal Harbour) and/or potential top-up funds for projects in West End market developments.
  - Transportation (\$8,000,000) – To support transportation improvements, such as the Bute Street greenway and/or other pedestrian and cycling improvements in the area.



- Affordable Housing (\$2,805,225) – To be allocated to the Affordable Housing Reserve to increase the City’s affordable housing supply, which may include strategic site acquisitions for future supportive housing and/or social housing projects.

As priorities change and strategic opportunities emerge over time, staff may bring forward recommendations to Council should adjustment to the above allocation be required to better support growth in the area.

Figure 9: CAC Summary

	In-Kind	Cash	Total
On-site Heritage Conservation	\$21.7 M	\$4.3 M	\$26.0 M
Strategic City-wide Public Benefits	--	\$6.0 M	\$6.0 M
West End Public Benefits Strategy	\$6.5 M	\$52.8 M	\$59.3 M
<b>Overall CAC Contribution</b>	<b>\$28.2 M</b>	<b>\$63.1 M</b>	<b>\$91.3 M</b>

See Appendix K for a summary of the public benefits for this application.

**Near-Term Priority Projects supporting the West End Public Benefit Strategy** – The City prioritizes delivery of public amenities and infrastructure funded from development contributions based on community needs and receipts of CAC and other funding. The following is a list of priority projects the City is working to bring forward in the near term, using CACs already received from previous rezonings and future contributions from this and other rezonings in the West End.

1. ***Robson-Alberni Public Space Improvements - \$9 million***
  - Public space improvement along Robson and Alberni corridors with a future public plaza located at Robson and Bute streets.
  - Planning, design and public engagement anticipated to commence in summer 2017, with construction of the plaza anticipated to commence in 2020.
2. ***Gordon Neighbourhood House Growth Related Upgrade - \$0.6 million***
  - Interior redesign to maximize space efficiency and serve an additional 1,760 members per year.
  - Work is anticipated to commence summer or fall of 2017.
3. ***West End Fitness Centre Growth Related Upgrade - \$0.5 million***
  - Renovation/expansion to serve growing needs.
  - Work is anticipated to commence in fall 2017.
4. ***West End Waterfront Parks Master Plan & Phase 1 Improvements – \$11 million***

Staff are looking to combine the initial planning work on a number of waterfront park improvement projects identified in the West End PBS into a single Master Plan (including a phased concept plan), to allow for a consistent planning and design

approach on a number of physically and programmatically connected spaces as well as an efficient public engagement and implementation processes.

- Planning and implementation of the Beach to Pacific Separated Bikeway and road closures including Jervis to Broughton and adjacent to Morton Park to accommodate additional park creation
- Initial master planning and community consultation, followed by construction work for Phase 1:
  - 2019 - Commence project planning, concept development and public engagement (including a temporary road-to-park closure adjacent to Morton Park as a pilot project to inform the overall design concept)
  - 2020 - Commence Morton Park/separated bikeway improvements and Phase 1 Parks improvements

The initial project planning, concept development and temporary road-to-street closure (approximately \$2 million) is anticipated to be funded from the first installment of the cash CAC from this application and/or other development contributions already received in the West End, while future stages of this project will be brought forward as applicable funding is received.

*Phased Approach to Cash CAC Payment* – The *Community Amenity Contributions - Through Rezoning* policy currently requires full payment of any cash CAC prior to rezoning enactment. In this case, given the scale of the cash CAC being offered and associated financing implications, staff are recommending a phased approach to CAC payment, as outlined below and in sub-section (c) of Appendix B.

This approach would constitute a waiver by Council of the current requirements of the *Community Amenity Contributions - Through Rezoning* policy. If approved by Council, the cash CAC of \$63,105,225 is payable under the following conditions:

- 10% of the amount (\$6,310,523) to be paid prior to enactment of the rezoning by-law;
- 40% of the amount (\$25,242,090) to be paid on the calendar date which is 1.5 years after the rezoning enactment date, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date the second installment is due until the date when such amount is fully paid; and
- 50% of the amount (\$31,552,612) to be paid on the earlier of:
  - (1) the developer achieving the first occupancy permit for any portion of the tower development; and
  - (2) the calendar date which is 4.5 years after the rezoning enactment date, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date the third installment is due until the date when such amount is fully paid.

For certainty, the issuance of any occupancy permit will be subject to full payment to the City of the total cash CAC of \$63,105,225 plus accrued interest.

The deferral of \$56,794,702 of cash contributions will be secured by a corporate guarantee provided by the parent company of the developer of the Lands, Westbank Holdings Ltd and its principals, all to the satisfaction of the City's Director of Legal Services, or other security satisfactory to the Director of Legal Services. The City will be entitled to realize on the City Security if the required payments are not made to the City in the amounts and at the times set out above. The deferred payments will also be secured by permit holds and covenants pursuant to Section 219 of the Land Title Act as appropriate.

### *Implications/Related Issues/Risk (if applicable)*

#### *Financial*

As noted in the section on Public Benefits, the applicant has offered a total CAC package of \$91,305,225, comprised of:

#### *In-kind contributions (\$28,200,000):*

- \$21,700,000 for heritage restoration premium costs for The First Baptist Church - The waiver signed in 2005 makes this heritage compensation package a unique case. The heritage incentive program is currently under review, which will take into consideration refinements to program components such as eligibility criteria, compensation methodology, application process and maximum incentive limits.
- \$6,500,000 for securing 41 units (out of a total of 61 units) of the rental building at HILs rental rates for the longer of 60 years or the life of the building - As the City requires rental replacement at market rents, this allowance reflects the value difference between this base requirement and The First Baptist Church's offer to secure 67% of the units at rents below the HILs rental rates.

The affordable housing will be owned and operated by The First Baptist Church. Consistent with Council policy, the non-market housing project is expected to be self-sustaining and not require further subsidies and/or property tax exemptions from the City.

#### *Cash contributions (\$63,105,225):*

- \$4,300,000 for the contingency on the heritage restoration premium costs for The First Baptist Church;
- \$6,000,000 for strategic and city-wide public benefits; and
- \$52,805,225 for the delivery of priority public amenities and infrastructure in and around the West End as highlighted in Public Benefits section.

As priorities change and strategic opportunities emerge over time, staff may bring forward recommendations to Council should adjustment to the proposed allocation be required to better support growth in and around the West End.

Subject to Council approval, approximately 10% of the cash CAC would be paid prior to enactment, 40% to be paid within eighteen months of the date of enactment of the CD-1 By-law, with the remainder 50% to be paid on the earlier of first occupancy permit for the tower and 4.5 years after enactment of the CD-1 By-law.

If the rezoning application is approved, the applicant will be required to provide new public art on-site, or make a cash contribution to the City for off-site public art, at an estimated value of \$999,055.

The site is within the citywide Development Cost Levies (DCL) District and it is anticipated that the applicant will pay \$6,412,786 DCLs. Social housing is exempt from DCLs under the provisions of the Vancouver Charter and the DCL By-law. The value of this exemption is estimated to be approximately \$630,064. The proposed childcare facility, to be owned by the church, is subject to a flat-rate DCL of \$10.

Approval and timing of specific projects will be brought forward as part of the Capital Plan and Budget processes.

### *CONCLUSION*

The subject site is a key redevelopment site in the West End due to its strategic location, its significant existing heritage and its large size. Assessment of this rezoning application has concluded that the proposed land uses are supported as they are consistent with the *West End Community Plan*. Given the uniqueness of the site, the proposed density, height and form of development are also supported as they generally meet the intent of the *West End Community Plan* and the *Rezoning Policy for the West End*, subject to the recommended changes as outlined above and in Appendix B. This application, if approved, would provide a significant contribution towards the achievement of *the West End Plan Public Benefits Strategy* and other city-wide public benefit priorities. Further, it would facilitate the conservation of an important heritage resource in the city as well as the provision of additional social housing on site.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A and with a recommendation that these be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix I.

\* \* \* \* \*

## List of Appendices

Appendix A – Draft CD-1 By-law

Appendix B – Draft Conditions of Approval

Appendix C – Draft Consequential Amendments

Appendix D – Statements of Significance & Draft Conservation Plan for First Baptist Church

Appendix E – Glotman-Simpson Heritage Seismic and Structural Upgrade Options Report

Appendix F – Urban Design Panel and Vancouver Heritage Commission Review

Appendix G – Public Consultation Summary

Appendix H – Urban Design Analysis

Appendix I – Form of Development Drawings

Appendix J – Illustrative Changes to the Application

Appendix K – Public Benefits Summary

Appendix L – Applicant, Property, and Development Proposal Information

**969 Burrard Street & 1019-1045 Nelson Street  
DRAFT AMENDMENTS TO CD-1 (445) BY-LAW NO. 9204**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

That Council strikes out Sections 2 through 7 of By-law No. 9204 and substitutes:

"

**2 Uses and definitions**

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (445).
- 2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
  - (b) Institutional Uses, limited to Child Day Care Facility, Church, and Social Service Centre;
  - (c) Retail Uses, limited to Retail Store; and
  - (d) Accessory Use customarily ancillary to any use permitted by this section.
- 2.3 For the purposes of this By-law, "tower" shall mean any new building containing dwelling units that has a height greater than 29.5 m, and "midrise" means any new building containing dwelling units that has a height equal to or less than 29.5 m.

**3. Conditions of use**

- 3.1 The design and lay-out of at least 25% of the dwelling units in a tower and at least 35% of the dwelling units in a midrise must:
- (a) be suitable for family housing;
  - (b) include two or more bedrooms; and
  - (c) comply with Council's "*High Density Housing for Families with Children Guidelines*".
- 3.2 Circulation areas on each floor containing a dwelling unit, including common access passages, may not be enclosed in a tower.

**4. Floor area and density**

4.1 Computation of floor space ratio must assume that the site consists of 4 821.6 sq. m, being the site size at the time of the application for the rezoning evidenced by this By-law.

4.2 The floor space ratio for all combined uses must not exceed 11.27.

4.3 The floor areas are subject to the following provisions:

- (a) the floor area for a tower must not exceed 42,736 sq. m [460,022 sq. ft.]; and
- (b) the floor area for a midrise must not exceed 4,208 sq. m [45,296 sq. ft.];

except that the use of the following floor areas must be for the following specific purposes:

- (c) 23 sq. m of area located above grade must be limited to amenity for a tower;
- (d) 9,763 sq. m of area located above grade must be limited to circulation, garbage, mechanical and other service areas in a tower on levels 1 to 57; and
- (e) 288 sq. m of area located above grade must be limited to rooftop mechanical and service areas in a tower.

4.5 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, to be measured by their gross-sectional areas and included in the measurements for each floor at which they are located.

4.6 Computation of floor area must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
  - (i) the total area of all such exclusions must not exceed 12% of the residential floor area; and
  - (ii) the balconies must not be enclosed for the life of the building.
- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;

- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
  - (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 sq. m for a dwelling unit there will be no exclusion for any of the residential storage area above base surface for that unit.
- 4.7 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:
- (a) for a tower, residential amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20% of the permitted floor area of a tower, or 929 sq. m;
  - (b) for a midrise, residential amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20% of the permitted floor area of a midrise, or 929 sq. m; and
  - (c) for a tower, permanently installed planters with landscaping located in the common circulation areas on levels 5 to 57, except that the total exclusion for this purpose must not exceed 200 sq. m for a tower.
- 4.8 The use of floor area excluded under section 4.6 or 4.7 must not include any use other than that which justified the exclusion.
- 5. Building height**
- 5.1 For a tower, the building height measured to the top of the roof slab must not exceed 169.5 m, except that no part of the development shall protrude into the approved view corridors, except for view cone 3.2.1, the Queen Elizabeth Park view cone, as set out in the City of Vancouver View Protection Guidelines.
- 5.2 Despite the provisions of section 5.1 and of section 10.11 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms located at least 3 m from the roof perimeter, mechanical screens, or similar features, if the Director of Planning first considers:
- (a) their siting and sizing in relation to views, overlook, shadowing, and noise impacts, and
  - (b) all applicable policies and guidelines adopted by Council,
- except that the Director of Planning must not permit any structure above a maximum height of 178.6 m.



5.3 For a midrise, the building height, measured to the top of the roof parapet, must not exceed 22.3 m.

5.4 Despite the provisions of section 5.3 and of section 10.11 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms located at least 2 m from the roof perimeter, access and infrastructure required to maintain green roofs or urban agriculture, or an amenity room, provided that the Director of Planning considers:

- (a) their siting and sizing in relation to views, overlook, shadowing, and noise impacts, and
- (b) all applicable policies and guidelines adopted by Council,

except that the Director of Planning must not permit any structure above a maximum height of 29.5 m.

## 6 Setbacks

6.1 Setback from the west property line must be a minimum of 6.6 m.

6.2 Despite the provisions of section 6.1, the Director of Planning may allow projections into the required setback, provided that no additional floor area is created and that projections meet the provisions of section 10.7 of the Zoning and Development By-law.

## 7 Horizontal angle of daylight

7.1 Each habitable room must have at least one window on an exterior wall of a building.

7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 If:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of the unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

7.5 An obstruction referred to in section 7.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (445).

7.6 A habitable room referred to in section 7.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
  - (i) 10 % or less of the total floor area of the dwelling unit, or
  - (ii) 9.3 m<sup>2</sup>.

## 8 Acoustics

8.1 All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise Levels (decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

\* \* \* \* \*

969 Burrard Street & 1019-1045 Nelson Street  
DRAFT CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Bing Thom Architects Inc., and stamped "Received City Planning Department, March 18, 2016", 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:

**Urban Design**

1. Design development to provide a 6.6 m (21.5 ft.) setback from the west property line including a public passage and landscaping.

Note to Applicant: Intent is to provide more space for residential units located along this interior property line, to provide a pedestrian passage for all users, and to help break up the scale of development facing toward Nelson Street and the lane, while still providing interior connections requested to serve the building program. The west elevation should be developed to a similar standard as the street facing sides in terms of architectural interest.

2. Design development to improve the visual transparency and reduce the apparent scale of the podium element, seen by pedestrians on Nelson Street and along the lane.

Note to Applicant: Intent is to reduce the visual mass of the podium, and to reflect the general intent of the *West End Community Plan* to improve the appeal of lanes as secondary walking routes. This can be accomplished by providing substantial openings at the lower levels that permit filtered views and the passage of natural light through the podium, in combination with a more varied approach to the massing and wall treatments of the lane side façade. Public passage is not required through the podium element.

3. Design development to provide a more varied massing and landscaped character for the wall of the new podium facing the lane, including a range of building setbacks with planting on grade, and with other green and landscaped elements.

4. Design development to the residential mid-rise to reduce its height to no more than 18.3 m (60 ft.), as measured below.

Note to Applicant: Intent is to provide more openness between buildings to improve access to natural light and other benefits. The required dimension may be taken from the southwest corner to the roof surface to allow development of the rooftop as an intensive green roof for common access by all residents of the mid-rise. The provision of 22.3 m (73.1 ft.) height limit in the CD-1 By-law is measured to the base surface, as is standard in the Zoning and Development By-law.

5. Design development as required to mitigate wind effects in the open tower corridors, on the podium rooftops, and at the pedestrian areas at grade, as recommended by registered professionals with relevant expertise.
6. Provide more substantial replacement trees to offset the removal of the conifers along Nelson Street.

Note to Applicant: See also Landscape conditions.

7. Design development to maintain the family housing percentage in the tower substantially at 59% while allowing some flexibility to change at the Development Permit stage. Family units design in the tower and rental building shall meet the *High-Density Housing for Families with Children Guidelines*.
8. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: Intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance, by retaining the use and extent of the specific finishes shown such as pre-cast and architecturally finished concrete panels. Material choices including visible areas such as wall returns and soffits should be noted on the elevation drawings.

9. Design development to mitigate privacy and overlook toward nearby residential units.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features proposed to balance the amenity of future and existing residents.

10. Design development to tree planters in the market residential building to provide optimized growing conditions.

Note to Applicant: This can be accomplished by providing an overhead clearance of approximately 24 ft. and by relocating some planted area from

the north side to create larger soil volumes for the south-facing planters located at every third floor from Level 4 and up.

11. Provide a preliminary design package indicating the commercial signage approach for any facilities on the site.

Note to Applicant: Intent is to show the intended quality of materials and integration with the architectural approach in general. A separate permit application will be required under the Sign By-law.

12. Note on the drawings of the lighting and acoustic mitigation features or specifications that will be installed to mitigate the effect of equipment and lights to new and existing residences.

Note to Applicant: Features should include full cut-off lights or shrouds to confine building light to the property, quieting measures on gates, and acoustic shrouds on equipment.

13. Consider supplying a bird friendly strategy for the design of the building and landscape with the development permit application.

Note to Applicant: Strategy should identify any particular risks with regard to the *Bird Friendly Design Guidelines* and propose design features or to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

14. Retain the unique architectural design and resulting low-efficiency floor layout for the proposed building.

Note to Applicant: These were key factors in the pro forma analysis and resolution of the community benefits offering. As such, the City has acknowledged several premium cost components in the pro forma, including the significantly reduced floor layout efficiency rate at 69%.

Furthermore, the reduced floor layout efficiency rate at 69% reduces the potential sellable area which has a relationship to the amount of Community Amenity Contribution that may be negotiated based on development economics of the site. Therefore, if the applicant chooses to make alterations to the building design, including exterior finishes (as proposed in the application), which result in the removal of such premium cost items or an increase in the sellable area, Council approval must be sought through an application to change the form of development under Schedule 1, Section 16 of the Zoning and Development Fee By-law. Any implications this would have for the Community Amenity Contribution would be reported to Council at that time.

#### Landscape

15. Design development to the grade oriented open space plan to increase pedestrian amenity through the provision of replacement tree canopy,

permanent site furniture, wayfinding measures, creative hardscaping, artistic elements and/or public art (where applicable);

Note to Applicant: Further work may be requested at the development permit stage.

16. Design development to the sustainable site strategy and landscape plan for the private property to include the following:
- (i) an increase in the overall amount of pedestrian amenity space and tree canopy planting at the plaza level (Note: this will require a reduction or deletion of space dedicated to water features and stairs);
  - (ii) a robust tree canopy replacement scheme at the plaza level and a row of trees at the northern edge (Note: new trees to be medium to large shade species with a medium to large leaf size);
  - (iii) modifications to the slab to ensure that all trees are planted level with the plaza surface and with a minimum growing medium below slab containing soil volume targets of 16 cubic metres. For each tree, growing medium should be no less than 1 m deep and no less than 2 m radially, measured from the trunk. Soil cells, structural soils and contiguous planting troughs should be explored;
  - (iv) provision of trees in the common outdoor hallways of the strata use building at a regularly spaced interval of about 1 tree per 3 floors and located in large planters with maximized soil volumes (as permitted in the CD-1 bylaw for the site) of no less than 6.25 square metres;
  - (v) meet the requirement for 25% green roof area for the rental building as a combination of adequately sized urban agriculture planters and other intensive green roof features;
  - (vi) improvement of the lane experience through additional greening and pedestrian safety measures (Note: except at point of access/egress, consider an evergreen hedge, such as Yew species, and climbing plants established on a support structure to cover blank walls. Where space is limited, portions of the building may need to be further setback to satisfy the requirement).
17. Design development of the rainwater management strategy and related grey water/mechanical systems to be scaled and integrated with full infiltration from hard and soft surfaces within the site, to the greatest extent practicable;

Note to Applicant: refer to Rezoning Policy for Sustainable Large Developments for applicable requirements. The applicant is also encouraged to reference the Integrated Rainwater Management Plan (IRMP), Volume II, Best Management Practices, supported by Council in April 2016. At the development permit stage, further design development may be requested.

18. Site utilities and vents to be located on private property and integrated discreetly into the building, avoiding landscaped and common areas;
19. Design development to reduce potable water consumption in the irrigation systems by using drought tolerant species, rainwater harvesting methods and efficient irrigation technology for all planted areas;

Note to Applicant: Potable water may be needed for urban agriculture areas and patios. Individual hose bibs to be provided for all patios of 100 sq. ft. or greater in size, to encourage patio gardening.

20. At time of development permit application, the following:
  - (i) Provide a detailed Landscape Plan illustrating soft and hard landscape treatment;

Note to Applicant: the Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, bicycle racks, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment);

- (ii) Provide large scale sections [typical] through landscaped areas, including the ground oriented interface, the slab-patio-planter relationship, street trees, the lane interface, common areas and upper storey planters;

Note to Applicant: the sections should include the planter materials, tree canopy, tree stem, outline of the root ball, voiding, built up membrane and dimensions.

- (iii) Provide spot elevations to all outdoor areas (including top/ bottom walls), including offsite context spot elevations in proximity (public sidewalks, inner boulevards and lanes);
  - (iv) provide adequate soil volumes and depths for planting on slabs and in planters;

Note to Applicant: refer to the rezoning conditions. To ensure the long term viability of planting in non-continuous growing medium, soil depths must meet or exceed BCLNA planting standards. At the edges, new slabs should angle down to provide deeper soils. Within the site at the plaza level, the slab must be lowered below to avoid the necessity for above grade planter walls that would impede pedestrian flow.

- (v) Provide universal design principles in the outdoor spaces;

Note to Applicant: special consideration should be given to the ground plane, including paving materials, grade changes, benches near entrances on site and at reasonable intervals for public use along shared circulation routes.

- (vi) Provide a "Tree Removal and Protection Plan" in coordination with arboricultural services, including the assessment of existing trees and retention feasibility;

Note to Applicant: given the size and complexity of the site, provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and/or retained, where applicable, 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.

- (vii) Provide a partial irrigation plan to demonstrate efficient irrigation system for all common outdoor planters (existing and new) and individual hose bibs to be provided for all patios of 9.3 sq. m (100 sq. ft.) or greater in size.

Note to Applicant: Specification notes and irrigation symbols to should be added to the drawing;

- (viii) Provide all necessary infrastructure to support urban agriculture, including hose bibs, tool storage, work tables and seating;

21. Incorporate the principles of the City of Vancouver, Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat and to reduce potential threats to birds in the City;

Note to Applicant: This can be demonstrated on the landscape plan, plant list and a written rationale. Refer to:

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>

<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

### Access to Nature

22. Include a dedicated and irrigated dog relief area, consisting of a pea gravel area and hose in order to accommodate the needs of building dog owners and their dogs. Approval of the dog relief area design and location are contingent upon approval from the General Manager of the Park Board.

Note to Applicant: This measure is to mitigate negative impacts of dogs on public parks and public sidewalks.



## Sustainability

23. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning*, including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Note to Applicant: For conditions related to meeting the Low Carbon requirements of the *Rezoning Policy for Sustainable Large Developments*, refer to the Neighbourhood Energy Utility conditions below. For conditions related to meeting other requirements of the *Rezoning Policy for Sustainable Large Developments*, refer to Engineering, Landscape and Social Policy conditions in this Appendix.

24. The applicant commits the proposed residential tower to demonstrate leadership in sustainable design as required by the *General Policy for Higher Buildings*, through the following measures:
- (i) Energy/GHG Savings: the proposed tower shall achieve the greenhouse gas reductions equivalent to a 45% reduction in energy use from ASHRAE-90.1 using Appendix G (68% GHG reduction compared to BAU), through measures such as energy efficient design and/or connection to a low-carbon energy system. For more on the definition and requirements of a low carbon energy system, refer to the NEU conditions below.
  - (ii) High-Performance Envelope: provide a high-performance thermal envelope that meets or exceeds the performance level described in the rezoning application, which included:
    - a. an effective R(IP)-value of 6 or better for the opaque enclosure when accounting for thermal bridging;
    - b. high-performance double pane windows with thermal breaks at exterior wall conditions; and
    - c. a moderate glazing ratio.

- (iii) Air-tightness Testing: testing the airtightness of at least 10% of suites under the LEED v2009 ETS protocol.
- (iv) Heat Recovery Ventilation: make use of ventilation heat recovery for ventilation air provided to all suites, and with direct ventilation provided to each space as interpreted by LEED.
- (v) Thermal Sub-Metering & Billing: provide suite-level thermal sub-metering, such that the building's total thermal energy use costs can be allocated to the suites based on their monitored usage in the strata bylaws.
- (vi) Smart Thermostats: provide smart thermostats in all suites, such as the Nest or similar.
- (vii) Master Cut-Out Switch: provide a single master cut-out switch for each suite, capable of turning off the majority of the lighting loads within the suite.
- (viii) Post-Occupancy Energy Model Update: the applicant commits to update the energy model for the building post-occupancy, using the actual building energy use, and use this to provide support for ongoing energy performance of the building.

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

25. 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 alcove and vandalism, such as graffiti.

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

#### **Heritage**

26. Design development to keep the existing entrance facing Nelson Street.

Note to Applicant: Application proposed to re-orient existing entry steps from facing Nelson Street to face Burrard Street. It is recommended that this approach be reviewed as to retain the steps' historic orientation to Nelson Street.

27. Provide fully updated, final version of the Conservation Plan prior to submitting Development Permit application. Include conservation strategies for implementation of proposed seismic upgrades.
28. Provide fully developed seismic upgrade plans prior to applying for the Development Permit.
29. Provide an Interpretive Plan to preserve the memory of the site and structures that stood on this location prior to redevelopment.

Note to Applicant: As four other existing structures (some with heritage merit) are planned to be removed from the site, it is requested that an Interpretive Plan be developed to preserve the memory of the site and structures that stood on this location prior to redevelopment and to provide information about the conservation work on the heritage church. The Interpretive Plan content (panels, plaques, audio/video material) is to be appropriately incorporated within the architectural or landscaped areas where they should be made accessible to the public, preferably accessed from Nelson Street. The provision of the Interpretive Plan is required at submission of a Development Permit application.

### Engineering

30. Delete all bollards and other non-standard treatments shown on public property.
31. Delete proposed landscaping in the lane. Match or retain existing lane treatments.
32. Show standard broom-finished saw-cut sidewalks and tree surrounds adjacent the site in keeping with the area treatments of broom-finished saw-cut sidewalks on Nelson Street and with the ceremonial treatments on Burrard Street (Georgia Street Public Realm design on Burrard Street).

Note to Applicant: A separate application to the General Manager of Engineering Services is required and the landscape treatments on public property are to be finalized prior-to development permit issuance.

Note to Applicant: Engineering Services does not support the use of pavers adjacent the site.

33. Clarify if bicycle racks are proposed for public property. If so, a separate application to the General Manager of Engineering Services is required.

Note to Applicant: Class B bicycle parking (bike racks) supplied on public property cannot be counted towards the on-site by-law requirement that would apply to this project. The on-street bicycle racks as shown on the site plan should parallel the curb and use standard City of Vancouver bicycle racks.

34. Delete the portions of parking barrier gate shown in the lane on page A207 (Note: this encroachment does not appear on subsequent page A208).
35. Delete what appears to be added curbing in the lane. The site has existing standard roll over curb for the length of the site, no additional curbing is required.
36. Delete door swings shown over the property line into the lane (A207).
37. Delete reference to “curb roll up” on the Nelson Street frontage, there will be no vehicular access to the sidewalks from Nelson Street.
38. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.  
  
Note to Applicant: Pick up operations should not rely on bins being stored on the street or lane for pick-up, bins are to be returned to storage areas immediately after emptying.
39. Provide additional waste management/recycling and compostable space for the church’s kitchen, café and retail space. The Zero Waste Planning report does not appear to address these components of the development.
40. Clarify what the white space is shown along the Burrard Street frontage shown just beyond the property line on drawing A211 — is this existing or proposed, at or above grade.
41. Clarify the property line location on landscape plan (Conceptual Render- Nelson courtyard, page 94) to ensure pool structure does not encroach onto public property.
42. Show City of Vancouver building grades on the site plan. Additional design elevations are required adjacent to all entries and on both sides of entries greater than 1.5 m (5’-0”) in width, clearly indicating that the entries meet the building grades.
43. Remove benches and waste receptacles from public property, if desired please provide on-site.
44. Provide the following measures as part of the Green Mobility Plan:
  - (i) two rapid charging stations for electric vehicles;
  - (ii) a bike hub/repair station;
  - (iii) a minimum of 15 Class A bike spaces for the church and childcare;
  - (iv) a minimum of 12 Class A bike spaces and bikes for the “private” bike share;
  - (v) three spaces and vehicles for the “private” carshare; and
  - (vi) the required parking for the church, rental housing and daycare uses

45. Provide revised landscape plans at 1"=1/8" .

Note to Applicant: Please place the following notes on the landscape plans.

- (i) All plant material within the same continuous planting area which is located on street right-of-way within 10 m, measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m, measured from the sidewalk.
  - (ii) All plant material within the street right-of-way which are located outside of the areas described in the bullet above shall not exceed 1m in height, measured from the sidewalk. Exceptions will be approved on a case-by-case basis by the City of Vancouver's Street Activities Branch.
  - (iii) Plants shall be planted in such a way as to not encroach on the sidewalk, street, lane, and/or bike lane.
46. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
47. Provide a Rain Water Management Plan. The plan is to confirm that site run-off is not to exceed the run-off condition that exists prior to redevelopment of the site and is to propose additional management strategies that will further reduce site run-off.
48. Comply 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) Provide 1/8 scale drawings for the parking and loading levels.

Note to Applicant: Dimension and number all stalls, dimension all column encroachments and maneuvering aisle widths.

- (ii) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: A column 0.6 m (2 ft.) in length must be set back 0.6 m (2 ft.) from either the opening to or the end of the parking space. A column 0.9 m (3 ft.) long may be set back 0.3 m (1 ft.). Provide a minimum 0.3 m (1 ft.) setback from the drive aisle for all columns.

- (iii) Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 1.2 m (4 ft.) from the end of the stall.
- (iv) Provide improved plans showing the required maneuvering to access the three angled stalls along gridline F on P1 to P6.

Note to Applicant: Consider perpendicular stalls as angled stalls may require excessive maneuvering.

- (v) Provide design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking area and at all entrances.

Note to Applicant: This is to calculate the slope and cross fall.

- (vi) Provide an improved plan showing the loading access route from the Class B spaces to the church.
- (vii) Provide two-way traffic flow in the main ramp - the current ramp design does not allow for opposing vehicles to pass. Two-way flow is required from level L0 to P3.

Note to Applicant: Corner cuts are required at the top and bottom of ramps to provide adequate radii for continuous two-way traffic flow where 200 or more vehicles are being served. A standard 6 m (20 ft.) ramp width would require a 2.7 m x 2.7 m (9 ft. x 9 ft.) corner cut. Reduced corner cuts would be acceptable for wider ramps upon review. Provide turning swaths showing two-way flow on the ramp down to P3.

- (viii) Provide an improved plan noting the daycare drop-off and staff parking spaces on drawing A207.

Note to Applicant: Show the daycare spaces on the Daycare Circulation Diagram drawing A602 on drawing A207 and note the daycare spaces in the legend.

- (ix) Provide details regarding daycare drop-off procedure as parents will require security access for the drop-off spaces in the underground parking spaces and elevator access to the daycare on the Level 4.
- (x) Provide minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m (7.5 ft.) of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m (12.5 ft.) of vertical clearance is required for Class B loading spaces and maneuvering.

- (xi) All Class A bicycle spaces must be located on the P1 parking level, mezzanine level, or at grade.

Note to Applicant: Engineering does not support the three Class A bicycle spaces shown on floors 6-55 (150 spaces total).

- (xii) Provide an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be "stairs free" and confirm the use of the parking ramp, if required.

#### *Neighbourhood Energy Utility*

- 49. The proposed approach to site heating and cooling, developed in collaboration with the City and a City-recognized NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 50. All new buildings in the development shall connect to a City-recognized low-carbon Neighbourhood Energy System and adhere to the following requirements:
  - (i) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services;
  - (ii) Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services;
  - (iii) Provide for 21 sq. m (226 sq.ft.) of adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to a City-recognized Neighbourhood Energy System, as outlined in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, at development permit;
  - (iv) Provide for up to 150 sq. m (1,615 sq.ft.) of suitably located dedicated Neighbourhood Energy Room and design provisions to accommodate a City-recognized NES, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, to the satisfaction of the General Manager of Engineering Services; and,

- (v) Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant:

- a. A Low Carbon Energy System means a thermal energy generating, distribution, and delivery system that incorporates low carbon energy sources (such as sewage heat recovery, geo exchange, surface water exchange, heat recovery, air source heat pumps, solar thermal, biomass, etc.) for space and domestic hot water heating, and in some cases cooling, for one or multiple buildings. The system may include conventional heating and cooling sources (such as boilers, chillers, cooling towers, etc.) to satisfy peaking and back-up thermal energy requirements as agreed to by the General Manager of Engineering.
- b. 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. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.
51. If, at the time of development permit approval, it is determined by the General Manager of Engineering Services that a City-recognized low-carbon Neighbourhood Energy System has not been secured, design of all new buildings in the development shall adhere to the following requirements:
- (i) Implement, as approved by the General Manager of Engineering Services, a building-scale low-carbon energy system or low-carbon energy supply strategy. The proposed low-carbon approach must achieve a greenhouse gas reduction equivalent to a 45% reduction in energy use from ASHRAE-90.1 using Appendix G (68% GHG reduction compared to BAU).
- (ii) Any building-scale low-carbon energy system shall be designed in such a way as to enable energy metering and the monitoring of performance metrics during system operation for the purpose of optimizing system performance and preparing system performance reports. The applicant shall refer to *the Performance Monitoring and Reporting Requirements for Low Carbon Energy Systems* for a summary of minimum requirements. The applicant will be required to demonstrate compliance with these requirements prior to issuance of building permit.



## Social Policy

52. Provide a Sustainable Food System Plan to include a minimum of three food systems assets as described in the Rezoning Policy for Sustainable Large Developments, to the satisfaction of the Director of Social Policy.

Note to Applicant: The application identifies food assets that can count towards the required three food assets that must be delivered as part of the development. The three identified food assets are (1) edible landscaping, (2) community gardens, and (3) community kitchen. The following comments outline ways to strengthen the submission.

(i) Edible landscaping:

- a. In order to enhance the edible landscaping component applicant to specifically identify number, location and species of edible landscaping, and how edible landscaping can fit into the broader landscaping design and features of the site.
- b. Consider plant design and species selection that supports pollinators, as referenced in "Access to Nature" section of the policy.
- c. The Urban Agriculture Design Guidelines for the Private Realm are applicable to this site. As such, the Applicant should ensure that design and stewardship requirements for edible landscaping are met.

(ii) Community gardens:

- a. Increase the number of community garden plots on the rental building common roof space to minimum of 30% of units in order to increase opportunities for tenants of the building to take part in food growing. Consider installing the additional plots in the space currently designated for "outdoor kitchen" create a stronger urban agricultural presence on the common roof space.
- b. Provide a landscape plan for the garden in accordance with the Urban Agriculture Design Guidelines for the Private Realm (<http://vancouver.ca/files/cov/urban-agriculture-guidelines.pdf>). Please note that this includes hose bibs, a potting bench, tool storage area and compost bins. Given the location of the garden plots on a rooftop, sun and shading should be considered.
- c. In constructing raised-bed community garden plots, ensure that Community Gardens Accessibility Guidelines are met

(<http://vancouver.ca/files/cov/Community-Gardens-Accessibility-Guidelines-2011.pdf>). Please note that at least 5% of plots should be accessible raised beds; 10-20% is ideal.

- (iii) Community kitchen:
  - a. The rezoning package shows the presence of a kitchen in the church. Applicant to further describe how project intends to improve the existing facility - explain what features will be added and/or improved to that of the existing.

### Childcare Facility

- 53. Design development of a licensable 37-space childcare facility that meets the Childcare Design Guidelines (1993), to the satisfaction of the Managing Director of Social Development and Vancouver Coastal Health Community Care Facility Licensing.

Note to Applicant: Further design development required to improve safety for children in pickup/drop-off areas, as well as to ensure that outdoor play spaces are larger, have a more functional layout, and generally meet the intent of the *Childcare Design Guidelines*.

### Housing Policy and Projects

- 54. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the Tenant Relocation and Protection Guidelines.

Note to Applicant: An updated list of tenants must be submitted at the time of development permit application.

- 55. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
- 56. Provide a notarized declaration, prior to issuance of a development permit 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 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
- 57. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit 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, rent, any 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, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facility Design and Management and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

##### Engineering

1. Consolidation of Lot 13, The East 30 Feet of Lot 14 and Lot 14, Except The East 30 Feet, The East ½ of Lot 15, The West ½ of Lot 15, The East ½ of Lot 16, The West ½ of Lot 16, Lot 17, and Lot 18; all of Block 7, DL 185, Plan 92 to create a single parcel.

Note to Applicant: Covenant BX288747 restricts building on site until the above noted lands have been consolidated. Upon consolidation of the properties this covenant may be released. Arrangements for release of this covenant at the appropriate time are required.

2. Confirmation that the existing disability access ramp that encroaches onto Nelson Street is to be removed and, if so, make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement & Indemnity Agreement R23722 prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

3. Confirmation that the existing duct shaft in the lane is to be removed and, if so, make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement & Indemnity Agreement BV472198 prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

4. Provision of written confirmation from BC Hydro agreeing to the removal of their infrastructure located within Statutory Right of Way K10512 on Lot 15, and the subsequent release of the charge from title.

Note to Applicant: The release is to occur prior to occupancy and after Hydro's works have been removed/relocated/abandoned. The written confirmation from BC Hydro and commitment in writing from the applicant will satisfactorily address this condition.

5. Replacement or modification of the existing encroachment agreement (registered under BA450628-30) to encompass only those existing encroaching elements which are to remain at the completion of the project.

Note to Applicant: Clarification and approval of any additional elements that may encroach prior to DP issuance. Prior to occupancy, arrangements are required to validate all encroaching elements and to include them in any modification or replacement agreement. A building location survey for the entire development is required to facilitate these arrangements. Provision of a letter of commitment prior to enactment and a refundable deposit will be required prior to DP issuance to address this condition.

Note to Applicant: Regarding releases – prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

6. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 2 Shared Vehicles and the provision and maintenance of 2 Shared Vehicle Parking Spaces for use exclusively by such Shared Vehicles, [with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law], on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
- (i) provide 2 Shared Vehicles to the development for a minimum period of 3 years;
  - (ii) enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicles;
  - (iii) provide and maintain the Shared Vehicle Parking Spaces for use exclusively by such shared vehicles;
  - (iv) make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Spaces;
  - (v) provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
  - (vi) registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument

satisfactory to the Director of Legal Services, securing these conditions;  
and

- (vii) provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m (9.5 ft.)

- 7. 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 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 is provided.
  - (i) Provision of adequate water service to meet the 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, sprinkler demand, hydrant load, and domestic water demand as determined by the applicant's 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.
  - (ii) Provision of improved street lighting adjacent the site. A study to determine the adequacy of the lighting for this proposal is required and upgrading to LED lighting including additional lamp standards where applicable is required. Note: the study should be completed during the development review with a draft lighting plan clearly shown on the development permit plans.
  - (iii) Should the project trigger removal of any existing wood poles in the lane that provide lane lighting then replacement lighting will be required through provision of new poles located on private property. A draft lighting plan for the lane lighting will be required to be identified on the approved development permit plans.
  - (iv) Provision of improved curb ramps and curb return at the northwest corner of Burrard and Nelson streets.
  - (v) Provision of street trees adjacent the site where space permits.
- 8. 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.

*Neighbourhood Energy Utility*

9. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-recognized low-carbon Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the *West End Community Plan*, that may include but are not limited to agreements as determined by the General Manager of Engineering Services which:
  - (i) Require all new buildings in the development to connect to a City-recognized low-carbon Neighbourhood Energy System (NES);
  - (ii) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation;
  - (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station as established in the *Neighbourhood Energy Connectivity Standards Design Guidelines*, to the satisfaction of the General Manager of Engineering Services;
  - (iv) Grant use of and access to the Neighbourhood Energy Room for the purposes of infrastructure and distribution equipment to the satisfaction of the General Manager of Engineering Services;
  - (v) If, at the time of development permit approval, it is determined by the General Manager of Engineering Services that a City-recognized low-carbon Neighbourhood Energy System has not been secured, require the project to implement, as approved by the General Manager of Engineering Services, a building-scale low-carbon energy system or low-carbon energy supply strategy that must achieve a greenhouse gas reduction equivalent to a 45% reduction in energy use from ASHRAE-90.1 using Appendix G (68% GHG reduction compared to BAU); and,
  - (vi) If, at the time of development permit approval, it is determined by the General Manager of Engineering Services that a City-recognized low-carbon Neighbourhood Energy System has not been secured, require the developer to undertake monitoring of the development's low carbon

energy system and performance that includes a reporting schedule containing information and prepared in a form as requested by the General Manager of Engineering Services.

Note to Applicant:

- a. Until a City-recognized NES utility provider has been identified by the General Manager of Engineering Services, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.
- b. The Development will be required to connect to a City-recognized low-carbon, if determined to be available by the General Manager of Engineering Services NES, prior to occupancy.
- c. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.
- d. Design shall provide suitable space for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications conduit. District energy equipment may include, but is not limited to; a steam to hot water converter station sized for neighbourhood service provision, an energy plant sized for neighbourhood service, energy transfer stations (ETS), and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

### Sustainability

10. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the proposed residential tower to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

## Housing Policy and Projects

11. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement securing 61 social housing residential units, for the longer of 60 years and the life of the building, subject to the following additional conditions:
  - (i) a no separate-sales covenant;
  - (ii) a no stratification covenant;
  - (iii) that none of such units will be rented for less than one month at a time;
  - (iv) that a minimum of 41 units (67%) are occupied by households with incomes below the housing income limits as set out in the current "Housing Income Limits (HILS)" table published by the British Columbia Housing Management Commission or equivalent publication, at a rent which is no more than 30% of household income, and meets all other applicable preconditions in order to comply with the development cost levy exemption provisions for social housing under the Vancouver Charter;
  - (v) compliance with the City approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit;
  - (vi) such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

## Heritage

12. Amendment of the Heritage Designation Compensation Waiver to confirm that The First Baptist Church of Vancouver has been fully compensated through the rezoning and waives any further right to compensation attributable to the 2005 heritage designation.

Note to Applicant: the waiver may form part of the Heritage Restoration Covenant to be registered on title to the Lands.

13. Amend the existing Heritage Designation By-law 9158, as required.
14. Enter into a Heritage Restoration Covenant for the First Baptist Church (FBC) to be completed and fully registered in the Land Title Office to the satisfaction



of both the Director of Planning and the Director of Legal Services to, among other things:

- (i) conserve and rehabilitate FBC in accordance with the proposal, approved FBC Rehabilitation Plan dated September 4, 2015 compiled by Bing Thom Architects including the Conservation Plan dated March 2016 prepared by Don Luxton & Associates;
- (ii) seismically and structurally upgrade the FBC in accordance with approved Seismic Review and Upgrade Options Report by Glotman - Simpson, dated 2013 and updated in 2014 and particular technical approach chosen for the CAC costing purposes (Option 1A Report dated November 14, 2016, indicating Vancouver upgrade Trigger Model to upgrading the building to 100% of the current Vancouver Building By-Law and related requirements, and accompanied by The Haebler Group cost estimate, dated November 16, 2016);
- (iii) secure protection of the FBC during construction with supervision by a Heritage Consultant (heritage conservation professional with professional expertise in particular conservation techniques and programs) and periodic status reporting on completion of the approved conservation work, prepared by the Heritage Consultant;
- (iv) provide that any alteration, modification or deviation from the approved heritage conservation program (including changes to the approved seismic upgrade plan) would need prior approval from the City;
- (v) provide, as required, that The First Baptist Church waives any further right to compensation attributable to the 2005 heritage designation;
- (vi) secure the costs of carrying out the rehabilitation and conservation work by an Equitable Charge;
- (vii) allow a heritage plaque to be placed on the FBC or the subject property;
- (viii) require the owner to provide verification by a Structural Engineer or other Designated Professional of completed upgrade work to 100% VBBL of the current Vancouver Building By-Law as part of the heritage restoration and seismic upgrade works to the church;
- (ix) require the owner, at their cost, to retain an independent quantity surveyor approved by the City, to provide quantity survey cost reports to the City, including interim reports as required and a final quantity survey report (the "Final Report") on completion of the heritage restoration and seismic upgrades; and

- (x) provide that heritage conservation and rehabilitation of the FBC be fully completed and Occupancy Permit issued for the FBC, prior to the issuance of any Occupancy Permit for the tower.

**In-kind Community Amenity Contribution (CAC): Heritage Conservation**

- 15. The owner is required to rehabilitate, restore and seismically upgrade the FBC sanctuary, narthex and associated interior space as set out in condition 15 and the required Heritage Restoration Covenant at a total estimated cost of \$21,700,000.
- 16. In the event that the Additional Contingency is required in part or in whole, an additional contingency of up to \$4,300,000 (the "Additional Contingency") for premium costs resulting from unforeseen circumstances, the City will reimburse the owner for costs incurred, subject to verification by a Structural Engineer or other Designated Professional of completed upgrade works, and receipt of the Final Report by the independent quantity surveyor cost consultant.

**In-kind Community Amenity Contribution (CAC): Affordable Housing Credit**

- 17. *Affordable Housing Credit (\$6,500,000)* – A \$6.5 million allowance is allocated for 41 units in the rental building that will be secured at housing income limits (HILs) rate, for the longer of 60 years or life of the building. As the City requires rental replacement at market rents, this allowance reflects the value difference between this base requirement and First Baptist Church's offer to secure 67% of the units at rents below the HILs rental rates.

**Community Amenity Contribution (CAC) - Cash Payments**

- 18. Pay to the City the cash component of the Community Amenity Contribution of \$63,105,225 which the applicant has offered to the City and to be allocated as follows:
  - (i) \$6,000,000 toward support of strategic City-wide public benefits such as the City's Housing & Homelessness Strategy;
  - (ii) \$4,300,000 towards the Additional Contingency related to the Heritage Conservation; and
  - (iii) \$52,805,225 to support delivery of the West End Public Benefit Strategy.
- 19. Payment of the cash portion of the CAC is to be made as outlined below, at no cost to the City, and on terms and conditions and in a form satisfactory to the Director of Legal Services:
  - (i) 10% of the Net Cash Contribution (\$6,310,523) must be paid by bank draft, certified cheque or wire transfer prior to enactment of the rezoning by-law; and

- (ii) the balance of \$56,794,702 in cash must be paid on the following milestones:
  - 40% of the Net Cash Contribution (\$25,242,090) must be paid by bank draft, certified cheque or wire transfer on the calendar date which is 1.5 years after the rezoning enactment date, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date when such payment is due until the date that such amount is fully paid;
  - 50% of the Net Cash Contribution (\$31,552,612) must be paid by bank draft, certified cheque or wire transfer on the earlier of:
    - the developer achieving the first occupancy permit for any portion of the tower development; and
    - the calendar date which is 4.5 years after the rezoning enactment date, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date when such payment is due until the date when such amount is fully paid. For certainty, the issuance of any occupancy permit will be subject to full payment of the Net Cash Contribution to the City.

The deferral of \$56,794,702 of the Cash Contributions will be secured a corporate guarantee (the "City Security") provided by Westbank Holdings Ltd (the parent corporation which owns the Westbank group of companies) and its principals, all to the satisfaction of the City's Director of Legal Services (subject to due diligence on such corporation), or other security satisfactory to the Director of Legal Services. The City will be entitled to realize on the City Security if the required payments are not made to the City in the amounts and at the times set out above. The payments will also be secured with permit holds and covenants pursuant to Section 219 of the Land Title Act as appropriate.

#### Public Art

- 20. 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 311 to be directed to the Public Art Program Manager to discuss your application.

#### Environmental Contamination

- 21. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);

- (ii) 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; and
- (iii) If required by the Manager of Environmental Protection 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 Protection, City Engineer 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.

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.

\* \* \* \* \*

969 Burrard Street & 1019-1045 Nelson Street  
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW NO. 6555

Amend Schedule A (Activity Zone) by adding the following:

"CD-1 (445)	[By-law #]	969 Burrard Street and 1019-1045 Nelson Street"
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