



PUBLIC HEARING MINUTES

JULY 10 AND 12, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, July 10, 2018, at 6:11 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting recessed and reconvened on Thursday, July 12, 2018, at 6:12 pm.

PRESENT:

- Mayor Gregor Robertson
- Councillor George Affleck
- Councillor Elizabeth Ball*
- Councillor Hector Bremner*
- Councillor Adriane Carr
- Councillor Melissa De Genova*
- Councillor Heather Deal
- Councillor Kerry Jang*
- Councillor Raymond Louie
- Councillor Andrea Reimer
- Councillor Tim Stevenson*

ABSENT:

- Councillor Elizabeth Ball (Medical Leave - July 10, 2018)
- Councillor Kerry Jang (Civic Business - July 12, 2018)

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE:

- Katrina Leckovic, City Clerk
- Rosemary Hagiwara, Deputy City Clerk
- Terri Burke, Meeting Coordinator

*Denotes absence for a portion of the meeting.

WELCOME

The Mayor acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh Nations and we give thanks for their generosity and hospitality on these lands.

COMMITTEE OF THE WHOLE

Mayor Robertson reminded Council that, based on advice from the City Clerk, it is not necessary for Council to sit as Committee of the Whole during a Public Hearing; however, in order to comply with the Procedure By-law, a motion to go into Committee of the Whole should be put to a vote and failed by Council.

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Heritage and Zoning and Development By-law.

LOST

(Councillors Affleck, Bremner, Carr, Deal, Jang, Louie, Reimer, and Mayor Robertson opposed)
(Councillors De Genova and Stevenson absent for the vote)
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)

1. HERITAGE DESIGNATION: 3655 West 3rd Avenue (Fraser-Strauss House)

An application by Andrew Fielding was considered as follows:

Summary: To designate the exterior of the existing building at 3655 West 3rd Avenue (Fraser-Strauss House), which is listed on the Vancouver Heritage Register in the 'C' evaluation category, as protected heritage property.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Summary of Correspondence

No correspondence was received on this application since it was scheduled for public hearing and prior to the close of the speakers list and receipt of public comments.

Speakers

The Mayor called for speakers for and against the application and none were present.

The speakers list and receipt of public comments were closed at 6:17 pm on July 10, 2018.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Carr

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the Vancouver Charter, a by-law to designate the exterior of the existing building at 3655 West 3rd Avenue [PID: 015-43-3579; Lot21, Block 15, District Lot 540, Plan 229 (the "site")], known as the Fraser-Strauss House (the "heritage building"), which is listed on the

Vancouver Heritage Register in the 'C' evaluation category, as protected heritage property.

- B. THAT A above 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 and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 03119)
(Councillor De Genova absent for the vote)
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)

2. REZONING: 8444-8480 Oak Street

An application by AVR Architecture Inc. was considered as follows:

Summary: To rezone 8444-8480 Oak Street from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building containing a total of 40 market residential units. A height of 21.3 m (70 ft.) and a floor space ratio (FSR) of 2.50 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Summary of Correspondence

No correspondence was received on this application since it was referred to public hearing and prior to the close of the speakers list and receipt of public comments.

Speakers

Mayor Robertson called for speakers for and against the application.

Rohana Rezel spoke in favour of the application on the condition that presales are offered to local residents first.

The speakers list and receipt of public comments were closed at 6:26 pm, on July 10, 2018.

Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to questions.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Deal

- A. THAT the application by AVRP Architecture Inc., on behalf of Shinbound Holdings Inc., the registered owner, to rezone 8444-8480 Oak Street [*Lots K-N, Except the East 10 Feet and the West 7 Feet, Now Highways of Lot 32, Block B, District Lots 319, 323 and 324, Plan 2010; PIDs: 014-110-342, 007-461-861, 014-110- 555, 014-110-571, respectively*], from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.50 and to increase the height from 9.2 m (30 ft.) to 21.3 m (70 ft.), to permit the development of a six-storey residential building containing a total of 40 market residential units, generally as presented in Appendix A of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 8444-8480 Oak Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by AVRP Architecture Inc., on behalf of Shinbound Holdings Inc. and stamped "Received Planning & Development Services, September 15, 2017", 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 the approval of 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 minimize the undercut on the north, south, and east sides of the building to improve the daylight of the ground floor units.

Note to Applicant: This may also contribute to more ground-oriented units with direct access to the street, lane, and mid-block pedestrian walkway.

2. Design development to reduce the apparent massing resulting from the corner enclosed balconies.

Note to Applicant: The building width is 107 ft., which is slightly

longer than the building width suggested in the Plan. This refinement will ensure no greater increase in building width and bulk as viewed from the street.

3. Design development to increase the outdoor amenity space on the roof deck.

Note to Applicant: An increase is sought by providing an approximately 1,000 sq. ft. roof deck outdoor amenity space. The intent is to provide overall outdoor amenity space no less than 1,400 sq. ft. This can be achieved in one or more locations. This condition may result in a reduction of the private patio areas or mechanical area on the roof.

4. Design development to improve the identity and distinctiveness of the main entrance of the building.

Note to Applicant: The intent is to create an inviting residential entrance and contribute to pedestrian visual interest and interaction. It may be achieved by reducing the notch depth at the entrance door and developing distinguished architectural expression for the entrance canopy.

5. Design development to the landscaping, planter, and retaining wall of the site edges to ensure a pedestrian-friendly interface at the street, lane, and mid-block pedestrian connection.

Note to Applicant: Avoid excessive height of retaining wall and provide an outboard landscape to reduce the exposure of the retaining wall. Explore solutions to limit the height of the retaining wall of the planters while accommodating proposed trees above the parkade structure.

6. Design development to orient primary living spaces to face the street or lane to be better compliant with the HAD requirement.
7. Design development to coordinate the two halves of the mid-block connection should be included in the Development Permit drawings.
8. The proposed unit mix, including 19 one-bedroom units (47%), 12 two-bedroom units (30%), and nine three-bedroom units (23%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

9. Submission of a bird-friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to Applicant: Refer to the *Bird-Friendly Design Guidelines* for examples of built features that may be applicable. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

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

Landscape Design

11. Integration of grades, retaining walls, walkways and structural design with the architecture to ensure adequate soil volumes.

Note to Applicant: Soil depths should exceed BCLNA Landscape Standard. To avoid raised planters above grade, at the perimeter of the building angle the corner of the underground slab downward (1 m across and 1.2 m down) to maximize contiguous soil volumes. Wherever possible, planted landscapes on slab should be designed to maximize soil depths.

12. Resolution of the conflict with the proposed development and tree #OS01.

Note to Applicant: The submitted arborist report defers certainty in regard to the offsite neighbour tree. It is located very near to the property line and excavation line. It will be very challenging to retain the tree without design development to accommodate the roots and canopy setbacks. Tree removal may be considered with a written neighbour consent letter. In the event the neighbour's consent cannot be given, design development must occur to retain the tree in a safe and responsible manner. Further comments may be outstanding.

13. Design development to locate, integrate, and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

14. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8":1' scale minimum. The Plant list should include the common and botanical name, size, and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

15. Provision of detailed architectural and landscape cross sections (minimum 1/4 in. scale) through common open spaces, semi-private patio areas, and the public realm.

Note to Applicant: In tree areas, the sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy, and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

16. Provision of plan details and documentation/calculations that support achievement of LEED storm water credit(s) and integrated rainwater management, including absorbent landscapes, soil volumes, and detention systems.

Note to Applicant: Landscape related solutions and detention systems should be shown on the plan. The LEED consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

17. Provision of a "Tree Management Plan".

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/protection related matters. The landscape architectural tree management plan provides useful information with regard to important cross sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architect's version should change its title label to differentiate it from the arborist tree plan.

18. Provision of an arborist "letter of undertaking" to include signatures by the owner, contractor, and arborist.

Note to Applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

19. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: Street trees are to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards, and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

20. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: Hose bibs are to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

21. Provision of an outdoor Lighting Plan.

Note to Applicant: Consider CPTED principles and avoid any lighting that can cause glare to residential uses.

Sustainability

22. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings* (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>

Note to Applicant: The applicant will be required to demonstrate

that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later).

23. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for the demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

Engineering

24. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
25. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
26. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
27. The drawings have measured the Oak Street Statutory Right-of-Way (SRW) from the front of the curb (street side), this dimension must be accurately measured from the back of curb (site side) and clearly indicated on the plans with the building

setback adjusted accordingly.

28. Correctly label and dimension the 4.27 m SRW line. The dimension labeling and location of the SRW are incorrectly stated.
29. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
30. Provision of a 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.

31. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent the lane
32. Please place the following statements on the Landscape Plan:
This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details." "Installation of parking regulatory signage on Oak Street adjacent the site to the satisfaction of the General Manager of Engineering Services."
33. Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to Engineering for review.
34. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Number, dimension and label all parking spaces.
 - (ii) Dimension overall distance of parking spaces located adjacent to walls to confirm that the additional width is provided.

- (iii) Provision of columns, column dimensions, and column setbacks to be shown on the drawings.
- (iv) Provision of 6.6 m (21 ft. 8 in.) wide maneuvering aisles. Dimensions to be shown on drawings.
- (v) Provision of additional information on the drawings showing dimensions and vertical clearance for the overhead security gate.
- (vi) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services.
- (vii) Provision of design elevations on both sides of the parking ramp at all breakpoints and at all entrances clearly showing the entries meet City building grades.
- (viii) Additional design elevations are required to confirm the slope and crossfall within the parking levels do not exceed the requirements. Slope and crossfall to be shown on the drawings.
- (ix) 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on the drawings.
- (x) Dimension the access aisle width in the bicycle storage rooms.
- (xi) Dimension the size of the bicycle spaces.

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, the General Manager of Planning, Sustainability and Urban Design, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots K, L, M and N, all Except the West 7 Feet and the East 10 Feet, Now Highways, of Lot 32, Block B, District Lots 319, 323 and 324, Plan 2010 to create a single parcel.

2. Provision of a building setback and a surface Statutory Right-of-Way (SRW) on Oak Street adjacent the site to achieve a 4.27 m (14 ft.) distance from the back of the existing City curb to the building face. The SRW will be free of any encumbrance at grade such as structure, stairs, door swing, parkade vents, walls etc. but the SRW will accommodate portions of P1 & P2 parking within the agreement.
3. Provision of a 3.66 m (12 ft.) wide Statutory Right-of-Way (SRW) adjacent the north end of the site for a mid-block pedestrian connection between Oak Street and the lane.
4. 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 are provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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 upgraded sewers as follows:
 - a. Separate 166 metres of 200 mm combined sewer and replace with 300-375 mm storm sewer and 200-250 mm sanitary sewer on Oak Street from manhole adjacent site (MH-FJCL8W) to West 70th Avenue.
 - b. Separate 100 metres of combined sewer to 900 mm storm and 300 mm sanitary sewer on West 70th Avenue from Oak Street to Shaughnessy Street.
 - c. The sewer upgrading costs borne by this project may be reduced should benefiting nearby development proceed concurrently with this project

with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.

- d. In addition the post-development flow rate discharged to the sewer shall be no greater than the 10 year pre-development flow rate.
 - e. The pre-development estimate shall utilize the 2014 IDF curves where-as the post development estimate shall utilize the 2100 IDF curves to account for climate change.
- (iii) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.
- Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
- (iv) Relocation or removal of the existing wood pole in the lane that conflicts with parking access. Written confirmation from all utility companies that use the pole including any City services is required. Should the pole relocation result in the need to provide kiosks, cabinets transformers or other electrical infrastructure to accommodate the pole relocation then space on site is to be provided, appropriate legal arrangements will be required should on-site space be necessary.
 - (v) Provision of a new 1.83 m (6 ft.) sod grass front boulevard and 2.44 m (8 ft.) light broom finish saw cut concrete sidewalk on Oak Street adjacent the site.
 - (vi) Provision of a new 1.53 m (5 ft.) light broom finish saw cut concrete sidewalk adjacent the north property line of the site connecting the sidewalk on Oak Street to the lane. The remaining 7 ft. of the SRW is intended for public realm amenities including benches, landscape and pedestrian lighting.

- (vii) Provision of upgraded street lighting adjacent to the site to current LED standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (viii) Provision of new curb return and improved curb ramps at the southeast corner of Oak Street & 67th Avenue.
 - (ix) Provision of street trees adjacent the site where space permits.
5. 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with BC Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Green Infrastructure

6. Provision of a Rainwater Management Plan (RMP) that details how the rainwater management system meets the Citywide Integrated Rainwater Management Plan (IRMP) requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review, which will address the following:
- (i) In this instance of a zero lot line design, staff will consider:
 - a. The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume;
 - b. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable

- pavement systems; and
- c. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated.
- (ii) Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24 mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48 mm in 24 hours will also need to be demonstrated.
- a. The drawings indicate that much of the growing medium is above the level of adjacent paving. In such cases staff do not accept that these elevated growing medium volumes contribute to the storage and/or treatment of rainwater that has been directed towards these areas from adjacent surfaces.
 - b. The drawings do not show the bioswales that are proposed as a water treatment feature along the north perimeter of the site. The applicant must clearly demonstrate that any treatment facility/bioswale in this location will not affect neighbouring buildings.
- (iii) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
- (iv) Provide outline area/volume calculations to support the overall rainwater management strategy. Include the area measurement for all pervious/impervious areas and demonstrate that each of the receiving infiltration/treatment areas can accommodate the proposed runoff volumes without being inundated.
- (v) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices.
- a. Planters designed as flow-through planters can be used to meet the treatment volume requirement.
 - b. Consider increasing the depth of soil throughout planted areas and shallow ponding depth within the

planted areas as part of the calculations.

- (vi) The building/public realm should be designed to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.

Note to Applicant: The applicant will enter into such legal agreements with the City, on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services, to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

Sustainability

- 7. 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 building 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.

Environmental Contamination

- 8. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, the General Manager of Engineering Services, and Director of Legal Services, including a Section 219 covenant that there will be no

occupancy of any buildings or improvements on this site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been issued to the City.

Community Amenity Contribution (CAC)

9. Pay to the City a Community Amenity Contribution of \$1,573,759 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$1,573,759 is to be allocated as follows:
 - (i) \$786,879 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Marpole area;
 - (ii) \$708,192 (45%) toward childcare and community facilities in and around the Marpole area;
 - (iii) \$78,688 (5%) to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the city.

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

- B. THAT A above 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 and any

- expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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.

CARRIED UNANIMOUSLY (Vote No. 03120)
(Councillor De Genova absent for the vote)
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)

3. REZONING: 2109 West 35th Avenue

An application by b Squared Architecture Inc. was considered as follows:

Summary: To rezone 2109 West 35th Avenue from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a three-storey residential building containing a total of 12 for-profit affordable rental units. A height of 11.09 metres (36.38 feet) and a floor space ratio (FSR) of 0.86 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability provided a presentation on the application to respond to questions previously asked.

Summary of Correspondence

The following correspondence had been received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 5 pieces of correspondence in support of the application;
- 7 pieces in opposition to the application;
- 2 pieces of correspondence related to other aspects of the application.

Speakers

The Mayor called for speakers for and against the application:

Stuart Smith spoke in support of the application.

Nathalie Baker spoke in opposition to the application.

Rohana Rezel spoke to other aspects of the application.

The speakers list and receipt of public comments were closed at 6:53 pm, on July 10, 2018.

Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to questions.

Council Decision

MOVED by Councillor Louie

SECONDED by Councillor Reimer

- A. THAT the application by b Squared Architecture Inc., on behalf of Tamanna Concept Ltd., the registered owner, to rezone 2109 West 35th Avenue [*Lot 7 of Lot 3 Blk 19, DL 526, Plan 4855; PID 011-298-766*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 0.86 FSR and the height from 10.70 m to 11.09 m to permit the development of a three-storey residential building containing a total of 12 for-profit affordable rental units, generally as presented in Appendix A of the Policy Report dated June 5, 2018 entitled "CD-1 Rezoning: 2109 West 35th Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by b Squared Architecture Inc., on behalf of Tamanna Concept Ltd., and stamped "Received Planning & Development Services (Rezoning Centre), November 9, 2017", 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 of by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to incorporate parkade exit stairs inside the building massing.

Note to Applicant: This condition may result in reduction in floor space, and may be achieved by moving the northern stair east, shifting the parkade wall to the setback line, and reconfiguring the south stairs within the southwest corner at parking stall #1.

2. Design development to retain existing mature trees around building, including those located within the road widening dedication.

Note to Applicant: Setbacks may need to be adjusted. Existing City street trees must not be compromised by exit stairs and surface parking.

3. Design development to improve functionality of site servicing at the lane, as follows:

- (i) Relocate disability parking stall;
- (ii) Relocate Pad Mounted Transformer (PMT);
- (iii) Enclose recycling and garbage and access from inside the site; and
- (iv) Incorporate hard and soft landscaping to give a better sense of entry.

Note to Applicant: This could be achieved by relocating the surface parking adjacent to the walkway and treating this as a courtyard space with special paving, adjacent to a screened and enclosed garbage area immediately east, and shifting the PMT furthest east away from view.

4. Design Development of site grading and configuration of entry stairs along east facade to better relate to the streetscape.

Note to Applicant: This may be achieved by terracing, stepped landscaping, enclosing stair bases, incorporating landings, turning some taller stairs parallel to the building face, partially separating grouped stairs, as well as relocating entries and lower level windows if necessary.

5. Consideration to improve expression and neighbourliness as per RS-5 Guidelines, as follows:

- (i) Further study of materials, colour, character and detailing;
- (ii) Address roof deck overview of neighbour; and
- (iii) Resolve retaining wall treatment.

Note to Applicant: Consider using a darker base, lighter walls above, thinner fascia profiles, higher quality cladding materials including wood trims, and other means to reinforce residential character. Consider shifting rooftop patios east to lessen overview of adjacent residence, especially units #10 and #11. Consider special treatment for large exposed concrete retaining walls along vehicular ramp and around site.

Crime Prevention through Environmental Design (CPTED)

6. Design development to consider the principles of CPTED, having particular regard for:
 - (i) Theft in the underground parking;
 - (ii) Residential break and enter;
 - (iii) Mail theft; and
 - (iv) Mischief in alcoves and vandalism, such as graffiti.

Landscape Design

7. Design development to the front yard public-private realm treatment to be pedestrian friendly and visually open.
8. Provision of the following in regard to the tree retention strategy (applicable to trees #72-74, 59-64, offsite trees # A, B, C):
 - (i) An addendum arborist report that confirms the arborist has reviewed and concurs with the most recent architectural and landscape drawings in terms of what was understood to be reasonable design measures within known site conditions and acceptable tolerances to impacts. Any above or below grade design conflicts must be brought to the attention of the City and the applicant at earliest convenience may be subject to further design development. Provide specific recommendations that inform private and public realm landscape design and methods for tree retention. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements;
 - (ii) Landscape Plan revisions to be informed by the revised arborist report with specific recommendations for optimal tree retention;
 - (iii) Reductions in the amount of re-landscape activity proposed within the dripline of trees;

Note to Applicant: All site disturbance associated with soft and hardscaping in proximity to the trees should be relocated outside the radial dripline, to the greatest extent practicable. There should be none or very limited soil disturbance proposed in the driplines and a band of bark mulch of at least 3x diameter of each tree trunk. Further comments may be outstanding at time of development permit review.

- (iv) Further coordination with City staff and the project arborist at the development permit stage to protect tree roots associated with public realm improvements;

Note to Applicant: This will require further attention by the landscape architect and project arborist to anticipate and reduce unnecessary root disturbances, wherever possible. Retention of the existing public sidewalk/boulevard in the critical root zone may be necessary.

Coordination will be needed with City staff, design team and project arborist for the final public realm landscape design submitted for development permit and construction phase.

- (v) Accurate illustrations, notations, dimensions on the appropriate plans and sections (engineer, architectural and landscape) to show all proposed utility locations, limit of excavation, grading and re-landscaping in any tree protection zones. Further comments may be forthcoming to mitigate impacts, such as utility relocations, for example;
- (vi) Provision of a Tree Management Plan;

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters. The landscape architectural tree management plan provides useful information with regard to important cross sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architects version should change its title label to differentiate it from the arborist tree plan.

- (vii) Provision of an arborist “letter of undertaking” to include signatures by the owner, contractor and arborist;

Note to Applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the

project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

9. Refinements to the Landscape Plan, as follows:
 - (i) Provision of additional new trees on private property to the perimeter of the building;
 - (ii) Extension of the front yard foundation planting to the future road dedication line;
 - (iii) Provision of maximized tree growing medium (topsoil) and planting depths for tree and shrub planters to ensure long term viability of the landscape;
 - (iv) Explore drought tolerant landscape plantings that will reduce or negate the need for irrigation (Note: the landscape planting environment benefits from access to natural continuous soils and water table. Every effort should be made to minimize irrigation requirements or limit to a 2 year establishment period).
10. Provision of a detailed Landscape Plan.

Note to Applicant: The Landscape Plan should include the project site and the public realm to the street curb and a minimum 1:100 or 1/8" scale. Illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), and hardscaping such as paving, walls, railings, light fixtures, site grading and vertical structures. Plants listed in a Plant List should be clearly keyed to the Landscape Plan.

11. Provision of a detailed grading plan.
12. Provision of sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

13. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: This is a standard condition. Coordinate further with Engineering staff. New street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements.

Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

14. Clarification of any irrigation requirements for all planted areas.

Note to Applicant: Where irrigation is proposed, provide a partial irrigation plan showing hose bib and automatic irrigation stub-out locations. There should be accompanying written notes on the same plan and/or landscape plan describing the intent and/or standards of irrigation.

15. Provision of a Landscape Lighting Plan.

Note to Applicant: Lighting details can be added to the landscape drawings. All existing light poles should be shown.

Engineering Services

16. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
17. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
18. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities

adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

19. Clarify garbage storage and pick-up space. Please show containers and totes on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.

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.

20. A review of the existing street tree locations and scale/size of tree to determine if the proposed building location will have a negative impact on retention of the trees and a review to determine a construction methodology that will ensure the protection of the trees and tree canopies during the construction period and post occupancy.

21. Please place the following statement on the Landscape Plan: "This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."

Note to Applicant: Please update the Landscape and/or Site Plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the Site and/or Landscape Plans. Please submit a copy of the updated plan to engineering for review.

Note to Applicant: Add note to Landscape Plans "Installation of parking regulatory signage on Arbutus Street, the lane, and 35th Avenue adjacent the site to the satisfaction of the General Manager of Engineering Services".

22. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
- (i) Provision of column sizes, and column setback dimensions to be shown on the drawings.
 - (ii) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services.
 - (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints and at all entrances.
 - (iv) Design development to improve access and maneuverability from the parking ramp leading into the parkade. Clarify operation of ramp entry, additional width may be required. Provide turning tracks with DP submission.
 - (v) Provision of a warning system for the single ramp – a qualified transportation engineer must provide details on the system and locations of all lights, signs and detection devices on the plans.
 - (vi) Parking space number 10 requires adjustment so that the entire space is adjacent the maneuvering aisle.
 - (vii) Provision of additional information showing the access route for the accessible space number 13 at grade.
 - (viii) Additional design elevations are required to confirm the slope and cross-fall within the parking levels do not exceed the requirements. Slope and cross-fall to be shown on the drawings.
 - (ix) Dimension the size of the bicycle spaces in the bike room.
 - (x) Provision of automatic door openers on the doors providing access to the bicycle room and note on drawings.
 - (xi) Provision of a 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.

Note to Applicant: Refer to the Parking and Loading Design Guidelines at the following link:

<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>

Sustainability

23. All buildings in the development shall meet the requirements of the *Green Buildings Policy for Rezonings* (amended to February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent *Green Buildings Policy for Rezonings – Process and Requirements* (amended April 28, 2017 or later) bulletin.

Housing

24. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.

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, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner, make arrangements for the following:

Engineering Services

1. Dedication of the easterly 5.182 m (17 ft.) of the site (the building line area) for road purposes. Deletion of all encroachments shown to extend over the dedication line including the proposed walls, fences, gates and gate swings, landscape, etc.

Note to Applicant: A Subdivision Plan and application to the Subdivision and Strata Group is required to effect the dedication. For general information see the subdivision website at: <http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>. Further, note some low planting may be considered and should be reflected in the Landscape Plan provided at the development permit stage.

2. Arrangements should be made for release of the secondary suite covenant (CA5171423) registered as a condition of DB452341 in 2016 for an earlier proposal by the same owner.
3. 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 fire flow demands of the project. Based on an estimate of the development’s water demands, the water system is inadequate to service the development. The following upgrade is required:
 - a. Upgrade approximately 140 m of water main on Arbutus Street, from 34th Avenue to 35th Avenue.
 - b. Supply project details including confirmed average day domestic water demands, peak hour domestic water demands, and fire flow calculations based on the Fire Underwriter’s Survey’s document, Water Supply for Public Fire Protection to confirm the water system analysis. Once confirmed fire flows are submitted, the City will re-evaluate this condition to confirm whether it still applies.
 - (ii) Upgrade approximately 37 m of existing combined sewer to 250 mm storm sewer main and 200 mm sanitary sewer main in the lane north of West 35th Avenue from the proposed development to the 600 mm diameter combined sewer in Ravine Park.
 - a. The lengths and diameters of these improvements are approximate and subject to detailed design by the developer’s engineer.
 - b. The developer’s engineer is to submit a design

brief, calculations and/or model, and design drawings to the City. Submittals to be reviewed and accepted by the City Engineer.

- c. Development to be serviced to the proposed 250 mm STM and 200 mm SAN sewers in the lane north of West 35th Avenue.
 - d. The post development flow rate discharged to the sewer shall be no greater than the pre-development flow rate discharged to the sewer, using the 5 year storm event. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall utilize the 2100 IDF curve to account for climate change.
- (iii) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.
- Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
- (iv) Provision of curb ramps at the northwest corner of Arbutus Street and 35th Avenue.
 - (v) Provision of measures to restrict left turns out of the lane onto Arbutus Street.
 - (vi) Provision of a new 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk and a 1.83 m (6 ft.) sod grass front boulevard on Arbutus Street adjacent the site including curb ramps. Note that the front boulevard width may need to be adjusted at the southern end of the site if all the existing trees are retained.
 - (vii) Provision of a new 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on West 35th Avenue and retention of the existing front boulevard width adjacent the site.

- (viii) Provision of lane re-paving and removal of obstructions within the lane and at the lane entrance to facilitate safe access to and from Arbutus Street.
 - (ix) Provision of a standard concrete lane crossing including new curb returns on both sides of the lane.
 - (x) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
4. 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Housing

5. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement securing all residential units as market rental housing units for the longer of 60 years or 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 rent roll be provided indicating the agreed initial

monthly rent for each rental unit when the Housing Agreement is entered into and again prior to Development Permit issuance;

- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by the Vancouver Development Cost Levy-By-law:

Unit Type	2109 West 35th Avenue Proposed Average Starting Rents
1-bedroom	\$1,903
3-bedroom	\$3,702

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts, Culture and Community Services and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by the Vancouver Development Cost Levy By-law; and
- (vii) 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.

Environmental Contamination

- 6. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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

- B. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated June 5, 2018 entitled "CD-1 Rezoning: 2109 West 35th Avenue".
- C. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Community Services.
- D. THAT A through C above 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 and the expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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.

CARRIED (Vote No. 03121)
(Councillor Carr opposed)
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)

4. REZONING: 3560-3570 Hull Street and 2070-2090 East 20th Avenue

At 7:21 pm, Councillor Bremner declared conflict of interest on this matter as he has a personal relationship with a member of the applicant team. He left the meeting and did not return until the completion of the decision on the item.

An application by Wensley Architecture Ltd. was considered as follows:

Summary: To rezone 3560-3570 Hull Street and 2070-2090 East 20th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of 3½-storey townhouses and a four-storey apartment building, along with the retention, relocation, designation and protection of a heritage home at 2088 East 20th Avenue, for a combined total of 69 secured market rental housing units. A maximum height of 12.8 m (42 ft.) and a floor space ratio (FSR) of 1.58 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation on the application.

Summary of Correspondence

The following correspondence had been received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 27 pieces of correspondence in support of the application;
- 7 pieces of correspondence in opposition of the application, and 2 petitions in opposition with a total of 55 signatures;
- 2 pieces of correspondence related to other aspects of the application.

Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in support of the application:

Jacqueline Von Rumel
Jack Rumel
Chung K Soh
Graham Cook
Mike Senior
Tyler Bryant
Graham Porteous
Brian Bell
Steven Tick
Craig Jorgensen
Rebecca Heartly
Devon Hussack
Stuart Smith

The following spoke in opposition to the application:

Jay Hamburger
John Newman
Craig McKimm
Mark Robinson
Margaret Sutherland
Faune Johnson
David DeVisser
Deborah Hayes

The speakers list and receipt of public comments closed at 8:44 pm on July 10, 2018.

Applicant Closing Comments

The applicant provided closing remarks.

Council Decision

REFERRAL MOVED by Councillor Louie
SECONDED by Councillor Stevenson

THAT discussion and decision on the application entitled “REZONING: 3560-3570 Hull Street and 2070-2090 East 20th Avenue”, be referred to the Regular Council meeting following the Standing Committee on City Finance and Services meeting on Wednesday, July 11, 2018.

CARRIED UNANIMOUSLY
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)
(Councillor Bremner absent due to conflict of interest)

5. REZONING: 777 Pacific Boulevard – Sub-area 10C (1 Robson Street)

An application by General Manager of Planning, Urban Design and Sustainability, was considered as follows:

Summary: To rezone a portion of 777 Pacific Boulevard (1 Robson Street) – Northeast False Creek Sub-area 10C from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit the development of a mixed-use building with commercial and residential uses. The proposal is for a maximum floor area of 37,161 sq. m (400,000 sq. ft.) and a maximum building height of up to 121.9 m (400 ft.). The application is being considered under the Northeast False Creek Plan.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation on the application.

Applicant Comments

The Applicant provided opening comments.

Summary of Correspondence

The following correspondence had been received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 9 pieces of correspondence in support of the application;

- 163 pieces of correspondence in opposition of the application, and 1 petition in opposition with a total of 643 signatures;
- 1 piece of correspondence related to other aspects of the application.

Speakers

The Mayor called for speakers for and against the application.

* * * * *

During the hearing of speakers, Councilor Bremner declared conflict of interest on this item as his employer has been contracted by the architect for this development. He left the Chamber at 9:29 pm and did not return for the remainder of the meeting on July 10, 2018.

* * * * *

Dyllan Kaufmann spoke in support of the application.

The following spoke in opposition to the application:

Stephen Bohus
John Shayler
Melody Ma
Janice Wong
Alex de Figueiredo
Renee de St. Croix
Fern Jeffries
Bryan Buraga
Patsy Mcmillan
David Chen
Veronika Metchie
Christian Steckler
Debbie Gosselin
Michael Tan
John Cassidy

The speakers list and receipt of public comments were closed at 10:18 pm, on July 10, 2018.

* * * * *

During the hearing of speakers, the following was moved:

*MOVED by Councillor Reimer
SECONDED by Councillor Louie*

THAT under section 6.8 of the Procedure By-law Council suspend section 2.3 (e) of the Procedure By-law and continue the meeting past 10 pm in order to finish hearing speakers on this item.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)
(Councillor Bremner absent due to conflict of interest)*

* * * * *

Council Decision

REFERRAL MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT discussion and decision on item 5, entitled "REZONING: 777 Pacific Boulevard – Sub-area 10C (1 Robson Street)", be referred to the Regular Council meeting on July 24, 2018, at 2 pm, as Unfinished Business.

CARRIED UNANIMOUSLY
(Councillor Ball absent on Medical Leave for this item on July 10, 2018)
(Councillor Bremner absent due to conflict of interest)

* * * * *

Council recessed at 10:22 pm and reconvened at 6:12 pm on Thursday, July 12, 2018.

* * * * *

6. REZONING: 750-772 Pacific Boulevard – Northeast False Creek Sub-area 6B (Plaza of Nations)

An application by James KM Cheng Architects Inc. was considered as follows:

Summary: To amend CD-1 (349) (Comprehensive Development) District for 750-772 Pacific Boulevard to permit the development of a variety of mixed-use terracing buildings up to 30 storeys in height, which include market residential units, commercial uses, social housing, civic facilities (including a community centre, ice rink, a 69-space childcare facility and music

presentation centre), public plazas, public rooftop terraces and a seawall. The application is being considered under the Northeast False Creek Plan.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation on the application and responded to questions.

Applicant Comments

The applicant provided opening comments.

Summary of Correspondence

The following correspondence had been received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 116 pieces of correspondence in support of the application;
- 3 pieces of correspondence in opposition of the application;
- 4 pieces of correspondence related to other aspects of the application.

Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in support of the application:

Russell Bennett
David Pay
Kathryn Sharp
Ralph Wettstein
Patsy McMillan
Dyllan Kaufmann
Veronika Metchie
Marina Hasselberg
Kevin Cartwright
Chris Kelley

The following spoke in opposition to the application:

Renee de St. Croix
Ramona Manchulenko

Brent Toderian
Melody Ma
John Cassidy

The speakers list and receipt of public comments were closed at 8:19 pm, on July 12, 2018.

Applicant Closing Comments

The applicant provided closing remarks and responded to questions.

Staff Closing Comments

Planning, Urban Design and Sustainability staff provided closing remarks and responded to questions.

Council Decision

MOVED by Councillor Louie
SECONDED by Councillor Stevenson

- A. THAT the application by James KM Cheng Architects Inc., on behalf of Canadian Metropolitan Properties Corp., to amend the CD-1 (349) (Comprehensive District) By Law at 750 Pacific Boulevard [Lot 155 False Creek Plan 21425 and District Lot 6352 Group 1 New Westminster District; PIDs 008-538-298 and 010-313-931 respectively], to permit a mixed-use development with commercial, residential, community and civic uses, generally as presented in Appendix A of the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 750-772 Pacific Boulevard – Northeast False Creek Sub-area 6B (Plaza of Nations)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed preliminary form of development be approved by Council in principle, generally as prepared by James KM Cheng Architects Inc. on behalf of Canadian Metropolitan Properties, and stamped "Received Planning Department, December 1, 2017" and reference drawings received on April 4, 2018, provided that the Director of Planning may allow alterations to this preliminary 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

Form of development and density

1. Design development to the massing of the west building of the west block to create a more dynamic form and terracing pattern, to reduce the massing at upper levels, and to improve the relationship to the neighbouring building at Coopers Landing.

Note to Applicant: The 'habitable topography' concept of the terraced forms in most areas of the proposed development achieves a dynamic and organic composition through varied patterns of stepping heights and projecting forms. The western edge as currently proposed however, is rigidly patterned with uniform steps and extensive massing at upper levels. Various strategies including creating major breaks in building form, reducing massing at upper levels, and introducing varied setbacks and stepping patterns should be employed, as well as shifting eastward at upper levels aligning with portions of the Parq Vancouver building that obscure this portion of the view to the stadium spires. Achieving the intent of this condition will involve redistributing approximately 3,700 sq. m (40,000 sq. ft.) of residential density. Noting that the form of development is tightly tailored to achieve the principles of the Northeast False Creek (NEFC) Plan, reduction in overall density may be required.

2. Design development to shape and pull back the upper levels of the northeast corner of the east block to improve sunlight access to Georgia Wharf at 4:00 pm at the Equinox.

Note to Applicant: Pulling back and shaping the leading edge of the end of this building would open up further sunlight access to Georgia Wharf at this time.

3. Design development to reflect in-process changes subsequent to the application dated December 1, 2017, that includes a reduction in the gross residential floor area to 149,109 sq. m (1,605,000 sq. ft.) and the accommodation of the civic centre on a maximum of three levels with full public access to the rooftop open space,.
4. Design development to bring each Rezoning Site sub-area forward as a preliminary development permit application to ensure coordination and optimized relationships between the varied buildings that will comprise each block.

Note to Applicant: Composing blocks and frontages in a way that facilitates participation of multiple architects to contribute to the uniqueness of Northeast False Creek is part of the NEFC Urban Design Principles. The draft Design Guidelines for the site begin to

articulate how this might be accomplished. The waterfront building (Rezoning Site sub-area C) is a particular opportunity for this given its visibility on the waterfront and the scale and form of the elements that comprise the preliminary form of development.

5. Design development to further reflect the concept of bringing greenery, gardens and other vegetation up the buildings in the overall form of development, the landscape design, and the sustainability strategies for the site.

Note to Applicant: The building designs must continue to evolve with plans, sections, details, and strategies that support the extent and diversity of trees and layered plantings, habitat, natural corridors, and rainwater management elements integral to the concept. See also Landscape Conditions (b)20 through (b)23 and (b)25 and Engineering Conditions (b)96 and (b)97 and (c)21.

6. Design development to ensure that the underground structure is designed to support significant, regularly spaced trees of scale and type appropriate to the quality public realm and streetscape envisioned.

Note to Applicant: Support for the underground parking extending under the streets and many areas of the public realm is dependent on the ability to deliver a quality streetscape with trees of appropriate type and scale, planted “in-ground” conditions where they may thrive and are not compromised by virtue of placement over parking structure. See also Landscape Condition (b)21 and (b)25.

7. Retain the unique architectural design and resulting floor layout for the proposed development.

Note to Applicant: The unique architectural design was a key factor in the pro forma analysis and resolution of the community benefits offering. Should there be alterations to the elements of the building design affect the premium cost items or increases the sellable area, then the City may require the Applicant to pay an additional cash Community Amenity Contribution (CAC), based on the revised pro forma, prior to building permit issuance. See also Condition (c)57.

Waterfront relationship

8. Design development to the waterfront plaza area to enhance the flexibility to host performances engaging the water, steps, plaza, and adjacent lower levels of the waterfront building.

Note to Applicant: The Retail Curation Strategy required at development permit application should aim to provide supportive ground-floor uses in the waterfront building and align with the Public Space Stewardship Strategy to support the overall goals of the NEFC Plan for the Events and Entertainment District. The waterfront building should be designed with the ability to open out and connect interior spaces to the adjacent waterfront area. The lower level terraces of the building should also be designed with potential for enjoying events in the waterfront plaza area.

9. Design development to open out the lower level of the waterfront building to enable pedestrian level views and connections to the waterfront from the central plaza.

Note to Applicant: Consider pulling back the ground level of the building while retaining cantilevered or supported levels above to enable the waterfront building to achieve this while continuing to relate to the waterfront steps and carrying the extension of terracing up from the water level.

10. Design development to provide inviting and public connections to upper level public spaces and rooftop terraces from the waterfront.

Note to Applicant: Highly visible and inviting access should be provided from grade at the waterfront and at the community centre, with bridging across the local street between the rooftop terraces of the waterfront building and the community centre. A combination of sculptural stairs/stepping terraces integrated into the building design and clear and accessible elevator access should be provided. See also Planning Condition (c)32.

11. Design development to ensure that on-water structures are located, scaled and designed to enhance the experience of the waterfront.

Note to Applicant: The desire for a unique, more active and engaging waterfront as part of the Events and Entertainment District is a guiding principle of the NEFC Plan. While restaurants and other uses are encouraged on the water and at the water's edge, it is important that these elements are appropriately scaled, located, and designed to ensure that on balance the public visual connection and enjoyment of the water from the seawall is maintained and enhanced. It is important that the water at the foot of Georgia Street in the newly created inlet is not filled up and obscured with structures. In particular, consideration should be given to relocating the on-water building on the alignment of the east/west seawall connection through the waterfront building to open up views to the water along this important pedestrian and cycling connection.

12. Design development to provide two publicly accessible waterfront docks or piers that extend into the waterfront at the turning points of the proposed seawall. Secure public access to these waterfront docks or piers with a statutory right-of-way (See also Engineering Condition (c)15 and (c)17).
13. Design development in consultation and coordination with City staff to locate and design the Seaside Greenway to be a dedicated, safe and intuitive cycling facility off of the seawall along the Georgia Wharf where possible.

Note to Applicant: In approving the NEFC Plan, Council directed that the wharf area be designed to prioritize pedestrians, accommodating a dedicated, safe and intuitive cycling facility off of the seawall where possible. The current proposal succeeds in this objective along the southern portion of the waterfront building, but further work is required with City staff to determine the most suitable route and design for the connection to the northeast, and in relation to the future Georgia Plaza.

Strategies and Studies required prior to issuance of the first development permit

14. Provide a conceptual Signage and Wayfinding Strategy that outlines design intent for the area.

Note to Applicant: The proximity of the site to the stadia and the Seawall, and the role of the site as part of the NEFC Events and Entertainment District warrants particular consideration of the approach to signage and wayfinding.
15. Provide a Lighting Strategy that outlines design intent for the area.

Note to Applicant: The proximity of the site to the Stadia and the Seawall, and the role of the site as part of the NEFC Events and Entertainment District presents an opportunity to create an approach to lighting that supports and builds on the role of the area.
16. Provide a Retail Curation Strategy that establishes a framework for how the proposed retail and commercial services (such as restaurants, cafes, bars, etc.) contribute to meeting the intent of the NEFC Plan, including:
 - size and scale of new CRU mix;
 - how the new businesses will contribute to an active street and public space edge condition;
 - a mix of daytime and nighttime uses;
 - opportunities for local hiring and procurement for inner-city residents and businesses; and

- opportunities to align objectives of the Retail Curation Strategy and the Public Space Stewardship Strategy as a means of increasing the success, safety and enjoyment of new public spaces and supporting local business opportunities.

17. Provide a Maintenance Strategy for Trees, Vegetation, Plantings on upper level terraces and roof decks.

Note to Applicant: The strategy should include general conditions relating to the physical provisions for trees and plantings, means of access for maintenance both physically and legally (i.e. strata provisions, covenants, etc.). See also Landscape Condition (b)21 and (b)30 and Sustainability Condition (b)45.

18. Provide an Acoustical Design Strategy prepared by professionals in acoustic and mechanical engineering outlining approaches in the building design to achieve the requirements under the acoustics section of the proposed CD-1 By-law and draft Design Guidelines with the development permit applications, meeting the following performance criteria:

- (a) Noise isolation design strategies and passive and/or mechanical cooling;
- (b) Mitigate event noise to achieve noise levels between 40 dBC and 50 dBC within the units during event periods; and
- (c) Ensure summertime internal thermal comfort levels in line with ASHRAE 55 v.2010 (with windows closed).

Note to Applicant: Building orientation and construction must mitigate as much as possible events in major facilities and outdoor spaces which will produce high levels of noise, particularly base noise (dBC), on a regular basis, and for significant periods of time.

19. Provision of a Public Space Stewardship Plan that identifies how the Applicant will implement, or partner to implement, the following of each new public space for the life of the space, to the satisfaction of the General Manager of Planning, Urban Design and Sustainability, the General Manager of Arts, Culture and Community Services and the General Manager of Engineering Services:

- (a) Ongoing management;
- (b) Maintenance;
- (c) Operations;

- (d) Safety/enforcement; and
- (e) Access/loading.

Note to Applicant: Infrastructure should be provided to facilitate event programming, including electricity, water, storage, access to public washrooms, including arrangements to secure public access.

Landscape Design

20. Design development to the sustainable site strategy and landscape plan (for private property) to include the following:
 - (a) A robust, layered and diverse tree canopy planting plan at the ground, rooftop, urban agriculture areas, as well as public and private terraces levels;
 - (b) Extensive green roof coverage, wherever possible; and
 - (c) Explore opportunities for green walls, in appropriate locations, rather than blank expanses of exterior wall.
21. Design development to the overall structural design to ensure adequate soil volumes and planting depths for plants and trees, intensive green roof terraces and balcony garden levels is achieved.

Note to Applicant: To ensure the long term viability of planting on slab and exposed upper roof conditions, soil depths must meet or exceed BCLNA planting standards. The project should be exemplary in this regard. At the ground level, avoid raised planter walls that can impede pedestrian flow and fragment space. This can be achieved by:

- (a) Angling the slab at the junction of the outer wall and ceiling of the underground parkade;
- (b) Lowering the slab below plaza level to create contiguous tree planting trenches such that the tree base is level with the surrounding walking surfaces. The soil volume targets should be considered at a minimum of 12 m³ (cylindrical planters) or 16 m³ (rectangular planters), with 1 m depth and 2 m radially (measured from the trunk). Private and semi-private terraces should offer planter sizes and soil volumes that can support long term tree health and canopy cover;
- (c) Soil cells, structural or enhanced native soils and contiguous planting troughs should be explored;

- (d) Fully integrated planters should be provided, rather than add-on movable planters;
- (e) Avoid the necessity to mound soils to obtain minimum soil depths; and
- (f) Further details of a successful strategy will be required at the development permit stage including, but not limited to such issues as operational manuals and undertakings. See Urban Design Condition (b)17.

22. Design development to reduce or eliminate potable water use in the irrigation systems by using drought tolerant species, rainwater harvesting methods and efficient irrigation technology for all planted areas. See Engineering Conditions (b)97, (c)20 (c)21 regarding rainwater management.

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

23. Provision of 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).

24. Provision of spot elevations to all outdoor areas (including top/bottom walls), including offsite context spot elevations in proximity (public sidewalks, inner boulevards and lanes).

25. Provision of 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 level 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.

26. Provision of a vegetative surface area calculation overlay plan.

Note to Applicant: The plan should differentiate between extensive and intensive green roof types and provide a percentage ratio of soft and hard surface cover proposed.

27. Provision of a separate Tree Management Plan.

Note to Applicant: Provide a large scale tree plan that is separate from the landscape plan sets. The plan should clearly illustrate all trees to be removed and retained, including dimensioned tree protection barriers for all trees, including street trees, and important construction management directives drawn out of the arborist report(s), where applicable.

28. Provision of a detailed Legacy Forest area management and successional plan, to include tree retention, new plantings, short and long term (5-10 year) planting/restoration measures and best management practises for proposed work within the forest stand.

29. Provision of a revised, detailed arborist report, to include a strategy to retain portions of the Legacy Forest and augmented with forest succession recommendations.

Note to Applicant: The arborist report and rezoning proposal must be congruent. The design of the Legacy Forest should be further informed by an expanded arborist report and recommendations, with special attention to soil improvement, mitigation of compaction, testing, grade retention, rainwater management and other disturbances proposed in critical root zones. Further coordination to occur at the development permit stage.

30. Provision of a habitat plan, written rationale and a maintenance specification, that includes site plantings, selection rationale, anticipated environmental services, and appropriate maintenance details.

Note to Applicant: See Sustainability Condition (b)45.

31. Identification on the architectural and landscape drawings of built and landscape features intended to create a bird friendly design for the protection, enhancement and creation of bird habitat and to reduce potential "bird strike" in the development.

Note to Applicant: Refer to the *Bird Friendly Design Guidelines* for examples of built and landscape features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://council.vancouver.ca/20150120/documents/rr1attachmentB>.

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

32. Locate site utilities and vents onto private property and integrated discreetly into the building, avoiding landscaped and common areas.

Sustainability

33. Meet the requirements of the *Green Buildings Policy for Rezoning*s (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>

Note to Applicant: The Applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For phased developments, it is expected that the individual development permits will meet the requirements of the *Green Buildings Policy for Rezoning*s in effect at the time of development permit application. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning*s – *Process and Requirements*.

34. Design development to ensure that no habitable spaces or critical infrastructure is located below a flood construction level of 4.8 m GVRD datum (also known as CGVD28 datum) as prescribed in Floodplain Standards and Requirements in the Vancouver Building By-law, or the approved NEFC Plan or as per policy at the time development application, whichever is higher.

Note to Applicant: The Building By-law recommends that large sites adopt a flood construction level higher than the 4.6 m where possible to enhance community resilience. Section 2.2.8.5 of the By-law grants the Chief Building Officer the authority to increase the flood construction level. As Sub-area 6B is part of a large site, the flood construction level is set at 4.8 m or higher, according to the policy at the time of development application.

35. Indicate on all relevant drawings the elevation of the “Flood Management Zone” at 4.8 m GVRD datum along “The Ribbon” and a future design strategy for an additional metre beyond the predicted sea levels for 2100.

Note to Applicant: Flood protection works should follow best practices for urban settings, “Green Shores” approach where feasible, seismic resilience and integrate appropriate flood protection standards. The guidelines and requirements outlined by the BC Inspector of Dikes can be considered current best design practices.

36. Comply with all applicable Fisheries and Oceans Canada, the Ministry of Forests, Lands, Natural Resource Operations & Rural Development and the City of Vancouver requirements for marine riparian and intertidal habitat restoration, in-water work and soil remediation.

Note to Applicant: Ensure all permits and applications for work in or about a watercourse is reviewed and approved, as appropriate, by Fisheries and Oceans Canada (DFO) and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development regarding protection of fish habitat, wildlife and habitat compensation.

37. Design development to ensure the flood protection works will meet the structural and geotechnical requirements of the City to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Geotechnical and coastal structural designs must meet the technical guidelines to the satisfaction of General Manager of Engineering Services and the Chief Building Official.

38. Design development to maximize habitat in the Flood Management Zone with diverse, native and drought tolerant plant choices above and below the tide lines. Select trees and plants to support pollinators, birds, other fauna and beneficial micro-organisms. Provide a description of site plantings that includes selection rationale, anticipated environmental services, and appropriate maintenance. See also Landscape Condition (b)30.

Note to Applicant: Select plants that tolerate salty to brackish intertidal conditions. Select materials (e.g. rocks, snags, woody debris) and material sizes that support marine life. Seek details from the Park Board Biodiversity Strategy 2016 and a Qualified Environmental Professional.

39. Illustrate the minimum 15 m setback in all applicable drawings as per section 2.2.8.4 b) of Appendix A of the *Flood Plain Standards and Requirements*.

Note to Applicant: Identify the “Natural Boundary” in setbacks and include mean high and low water level in all applicable cross

sections.

40. Design the public streetscape to include two (2) standard City of Vancouver frost-free (depth at site permitting) water fountains and accompanying water service and sanitary service connection on the north or east or west frontage (water fountain, including water and sanitary service connection, to be provided by the City).

Note to Applicant: Frost-free service requires 6 ft. depth.

41. Design development to mitigate local urban heat island effect. Indicate in drawings, with emphasis on the south and west frontage, where shade and cooling structures and/or design for the public and private realms will be placed or utilized.

42. Establish educational and technical support services to building managers, strata, residents and businesses to help achieve sustainability success.

Note to Applicant: Consider using a “Greencierge” to help align to relevant City policies like Greenest City, Zero Waste 2040 and Transportation 2040. Refer to NEFC Plan, section 11.5 for more information on the “Greencierge”.

43. Provision of a Post-Occupancy Study (POS) three (3) years following the issuance of an Occupancy Permit for each building to the satisfaction of the Director of Sustainability.

Note to Applicant: Include data, tables, graphs and other analytic tools to best illustrate sustainability trends in the development including but not limited to: annual energy demand, building systems efficiency, Greenhouse Gas (GHG) emissions, per capita potable water use history, resident comfort, local food assets and rainwater management systems.

44. Submit a letter of credit prior to the issuance of the development permit to the General Manager of Engineering Services for assurance of the POS completion.

45. Provision of a Building Operation Manual that documents specifications, operations, and maintenance requirements of systems including but not limited to: heating, ventilation, green roofs, landscape, rainwater management and irrigation.

Note to Applicant: As per the *Green Buildings Policy for Rezoning – Process and Requirements* commissioning process, the following items must be provided to the owner:

- (a) The final Commissioning Report;

- (b) Operating and maintenance manuals;
- (c) Training for operators or building managers; and
- (d) A digital copy of the full Operation and Maintenance (O&M) Manuals, a full PDF set of building as-built drawings, a copy of the Building Information Modeling (BIM) files if applicable, and the final building energy model file.

Food Assets

46. Design development to ensure that shared garden plots meet requirements for size, number and ancillary uses as outlined the Rezoning Policy for Sustainable Large Developments.

Note to Applicant: A minimum of 30% of units that do not have access to private outdoor space of more than 100 sq. ft., must have access to shared garden plot.

47. Design development to ensure adequate space and facilities in the central plaza for the provision of a successful farmers market on site.

Note to Applicant: Facilities should include: adequate space for 30-60 vendors, access to hot and cold running water, sufficient power, loading, storage and cover from weather.

48. Provision of composting facilities for organic waste associated with shared garden plots.

49. Design development to align amenity spaces with kitchens to adjacent rooftop gardens.

Note to Applicant: Encourage the use of kitchens for the processing and sharing of harvested foods from the gardens and use for communal dining and social space.

50. Provision of an on-site organics management facility to accommodate the residential and retail organic waste.

Social Housing

51. Ensure no less than 50% of the social housing units are suitable for families with children as per the City's *High-Density Housing for Families with Children Guidelines*.

52. Design and construct the social housing in line with the City's Housing, Design and Technical Guidelines, including the requirement to deliver a minimum of 5% of units within each social housing building or parcel as wheelchair accessible.

Note to Applicant: Applicant to work with City staff to agree the location and unit type for the accessible units.

Market Housing

53. Design development to ensure that no less than 35% of the market housing units are suitable for families with children, as per the *Family Room: Housing Mix Policy for Rezoning Projects*, with no less than 10% of all market units being three bedroom units, unless otherwise agreed to by the Director of Planning.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children. *High-Density Housing for Families with Children Guidelines* is currently under review. Future development permit applications will be expected to respond to the latest version of the Guidelines at that time.

54. Design development to ensure no less than 5% of the market housing units in each phase are designed to be wheelchair accessible.

Civic Facilities and Public Spaces

55. Design development to the civic centre which will include a community centre, ice rink and childcare facility to the satisfaction of the Director of Facilities Planning and Development in consultation with the General Manager of Parks and Recreation and the Managing Director of Social Development.

Note to Applicant: The design of the community centre and ice rink should meet the intent of the Recreational Facility Technical Guidelines.

56. Design development of a 69-space childcare that will be licensable by Vancouver Coastal Health's Community Care Facilities Licensing (CCFL) and meets the intent of the City's *Childcare Design Guidelines* and *Childcare Technical Guidelines*, to the satisfaction of the General Manager of Arts, Culture and Community Services and the General Manager of Real Estate and Facilities Management. A minimum gross indoor area of 765 sq. m (8235 sq. ft.) and not less than (745 sq. m) 8,020 sq. ft. of contiguous outdoor area, with adequate space for each program is required.

Notes to Applicant:

- (a) The childcare facility is to be co-located with and integrated into the Community Centre;
 - (b) An additional 15% for mechanical requirements, or approximately 115 sq. m (1240 sq. ft.), should be factored into the design;
 - (c) The childcare will require access to a dedicated garbage room, storage and end-of-trip facilities;
 - (d) Ensure dedicated elevator and access is sized to accommodate four-position strollers;
 - (e) Parking needs are outlined in the *Childcare Design Guidelines*. 11 parking stalls (2 staff; 9 parent pick-up/drop-off) will be required, preferably on Level P1. The parking stalls should be situated in close proximity to the dedicated childcare elevator, and safe passage from the parked vehicles to the elevator lobby should be provided;
 - (f) Provide a minimum floor-to-floor height of 12 ft. in childcare spaces;
 - (g) Mitigation measures to ensure optimal safety and supervision for the proposed childcare outdoor area;
 - (h) Childcare facilities are to be located and oriented such that the outdoor play area is able to receive a minimum of 3 hours of direct sunlight per day, at the winter solstice. The proposed location is well located for sunlight exposure; and
 - (i) Applicant to provide a detailed indoor and outdoor area allotment for each of the 4 childcare programs.
57. Applicant to provide a detailed table of areas specific to the childcare facility. The childcare facility, including siting, orientation and proximity to roadways, will be subject to review by Community Care Facilities Licensing (CCFL) and Vancouver Coastal Health.
58. Design development to the civic centre to ensure a clear presence in the public realm with visibility, prominence, and clear connections to the future Georgia Plaza and if feasible on the central plaza; and to ensure highly visible, inviting and accessible public access to the civic centre rooftop terrace from grade at the waterfront.

Note to Applicant: The eastern corner of the civic centre will be an opportunity for a corner element and entry expression that is designed to welcome and draw people in from the future Georgia Plaza area and waterfront. See also Conditions (b)10 and (c)32.

59. Design development to provide direct elevator and stair access from below-grade parking and loading to the community centre and child care spaces. Parking and loading arrangement to permit independent operation of music presentation centre from remainder of civic centre.
60. Provision of civic centre within a single air space parcel. Design development to provide for single atrium entrance for community centre and ice rink with the capacity to share function space and washrooms, and also secure and operate community centre and ice rink independently.
61. Design development of commercial kitchen in community centre to meet venting and other commercial kitchen requirements, including demand-controlled kitchen exhaust and non-fossil-fueled makeup air integrated with kitchen ventilation supply.
62. Provide separate dedicated mechanical and electrical rooms with separate metering for community centre, childcare facility, and ice rink.
63. Design development of the community centre to meet structural requirements of the high-importance category classification as defined by the Vancouver Building By-Law. Design development to provide capacity to connect to portable emergency power supply to support post-disaster shelter functions including commercial kitchen, washrooms, lighting and heating.
64. The goal for the City-owned, high performance, new construction standard is to achieve near zero greenhouse gas emissions in new buildings. The purpose of this goal is to show leadership to the broader community in meeting the targets of the Renewable City Strategy, and adopt a near zero emission standard for new buildings much earlier than required by building code for all new buildings constructed city wide.
65. To achieve a goal of near zero GHG emissions in new buildings the following strategies are required to be incorporated into new city-owned buildings:
 - (a) All City capital funded buildings must be designed to be certified to the Passive House energy performance standard, or an approved alternative zero emission building standard, and use only low carbon fuel sources, in

order to minimise energy consumption and GHG emissions;

- (b) LEED® Gold Certification is also required by the City of Vancouver for all public buildings, tenant improvements, and facilities funded by City capital funds which are over 500 square meters in area. Refer to the most current LEED® Canada NC, CI, or other appropriate LEED category, Guidebook. The current version of the USGBC LEED® for Homes - Multi-family Midrise for 4 to 12 storey buildings is also acceptable;
- (c) Facilities received from other sources, including those constructed for the City using CAC funding, and those with long term leases to the City for the life of the building, should be constructed to the same standard as City capital funded facilities. Where the City-funded facility is in an air space parcel in a larger building funded by others, and it is not viable to achieve Passive House certification for the whole building, then at a minimum the city owned portion of the building must be designed and shown to achieve a minimum of 35% reduction in energy consumption compared to the current City of Vancouver Building By-law (ASHRAE 90.1 2010 or NECB 2011), and reduce Greenhouse Gas Emissions through the use of only low carbon fuel sources;
- (d) Mechanical and control systems should be designed to be as simple as possible to reduce maintenance costs and the need for specialized maintenance expertise; and

Note to Applicant: A preliminary energy modelling exercise must be undertaken during the preliminary design stage to evaluate options for design of the building envelope, mechanical and electrical systems, and energy conservation measures (ECMs) which meet or exceed the City's energy performance target and make the most sense for the project based on energy and GHG savings, financial impact and ease of maintenance.

- (e) The ice rink must be designed using CO₂-based refrigerant systems and incorporate heat recovery which will be use to heat the ice rink and other city-owned facilities.

66. Design and finish the following to the satisfaction of the General Manager of Planning, Urban Design and Sustainability, the Managing Director of Cultural Services, the Director of Public Space and Street Use, and the Director of Facilities Planning and Development for:
 - (a) The central plaza as a minimum 2,800 sq. m (30,139 sq. ft.) area with a minimum 30.48 m (100 ft.) width at ground level;
 - (b) The waterfront plaza as a contiguous space comprised of a minimum waterfront steps area of 566 sq. m (6,091 sq. ft.), the 20 m (66 ft.) wide dedicated seawall in the waterfront plaza area, and a further setback area to the waterfront building to be determined during design development; and
 - (c) A level, hard-space plaza (preferably a portion of the above required central plaza or waterfront plaza) for the music presentation centre for outdoor dining with easy and direct access to and from amenity's food and beverage space, and for occasional event use, providing a useful, flexible space that can serve a variety of needs which include accommodating spillover functions from the music presentation centre, and informal and formal plaza use.
67. Design development of plazas to adhere to the City's *Plaza Design Guidelines*:
 - (a) Provide details on functional use, design, and adjacencies for all plazas; and
 - (b) Review requirements for emergency access and include special design consideration and infrastructure required for event and/or presentation use, including but not limited to, loading access, structural load capacity to accommodate loaded forklifts; electrical supply for lighting and power; running water and grey water disposal.
68. Provide new acoustic report for plazas. Acoustic report identified from 2012 is no longer relevant. A new acoustic study and report for any and all plazas where outdoor event and presentations are identified, including central plaza and waterfront plaza, considering acoustic impact of plaza events and entertainment, for local area and South False Creek residential and office units is required.
69. Provide, in consultation with the General Manager of Planning, Urban Design and Sustainability, Managing Director of Cultural Services, Director Public Space and Street Use, and the Director

of Facilities Planning and Development, plaza stewardship details, in alignment with the Public Space Stewardship Strategy review, ensuring community access.

Notes to Applicant:

- Design public spaces with Urban Indigenous user groups in mind to ensure everyone feels welcome in that space.
- Seek opportunities to normalize Indigenous language in Vancouver, through wayfinding and place/asset naming.
- Seek opportunities to integrate Indigenous art and designs as a permanent part of the public realm.

70. Design development of the music presentation centre, preferably adjacent to the civic centre, to the satisfaction of the Managing Director of Cultural Services and the Director of Facilities Planning and Development to ensure that the functional requirements of the music presentation centre can be met. Design development to meet to Detailed Functional Program requirements to be provided by the City. Spaces to include but are not limited to:

- (a) Overheight Performance spaces (Main Hall: 225 fixed seats plus 100 other patrons in a flexible configuration; Secondary Performance venue: 100 patrons seated or 150 patrons standing) and associated spaces including:
 - (i) Control room/editing/recording/streaming room;
 - (ii) Lobby/entry/ticketing/merchandising (with overheight);
 - (iii) Green rooms/ dressing rooms;
 - (iv) Storage rooms (including for pianos, etc.);
 - (v) Mechanical rooms;
 - (vi) Janitor rooms/support spaces; and
 - (vii) Washrooms;
- (b) Crush bar, Food & Beverage Space, Catering Kitchen;
- (c) Administrative space; and
- (d) Programmable/educational room and music library/archives room.

71. Design development of the music presentation centre with a strong visual identity, ground-level entrance, and distinct presence, including large identification signage in high traffic, high visibility location, with spaces located on no more than two contiguous floors (no higher than second floor).

72. Design development of the music presentation centre with design input and review from a qualified performance space architect and

an acoustic consultant to ensure acoustically-superior quality for the two theatre/performance venues: the Music Hall and the Informal Venue, and to ensure acoustic isolation between spaces within the music presentation centre, adjacent spaces within the building, from outdoors, and from mechanical equipment (i.e. HVAC), to the satisfaction of the Managing Director of Cultural Services and the Director of Facilities Planning and Development.

73. The music presentation centre is to adhere to City's *Social Facility Technical Guidelines*, including:
- (a) Special consideration for music presentation centre fit and finishes may include but are not limited to: acoustic controls, architectural millwork, ceiling heights, wall, floor and ceiling finishes, mechanical including electrical, plumbing, lighting, and HVAC, specialties and furnishings, loading access, parking, bicycle parking, and accessibility for peoples with disabilities (including performers and audiences, and technicians wherever possible);
 - (b) Requires access to a dedicated garbage room, storage and end-of-trip facilities; and
 - (c) Ensure dedicated freight-sized elevator and loading access, able to accommodate large equipment and instruments, including pianos.

Engineering

74. The Applicant is advised to contact Engineering Services to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
75. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (No.4243) section 3A) and access around existing and future utilities adjacent the Rezoning Site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and

photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

76. Solid waste storage amenities are proposed in the parking level of buildings and must be no more than one storey below grade. Loading bays must be provided within these underground structures where garbage and recycling can be picked up by a disposal service without the staging of containers on public right-of-way.
77. The size of garbage/recycling storage rooms must be in compliance with the guidelines set out in the Garbage and Recycling Storage Amenity Design Supplement. The space allotted must exceed the minimum set out in the guidelines to allow for future waste diversion programs (e.g. electronics, bulky items, textiles), donation bins and for the re-use/exchange within common garbage areas.
78. Provision of a letter from the hauling company servicing the site outlining the collection of garbage and recycling, including the frequency of trips.

Note to Applicant: Vehicle trips for waste stream collection should be minimized by engaging a single hauler.

79. Provision of a leading edge processing of organic compostable material on site. Commercial composters utilizing controlled conditions can safely digest food waste at a much faster speed than natural conditions. This composting process reduces the volume by up to 90%, turning food waste into compost in 24 hours and is consistent with the City Greenest City 2020 goals of reducing GHG emissions. The Applicant is required to provide a letter from a service provider to ensure the feasibility of the system.

Note to Applicant: If this opportunity is not pursued, another innovative zero waste measure must be provided to meet the intent of the *Rezoning Policy for Sustainable Large Developments*.

80. All receptacles in common areas should utilize clear signage and colour coding of various waste streams to encourage the proper diversion of material. Colour coding areas of the room to further clarify sorting options should be considered.

Note to Applicant: Signage and colour coding should be consistent with Metro Vancouver guidelines and utilize best practices.

81. Provision of parking as per the Parking By-law.
82. Provision of abundant Class B bicycle parking near all retail entrances and the community centre, on private property outside of any sidewalk statutory right-of-way.
83. Provision of parking and loading access to the satisfaction of the General Manager of Engineering Services. The following revisions are required:
 - (a) Provide sufficient ramp width and corner cuts to eliminate conflicts between general vehicle traffic and truck access on the parking ramp;
 - (b) If loading relaxations are being sought, a Loading Management Plan is required, and a Shared Loading Agreement may be required;
 - (c) Provision of a convenient 'stairs free' internal loading access to all CRUs and elevator cores. Consider a loading dock, loading lift or elevator to achieve this. Slopes in loading corridors should generally meet requirements for disability access;
 - (d) Design development to improve performance of driveway crossings onto the internal roadway including increased sight distances and reduced ramp grades. For parking and loading ramps that are accessed directly from the street, the slope shall not exceed 5% in slope for the first 20 ft. of the ramp;
 - (e) All Class B bicycle spaces to be located on private property in close proximity to the lobby or building entrance with 'stairs free' access and weather protection. Bicycles and racks shall not encroach into the SRW for the sidewalks along the internal roadway and the site; and
 - (f) Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
84. Design development to improve parking operations and comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (a) Provide improved drawings indicating the proposed parking, loading and bicycle parking facilities, including adequate dimensions, grades, elevations, and turning movement tracks in order to verify design adequacy and

general compliance with the Parking By-law and the Parking and Loading Design Supplement; and

- (b) Design development to improve access to bicycle parking.

Note to Applicant: The route must be 'stairs free' and not require use of the shared parking ramp.

- 85. The following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review:

- (a) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided;
- (b) All types of parking and loading spaces individually numbered, and labelled on the drawings;
- (c) Dimension of column encroachments into parking stalls;
- (d) Dimensions for typical parking spaces;
- (e) Dimensions of additional setbacks for parking spaces due to columns and walls;
- (f) Dimensions of manoeuvre aisles and the drive aisles at the parkade entrance and all gates;
- (g) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates. These clearances must consider mechanical projections and built obstructions;
- (h) Areas of minimum vertical clearances labelled on parking levels;
- (i) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances. The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings; and
- (j) Indicate the stair-free access route from the Class A bicycle spaces to reach the outside. Stair ramps are not generally acceptable.

- 86. The new geometric design for the internal roadway is to include, but is not limited to, the following:

- (a) Relocate the parking and loading access for the Rezoning Site sub-area A block to be approximately 20 m further away from Pacific Boulevard;
- (b) Design development to reduce road width at 90 degree corners while accommodating large vehicle movements. Additional corner cuts on the corners will be required to achieve the geometric design and to maintain a consistent 5.5 m sidewalk width around the corner. The dimensions for the corner cuts will be determined once a detailed review of the internal road geometric is completed;
- (c) Enhanced pedestrian crossing on the internal road between the central plaza and the Seawall;
- (d) Surface materials and treatment that support universal access for people of all ages and abilities, and that are low maintenance;
- (e) Provision of separate walking and cycling paths along the waterfront, except for the pedestrianized Georgia Wharf, each a minimum 4.5 m in width with suitable separation of a minimum 2.0 m in width, and with controlled pedestrian crossing points at key locations; and
- (f) Provision of standard curb and gutter on all internal streets between any sidewalk and vehicle parking/travel lane and removal of all proposed bollards on these streets.

87. Design development to reduce parking provided on site to the minimum required to support the development.

Note to Applicant: As part of the updated Traffic Assessment and Management Study (TAMS) provided at the development permit stage, an analysis of parking requirements it to be completed. This analysis should reflect lower parking requirements due to the provision of TDM measures outlined in the Green Mobility Plan, consider strategies for unbundled vehicle parking from home ownership, and reflect observed vehicle ownership rates.

88. Design and construction of the Seawall is to be completed in conjunction with Engineering Services staff, and to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Corner cuts and additional setbacks may be required to improve the function of the corners in the proposed geometry, improve sightlines, and allow for integration with the existing and/or future Seawall design on the adjacent properties.

89. All public realm space intended to be managed by City of Vancouver including seawall, street right-of-way and dedicated pedestrian areas shall be designed in consultation with Engineering, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Design of the public realm should include convenient access to connect to the electrical grid for events, festivals, and other users to prevent the use of fossil fuel based generators.

90. Provision of Zero Emission Vehicle parking stalls as per the following:
- (a) 100% of residential parking stall to have energized outlets at Level 2 (208/240V at 40A) or an EV Energy Management System that meets a performance standard that delivers at least 12 kWh to each stall over an 8-hour overnight period;
 - (b) 10% of commercial and retail stalls with Level 2 chargers;
 - (c) 10% of the community centre stalls to have Level 2 chargers with an additional 20% to be wired for future expansion; and
 - (d) Preferential parking for zero emissions vehicles to the satisfaction of the General Manager of Engineering Services.
91. Consideration should be given to implementing the following items as part of the Green Mobility plan:
- (a) Design development to achieve convenient access from Class A bicycle parking to excellent end of trip facilities for all non-residential uses. Consider bundling and locating commercial bike facilities adjacent to retail uses within the development area to leverage a better quality of infrastructure that exceeds the minimum standards of the Parking By-law in terms of convenience and design;
 - (b) Provision of shared vehicles and parking spaces for shared vehicles, both one-way and two-way, within the development;
 - (c) Limited use of hydraulic stacked bicycle parking may be considered for bicycle parking above Parking By-law requirements, with provision of technical information and

- product data that supports their use for All Ages and Abilities;
- (d) Reserved Carpool spaces for office use;
 - (e) Rapid electric vehicle charging stations;
 - (f) Bicycle repair station with bicycle wash area;
 - (g) Indoor, secured Class B bicycle spaces for visitors;
 - (h) Provide subsidized car share memberships;
 - (i) Provide subsidized bike share memberships;
 - (j) Provide subsidized monthly compass cards;
 - (k) Provide 'shared' compass cards for residential use;
 - (l) Indicate on plans design accommodations made in Class A bicycle parking areas to accommodate bike trailers, cargo bikes, and other non-standard bike sizes; and
 - (m) Provide information, transit & cycling maps, car share, bike share, compass cards to new residents to encourage sustainable transportation choices. Consider appointing a "Greencierge" as per the NEFC Plan (11.5.5) to assist residents and businesses in achieving Traffic Demand Management goals for the project.
92. Planting along Pacific Boulevard public realm to be consistent with the NEFC Detailed Design of Roads and Utilities.
93. All planting on street rights-of-way are to be maintained by the adjacent property owner.
94. No permanent irrigation system shall be installed in the street right-of-way, but may be considered in the internal street.
95. 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. All plant material within the street right-of-way that is located outside of the areas described above shall not exceed 1 m in height, measured from the sidewalk.

96. Plants shall be planted in such a way as to not encroach on the sidewalk, street, lane, and/or bike lane. Provide minimum 0.30 m buffer of low groundcover in planting beds adjacent to sidewalks.
97. Further to the Rainwater Management Plan, considerations should be given to the following when developing the plan:
 - (a) Where the rainfall is to be retained and/or treated, staff do not accept the principle that distinct site areas that have large retention storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24 mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48 mm in 24 hours will also need to be demonstrated;
 - (b) Demonstrate that the receiving retention/treatment areas can accommodate the proposed runoff volumes;
 - (c) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas;
 - (d) Provide area and volume calculations to support the overall rainwater management strategy;
 - (e) Building/Public Realm Design to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources;
 - (f) Public realm, including street areas, must also be designed to capture, reuse, infiltrate, evapotranspire, detain, and treat rainwater to the standard of the Integrated Rainwater Management Plan. This is to include the distribution of rainwater on a development scale to the greatest extent practicable, where the rainwater management system may be integrated into the public area infrastructure. The City may maintain streets areas, and consideration for City Operation's maintenance equipment and access to related drainage infrastructure will be necessary;
 - (g) Consideration should be given to a joyful expression of capture and movement of rainwater across the site; and
 - (h) Detention tanks shall be considered only where alternative approaches to rainwater retention prove unachievable.

Where detention tanks are to be proposed they should be considered for storing water for alternative uses on site.

98. The Water Utility Plan drawing shows that a City-owned water main shall be built in the Road dedication and the Seawall Easement to serve "Lot 4." Stagnant water in this dead end is a concern of the City. The developer shall work with the City staff to resolve this issue to the satisfaction of the General Manager of Engineering Services.
99. All structures, roadways, and public access pathways must be built to the Flood Construction Level.
100. Continuous, drained weather protection should be provided over publicly accessible sidewalks where there are commercial uses at grade.
101. Prior to issuance of the first development permit, the Applicant must provide a low carbon energy feasibility study, completed to the satisfaction of the General Manager Engineering Services, as per the requirements of the *Rezoning Policy for Sustainable Large Developments*.
102. The proposed approach to site heating and cooling, developed in collaboration with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
103. Provision for an adequate and appropriate dedicated Neighbourhood Energy Room to be utilized by the NEU for peaking/backup heat production and waste heat recovery shall be provided prior to the issuance of development permit, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The Applicant is encouraged to work closely with City staff in the early design stages to identify requirements.

104. All buildings in the development shall connect to a City-owned low carbon NEU, should one be available for connection as determined by the General Manager of Engineering Services prior to development permit issuance, and shall adhere to the following requirements:
 - (a) The heating and hot water system of all buildings in the development 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;

Note to Applicant: The Applicant shall refer to the Energy Utility System By-law (No. 9552) and Neighbourhood Energy Utility Building Connection Guideline (2016) for specific design requirements, which includes provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements.

The Applicant is encouraged to work closely with Staff to ensure adequate provisions for NEU compatibility are provided for in the mechanical design. As a pre-condition to building permit, the City will conduct a peer design review of the building's connection to the NEU to ensure that the Neighbourhood Energy connectivity requirements have been satisfied.

- (b) 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;
- (c) Provide for 21 m² of dedicated space on the P1 level of each building within the development to be utilized for an energy transfer station connecting the building(s) to the City-owned low-carbon NES, as outlined in the Neighbourhood Energy Connectivity Standards – Design Guidelines, to the satisfaction of the General Manager of Engineering Services; and
- (d) 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.

Environmental Contamination

- 105. The Property Owner shall obtain and submit to the City copies of all contamination studies and the consequential remediation plan(s), approved by the Province (or any certified professional in accordance with the BC Environmental Management Act or regulation thereto), in respect to the Rezoning Site.

106. The Property Owner shall obtain and submit to the City a Remediation Plan for all lands being transferred or dedicated to the City, and all lands required to service the Rezoning Site, including providing utility construction plans compatible with the accepted Remediation Plan(s), satisfactory to the City Manager.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the amended CD-1(349) By-law, the registered owner (the "Applicant") shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, the General Manager of Arts, Culture and Community Services, the General Manager of Real Estate and Facilities Management and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering Services

1. A subdivision strategy needs to be provided by the Applicant for approval by the City and the Approving Officer.
2. Subdivision to consolidate Lot 155, False Creek, Plan 21425 and District Lot 6352, Group 1, NWD, the "Rezoning Site", to create the development and marina parcels, and dedication of road (park) as required. The dedications are to include both the perimeter seawall (min. 20 m in width), and the Pacific Boulevard widening as per the draft survey plan attached as EPP79799 (prepared by WSP Surveys). The subdivision must comply with the requirements of Section 75(1)(c) of the Land Title Act with respect to the provision of access by way of dedication corridors to water (20 metres wide) at intervals of 200 metres minimum.
3. A road dedication of 20.0 m is required for the necessary eastern site access from Pacific Boulevard through to the Crown land covered by water to the satisfaction of the General Manager of Engineering Services and Approving Officer.

or

At the Applicant's sole cost and expense and only if obtained prior to the subdivision of the Rezoning Site described in Condition (c)2 above, a road dedication of 10.0 m from the Rezoning Site supplemented by a further 10.0 m road dedication from adjacent Lot 337 and 338 Plan BCP42676 and a District Lot 5790 to the Crown land covered by water is required for the necessary eastern access. If the 10 m dedication from Lots 337 and 338, and District Lot 5790 is not obtained, then the Applicant must dedicate the full 20 m area for road.

Note to Applicant: A registered Statutory Right-of-Way (SRW) and option to purchase for a nominal fee for road purposes may be acceptable in lieu of dedication from neighboring Lot 337 and 338 Plan BCP42676 and District Lot 5790. This road is essential for public water access in accordance with Section 75(1)(c) of the Land Title Act and is required for access to both developments (Sub-area 6B and 6C) and is consistent with the Northeast False Creek (NEFC) Plan.

4. Execution of a Road Proximity Agreement over the Rezoning Site, including permitting the City and any permittee or licensee of the City to gain access to the Rezoning Site and any buildings and improvements located thereon, to conduct any required work including bringing materials on to the Rezoning Site to allow for the future reconstruction of Pacific Boulevard related to the NEFC Infrastructure Project and any construction or reconstruction of utilities. The owner further acknowledges and agrees that if the Viaducts are removed in the future that vehicular and/or pedestrian access to the Rezoning Site from City streets may be restricted.
5. Execution of a Site Modification Agreement for the Applicant to perform all modifications of the Rezoning Site to meet future grades to connect the Rezoning Site to the new Pacific Boulevard for the NEFC Infrastructure Project.

Note to Applicant: A portion of the existing building at the northeast corner of the site is located in the required road dedication for the future Pacific Boulevard. Modifications to this building, with costs to be covered by the Applicant, may be required as part of this agreement.

6. Dedication of the "Legacy Forest", the beach areas and the seating steps to the City as road or contained in a separate park parcel to be owned and maintained by the City is required.
7. A portion of the Legacy Forest is on Unsurveyed Crown land therefore an application by the Applicant to the Province would be required to secure tenure in favour of and at no cost to the City on terms and conditions satisfactory of the General Manager of Engineering Services and the Director of Legal Services.
8. A Statutory Right-of-Way (SRW) "as if City street" over the portion of the internal "U-shaped" road providing the westerly connection to Pacific Boulevard to the connection to the portion of the new access road at the easterly end of the site, which is to be dedicated in accordance with Condition (c)3 and a connection to the Cooperage Way SRW (BB090814-8) on the neighbouring site

to the west is required. The SRW will require minimum 25 ft. clearance above finished grade.

Note to Applicant: SRW BB090814-8 (to Cooperage Way) is limited to pedestrian passage only.

9. Arrangements shall be made for the provision of setback and surface right-of-way to achieve minimum sidewalk width of 5.5 m from the back of curb to building face on all streets with at grade commercial use.

Note to Applicant: Any adjacent bike facilities are considered part of the road and are not part of the sidewalk. The Pacific Boulevard setback from back of curb to building face is beyond the 5.5 m sidewalk width to achieve the "Great Streets" design.

10. Arrangements shall be made, for the execution of a Statutory Right-of-Way (SRW) for the provision of space to accommodate a Public Bike Share (PBS) Station. The SRW is to be a blanket charge and modified to a surface plan based on as-built conditions.

- (a) Size: At minimum a 25 m x 4 m (or 13 m x 8 m back-to-back) sized station shall be accommodated. The full length of the space is to be continuous. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m;

- (b) Location: The station must be fully located on private property while still clearly visible to the public with 24/7 public access. Of the two proposed bike share station location options as shown on page 201 of the rezoning booklet, option 2 on private property by the central plaza near Pacific Boulevard is acceptable;

- (c) Access: Consideration for placement of building elements (e.g. fire department connections, HVAC vents, etc.) and landscaping that require frequent access and maintenance directly adjacent to the PBS space. These elements shall not be in conflict or cause frequent disruption to the PBS station;

- (d) Surface treatment: A hard surface (CIP concrete — saw cut or broom finished) is required with no utility access points within the PBS station footprint (except as noted below). Other firm, paved materials are subject to approval. Any utility access point within 1 m of the PBS space is to be identified and shown in a detailed drawing submitted;

- (e) Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided;
 - (f) Sun exposure: There must be a minimum of 5 m vertical clearance above the PBS space in order to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day; and
 - (g) Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.
11. Arrangements for the execution and registration of public access Statutory Rights-of-Way for bike path connections through the site. This would include bicycle access through the central plaza and on any bicycle path located on private land.
12. Arrangements for the execution and registration of any agreements for the provision of a minimum of six (6) DC Fast Charging Hub stations on a private street in the development area.
13. The Applicant's drawings appear to indicate that the existing pedestrian overpasses linking BC Place and the development site are to be removed. Confirmation is required from PavCo that the overpasses removal is acceptable. If so, then the Pedestrian Overpasses Encroachment Agreement R92192, SRW & Covenant R102467-71 and the pedestrian ramp and stair easement R129648 will need to be modified or released, with arrangements being made with PavCo at no cost to the City.
14. Clarification is required as to whether the development site is to be serviced by way of the existing utility duct bank under Pacific Boulevard (currently containing electrical, telephone & steam heat) under Easement and Indemnity Agreement R92193.
15. Execution of a Shoreline Works Agreement to detail the required shoreline works 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 are provided.
- (a) Design and construction of shoreline flood protection measures meeting all requirements including but not limited to elevation and seismic standards to the

- satisfaction of the General Manager of Engineering Services;
- (b) Design and construction of a permanent Seawall providing continuous pedestrian and cycling pathways through the site to the satisfaction of the General Manger of Engineering Services. This work includes, but is not limited to, fill, grade separated facilities, surface treatments, paint markings and signage, pedestrian scale lighting, drainage systems, and furnishings such as benches and waste receptacles;
 - (c) Design and construction of a Ferry Dock and ramp at a location satisfactory to the City Engineer to replace the existing facilities on site, with public access secured over the uplands and the water lot(s) and the Ferry Dock facility;
 - (d) Provision of access to and support of the Shoreline Works and Ferry Dock from both the uplands and the water lots and grant of rights-of-way as required by the City Engineer, including a blanket right-of-way over the water lots for access to the Shoreline Works for maintenance and repair purposes; and
 - (e) Maintenance of the water lots to the satisfaction of the City Engineer, in such a manner as to preserve the amenity value inherent in the Shoreline Works.
16. Arrangements for the execution and registration of a Flood Plain Covenant.
17. Provision of a Charge Summary and legal opinion as to whether any Charges need to be released or modified to the satisfaction of the Director of Legal Services. Numerous charges will require modification, replacement or release, including:
- (a) Performance Space Agreement BN313693-4 (modified by BW549236-7) will need to be modified, replaced or released to accommodate the new public plaza;
 - (b) Modification, replacement, or release of Easement & Indemnity Agreement R92193;
 - (c) Streetcar/Transit SRW & Covenant BN313689-90 will require release;
 - (d) Casino-related charges BW315817, BW549233-4 and BW549238-42 will require release;

- (e) Floodplain Covenant BN313696 will require replacement to conform to revised floodplain regulations;
 - (f) Public Art Agreement BN313695 is to be released and replaced with a new agreement;
 - (g) Temporary Shoreline Easement GB43689 is to be released concurrently with registration of the subdivision plan dedicating the waterfront walkway;
 - (h) No Development Covenant BN313691-2 resulting from an approved 1998 rezoning application will need replacement;
 - (i) Upon relocation of the sewer outfall located over a small portion of the northerly end of the development site (see VAP18548) Statutory Right-of-Way R92196 is to be released;
 - (j) Ferry Dock, Ceremonial Dock, Shoreline Works & Walkway/Bikeway SRW & Covenant BN313681-87 will require release upon registration of the required dedications and Statutory Rights-of-Way; and
 - (k) Modification, replacement, or release of Payment-in-Lieu Parking Agreement BN313697.
18. Provision of a Traffic Assessment and Management Study (TAMS) in relation to the proposed development phasing to ensure that the road network in existence at the time of development permit issuance for each respective phase or in respect of any portion of development on the Rezoning Site will adequately accommodate the projected traffic volumes to the satisfaction of the General Manager of Engineering Services. Any required upgrades to the street network shall be at the sole cost and expense of the Applicant and be as determined necessary by the General Manager of Engineering Services. The Applicant will be required to enter into appropriate legal agreements to secure obligations related to the delivery of any street network upgrades determined necessary by the General Manager of Engineering Services from the TAMS to the satisfaction of the Director of Legal Services.

Note to Applicant: It is expected that the TAMS will show improvements are required to the existing street network, which may include conversion of a portion of Pacific Boulevard from Cambie Street to Pat Quinn Way to two-way operation. The Applicant will be 100% responsible for the associated costs. If the City proceeds with the NEFC Infrastructure Project or a portion thereof, subject to Council approval, in advance or in coordination with the development of the Rezoning Site, the Applicant will be

required to fund the proportionate share of the costs that they would otherwise have been responsible for in order to satisfy this condition, including all environmental remediation and management costs associated with the street network upgrades to the City's satisfaction.

19. Provision of a Green Mobility Plan with commitments to initiatives that are beyond the parking by-law requirements.

Note to Applicant: See form of development condition for Zero Emission Vehicle parking stall requirements and other elements to consider as part of the Green Mobility Plan.

20. Provision of a stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course By-law. The plan shall achieve the following objectives:
 - (a) Retain or infiltrate 50% of the 6-month storm event volume (24 mm) onsite;
 - (b) Treat the 6-month event (48 mm) onsite;
 - (c) The post-development flow rate discharged to the sewer shall be no greater than the existing pre-development flow rate discharged to the sewer, using the 10-year return period storm event and the following storm durations:
 - (i) 30 minutes AES storm;
 - (ii) 1 hour AES storm;
 - (iii) 2 hour AES storm;
 - (iv) 6 hour AES storm; and
 - (v) 24 hour SCS Type 1A storm.

The pre-development estimate shall utilize the 2014 IDF curves, whereas the post development estimate shall use the 2100 IDF curves to account for climate change projections and to comply with the City's current design criteria;

- (d) 1000 m³ of stormwater storage shall be provided on-site to mitigate overland flooding on Pacific Boulevard, or similar alternative, during a 100-year return period storm event (2100 IDF) to the satisfaction of the General Manager of Engineering Services;

- (e) Complete analysis of 100 year storm event (2100 IDF) to confirm a safe overland flood route is provided for severe rain events and emergency overflow. This overflow route is also to mitigate damage to the development; and
- (f) Site run-off shall be managed on-site.

Note to Applicant: Legal agreements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

21. Provision of a groundwater management plan to be reviewed and accepted by the General Manager of Engineering Services. The plan shall include confirmation that no groundwater will be discharged to the sewer system.
22. Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and that all necessary street dedications and rights of way for the Services are provided all to the satisfaction of the General Manager of Engineering Services. Infrastructure upgrades triggered by the proposed density in the rezoning by-law for the Rezoning Site will be considered as required Services and distinct from any Community Amenity Contribution provided by the Applicant towards the NEFC precinct-serving road and utility network upgrades. Without limiting the discretion of the General Manager of Engineering Services and the Director of Legal Services, this agreement shall include provisions that:
 - (a) No Development Permit for the Rezoning Site or any improvements or buildings thereon shall be issued until financial security to the satisfaction of the Director of Legal Services is provided for the delivery of the Services;
 - (b) Design and construction by the Applicant of, or, if performed by the City, reimbursement to the City all costs incurred by the City to design and construct, all street network and utilities upgrades in order to support the development as determined necessary by the General Manager of Engineering Service, for the safe, efficient and reliable movement of people, goods and emergency vehicles in order to provide access to and from the Rezoning Site, including but not limited to any street network upgrades identified in the Applicant's Traffic Assessment and Management Study;

Note to Applicant: The developer is responsible for 100% of the costs for any required interim street network upgrades that have not received funding approval by Council and built by the City prior to the issuance of a development permit for the density associated with the development that requires the street network upgrades.

- (c) No Development Permit for the Rezoning Site or any improvements or buildings thereon shall be issued until the design of all the Services, including any and all new roads and reconfiguration of the street network in and around the Rezoning Site, is completed to the satisfaction of the General Manager of Engineering Services;
- (d) The design of all the Services, including the provision of all street network and utility upgrades, must be completed to the satisfaction of the General Manager of Engineering Services;
- (e) Development and occupancy of certain buildings or improvements pursuant to this rezoning of the Rezoning Site will be tied to and only be permitted upon completion of the Services, including the street network and utility upgrades, to the satisfaction of the General Manager of Engineering Services;
- (f) Provision of adequate water service to meet the fire flow demands of the project. The developer shall submit confirmed fire flows (as calculated per Water Supply for Public Fire Protection by the Fire Underwriter Survey), sprinkler demand, hydrant load, and domestic water demands to the Waterworks Branch. Should analysis of the confirmed fire flows and domestic flows require upgrades, the developer shall be responsible to bear 100% of all upgrade costs;
- (g) The developer shall prepare a "Water Parcel Strategy" to detail the planned servicing configuration, to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Vancouver Coastal Health and the City of Vancouver limit the building area served by one set of interconnected services to approximately 90,000 m². The City can serve the site with multiple sets of interconnected services; the plumbing design would have to ensure that each proposed "lot" are separate "water parcels", i.e. they are isolated and completely independent from one another, with each lot independently metered and served by

separate services. Each water parcel shall not have a building area greater than 90,000 m².

If the requirement to separate water parcels is not met, Vancouver Coastal Health will consider the water infrastructure on site a “system within a system”, designating the development site as an independent water distribution system and an independent water purveyor. The site would need to obtain its own water distribution permit from Vancouver Coastal Health.

- (h) Provision of an upgraded sanitary sewer on Nelson Street of approximately 70 m from the existing 750 mm to a 900 mm main. The length and diameter of this improvement is approximate and subject to detailed design by the Developer’s Engineer, as well as review and acceptance by the City Engineer. The site is to be serviced to the existing sanitary sewer on Pacific Boulevard;
- (i) Provision of 1000 m³ of stormwater storage shall be provided on-site to mitigate overland flooding on Pacific Boulevard;
- (j) Provision of adequate storm sewer service to meet the demands of the project. The developer is responsible for 100% of any sewer system upgrading that may be required. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for, or delivery of all the upgrades. The site is to be serviced by the existing storm sewer on Pacific Boulevard;
- (k) Provision of a comprehensive site-wide Rainwater Management Plan at the time of the first development application containing details on how the targets set out in the Citywide Integrated Rainwater Management Plan will be achieved once all phases of the development are complete. Each phase of development application will trigger an updating of the Rainwater Management Plan within the overall strategy for the site;
- (l) Provision of a report to the City as including data related to the types and quantities of waste diverted and the quantity of waste disposed, as outlined in the *Rezoning Policy for Sustainable Large Developments*. Reports are to be provided within 18 months of occupancy, as well as 5 years post-occupancy;

- (m) Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way;
- (n) Provision of new or replacement duct banks adjacent to the Rezoning Site and along all internal roads and pathways that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work;

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (o) Design and construction of an AAA cycling facility through the site connecting Pacific Boulevard to the Seawall or a suitable alternative;
- (p) Design and construction of a cycling connection from Pacific Boulevard and the Seawall to the community centre, childcare facility, and ice rink;
- (q) Design and construction of new internal U-road, streets and intersections through the site to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Geometric changes are required, as detailed in items to be addressed at the development permit stage.

- (r) Provision of pedestrian lighting along the waterfront, public pathways, and other public areas with limited vehicle access;
- (s) Provision of a minimum of six (6) DC Fast Charging Hub stations on a private street in the development area that is accessible to the general public;

Note to Applicant: Hub is to be comprised of a minimum of two direct current fast chargers (SAE DC Level 2 or higher, greater than or equivalent to 50 kW) station and one AC Level 2 (6.6 or 7.4 kW, depending on if they have one- or three-phase power) station. Consider chargers above 50 kW or future-proofing to be able to accommodate higher

loads in the future as this technology is rapidly evolving and vehicles able to handle 125 kW and above are expected to enter the market in the near future, likely prior to build out of the development.

- (t) Provision of a traffic signal at intersection of Pacific Boulevard and the south internal road access;
- (u) Provision of a pedestrian signal on Pacific Boulevard at the pedestrian connection between the central plaza and BC Place;
- (v) Design and construction of the portion of Pacific Boulevard adjacent to the site, to be in keeping with the required public realm plans, streetscape plans, or guidelines issued by the City to the satisfaction of the General Manager of Engineering Services; and

Note to Applicant: The Pacific Boulevard public realm plan will require greater road widths to achieve the “Great Streets” design.

- (w) Removal of the pedestrian overpasses linking BC Place and the development site.

23. 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 plants, which includes but is not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks), all of which are to be located on private property with no reliance on public property or City Statutory Rights-of-Way area for the placement of these features.

The Applicant is to provide confirmation that all required electrical plants are provided for on-site. There is to 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.

Note to Applicant: It is presumed in the Applicant’s consultation with BC Hydro that an area has been defined within the development footprint to accommodate such electrical plants. Please confirm that this space has been allocated and an agreement between the parties has been made. At this time there seems to be no allocation of such plant shown on the detailed Plans.

24. 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-owned low-carbon NES, which may include but are not limited to agreements which:
- (a) Require buildings within the development to connect to the City-owned low carbon NES;
 - (b) Grant the operator of the City-owned low carbon NEU access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NEU connection and operation, on such terms and conditions as may be reasonably required by the Applicant;
 - (c) Grant the City Engineer, and other employees of the city, use of and access to suitable space required for the purposes of an energy transfer station; and
 - (d) Grant the City Engineer, and other employees of the city, use of and access to suitable space required for the Neighbourhood Energy Room for the purpose of peaking/backup heat production and waste heat recovery to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The development of each respective building on the Rezoning Site will be required to connect to the City-owned low carbon NEU prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance; if connection is required, the Owner will be prohibited from entering into any third-party energy supply contract for thermal energy services, unless otherwise approved by the by the General Manager of Engineering Services.

Environmental Contamination

25. Submit a completed Site Profile or Site Profile Exemption Form certifying that the Rezoning Site is exempt from the requirement to submit a Site Profile and providing the basis for that exemption with documentation from the Province satisfactory to the City Manager.
26. The Property Owner is responsible for fulfilling the requirements of Section 571(b) of the Vancouver Charter and shall, as required by the City Manager in his/her discretion, do all things and/or enter

into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.

27. The Property Owner shall, as required by the City Manager in his/her discretion, do all things and/or enter into such agreements deemed necessary to address remediation and management of contaminated media that needs to be undertaken as a result of the development, including:
 - (a) Remediation of contaminants with respect to the Rezoning Site that satisfy Provincial requirements;
 - (b) Remediation of contaminants that have migrated or could hereafter migrate from the Rezoning Site onto any City lands that satisfy Provincial requirements and any existing relevant Agreements and meet the City's Streets Policy or Provincial standards acceptable for the City's use or proposed uses as provided for in the NEFC Plan or the rezoning conditions for the Rezoning Site;
 - (c) Remediation of contaminants on any lands being transferred to the City, including but not limited to, dedicated lands that satisfy Provincial requirements and meets City's Streets Policy or the Provincial numeric standards applicable to the intended use of the transferred lands by the City after the transfer or dedication; and
 - (d) Remediation and/or management of contaminants on any roads, sidewalks and utility corridors which are related to any part of the servicing of or for the Rezoning Site or the development thereon, to the satisfaction to the City Manager.

28. The Property Owner shall enter into agreements (or cause to be entered into by the Provincial Government if to the extent that the Pacific Place Approach applies to any of the Rezoning Site or off-site City lands) with the City, including a Utility Design Agreement and/or Remediation Agreement, satisfactory to the City Manager, providing for:
 - (a) The remediation and/or management of any contaminated media on the Rezoning Site or lands related to site servicing to the Rezoning Site, including providing for the completion of the remediation and executing an indemnity agreement which indemnifies the City against all liability, damage or costs which may be incurred as a result of the presence of any contamination on the Rezoning Site, including presence of contaminants that have migrated

from the Rezoning Site, or on any City lands that are required for Site Services; and

- (b) The construction and installation of all remedial works, including monitoring systems for, among other things, water discharges and ground water flows, and other remedial works or systems that service the development and indemnifying the City against any liability or costs which may be incurred as a result of the presence of contaminants on the Rezoning Site, presence of contaminants off-site that must be managed as a result of site servicing for the development and presence of contaminants that have migrated from the Rezoning Site.

- 29. The Property Owner shall Execute an Occupancy Restrictive Agreement, including a Section 219 Covenant, that there will be no occupancy of any buildings or improvements on the Rezoning Site constructed pursuant to this rezoning until applicable Provincial Instruments of Approval, certifying that the Rezoning Site and all lands transferred or dedicated to the City have been remediated, are provided to the City and all obligations under the applicable Remediation Agreements, Utilities Design Agreements and/or Services Agreements have been met to the satisfaction of the City Manager.

Public Art

- 30. 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 and the NEFC Public Art Plan, 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.

Note to Owner/developer: Please call Eric Frederickson, Senior Cultural Planner, 604-871-6002, to discuss the application.

Planning

- 31. Execution of a Statutory Right-of-Way for the waterfront public plaza which will include provisions to secure community access (consistent with an approved plaza stewardship strategy) and priority use of the plazas for the general public and priority use of the plaza for the operator(s) of the music presentation centre, as well as the general public.

Note to Applicant: The Applicant and/or property owner(s) of the commercial spaces and any Remainder Parcel(s) including all the

retail and/or office spaces (for certainty expressly excluding the residential component of the development) will be responsible for covering the ongoing costs (maintenance, repair and capital) for the waterfront plaza.

32. Execution of a Statutory Right(s)-of-Way for highly visible, inviting and accessible public access to the civic centre rooftop terrace from grade at the waterfront and from inside the civic centre. A combination of sculptural stairs, stepping terraces and elevator access should be considered.

Note to Applicant: The Applicant and/or property owner(s) of the commercial spaces and any Remainder Parcel(s) including the retail and/or office spaces (for certainty expressly excluding the residential component of the development) will be responsible for covering all of the ongoing costs (maintenance, repair and capital) public rooftop terraces.

33. Arrangements for the execution of covenants on title for initial and future purchasers, and notices in rental agreements, inclusion in marketing and disclosure documents and signage on buildings, to notify residents that their dwelling unit is located in an Events and Entertainment District and to advise of anticipated noise levels.
34. Execute an Inner-City Local Employment and Procurement Agreement between the Applicant and the City identifying and committing to local employment and procurement targets across the life-cycle of the development project up to and potentially including post-occupancy all on terms and conditions to the satisfaction of the General Manager of Arts, Culture and Community Services.
35. Local Buyers First — The Applicant's voluntary commitment to support residents who live or work in Metro Vancouver by giving them the first opportunity to purchase new pre-sale homes in the new development on the Rezoning Site, which includes the following:
 - (a) For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for each phase of this development (the "Exclusive Local Buyer Period"), only those who live or work in Metro Vancouver will be eligible to purchase homes in this development, and all such buyers will be required by the Applicant to sign a statutory declaration attesting that they presently live or work in Metro Vancouver, and that they intend to occupy the unit they are purchasing.

- (b) The text of the statutory declaration will be agreed upon in advance of the rezoning enactment by the Applicant and the City's Director of Legal Services.
- (c) There shall be no foreign marketing during this Exclusive Local Buyer Period.
- (d) No buyer shall be allowed to purchase more than one (1) unit within this Exclusive Local Buyer Period.

Sustainability

- 36. 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 owners of all buildings on the Rezoning Site 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 owners for a minimum of three years in collecting and submitting energy use data to the City.
- 37. Enter into an agreement to secure Condition (b)43 and 44 to the satisfaction of the Director of Sustainability and Director of Legal Services, including, if so determined, a section 219 Covenant registered on title and the provision of letters of credit to secure the satisfactory completion of the Post Occupancy Study for each building prior to development permit issuance in an amount and on terms satisfactory to the Director of Sustainability and Director of Legal Services.

Housing

- 38. Make arrangements to the satisfaction of the Director of Legal Services in consultation with the General Manager of Arts, Culture and Community Services and the Director of Facilities Planning and Development, to secure the Applicant's obligation to design, build and deliver to the City turnkey social housing units which comprise no less than 20% of the proposed residential floor area of the Rezoning Site, being no less than 321,000 sq. ft. of the floor area (for certainty, excluding balconies) and a minimum of 380 units, and associated parking, amenity and bike storage for such social housing, all contained within a single fee-simple remainder or air space parcel or at most two fee-simple remainder or air space parcels (with shared systems maintained by the market residential airspace parcel strata or commercial airspace parcel strata/owner, as applicable, with fair and equitable sharing of costs related thereto), transferred to the City (free and clear of any financial charges, liens and other encumbrances). The agreement

or agreements to secure this obligation, including a Construction and Transfer Agreement and Option to Purchase Agreements, will address, but not be limited to, the following issues:

- (a) Total floor area must be at least 20% of the proposed residential floor area for the Rezoning Site, being no less than 321,000 sq. ft. with a minimum of 380 units (excluding balconies);
 - (b) Storage spaces must be provided as part of the above floor area;
 - (c) Vehicle and bicycle parking to be provided is not included in the above floor area;
 - (d) Breakdown of unit types (i.e. studios, one-bedroom units, two-bedroom units, three-bedroom units and accessible units, etc.), sizes, parking numbers and finish specifications must be as per the City's Housing Design and Technical Guidelines;
 - (e) Unit design and associated storage and amenity space must be as per the City's *High-Density Housing for Families with Children Guidelines*;
 - (f) The air space parcel/remainder for the social housing to be owned by the City must be designed to be as autonomous as possible, with design considerations maximizing the efficiency and minimizing the cost of operations over the life of the project and within the larger development; and
 - (g) All units must be designed and delivered in compliance with the Housing Design and Technical Guidelines.
39. Grant the City an option to purchase(s), for a nominal purchase price, the social housing air space/remainder parcel(s) or such portions of the Rezoning Site, as deemed necessary by Director of Legal Services to secure the transfer to the City of all the social housing units to be delivered.
40. Make arrangements to the satisfaction of the Director of Legal Services and the General Manager of Arts, Culture and Community Services to enter into a Housing Agreement applicable to the social housing air space/remainder parcel(s) for 60 years or the life of the building, whichever is greater, which will contain the following terms and conditions:
- (a) A no separate sales covenant;

- (b) A no stratification covenant;
 - (c) A provision that none of such units will be rented for less than one month at a time;
 - (d) A requirement that all units comply with the definition of “social housing” as defined in the applicable DCL By-law; and
 - (e) 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.
41. The Applicant must transfer and deliver the Social Housing to the City as follows:
- (a) In Sub-area B of the Rezoning Site delivery by end of Q4 2024 (but under no circumstances later than end of Q4 2026, with the goal to deliver as soon as possible); and
 - (b) In Sub-area A of the Rezoning Site delivery by end of Q4 2026 (but under no circumstances later than end of Q4 2028, with the goal to deliver as soon as possible).

Civic Facilities

42. Enter into one or more agreements, as required by the Director of Legal Services in consultation with the Director of Facilities Planning and Development, General Manager of Parks and Recreation and Managing Director of Social Development, to secure the Applicant’s obligation to design, build and deliver to the City a turnkey civic centre of at least 79,235 sq. ft. (plus access rights to outdoor space for the childcare facility) which will include a community centre, sports centre/ice rink and childcare facility, all within a fee-simple airspace parcel to be transferred to the City (with shared systems maintained by the market residential strata or commercial airspace parcel, as applicable, with fair and equitable sharing of costs related thereto). The agreement or agreements to secure the delivery of the civic centre, including Construction and Transfer Agreements and Option to Purchase Agreements will address but not be limited to the following:
- (a) The civic centre will be designed and constructed at the sole cost of the Applicant, including a functional program to be completed and approved by the Director of Facilities Planning and Development;
 - (b) The civic centre will include parking and loading spaces as required by City by-laws. If the parking and loading spaces

are not included within the City's air space parcel then the tenure for such spaces must be acceptable to the City and at no cost to the City;

Note to Applicant: parking and loading spaces will be in addition to the 79,235 sq. ft. civic centre;

- (c) Location and design of the civic centre must be approved by the City/Park Board;
 - (d) Designated bicycle and vehicle parking for the civic facilities, as required by the Parking By-law; and
 - (e) To be transferred to the City free and clear of any financial charges, liens or other encumbrances.
43. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the General Manager of Real Estate and Facilities Management and the General Manager of Arts, Culture and Community Services, to secure the provision of a 69-space childcare facility, co-located in the civic centre, within the same airspace parcel to be transferred to the City. To secure this condition the Applicant will enter into agreements which will include, but not limited to, the following requirements:
- (a) construction and delivery of a fully fit, finished, equipped and supplied 69-space childcare facility which meets the City's *Childcare Design Guidelines* and *Childcare Technical Guidelines*;
 - (b) the childcare facility will have a total indoor area of at least 765 sq. m (8,235 sq. ft.), and not less than 745 sq. m (8,020 sq. ft.) of outdoor space, contiguous for each program, dedicated parking stalls, sufficient spaces for storage and a dedicated garbage room; and
 - (c) The Applicant must deliver the childcare facility to the City by the end of Q4 2026 (with the goal to deliver as soon as possible).
44. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the General Manager of Real Estate and Facilities Management and the General Manager of Arts, Culture and Community Services, to secure the delivery of the in-kind CACs for the provision a community centre, all within the same airspace parcel as the civic centre, to be transferred to the City. To secure this condition the Applicant will enter into agreements to secure the delivery of the community centre including construction and transfer agreements and option to

purchase agreements, which will include, but may not be limited to, the following requirements:

- (a) construction and delivery of a 40,000 sq. ft. community centre meeting the City's/Park Board specifications and programming requirements, including amenity and storage spaces. The design of the community centre should meet the intent of the Recreational Facility Technical Guidelines; and
 - (b) The Applicant must deliver the community centre to the City by the end of Q4 2026 (with the goal to deliver as soon as possible).
45. Enter into one or more agreements, as required by the Director of Legal Services in consultation with the Director of Facilities Planning and Development, and the General Manager of Parks and Recreation to build and deliver a turnkey sports centre including a 21,000 sq. ft. ice rink to be designed to meet NHL Ice Rink Specifications and City/Park Board Specifications and Programming Requirements, and required parking, amenity and storage space and 10,000 sq. ft. of related Community Use Spaces to meet City/Park Board Specifications and Programming Requirements, including spaces such as change rooms, spectator seating and skate rentals, and required parking, amenity and storage space, all within the same airspace parcel as the civic centre to be transferred to the City. The agreement or agreements to secure this obligation, including a lease agreement between the City and the Applicant for the operation of the ice rink by the Applicant, will address but not be limited to the following:
- (a) The City and Applicant confirm that the hours of operation of the Ice Rink allocated to the Vancouver Canucks will be between 6 am and 12 pm, 5 days per week, and that the City will have complete control to program the Ice Rink outside these hours, except that the City/Park Board agree with the Applicant that there shall be public "Mens', Womens' and Youth Hockey League" time plus other public use (i.e. public skating) time allocated between 6 pm and 12 am, 5 days per week (all such requirements to be set out in a separate lease agreement between the Applicant and the City/Park Board);
 - (b) Any additional spaces within this facility required for exclusive Vancouver Canucks use are not to be accounted for within this CAC benefits package, and will not be factored into the reconciliation of costs for this facility; and

- (c) The required lease agreement will also include provisions that:
- (i) The Applicant shall operate, clean and maintain (including capital maintenance), at its sole cost and expense, the Ice Rink to NHL and City/Park Board requirements, meeting all Federal, Provincial and BC Safety Authority & WorkSafeBC requirements, and the City/Park Board shall operate and maintain the Community Use Spaces;
 - (ii) If the Canucks no longer need this space, the lease will terminate;
 - (iii) Due to proximity to nearby residential units, the ice plant/chiller will be the safest form of technology available for such purposes (with written confirmation from the BC Safety Authority and WorkSafeBC);
 - (iv) The Applicant confirms that any Shortfall in Maintenance and Operating Costs (“Shortfall in Maintenance and Operating Costs” means the net negative amount (if any) of all costs incurred by the City/Park Board in maintaining and operating this Sports Centre, or a portion thereof, (including staff salaries and benefits) minus any revenues received from charging entry fees for use or renting out the centre.) will be paid by the Applicant to the City/Park Board;
 - (v) The Applicant will deliver the Ice Rink and Community Use Space to the City by the end of Q4 2026 (with the goal to deliver as soon as possible);
 - (vi) All on terms and conditions to the satisfaction of the Director of Legal Services and the General Manager of Real Estate and Facilities Management; and
 - (vii) The Applicant and/or property owner(s) of the commercial spaces including the retail and/or office spaces (for certainty expressly excluding the residential component of the development) will be responsible for covering the ongoing costs (maintenance and capital) for the ice rink and community use space.

46. Enter into one or more agreements, as required by the Director of Legal Services in consultation with the Director of Facilities Planning and Development, and the General Manager of Planning, Urban Design and Sustainability, to secure the Applicant's obligation to design, build and deliver to the City a turn-key public plaza (central plaza) of approximately 2,800 sq. m (30,139 sq. ft.), all within a fee-simple airspace parcel, extending from above the parking structure membrane (if located above the parking structure) to a sufficient height as agreed to with City staff, or within a dirt site (if no parking structure underneath), all transferred to City ownership (free and clear of any financial charges, liens and other encumbrances, and meeting all environmental conditions/remediation requirements). The Applicant will deliver the Public Plaza by the end of Q4 2028 (with the goal to deliver as soon as possible). The central plaza must meet the City's design standards of public realm and public spaces and be designed in consultation with City staff.
47. The Applicant shall enter into a separate license agreement with the City allowing the Applicant to manage, maintain, operate and program the central plaza (in consultation with the City, under a public space stewardship model per the NEFC Plan on terms and conditions to the satisfaction of the General Manager of Planning, Urban Design and Sustainability, including ensuring that such programming is not in conflict with the City's policies and reputational objectives), in consideration for the Applicant cleaning and maintaining (including recapitalization, as necessary) and being fully responsible for this space at no cost to the City. The Applicant and/or property owner(s) of the commercial spaces including the retail and/or office spaces (for certainty expressly excluding the residential component of the development) will be responsible for covering the ongoing costs (maintenance and capital) for the central plaza.
48. The Applicant has agreed that the in-kind community amenity contributions for the Civic Facilities, including the Community Centre, Ice Rink, and Public Plaza represent "cash allowances" with an upset limit as follows:
 - (a) Community Centre \$41,710,500;
 - (b) Sports Centre/Ice Rink (and Related Spaces) \$25,000,000; and
 - (c) Public Plaza \$20,000,000.

If the actual costs for each civic facility (verified by an independent Quantity Surveyor (QS) report hired by the City) are below the respective cash allowance, the net savings will be for the City's

benefit, and paid to the City upon substantial completion of each of the respective facilities and reconciliation of costs by aforementioned QS report. For certainty, if the actual costs exceed these amounts, respectively, the Applicant will be responsible for and pay such additional costs without offset to any other items within this CAC Benefits Package.

49. Make arrangements to the satisfaction of the Director of Legal Services in consultation with the General Manager of Arts, Culture and Community Services and the Director of Facilities Planning and Development for the building and provision of a music presentation centre in no less than 20,000 sq. ft., all within a fee-simple air space parcel which meets the City's specifications and programming requirements (including required parking, amenity, support spaces, storage spaces, and spaces appropriate for acoustic performance and external sound mitigation). The Applicant must deliver the music presentation centre by the end of Q4 2026 (with the goal to deliver as soon as possible).

50. Execute a lease agreement to the satisfaction of the Director of Legal Services in consultation with the General Manager of Arts, Culture and Community Services and the Director of Facilities Planning and Development to grant to the City a nominal lease of the music presentation centre for the life of the building or 90 years (whichever is greater) whereby the City or its delegate(s) get the right to access and use the music presentation centre (at no cost of the City or its delegates), including, without limitation:
 - (a) Exclusive use by the City and its delegate(s) of an approximately 800 sq. ft. office/administration space;
 - (b) Exclusive use by the City and its delegate(s) of a venue (Main Hall) which can accommodate 225 attendees' seating, with the possibility of adding an additional 100 people in a flex setting;
 - (c) Exclusive use by the City of a flexible performance space (Informal Venue) which can accommodate up to 150 attendees standing or up to 100 attendees sitting;
 - (d) Applicant can use the aforementioned venues when the City or its delegate(s) is not using them;
 - (e) All other spaces will be shared with the Applicant; however, one's uses cannot override the other party's use so sufficient shared space is necessary to ensure the success of the overall centre; and

- (f) Other terms to be reasonably negotiated to ensure achievement of the City's programmatic outcomes.

Should the parties fail to reach a satisfactory arrangement for the joint use of this centre (per above), the City shall have a right to purchase the fee simple interest of this air space parcel (and the Applicant shall be obligated to transfer the music presentation centre to the City as an air space parcel) for \$10,000,000 (free of all liens, charges and other encumbrances), and the cash balance of the CAC will be adjusted accordingly.

General Conditions for In-kind Community Amenity Contributions

51. Prior to and as a condition of enactment of the rezoning by-law for the Applicant's obligations to build and transfer to the City all of the In-Kind Amenities (including Social Housing, Community Centre, Sports Centre/Ice Rink (and Related Spaces), Childcare Facility and the central plaza) will be secured by a mortgage in first place for the full estimated cost of the amenities (verified by an independent quantity surveyor hired by the City), registered against the Rezoning Site, all on terms and conditions to the satisfaction of the Director of Legal Services and the General Manager of Real Estate and Facilities Management. The condition that the Applicant will reimburse the City's external legal costs for due diligence, negotiation and drafting of documentation for such mortgage. The mortgage will accrue interest at Prime plus 3%, which interest will be waived and such security discharged if the in-kind amenities are delivered per the timelines noted in this report. The full estimated cost is typically the cost to complete and deliver the in-kind amenities to the City. This includes the costs to finish and equip, provide all furnishings and equipment; complete all landscaping, if any; and cover all soft costs such as consultant design fees and permit fees for the in-kind amenities.

For the mortgage, as long as there is sufficient land value remaining for the undeveloped residential density or additional security is provided to the satisfaction of the General Manager of Real Estate and Facilities Management and the Director of Legal Services, the City will discharge its mortgage from one or more buildings within each phase of the development as they achieve occupancy. For certainty, the remaining land value (plus additional security, if applicable) must be greater than the QS estimate (at the time of the request for a discharge) for the complete cost to develop the in-kind amenities still remaining to be delivered to the City.

52. For all in-kind amenities valued at "cash allowances" (for the Community Centre, Sports Centre/Ice Rink (and related spaces), and the central plaza) the Applicant has agreed to provide open

book accounting with the City to track costs for same, and provide separate contracts for consultants and contractors where possible (minimizing comingling of costs with other development costs so pro rata take offs are reduced) so that the "direct" costs for in-kind amenities are easily obtained. For clarity, there shall be no "profit" markup (NIL) for the Applicant (developer of these amenities), but the Applicant/developer is entitled to a 3% (three percent) "development/construction management fee" only on the hard and soft costs. In addition, reasonable financing costs will be allowed, noting that the Applicant/developer will approach CMHC and BC Housing to acquire financing from them in order to reduce these costs.

53. The applicant has agreed to allow the City to withhold the occupancy permits for all buildings on the Rezoning Site, and the City has agreed to release such holds from a particular building if sufficient mortgage security (plus additional security, if required) as noted herein remains registered on the remaining balance of the lands to cover the QS's estimate to complete the development of the outstanding in-kind amenities at the time of the request for release of an occupancy permit for that particular building.
54. The terms of the cash and in-kind Community Amenity Contributions represent an approval in principle, and if no enactment of the rezoning by-law occurs within 1 year following the approval by Council at public hearing (unless such delay is caused by the City), the City may deem (at its sole discretion) that this CAC offering package is void; in which case, the Applicant will be required to return to Council at public hearing with a revised application for approval, including appropriate CAC offering package at that time.

Community Amenity Contribution – Cash Payments

55. Pay to the City the cash portion of the Community Amenity Contribution of \$100,383,500 (Cash CAC Offering) which the Applicant has offered to the City and to be allocated to support the phased delivery of the NEFC Infrastructure Project and critical infrastructure works in the NEFC Plan associated with Sub-area 6B.
56. Payment of the Cash CAC Offering 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:
 - (a) Prior to enactment of the rezoning by-law:
 - (i) \$20,000,000 must be paid by bank draft, certified cheque or wire transfer; and

- (ii) A letter of credit ("LC") must be provided for the deferred payment of \$80,383,500 as secured, in the City's standard form (see: <http://policy.vancouver.ca/AF00202.pdf>), or such other security as may be satisfactory to the Director of Legal Services at her sole discretion.
- (b) The LC of \$80,383,500 will be drawn down by the City on the following dates/milestones:
- (i) \$20,000,000 on the date of the first development permit for any new building on the Rezoning Site; and
 - (ii) For the balance of \$60,383,500, amounts to be determined pro rata based upon the percentage of development floor area (in relation to the floor area for the full Rezoning Site) approved by each building permit.

Regardless of the stage, issuance of development permit or percentage of development of the floor area of the Rezoning Site approved by building permit(s) the City will be entitled to draw down the entire remaining balance of the LC on the date (or next business day) or any time thereafter that is 5 years after the date of enactment of the rezoning by-law, For greater certainty, the City is entitled to payment of the full amount of any deferred cash CAC not already paid or received by the City on the date that is 5 years after the enactment date of the rezoning by-law for the Rezoning Site; and

If the Applicant should sell (in whole) its interest in the development on the Rezoning Site or shares in the Applicant or corporations which hold legal or beneficial interest in the Applicant or this Rezoning Site, or portion thereof, then the City may immediately draw down the entire remaining balance of the LC upon the closing of such sale transaction. As well, if the Applicant should sell any portion its interest on the Rezoning Site or shares in the Applicant or corporations which hold legal or beneficial interest in the Applicant or this development or the Rezoning Site, or any portion, then the City may immediately draw down the equivalent percentage of the remaining balance of the LC upon the closing of such sale transaction.

57. Retain the unique architectural design and resulting floor layout for the proposed development. If the Applicant chooses to make

alterations to the elements of the building design which result in the removal of such premium cost items or increases the sellable area, then the City may require the Applicant to pay an additional cash CAC, based on the revised pro forma, prior to building permit issuance. 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 80%. Furthermore, the reduced floor layout efficiency rate at 80% reduces the potential sellable area which has a relationship to the amount of CAC that may be negotiated based on development economics of the site. Therefore, the building design, including exterior finishes (as proposed in the application), will be secured through rezoning conditions, including agreements registered against title to the Rezoning Site.

Note to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registerable charges pursuant to 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 Rezoning Site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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

- B. THAT the consequential amendment to the False Creek North Official Development Plan, generally as set out in Appendix C of the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 750-772 Pacific Boulevard – Northeast False Creek Sub-area 6B (Plaza of Nations)", be approved.
- C. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated in the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 750-772 Pacific Boulevard – Northeast False Creek Sub-area 6B (Plaza of Nations)", subject to such terms and conditions as may be required at the

discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By law No. 6555, generally as set out in Appendix C of the Policy Report dated June 5, 2018, entitled “CD-1 Rezoning: 750-772 Pacific Boulevard – Northeast False Creek Sub-area 6B (Plaza of Nations)”.
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated June 5, 2018, entitled “CD 1 Rezoning: 750-772 Pacific Boulevard – Northeast False Creek Sub-area 6B (Plaza of Nations)”.
- F. THAT A through E above 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 and any expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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.

CARRIED UNANIMOUSLY (Vote No. 03149)
(Councillor Jang absent due to Civic Business on July 12, 2018)

ADJOURNMENT

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY
(Councillor Jang absent due to Civic Business on July 12, 2018)

The Public Hearing adjourned at 9:20 pm on July 12, 2018.

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