

## SUMMARY AND RECOMMENDATION

**5. REZONING: 146-186 West 41st Avenue and 5726 Columbia Street**

**Summary:** To rezone 146-186 West 41st Avenue and 5726 Columbia Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit a townhouse development that includes two four-storey buildings and four two-storey buildings, containing a total of 40 market residential units. A maximum height of 15.1 metres (49.4 feet) and a floor space ratio (FSR) of 1.88 are proposed.

**Applicant:** Bogner Bromley Homes Ltd.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of June 19, 2018.

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

- A. THAT the application by Bogner Bromley Homes Ltd., on behalf of 1060937 B.C. Ltd., the registered owner, to rezone 146-186 West 41st Avenue and 5726 Columbia Street [*Lots A through F and Amended Lot G (See 330115L), all of Block 1023, District Lot 526, Plan 8085; PIDs 010-254-633, 010-254-641, 010-254-650, 008-755-914, 010-254-668, 010254-684 and 010-255-052 respectively*] from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.88 and the height from 10.7 m (35 ft.) to 15.1 m (49.4 ft.) to permit a townhouse development that includes two four-storey buildings and four two-storey buildings, 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: 146-186 West 41st Avenue and 5726 Columbia 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 Raymond Letkeman Architects Inc. and received September 11, 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 by the Director of Planning, who shall have particular regard to the following:

**Urban Design**

1. Design development to provide the following minimum setbacks:

- (i) front yard on 41st Avenue of 12 ft.,
- (ii) flanking yard on Columbia Street of 12 ft.,
- (iii) side yard on the east of 10 ft., and
- (iv) rear yard on the south of 4 ft.

Note to Applicant: Increasing the setbacks will improve the performance and open space to minimum standards found in the *Cambie Corridor Plan* and are consistent with other similar applications. Setbacks apply to the predominant face of wall and extend full height. Minor variances in the front and flanking street setbacks (in the range of 10-15 ft.) may be considered for building articulation, increased outdoor open space, and accommodation of Engineering Condition of By-law Enactment 2 for setback and SRW along 41st Avenue.

- 2. Design development to provide minimum mid-block building separations of 24 ft.

Note to Applicant: These building separations apply to Buildings 1 and 2, and 4 and 5. The objective is to provide for a neighbourly relationship between adjacent units, allow for access to views and daylight through the site, and breakup large building masses. Consider flipping the amenity room to adjoin Building 5 rather than Building 4 thus creating a better visual link through the site. Encroachments into these building separations between Buildings 1 and 2, as a result of an increased sewer easement along the east property line, may be considered based on building and open space design and provided that no dimension is less than 20 ft. In no case will development in these separations, such as exit stairs, be permitted and should be enclosed within the building envelope.

- 3. Design development to provide minimum 1.0 m at grade landscape setback on the shared east property line.

Note to Applicant: The landscape setback should be flush with adjacent existing grade and be clear of any above grade development.

- 4. Design development to improve the on-site accessibility including the following recommended strategies:

- (i) Provision of elevator access from the parkade to the courtyard and both amenity room floor levels;
- (ii) Wheelchair accessible path connecting indoor amenity, the courtyard and Columbia Street as practical, and
- (iii) Identification on the plans of any entries and units accessible to the disabled.

Note to Applicant: Refer to handicap accessibility requirements noted in the Building Review Branch review.

5. Consideration to improve the openness and function of the outdoor open space and site plan including the following recommended strategies:
  - (i) Limiting retaining walls and other above grade development in yards and setbacks to no greater than 1.0 m in height;
  - (ii) Explore opportunities in the courtyard to simplify the programming and include nodes of open space; and
  - (iii) Locate garbage in the underground parkade.

6. At time of development permit, provision of:

- (i) Confirmation, in the drawings, of clear courtyard dimension of 24 ft.

Note to Applicant: 24 ft. is the minimum clear dimension permissible in the Plan for the courtyard rowhouse typology. Increases are encouraged where practical. Minor encroachments into this dimension may be considered for improvements in liveability, unit layout and building articulation. These encroachments include elements such as cornices, eaves, porches or bay windows. Balcony projections are discouraged.

- (ii) Confirming dimensions on all drawings (plans, sections and elevations) of the significant step back above level three of between 8 and 12 ft.
- (iii) Detailed section drawings with notes and dimensions including planter and soil depths, balcony railing design, weather protection, rooftop overhead structures and other indicative exterior details.
- (iv) High quality durable materials, noted in the drawings, that maintain the level of exterior detailing and finish necessary to accomplish the intended expression of the building in this application.
- (v) Design to ensure that mechanical units and service equipment including any anticipated cell antennas, mechanical screen structures and parkade exhaust ventilation do not compromise the integrity of the architectural expression.
- (vi) The proposed unit mix of 40 three-bedroom units (100%), 29 of which contain lock-off units, is to be included in the Development Permit drawings.

Note to Applicant: Any changes to the unit mix from the rezoning application are at the discretion of the Director of Planning or Development Permit Board.

- (vii) Submission of a bird-friendly strategy for the design of the building.

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://guidelines.vancouver.ca/B021.pdf>.

## **Building Review**

7. Firefighting provisions as per 3.2.5 except where otherwise approved by *Vancouver Fire and Rescue Services (VFRS)*.
  - (i) Clearly identify the locations of nearby hydrants, building fire department connection, hose connection, and annunciator panel.
  - (ii) The path of travel for firefighters shall comply with Article 3.2.5.5.
  - (iii) The path of travel for firefighters to the four-level dwelling units facing the courtyard may be problematic and further coordination with Fire Department may be required. The exterior walls facing the courtyard shall have wall assemblies protected by noncombustible cladding.
8. The addresses shall be assigned based on the relative point of entry from the street.
9. Building/s shall conform to Subsection 3.2.2. "*Building Size and Construction Relative to Occupancy*".
10. A standpipe system shall be installed in a building that is more than three storeys in building height, refer to Article 3.2.5.8 of the *Vancouver Building By-law (VBBL)*.
11. In a building more than three storeys in building height, access through a fire separation between a storage garage and Group C occupancy, shall be through a vestibule conforming to Sentence 3.3.5.7.(4). The private stairs that provide access from the underground storage garage to the residential units above shall be provided with vestibules in accordance with Article 3.3.5.7.(3).
12. Second means of egress must be provided for the multi-level residential units in Building 1 and Building 2, please refer to Article 3.3.4.4.
  - (i) The VBBL requires a dwelling unit containing more than one storey to be provided with an exit door or an egress door opening directly into access to exit from the uppermost storey and from the lowest storey of the dwelling unit.
  - (iii) A single exit is permitted from a dwelling unit provided the exit is an exterior door not more than 1.5 m. above the adjacent ground,

and in a sprinklered building it is not necessary to travel up and down more than two storeys to reach the exit door, provided the travel distance to a single exit door does not exceed 25 m.

13. Floor assemblies within a dwelling have to be constructed as fire separation provided the distance between the lowest floor level and the uppermost floor level within the dwelling unit is more than 6 m. Please refer to Sentence 3.3.4.2(3).
14. The buildings are required to meet *Adaptable Housing Requirements* of Subsection 3.8.5 of the VBBL.
15. The building is required to provide accessible routes for access to people with disabilities to all common areas, storage, amenity, etc.
16. Parking stalls for persons with disabilities shall comply with Article 3.8.3.4. of the VBBL.
17. Lock-off units shall be separated from the remainder of the building by a fire separation with a one hour fire-resistance rating, and a sound transmission classification (STC) of 50.
18. The buildings shall be designed and constructed to conform to ASHRAE Standard 90.1-2010 and Building By-Law Tables 10.2.2.6 and 10.2.2.7 or City of Vancouver Modelling Guidelines.

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

19. Identify on the drawings strategies that consider the principles of CPTED including the following conditions:
  - (i) Limiting unobserved access or activity and encouraging natural visual surveillance;
  - (ii) Mail theft; and
  - (iii) Site lighting developed with considerations for safety and security.

Note to Applicant: The location of mailboxes should be shown on the site plan and be considered based on principles for natural visual surveillance, being well lighted and the fit with the site and building design.

20. Design development to improve visibility and security in the underground parking in accordance with the Parking By-law including:
  - (i) Overhead lighting and step lights at exit stairs and doors;
  - (ii) 24-hour lights and walls painted white; and
  - (iii) Visibility at doors, lobbies, stairs and other access routes.

## Landscape Design

21. Design development to the landscape treatment to increase the volume of soil, tree canopy cover and planting on slab, as follows:
  - (i) Provision of trees in planters (min. 1.25 m width) for each private rooftop patio; and
  - (ii) Lower the slab in the courtyard area below the planters, to the greatest extent practicable.

Note to Applicant: Wherever possible, planted landscapes on slab should be designed to maximize soil depths. This will require integration of the landscape design and the structural plan. Soil depths should exceed BCLNA Landscape Standard. At the perimeter of the building the slab can be angled downward (1 m across and 1.2 m down) to maximize contiguous soil volumes.

22. 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.
23. Design development to the Integrated Rainwater Management Strategy to explore opportunities for onsite rain water infiltration and soil absorption, as follows:
  - (i) Maximize natural landscape best management practices;
  - (ii) Minimize the necessity for hidden mechanical water storage;
  - (iii) Increase the amount of planting to the rooftop areas;
  - (iv) Provide a linear infiltration bio-swale along the 41st Ave property line;
  - (v) Use permeable paving;
  - (vi) Employ treatment chain systems (gravity fed, wherever possible);
  - (vii) Use grading methods to direct water to soil and storage areas; and
  - (viii) Maximize opportunities to infiltrate water to the soil areas outside the underground parkade (i.e. lane setback).

Note to Applicant: Refer to the City of *Vancouver Integrated Rainwater Management Plan (IRMP)*, Vol.1 & 2 for further information. A consulting engineer (subject matter expert) will need to be engaged and early phase soil analysis will be needed. Further comments may be outstanding at the development permit stage.

24. Provision of plans, plan details, and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:
  - (i) Detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets;

- (ii) A separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones; and
- (iii) An overlay plan that shows amount and ratio of vegetative cover (green roof), permeable/impermeable hardscaping and notations describing the storage location of rainwater falling on each surface, including roofs.

25. Provision of an arborist report that assesses impacts and requirements for street tree canopy and root pruning.

Note to Applicant: Design development may be needed to minimize impacts to street trees. Further coordination to occur at the development permit stage.

26. 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.

27. 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: 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.

28. 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. Attach a large scale tree management sheet (same size sheet as architectural sheets) to the landscape plan submission.

29. 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.

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

Note to Applicant: 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 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*".

31. 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: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed. Hose bibs are to encourage patio gardening and hand-watering on private patio and amenity decks.

32. Provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis).

33. Provision of an outdoor Lighting Plan.

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

### **Sustainability**

34. 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).

35. 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**

36. 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.
37. 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 to 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.
38. 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 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.
39. 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. (Please confirm that the garbage storage shown in the lane at the east end of the site is intended for this purpose.)
40. 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.”*

41. 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.
42. Provide automatic door opens on the doors providing access to the bicycle room(s) and note on plans.
43. Design development to comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services (GMES). The following items are required:
  - (i) Dimension all columns encroaching into parking stalls.  
  
Note to Applicant: Dimension the length, width and the setback from the end of the stall.
  - (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, additional elevations within the parking level, and at all entrances.  
  
Note to Applicant: The slope and cross fall within the parking level must not exceed 5% and note on drawing SK-1.3.
  - (iii) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.  
  
Note to Applicant: The route must be ‘stairs free’ and confirm the use of the parking ramp, if required. Dimension the 4 ft. aisle required for access to all Class A bicycle spaces.
  - (iv) Provision of a bicycle wheel ramp to achieve ‘stairs free’ access for the Class B bicycle spaces shown at elevation 275.55 ft. on drawing L-1b.
  - (v) Modification of the internal parking ramp design as the slope must not exceed 12.5%.  
  
Note to Applicant: A 15% slope is shown for the three ramps leading to angled stalls 1-20. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the top and bottom for at least 4 m in length. Consider lowering the elevation of 270 ft. to achieve a 12.5% slope.
44. Design development to provide the required maneuvering and column adjustments for the angled stalls. Provide turning swaths to confirm the following:

- (i) The 90 degree turn required to access stall 5. Typically a 10 ft. x 10 ft. corner cut is required for a 12 ft. wide maneuvering aisle, and a 6 ft. x 6 ft. corner cut is shown with 11 ft. 10 in. maneuvering aisle widths.
- (ii) The maneuvering in and out of stall 1. Additional maneuvering space may be required, west of the stall.
- (iii) The required maneuvering for the angled stalls with column encroachments. Typically angled stalls require maneuvering where the columns are shown. Consider designing the stalls to eliminate the column encroachment or relocate columns to be outside of the required maneuvering area.
- (iv) Provide gridlines on drawing SK-1.3 and provide additional drawings at 1/8 scale.

Note to Applicant: Ensure that Class A bicycle spaces provided outside of a bike room or compound are provided as bicycle lockers with a 4 ft. access aisle and noted on the plans.

- 45. A 600 mm combined sewer is located on the neighbouring property immediately east of the development site and must be properly considered during excavation and construction. Please contact Jim Burnet in Sewer Design for further details at 604-873-7464.

## **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/developer, make arrangements for the following:

### **Engineering**

- 1. Consolidation of Lots A to F & Amended Lot G (See 330115L), Block 1023, District Lot 526, Plan 8085 to create a single parcel.
- 2. Provision of a building setback and a surface Statutory Right-of-Way (SRW) on 41st Avenue for public pedestrian use to achieve a 2.8 m distance measured from the property line in front of 5726 Columbia Street and 186 West 41st Avenue and 178 West 41st Avenue; and a 1.5 m distance from the property line in front 170, 162, 154, and 146 West 41st Avenue for public realm improvements. The SRW will be free of any encumbrances such as structures, stairs, planter walls, door swing, benches, chairs and tables, and bicycle parking at grade.

3. Provision of a 1.83 m wide SRW along the eastern property line of the future consolidated lot for existing sewer access and maintenance.
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) Design and construct approximately 75 m of 900 mm diameter storm sewer on Columbia Street from future service connection (north of L/S W 41st Ave) to Columbia Park accounting for future extension to Columbia Park green infrastructure.

Design and construct approximately 55 m of 450 mm diameter sanitary sewer on Columbia Street from future service connection (north of L/S W 41st Ave) to 42nd Avenue. Design shall account for future sanitary extension to 43rd Avenue.

The post-development 10-year flow rate discharged to the sewer shall be no greater than the 10-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curves, whereas the post-development estimate shall utilize the 2100 IDF curves to account for climate change.
  - (iii) Provision of a design brief, calculations and/or model, with design drawings for review and acceptance by City Engineer.
  - (iv) Provision of a groundwater management plan for review and acceptance by City Engineer. The plan shall include confirmation that no groundwater will be discharged to the sewer system.

Note to Applicant: Developer to contact City Engineer prior to commencing design or analysis of sewer system as the upgrade requirement may be modified based on servicing plan.

- (v) 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.

- (vi) Provision of 100% of funding to the satisfaction of General Manager of Engineering Services for street re-construction on 41st Avenue and Columbia St adjacent to the site to generally include the following: new curb and gutter, raised protected bike lane, bus stop, light broom finish saw cut concrete sidewalk, curb ramps, and adjustment to all existing infrastructure to accommodate the proposed street improvements. City to provide an approved geometric design.
- (vii) Provision of a contribution of \$100,000 towards upgrading of the traffic signal at Columbia Street and 41st Avenue.
- (viii) Provision of a standard concrete lane crossing on the east side of Columbia Street at the lane south of 41st Avenue including new curb returns and curb ramps on both sides of the lane entry as per City standard.
- (ix) 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.
- (x) Provision of LED lighting at the four corners of the signalized intersection of Columbia and 41st Avenue.

- 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 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.

### **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.
  - (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.
  - (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**

9. Pay to the City a Community Amenity Contribution of \$3,158,382, 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 \$3,158,382 is to be allocated as follows:

- (i) \$1,579,191 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;
- (ii) \$1,263,353 (40%) toward childcare and community facilities in and around the Cambie Corridor Plan area; and
- (iii) \$315,838 (10%) 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, 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 presented in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 146-186 West 41st Avenue and 5726 Columbia Street".
- C. THAT A and B 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.

**[RZ – 146-186 West 41st Avenue and 5726 Columbia Street]**