



## PUBLIC HEARING MINUTES

JULY 31, 2018

A Public Hearing of the City of Vancouver was held on Tuesday, July 31, 2018, at 6 pm, in the Council Chamber, Third Floor, City Hall.

**PRESENT:** Mayor Gregor Robertson  
Councillor George Affleck\* (Conflict of Interest on Item 1)  
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\*

**ABSENT:** Councillor Tim Stevenson (Leave of Absence)

**CITY MANAGER'S OFFICE:** Sadhu Johnston, City Manager

**CITY CLERK'S OFFICE:** Nicole Ludwig, 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 Deal  
SECONDED by Councillor Reimer

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

### LOST

(Councillors Affleck, Ball, Bremner, Carr, Deal, Louie, Reimer and Mayor Robertson opposed)  
(Councillor De Genova absent for the vote)

## **1. TEXT AMENDMENT: Interim Hotel Development Policy and Related Amendments to the Downtown Official Development Plan**

*At 6:05 pm, Councillor Affleck declared Conflict of Interest on this application as he lives in one of the townhouses in the area affected by the proposed policy changes. He left the meeting and did not return until the conclusion of the vote on this item.*

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

Summary: To amend the Downtown Official Development Plan to allow hotel as a conditionally permitted land use within Area N up to 5.0 FSR or to the density of existing hotels if higher, and within Area L1 up to 1.0 FSR. Two associated zoning policies are recommended, a hotel conversion policy and a policy that supports future opportunities for hotel development. The intention is to moderate the loss of hotel rooms and encourage new hotels. Further work will be undertaken as part of future planning programs including the Broadway Plan and City Core 2050.

Council also had before it a memo dated July 24, 2018, from the Assistant Director of Current Planning which recommended a change to the *Interim Hotel Development Policy* as set out in the Policy Report dated June 28, 2018, entitled "Interim Hotel Development Policy and Related Amendments to the Downtown Official Development Plan", to increase flexibility and inhibit the fulfillment of the policy intent to support innovative hotel options with modest room sizes. The recommended change was contained in the Summary and Recommendation of the Public Hearing agenda.

### **Summary of Correspondence**

The following correspondence was received since referral to Public Hearing and prior to the close of the speakers list:

- three letters in support of the application;
- five letters opposed to the application.

The speakers list and receipt of public comments closed at 6:35 pm.

### **Staff Opening Comments**

Staff from Planning, Urban Design and Sustainability, along with the General Manager of Development, Building and Licensing, responded to questions.

### **Speakers**

Mayor Robertson called for speakers for and against the application.

Council heard from three speakers in support of the application, who noted the need for more hotel spaces in order to support the tourism industry:

Ty Speer, President and CEO, Tourism Vancouver  
Javier Cepeda, Onni Group  
Marsha Walden, Destination BC

John Yano spoke in opposition to the application.

### Staff Closing Comments

Staff from Planning, Urban Design and Sustainability, the General Manager of Development, Buildings and Licensing, and Mr. Speer, responded to questions.

### Council Decision

MOVED by Councillor Louie  
SECONDED by Councillor Jang

- A. THAT, in order to retain hotel uses downtown, Council approve the application to amend the *Downtown Official Development Plan* to add hotel as a conditionally permitted land use in Area N and Area L1, generally as set out in Appendix A of the Policy Report dated June 28, 2018, entitled "Interim Hotel Development Policy and Related Amendments to the Downtown Official Development Plan".
- B. THAT Council adopt the *Interim Hotel Development Policy*, generally as presented in Appendix B of the Policy Report dated June 28, 2018, entitled "Interim Hotel Development Policy and Related Amendments to the Downtown Official Development Plan", to inform community planning initiatives and for the consideration of rezoning and development applications and enquiries.

EXCEPT THAT Section 2 of the proposed interim policy be amended to delete the following text:

**"Hotel Facilities** - New hotels will be required to have lobby areas for checking in guests and back of house facilities for housekeeping staff. Hotel floor plans and facilities should be clearly distinguishable from a residential building."

- C. THAT Council direct staff to continue monitoring the supply of hotel rooms and consider policy options and zoning supportive of hotel development as part of future planning programs including the Broadway Plan and City Core 2050.

CARRIED UNANIMOUSLY (Vote No. 03250)  
(Councillor Affleck absent for the vote due to Conflict of Interest)

## **2. REZONING: 3070 Kingsway**

An application by Conwest Ventures Ltd. was considered as follows:

Summary: To rezone 3070 Kingsway from C-2 (Commercial) to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building and three-storey townhouses at the lane with commercial at grade and 40 for-profit affordable rental housing units. A height of 21.5 m (70.5 ft.) and a floor space ratio (FSR) of 3.48 are proposed.

Council also had before it a memo dated July 24, 2018, from the Assistant Director, Current Planning, which corrected technical errors in the conditions of approval relating to fire access to the townhomes at the rear of the site. The changes were integrated into the summary and recommendation of the Public Hearing agenda.

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, and the memo dated July 24, 2018, entitled "CD-1 Rezoning: 3070 Kingsway".

### **Summary of Correspondence**

The following correspondence was received since referral to Public Hearing and prior to the close of the speakers list:

- two letters in support of the application, and
- five letters opposed to the application.

### **Applicant Comments**

Joe Carreira, Conwest Group, introduced the application.

### **Speakers**

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

The speakers list and receipt of public comments closed at 7:04 pm.

### **Council Decision**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

- A. THAT the application, by Conwest Ventures Ltd. on behalf of 3070 Kingsway Inc., to rezone 3070 Kingsway [*Lots 1 and 2, Except Part in Reference Plan 2424, Block 16 District Lot 37 Plan 3952; PIDs 011-986-549 and 011-986-565 respectively*] from C-2 (Commercial) to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 3.48 and the building height from 13.8 m (45.3 ft.) to 21.5 m (70.5 ft.) to permit the

development of a six-storey mixed-use building and three-storey townhouses at the lane with commercial at grade and 40 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated July 6, 2018 entitled "CD-1 Rezoning: 3070 Kingsway", 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 GBL Architects and received November 10, 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 improve livability by removing the external courtyard stairs. Stair access should be internalized within the townhome development. Removal of the exterior stair also prevents the need for vertical privacy screens which create Horizontal Angle of Daylight concerns.
- 2. Design development to improve the privacy and outdoor open space of the ground-floor two-bedroom/ 817 sq. ft. unit, as the visual access between the bedrooms and the courtyard is a concern.

Note to Applicant: A two-bedroom ground-floor unit that satisfies privacy and daylight expectations for livability may not be possible in this configuration.

- 3. Design development to improve livability by reducing overlook and privacy concerns between units. Recommendations include the use of privacy mitigation techniques such as landscaping, privacy screens or solid guardrails.

Note to Applicant: Clearly show this on the drawings. Any changes in courtyard configuration may not result in a reduction in courtyard depth to less than 6.1 m.

- 4. Design development to improve livability by improving the unit design of the western studio units on levels four to six by increasing unit width.

Note to Applicant: The unit appears to be only 6 ft. wide in places, a unit of this width is not supportable; consideration to combine the 469 sq. ft. and 443 sq. ft. units into one unit.

5. Design development to improve livability by exploring additional daylight access to the western studio units on levels four to six.

Note to Applicant: If the units are combined, recommendation is to add additional glazing to the south east facing wall.

6. Confirm that the Horizontal Angle of Daylight requirements of the CD-1 By-law are met.

Note to Applicant: Clearly show this on the drawings. Note that the distance that the Horizontal Angle of Daylight (HAD) plane extends has been relaxed in section 6.2 of the CD-1 By-law from the standard 24.0 m to 6.1 m. Refer to the C-2 Design Guidelines for guidance.

7. Design development to enhance the quality of the lane and considering the treatment of the transformer and utility spaces.

Note to Applicant: Provide 4 ft. landscaping treatment in the rear setback.

8. Design development to improve circulation and access by reconfiguring the internal circulation space to provide direct access between the commercial loading bay and the commercial units and to limit impact on residential units.

9. Design development to improve circulation and access by provision of residential corridors that are not overly long or circuitous; residential corridors should be adequately sized to facilitate the moving of furniture.

Note to Applicant: It is recommended to incorporate a circulation route directly from the lobby to the courtyard along the east wall. This may require reconfiguration of the amenity space. Also refer to building code condition of approval.

10. Design development to more clearly articulate and identify the residential entrance along of Kingsway. This may be achieved through the incorporation of distinctive materials, lighting, signage and or canopy treatments.

Note to Applicant: Bicycle racks should be located away from the front entry in order to enhance the entry experience and decrease potential Crime Prevention Through Environmental Design (CPTED) concerns.

11. Design development to consider the architectural treatment of
  - (i) the east wall adjacent to existing co-op development.

- (ii) the west wall next to the level two deck space of the adjacent six-storey development.

Note to Applicant: Walls exposed for the foreseeable future are to be treated with an increased quality of materiality and expression.

- 12. Design development to consider the impact of shadowing on the development to the west.

Note to Applicant: show the adjacent western property's proposed level two floor plan and deck space in the shadow analysis drawings.

- 13. Weather protection should be continuous across façade (including residential entrance).

Note to Applicant: clearly show extent of weather protection above on the ground level floor plan. Provision of canopy details and sections is recommended for the development permit submission package.

#### **Affordable Housing**

- 14. That the proposed unit mix, 28 percent 2-bedroom units and 10 percent 3-bedroom units 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 percent of the dwelling units designed to be suitable for families with children.

- 15. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them.

- 16. 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.

## Engineering

17. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.
18. 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.
19. 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.
20. 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.
21. 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.
22. Clearly show the existing property line and the proposed Statutory Right-of-Way (SRW) line on the site and landscape plans.
23. Development to be serviced to the existing storm and sanitary sewers on Kingsway.
24. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip



line is achieving maximum and continuous weather protection for the sidewalk users.

25. 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.*
26. 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.
27. Provision of automatic door openers on the doors providing access to the bicycle room.
28. Provision of a plan showing the access route for 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.

29. Design development to improve the parkade layout, the loading and the access design and compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including:

- (i) Provision of a warning light system for the single lane ramp.

Note to Applicant: A qualified Transportation Engineer to provide details on the system and the design to also include cyclist use, if the ramp is to be used for Class A bicycle access. The locations of all lights, signs and detection devices to be shown on the Architectural drawings.

- (ii) Provision of a 6.6 m (21.66 ft.) vehicle maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.

- (iii) Provision of a security gate for the residential parking.

Note to Applicant: 2.3 m vertical clearance is required at the gate for access and manoeuvring to disability parking.

- (iv) Provision of a double load throat for the Class B loading bay.
  - (v) Provision of an overhead door at the rear of the loading bay for loading operations.
  - (vi) Provision of minimum 3.5m vertical clearance for the Class B loading.
  - (vii) Provision of stair free loading access from the Class B loading bay to the commercial unit.
  - (viii) Label Class B loading Bay as shared use Residential and Commercial.
30. The following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review of compliance with the Parking and Loading Design Supplement and the Bicycle Parking Design Supplement:
- (i) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
  - (ii) All types of parking and loading spaces individually numbered, dimensioned, and labelled on the drawings.
  - (iii) Section drawings showing elevations, vertical clearances for: parking levels, loading bays, ramps, and security gates with mechanical projections. Label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.
  - (iv) 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.
  - (v) Dimension all columns encroaching into parking stalls.
  - (vi) Dimension the drive aisle at the parkade entrance, the gates and the manoeuver aisles.
  - (vii) Additional setbacks of parking spaces from walls to be dimensioned on drawings.
  - (viii) Legal survey of the laneway showing the location of all poles and guy wires.

## Landscape Design

31. Resolution of the conflict with the proposed development and the row of offsite trees at the south edge;

Note to Applicant: It has been acknowledged that the offsite trees are in conflict with the proposed building and a neighbor consent letter is on file that provides consent for the removal of the trees. The neighbor consent letter also declares that the trees will not be replaced and a proposed re-landscape plan has been shared between parties. At time of writing, staff is not aware of any city approvals in place to review or approve the re-landscaping intent. At time of development permit application, a tree removal permit application must be made for # 3090 Kingsway, subject to review. Staff is aware that issuing a tree removal permit may place the owners of # 3090 Kingsway in contravention of their approved landscape plan. Therefore, unless an approved re-landscape plan can be presented, development permit issuance for # 3070 Kingsway is conditional upon a minor amendment application (development permit) be in place and approvable for # 3090 Kingsway, to address the landscape changes. In the event the conflict cannot be resolved, for whatever reason, design development may be needed to retain the trees or accommodate new landscaping.

32. Provision of detailed architectural and landscape cross sections (minimum 1/4 in. scale) through the common open space and the lane planting;

Note to Applicant: Illustrate the slab design and location, the soil profile, root ball and any associated landscaping. 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.

33. Provision of plan details and documentation/calculations that support achievement of storm water targets 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 consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

34. Provision of a detailed "Tree Management Plan";
35. 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 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*".

36. Provision of an outdoor Lighting Plan;

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

### **Sustainability**

37. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning* (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).

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

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

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with

experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

### **Building Code**

39. A fire department access route is required from the street to the townhouses at the lane in accordance with the Vancouver Building Bylaw (VBBL).

Note to Applicant: The provision of the access route may result in potential loss in density.

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

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management 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 1 and 2, Both Except Part in Reference Plan 2424, Block 16, District Lot 37, Plan 3952 to create a single parcel.
2. Provision of a Statutory Right-of-Way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the north property line to give an overall distance of 5.5 m (18 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings and benches at-grade but the SRW agreement will accommodate underground parking Level P1 and portions of building levels two to six within the SRW area.

Note to Applicant: Feature paving proposed on Kingsway to be removed from SRW.

3. Release of Easement & Indemnity Agreement 521167M (commercial crossing) prior to building occupancy.

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

4. Provision of a shared use agreement to the satisfaction of the General Manager of Engineering Services for the Class B loading

space between the retail and residential uses and which loading space will be labelled as 'Residential and Commercial Loading'.

Note to Applicant: The shared use agreement should specify allocated time periods for shared use by residential vs. commercial units.

5. 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. Based on an estimate of the development's water demands, the water system should be adequate to service the development. No upgrades currently noted. Supply project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, Water Supply for Public Fire Protection, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required. Should review of the confirmed project details deem upgrading is 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 percent of any water system upgrading that may be required.

Note to Applicant: The above analysis assumes the proposed building will *not* utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid. Contact Water Design for further details.

- (ii) Provision of a fire hydrant fronting the development to be installed.
- (iii) 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 the climate change.
- (iv) 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.

- (v) 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.
  - (vi) Provision of lane lighting on standalone poles with underground ducts.
  - (vii) Provision of a new 1.53 m (5 ft.) exposed aggregate front boulevard, 0.31 m (1 ft.) building strip, and light broom finish saw cut concrete sidewalk between the front boulevard and building strip.
  - (viii) Removal of existing driveway crossing on Kingsway and provision of new curb and gutter.
  - (ix) Provision of street trees adjacent the site where space permits.
6. 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

7. Provision of a detailed response toward the Integrated Rainwater Management Plan (IRMP) requirements outlined in the *Green Buildings Policy for Rezoning*s.
8. Provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for infiltration, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review.
  - (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.
    - c. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated;
  - (ii) Staff does 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 24mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48mm 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. 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) Detention tanks shall be considered only where alternative approaches to rainwater retention prove unacceptable. Where detention tanks are to be proposed they should be considered for storing water for alternative uses on site.



- (vi) Staff does not accept the inclusion of off-site areas in calculations for infiltration and/or treatment.
- (vii) 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 include shallow ponding depths within the planted areas as part of the calculations.

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

### **Affordable Housing**

- 9. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or the life of the building, and 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 rents 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 Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

<b>Unit Type</b>	<b>3070 Kingsway Average Starting Rents</b>
Studio units	\$1,469
1-bedroom	\$1,730
2-bedroom	\$2,505
3-bedroom	\$3,365

- (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 (or successor in function) 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 Section 3.1B(c) of the Vancouver Development Cost Levy By-law.
- (vii) Such other terms and conditions as the General Manager of Arts Culture and Community Services (or successor in function) and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Section 219 Covenant and 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**

- 10. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);
  - (ii) As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of

Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject 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-laws.

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

- B. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, as approved by Council in principle and described in section (c) of Appendix B, of the Policy Report dated July 6, 2018 entitled "CD-1 Rezoning: 3070 Kingsway", 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.
- C. THAT Council approve the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated July 6, 2018, entitled "CD-1 Rezoning: 3070 Kingsway".
- 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, generally as set out in Appendix C of the Policy Report dated July 6, 2018, entitled "CD-1 Rezoning: 3070 Kingsway".
- E. THAT A through D 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 risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 03251)  
(Councillors De Genova, Jang, and Reimer absent for the vote)

### **3. REZONING: 119-133 West 41<sup>st</sup> Avenue**

An application by DYS Architecture was considered as follows:

Summary: To rezone 119-133 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit development of a courtyard townhouse residential development with 20 market residential units. A height of 15.25 m (50 ft.) and a floor space ratio (FSR) of 1.78 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 since referral to Public Hearing and prior to the close of the speakers list.

The speakers list and receipt of public comments closed at 7:08 pm.

#### **Speakers**

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

#### **Council Decision**

MOVED by Councillor Louie  
SECONDED by Councillor Jang

- A. THAT the application, by DYS Architecture Inc. on behalf of Nexst Oakridge 2 Development Ltd., the registered owner, to rezone:

- 119 West 41st Avenue [PID 011-572-744; AMENDED LOT 15 (SEE 298807L), EXCEPT PART IN EXPLANATORY PLAN 5778, OF LOT 2 BLOCK 1003A DISTRICT LOT 526 PLAN 4381],
- 125 West 41st Avenue [PID 011-572-736; AMENDED LOT 13 (SEE 304281L), EXCEPT PART IN EXPLANATORY PLAN 5951, OF LOT 2 BLOCK 1003A DISTRICT LOT 526 PLAN 4381], and
- 133 West 41st Avenue [PID 007-930-461; LOT 12, EXCEPT THE SOUTH 10 FEET NOW ROAD, OF LOT 2 BLOCK 1003A, DISTRICT LOT 526, PLAN 4381]

all from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.78 and to increase the building height from 10.7 m (35 ft.) to 15.25 m (50 ft.), to permit the development of a courtyard townhouse residential building containing a total of 20 market residential units, generally as presented in Appendix A of the Policy Report dated June 26, 2018 entitled "CD-1 Rezoning: 119-133 West 41st 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 DYS Architecture Inc. and received September 29, 2017, provided 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 improve front yard condition on both 41st Avenue and Woodstock Avenue by:
  - (i) Softening the transitions from the respective back boulevards on both 41st Avenue and Woodstock Avenue to the townhouse front patios through more robust planting;
  - (ii) Enlarging the 41st Avenue townhouses' patio depths for better use;
  - (iii) Pushing the parkade's roof slab at the site's southeast corner back at least 1 m (3.3 ft.) away from the east property line, introducing planters along the patio's east edge to provide privacy screening, and reducing the patio's depth accordingly; and
  - (iv) Accommodating the Statutory Right-of-Way (SRW) along 41st Avenue (see Engineering By-Law Enactment

Condition #3).

Note to Applicant: The above conditions are meant to better respond to the *Cambie Corridor Plan* recommendation to treat the yard spaces as an extension of the wider public realm. With regards to providing the SRW, ensure that the front steps, as well as the parkade access stairs, do not encroach into the SRW. This may entail shifting the location of some of the steps, porches and wall planes on the ground floor.

2. Design development to improve the quality and amount of useable outdoor space by creating a combined open area with seating features between the Phase 1 and Phase 2 courtyards.

Note to Applicant: In lieu of indoor amenity spaces, an improved outdoor area may suffice. This entails revisiting some of the Phase 1 landscape, grading and parkade design.

3. Design development to further introduce variations between these townhouses and those in Phase 1 by varying the ratio and location of the various cladding materials and windows.

Note to Applicant: This is to better respond to the Cambie Corridor Plan recommendation to express a strong unifying architectural concept while providing some degree of variation.

4. Consideration to improve the parking structure accessibility by providing access path(s) to and from it from all units.

Note to Applicant: Providing on-site access paths may require redesign of the private patio spaces, the courtyards, and potentially the ground-floor layout of some of the buildings.

5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

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

## Housing

6. Design development to meet the requirements in the Family Room: Housing Mix Policy for Rezoning Projects (2016) which requires at least 10 percent of the total dwelling units be three-bedroom units and at least 25 percent of the total dwelling units must be two-bedroom units.

Note to Applicant: The application currently exceeds the policy requirements, but further design development to meet the conditions of approval may result in a revision of the unit count and mix. Ensure the *Family Room* policy requirements are met at a minimum through the development permit stage.

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

7. Design development to respond to 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**

8. 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 (minimum 1.25 m width) for each private rooftop patio;
  - (ii) Lower the slab in the courtyard area below the planters, to the greatest extent that is practical;
  - (iii) Provision of one medium to tall branched tree to be located on private property in front of each unit along Woodstock Avenue and 41st Avenue.

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 the 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.

9. Design development to the final grades along the west property line to be compatible with a possible shared pathway with the adjacent development proposal to the west.
10. 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.
11. 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 management best practices;
- (ii) Minimize the necessity for hidden mechanical water storage;
- (iii) Increase the amount of planting on the rooftop areas;
- (iv) Provide a linear infiltration bio-swale along the north and south property lines;
- (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 (I.R.M.P), 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.

12. Provision of plans, plan details, and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:
  - (i) A 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.
13. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at a 1/8 in.:1 ft. 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.

14. 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.

15. 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.

16. 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. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

17. 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 requested to encourage patio gardening and hand watering on private patio and amenity decks.

18. Provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis).
19. Provision of an outdoor Lighting Plan.

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

### **Sustainability**

20. All new buildings in the development will meet requirements of the Green Buildings Policy for Rezoning (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 Rezonings – Process and Requirements (amended April 28, 2017 or later).

### **Engineering**

21. 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.
22. Provision of any gas service is to connect directly to the building without any portion of the service connection above grade within the road right of way.
23. Clarify garbage storage and pick-up space. Please show containers and toters 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: 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.

24. 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.
25. 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.*
26. 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 West 41st Avenue and West Woodstock Avenue adjacent the site to the satisfaction of the General Manager of Engineering Services".

27. Provision of standard crossing design, a crossing application is required.
28. Compliance with the Parking and Loading Design Supplement and Bicycle Design supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Provide section drawings showing elevations and minimum vertical clearances for parking levels, ramps, and security gates. These clearances must consider mechanical projections and built obstructions.

- (ii) Areas of minimum vertical clearances are to be labelled on the parking level.

Note to Applicant: 2.3 m of vertical clearance is required for disability spaces.

- (iii) Design elevations on both sides of the ramp and drive aisles at all breakpoints, and at all entrances. The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings. Slope and cross-fall within the parking levels is to be shown on the submitted drawings.

- (iv) Dimension the drive aisle width on parking level.

- (v) Provide Class A and Class B bicycle spaces as per the Vancouver Parking By-Law.

- (vi) On-site access from West Woodstock Avenue to all of the units is required to facilitate move-in/move-out requirements.

Note to Applicant: Parking will not be available on West 41st Avenue as future transportation installations will need to be accommodated at the curbside.

29. Green Infrastructure submission requirements for the development permit stage must include the following:

- (i) Pre-development site plan showing orthophoto and existing drainage areas and appurtenances;
- (ii) A proposed site plan that delineates drainage areas, including the area measurements for pervious/impervious areas, and identifies appropriately sized green infrastructure practices for each of those areas;
- (iii) Hydrologic and hydraulic analysis prepared by a qualified professional in the area of rainwater management showing how the site will meet the requirements of the Policy;
- (iv) If lower tier green infrastructure options are chosen, then justifications must be included in the RMP report;
- (v) Details on how the targets set out above will be achieved through the development phases and once all development phases are complete;
- (vi) Include supplementary documentation for any proprietary products that clearly demonstrates how they contribute to the targets;

- (vii) The plan and report must demonstrate that access has been provided for maintaining the rainwater management system, such as providing truck access for pumping out sediment traps;
- (viii) Maintenance and operation guide for the rainwater management system that will be provided to the eventual owner or party responsible for maintenance.

Note to Applicant: 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.

### **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. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the consolidation of Lot 12, Except the South 10 Feet Now Road, Amended Lot 13 (See 304281L), Except Part in Explanatory Plan 5951, and Amended Lot 15 (See 298807L), Except Part in Explanatory Plan 5778; all of Lot 2, Block 1003A, District Lot 526, Plan 4381 to create a single parcel.

Note to Applicant: Restrictive Covenant R63068 (See 111681L) on the title of Lot 12 requires the approval of the Canadian Pacific Railway Company for any proposed development. The applicant may wish to have this charge released from title; however, as this Restrictive Covenant is not in favour of the City, its release is not a condition of redevelopment of this site.

2. If the proposed shared vehicle access between the two phases is supported, then the provision of a knockout panel (as indicated on the applicant's drawings) at the appropriate location and arrangements (legal agreements, including without limitation easements, Section 219 Covenants, etc.) to secure continued access to underground parking on each site (as well as any other cross boundary issues), will be required.

3. Provision of a building setback and a surface Statutory Right of Way (SRW) on West 41st Avenue for public pedestrian use to achieve a 0.61 m (2 ft.) distance measured from the back of the property line for public realm. The SRW will be free of any encumbrance such as structure, stairs, planter walls, door swing, benches, chairs and tables, and bicycle parking at grade.
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 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 should be adequate to service the development. *No upgrades currently noted.*
    - a. Supply project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, *Water Supply for Public Fire Protection*, the sprinkler demands based on NFPA 13/14, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required.
    - b. Should review of the confirmed project details deem 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 percent of any water system upgrading that may be required.

Note to Applicant: The above analysis assumes the proposed building will *not* utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid. Contact Water Design for any further details.
  - (ii) Design and construct 85 m of 600 mm diameter storm sewer and 200 mm diameter sanitary sewer on West 41st Avenue from the man hole fronting 151 West 41st Avenue to Manitoba Street.

The design must account for re-routing of sewer mains to eliminate existing easements. Contact the Sewer Design Department for more information prior to commencing the design.

The lengths and diameters of these sanitary and storm sewer improvements are approximate and subject to a detailed design by the Developer's Engineer.

- (iii) The post-development 5-year flow rate discharged to the storm sewer shall be no greater than the 5-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.

The Developer's Engineer is to submit design brief, calculations and/or model, and design drawings to the City. Submittals are to be reviewed and accepted by City Engineer.

The sewer servicing plan for this area is under development. The developer should to contact the City Engineer prior to commencing design or analysis of sewer system as the upgrade requirement may be modified based on the servicing plan (the requirement will be approximately equivalent to the above condition).

This development is to be serviced to the new storm and sanitary sewers on West 41st Avenue.

- (iv) 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.

- (v) Provision of 100 percent of funding for street reconstruction and all necessary adjustments of existing infrastructure on West 41st Avenue adjacent to the site to the satisfaction of General Manager of Engineering Services.

Note to Applicant: The City will provide a geometric design.

- (vi) Provision of a 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on West Woodstock Avenue frontage.

Note to Applicant: Landscape drawings specify a 6 ft. sidewalk on West Woodstock Avenue, but the sidewalk shown on drawing scales to 5 ft.

- (vii) Removal of existing driveway crossings on West Woodstock Avenue and provision of new curb and gutter.
- (viii) Provision of upgraded street lighting adjacent to the site on both West Woodstock Avenue and West 41st Avenue to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.

Note to Applicant: Existing wood pole in lane may conflict with ramp access. Arrangements to the satisfaction of the General Manager of Engineering Services and the appropriate public utility companies for pole relocation may be required.

- (ix) Provision of a contribution of \$15,000 towards signal modifications (payable at Development Permit issuance), LED lighting and countdown timers at Columbia Street and West 41st Avenue.

5. The Developer is required to submit a groundwater management plan to be reviewed and accepted by City Engineer. The plan shall include confirmation that no groundwater will be discharged to the sewer system.
6. 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, 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.

7. Provision of a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer) and signed/sealed by same, subject to review and acceptance by the City Engineer. The applicant should take into account the following:
  - (i) Runoff from the first 24 mm of rainfall from all areas, including rooftops, paved areas, and landscape must be retained and treated on site (landscapes over native subsoils with appropriately sized topsoil meets the 24 mm retention requirement);
  - (ii) Staff will 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 runoff from the impervious areas being directed towards these absorbent areas, and this being clearly demonstrated.
    - a. Where areas of growing medium do not have runoff directed on to them (from above) from adjacent impervious surfaces, they shall be assumed to be receiving/treating/storing only the rainfall that falls directly on to them; and
    - b. IRMP targets are to be achieved on site i.e. without using street right-of-way.
  - (iii) The applicant must prioritize methods of retention according to the three tiers below. Justification must be provided for using a lower tier retention option. The tiers are as follows:
    - a. **1st tier priority green infrastructure practices** – Rainwater Harvesting for Reuse, Green Roofs, and Infiltration;
    - b. **2nd tier priority green infrastructure practices** – Retention within non-infiltrating landscapes, including absorbent landscape on slab, closed bottom planter boxes, and lined bio retention systems;
    - c. **3rd tier priority green infrastructure practices** – Detention storage with treatment and slow release.

- (iv) Surfaces designed for motor vehicle use and other high pollutant generating surfaces require an additional 24 mm of treatment beyond the first 24 mm retained (for a total of 48 mm treated).
- (v) Water quality volume (24 mm for low pollutant generating surfaces like roofs and 48 mm for high pollutant generating surfaces like driveways) that leaves the site must be treated to a standard of 80 percent TSS removal by mass by using either individual BMPs that meet the standard or treatment trains of BMPs that, when combined, meet the standard. For proprietary treatment devices:
  - a. Provide product information for all treatment practices; and
  - b. Products need to be certified by TAPE - The Technology Assessment Protocol – Ecology Program, Washington State Department of Ecology’s process for evaluating and approving emerging rainwater treatment BMPs. The applicant may propose other technologies but must provide supporting information that shows the technology meets the standard.

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

### **Sustainability**

- 8. 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**

- 9. 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**

- 10. Pay to the City the cash Community Amenity Contribution of \$977,295 which the applicant has offered to the City and which is to be allocated to support the delivery of the Cambie Corridor Public Benefits Strategy. 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.

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 June 26, 2018 entitled "CD-1 Rezoning: 119-133 West 41st Avenue".

- C. THAT A and B 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. 03252)  
(Councillor Reimer absent for the vote)

#### **4. REZONING: 1800-1898 Main Street**

An application by Francl Architecture and Cressey Main Holdings Ltd. was considered as follows:

Summary: To rezone 1800-1898 Main Street from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit an 11-storey mixed-use building consisting of commercial use at grade and 131 secured for-profit affordable rental housing units. A height of 32.6 m (107 ft.) and a floor space ratio (FSR) of 5.02 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**

The following correspondence was received since referral to Public Hearing and prior to the close of the speakers list:

- One letter in support of the application, and
- two letters opposed to the application.

The speakers list and receipt of public comments closed at 7:13 pm.

#### **Staff Opening Comments**

Staff from Engineering Services noted the language included in the proposed the draft parking by-law unintentionally restricts the provision of shared vehicles and shared vehicle parking

spaces, and unnecessarily restricts the loading spaces to be provided at the development. Staff therefore recommended that part D of the summary and recommendation not be moved.

### **Applicant Comments**

Jason Turcotte, Cressey Development Group, provided an overview of the application.

### **Speakers**

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

The speakers list and receipt of public comments closed at 7:12 pm

### **Council Decision**

*The motion below contains the change suggested by Engineering Staff at the Public Hearing (that recommendation D in the Summary and Recommendation not be moved).*

MOVED by Councillor Louie  
SECONDED by Councillor Deal

- A. THAT the application by Francl Architecture, on behalf of Cressey Main Holdings Ltd., to rezone: 1800 Main Street [PID 009-153-373; Lot B Block 15 District Lot 200A Plan 11115] and 1880-1898 Main Street [PID 015-051-943; Lot A (Explanatory Plan 5193) Block 15 District Lot 200A Plan 934], from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 3.00 to 5.02 and building height from 18.3 m (60 ft.) to 32.6 m (107 ft.) to permit an 11-storey mixed-use building consisting of commercial use at grade and 131 secured for-profit affordable rental housing units generally as presented in Appendix A of the Policy Report dated June 26, 2018 entitled "CD-1 Rezoning: 1800-1898 Main 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 Francl Architecture and received February 15, 2017, subject to the following conditions, 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 the floor elevations of the commercial-retail units to be no more than 0.75 m (2.5 ft.) different from the adjacent sidewalk grade, against the Main Street property line.
2. Design development to confirm that the proposed exterior will be clad with high-quality materials.
3. Design development to the proposed elevations that would better reflect the specific orientation of each façade, and to reduce solar gain.
4. Provision of a minimum 2.4 m (8 ft.) building setback from the 3<sup>rd</sup> Avenue property line, in order to provide enhanced public open space along this sidewalk.
5. The proposed unit mix, providing 26 percent studio units, 39 percent one-bedroom units, 27 percent two-bedroom units and 8 percent three-bedroom units, is to be included in the development permit drawings. The two- and three-bedroom units account for 35 percent of the overall units.

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 percent of the dwelling units designed to be suitable for families with children.

### **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 Review**

7. Design development to better articulate and expand the programming of common amenity space on Level 3 to provide more opportunities for social interaction.

Note to applicant: This should include additional, more accessible urban agriculture, additional opportunities for social interaction, such as additional benches and seat walls for passive seating and gathering. Urban agriculture plots should follow the City's *Urban Agriculture Guidelines for the Private Realm* and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

8. Design development to provide high quality, creative and natural materials in landscaped areas, especially in the children's play area.
9. Design development to improve sustainability by the provision of an extensive green roof on the flat rooftop.
10. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to applicant: Edible plants can be used as ornamentals as part of the landscape design.

11. A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale and should match the architectural site plan.
12. Section details at a minimum scale of 1/2"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details should show dimensioned rootballs to confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. The depth should exceed BCSLA standard and be minimum 3 ft. for trees and 2 ft. for shrubs.
13. A high-efficiency automatic irrigation system to be provided for all planted areas.
14. A Landscape Lighting Plan to be provided for security purposes.

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

### **Sustainability**

15. Confirmation that the application is on track to meeting the *Green Buildings Policy for Rezoning*s including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22 percent reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: Provide an updated LEED® checklist and sustainable design strategy at the time of Development Permit application outlining how the proposed points will be achieved, a letter of confirmation from an accredited professional confirming

that the building has been designed to meet these goals, and a receipt including registration number from the CaGBC. The checklist and strategy should be incorporated into the drawing set. Application for certification of the project will also be required under the policy.

### **Housing**

16. The building is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette and accessible washroom.
17. 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.

### **Engineering**

18. The owner or representative 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.
19. 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.  
  
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.
20. 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.
21. Clarify residential and commercial 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: Pick up operations should not rely on bins being stored on the street or lane for pick up, an on-site bin staging area is to be provided and bins are to be returned to storage areas immediately after emptying.

Note: The loading space may be suitable for this purpose.

22. Confirmation from the Vancouver Park Board that they are in agreement with the proposed street tree removals around the site.
23. Delete benches shown around the proposed street trees on the 3rd Avenue frontage and show standard treatments consistent with the area public realm plan.
24. The landscape plan is to be noted as "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of eight (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.
25. Please update the landscape and/or site plan to reflect the public realm changes, which conform to the Mount Pleasant Community Plan and Public Realm Plan and include 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 Services for review.
26. A crossing application is required. Please confirm parking and access design is accepted before the crossing application is submitted so the crossing design can match the required parking/loading opening to the building.
27. Design development to provide wide continuous weather protection awnings or canopies on Main Street and 2nd Avenue. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property.

Note to applicant: Canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.

28. Trees on 2nd Avenue are to be fully on private property and street trees adjacent the curb are to be provided on either side of the finalized bus stop location where space permits. A drawing of the bus stop location will be provided by the City.

29. Provision of an improved plan showing the Class B bicycle spaces on private property, beyond the Statutory Right of Way (SRW).

Note to applicant: Locate the bike rack in close proximity to the lobby entrance with 'stairs free' access. Ensure that bicycles locked to the rack do not encroach over the property line or into the SRW. Page 23 shows Class B bicycle spaces on City ROW and within the SRW.

Should bike racks be desired for placement on public property, please make a separate application to Engineering, Street Activities branch. Please contact Shannon Blackwood at 604-873-6339.

30. 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.
31. 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 Services for review.
32. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
33. All Class A bicycle spaces must be located on the P1 parking level or at grade.
34. Noting the enactment condition is to remove/underground or eliminate all of the existing wood poles from adjacent the site; should this prove not possible then please ensure any remaining pole is accurately located to confirm there is no conflict with proposed access points to the site.
35. 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) Provision of Class B loading to the satisfaction of the GMES.

Note to applicant: The following is required:

- a) Provision of improved on-site maneuvering for the Class B loadings spaces. The back-in maneuvering from Lorne Street proposed in the Loading Review dated January 11, 2017 is not supported as Lorne Street will remain open to traffic. Consider a wider maneuvering aisle, wider loading stalls, larger loading throats, and a wider O/H gate to achieve this. Provide updated turning swaths to confirm.
  - b) Provision of revised ramp slope to accommodate on-site maneuvering for the Class B loading spaces. Maneuvering from a 15 percent ramp slope is not supported.
  - c) Provision of 3.8 m (12.5 ft.) of vertical clearance for the Class B loading spaces. Looking at the elevations on drawings 5 and 6, less than 3 m (10 ft.) is being provided for one of the Class B spaces. A section drawing is required showing elevations, and the minimum vertical clearances should be noted on plans.
  - d) Provision of a signal warning system and improved visibility to reduce conflicts between vehicles on the parking ramp and vehicles accessing the Class B loading spaces at the top of the ramp. A sign and warning light on the outside of the building to indicate when both Class B spaces are occupied is also required.
  - e) Provide an updated Loading Review that is signed and sealed by a qualified transportation engineer.
- (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, additional elevations within the parking levels, both sides of the loading bay, and at all entrances.
  - (iii) Provision of the minimum vertical clearance for the main ramp and security gates.

Note to applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces.

- (iv) Modification of the parking ramp design as the slope must not exceed 12.5 percent after the first 20 ft. from the property line. 15 percent slopes may be acceptable if a 7.5

percent to 10 percent transition ramp is provided at the bottom for at least 4 m in length. Using the design elevations shown, the inside radius of the ramp calculates to 23 percent and exceeds the 15 percent indicated. A further reduced slope may be required to accommodate the maneuvering for the loading.

- (v) Dimension and label all stalls. Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4 ft. from the end of the stall.
- (vi) Locate column placements to comply with the requirements of the Engineering Parking and Loading Design Supplement as none are shown. Dimension all columns encroaching into parking stalls.
- (vii) Provision of increased width through the curved section of the parking ramp to enable two vehicles to pass unobstructed - a ramp width of 23'-6" would achieve this.
- (viii) 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.

- 36. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.

### **Neighbourhood Energy Utility**

- 37. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 38. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards – Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the

registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

39. 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.
40. Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System (NES), as outlined in the *Neighbourhood Energy Connectivity Standards – Design Guidelines*.

Note to applicant: The site would be serviced by the City-designated NES from 6th Avenue.

41. 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.

#### **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, the General Manager of Arts, Culture, and Community 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 Lot A (Explanatory Plan 5193), Plan 934, and Lot B, Plan 11115, Both of Block 15, DL 200A to create a single parcel.
2. Release of Easement & Indemnity Agreements 355348M and 355398M (commercial crossings) prior to building occupancy.

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

3. Provision of a building setback and a surface Statutory Right of Way (SRW) on the Main Street and 2nd Avenue frontages of the site to achieve a 5.5 m (18 ft.) sidewalk from the back of the

existing City curb to the building face. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrances such as structure, stairs, door swing, landscape and bicycle parking at grade. The SRW agreement will accommodate any portion of the below grade parking on levels P1 to P3, and portions of the building at levels 2 to 11 and the roof within the SRW area.

4. Provision of a building setback and surface Statutory Right of Way (SRW) on the 3rd Avenue frontage of the site to achieve a 2.4 m (8 ft.) public plaza from the south property line for public/pedestrian use. The SRW will be free of any encumbrances such as structure, stairs, door swing, landscape and bicycle parking at grade. The SRW agreement will accommodate any portion of the below grade parking on levels P1 to P3, and portions of the building at levels 2 to 11 and the roof within the SRW area.
5. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of three (3) Shared Vehicle(s) and the provision and maintenance of three (3) Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (i) Provide three (3) Shared Vehicle(s) to the development for a minimum period of three years;
  - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);
  - (iii) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles;
  - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
  - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
  - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and

- (vii) Provision of a letter of commitment from a Shared Vehicle Organization indicating their willingness to supply Shared Vehicles on the site at building occupancy.

Note to applicant: Shared Vehicle Parking Spaces are required to be a minimum width of 2.9 m and noted on plans.

- 6. 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. The agreements shall include, but not be limited to, the following provisions, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services:

- (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. The adjacent water main is sized at 200 mm. Should the project require a greater service demand then upgrading will likely be 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 percent of any water system upgrading that may be required.
- (ii) Guelph Park's as-builts indicate the park is serviced from a main connected to the sanitary manhole on Prince Edward Street and L/S of 6th Avenue. Elimination of the park's runoff from the sanitary system would reduce the flow into the sanitary system and negate a larger system upgrade downstream of the development site. Provision of a new connection from Guelph Park into the storm system is required.
- (iii) 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 Watercourse By-law. The plan shall achieve the following objectives:
  - a) Runoff from the first 24 mm of rainfall from all areas, including rooftops, paved areas, and landscape must be retained and treated on site

(landscapes over native subsoils with appropriately sized topsoil meets the 24 mm retention requirement);

- b) Surfaces designed for motor vehicle use and other high pollutant generating surfaces require an additional 24 mm of treatment beyond the first 24 mm retained (for a total of 48 mm treated);
- c) Water quality volume (24 mm for low pollutant generating surfaces like roofs and 48 mm for high pollutant generating surfaces like driveways) that leaves the site must be treated to a standard of 80 percent TSS removal by mass by using either individual BMPs that meet the standard or treatment trains of BMPs that, when combined, meet the standard; and
- d) The post-development 10-year flow rate discharged to the storm 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.

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

- (iv) Provision of elimination/undergrounding of the existing wood poles and overhead utilities from adjacent the site. Confirmation from all affected utilities and any City of Vancouver utility that use the poles is required. Any resulting need for switches, kiosks, cabinets are to be provided for on site.
- (v) Provision of new concrete curb and gutter, pavement to typical road widths, concrete sidewalk, street trees, new or upgraded street lighting on Lorne Street and on 3rd Avenue adjacent the site, including relocation of all existing infrastructure to accommodate the new roads is required. All in keeping with Mount Pleasant Public Realm guidelines.
- (vi) Provision of new or upgraded street lighting on the Main Street and 2nd Avenue frontages of the site and a lighting study to determine the adequacy of the existing lighting and design as required.
- (vii) Provision of a minimum 1.22 m (4'-0") front boulevard and 2.43 m (8'-0") sidewalk on Lorne Street.



(viii) Provision of a new concrete bus slab in the curb lane on 2nd Avenue adjacent the site, the relocation of bus stop 59762 (EB E 2nd Av FS Main St) and provision of weather protected seating on 2nd Avenue adjacent to the bus stop.

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

(x) Provision of a \$75,000 cash contribution for the future installation of a pedestrian signal at 3rd Avenue and Main Street.

7. 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**

8. Provision of a detailed response toward the Integrated Rainwater Management Plan (IRMP) requirements outlined in the "Green Buildings Policy for Rezoning".

9. Provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for retention, infiltration, cleaning and safe conveyance, prepared

by a subject matter expert (Engineer), subject to review, which will include 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 does 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. 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) Detention tanks shall be considered only where alternative approaches to rainwater retention prove unacceptable. Where detention tanks are to be proposed they should be considered for storing water for alternative uses on site.
- (vi) Staff does not accept the inclusion of off-site areas in calculations for infiltration and/or treatment.
- (vii) 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 include shallow ponding depths within the planted areas as part of the calculations.
- (viii) 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: The applicant will enter into such legal agreements with the City, on the terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services to ensure ongoing operations of certain stormwater storage, rainwater management and green infrastructure systems.

### **Neighbourhood Energy Utility**

- 10. 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-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:
  - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;
  - (ii) Grant the operator of the City-designated NES access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the applicant; and
  - (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

#### Notes to applicant:

- The development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of building permit issuance. If connection to a NES is not available or appropriate, a deferred services agreement or similar agreement will be required.
- If the development is required by the General Manager of Engineering Services to connect to an NES, the Owner will be prohibited from entering into any third party energy supply

contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.

- Design shall provide suitable space for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications conduit. District energy equipment may include, but is not limited to, an energy plant sized for neighbourhood service, energy transfer stations, heat recovery equipment, and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

### Housing

11. 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 and Section 219 Covenant securing all residential units as for-profit affordable rental housing units for the longer of 60 years and life of the building, and including 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 agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and again prior to development permit issuance;
  - (v) That the average starting monthly rents for a total of 13 Moderate Income Rental Housing Units of the following unit types be at or below the following rates, applicable at the time of initial occupancy:

Unit Type	Total Units	Targeted Starting Rents
Studio	4	\$950
1 bedroom	5	\$1,200
2 bedroom	4	\$1,600

as set out in section 2a of the *Moderate Income Rental Housing Pilot Program*, and rent increases will be capped at the Residential Tenancy Act maximum annual allowable

increase, as published by the Province of British Columbia, regardless of change in occupancy.

Note to applicant: A rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to development permit issuance, and again prior to issuance of an occupancy permit, to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services;

- (vi) The applicant will verify eligibility of new tenants for the units secured at moderate income rates.
  - (a) For new tenants, annual household income cannot exceed four (4) times the annual rent for the unit (i.e. at least 25 percent of household income is spent on rent).
  - (b) There should be at least one occupant per bedroom in each moderate income unit;
- (vii) The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every five (5) years after initial occupancy.
  - (a) For such tenants, annual household income cannot exceed five (5) times the annual rent for the unit (i.e. at least 20 percent of household income is spent on rent).
  - (b) There should be at least one occupant per bedroom in each moderate income unit;
- (viii) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the Moderate Income Rental Housing Units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income units, and a summary of the results of eligibility testing for all units;
- (ix) That the average initial starting monthly rents for a total of 118 for-profit affordable rental housing units of the following unit types will be at or below the following proposed starting rents, subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

<b>Unit Type</b>	<b>Proposed Average Starting Rents</b>
Studio	\$1,496
1 bedroom	\$1,730
2 bedroom	\$2,505
3 bedroom	\$3,365

- (x) That a final rent roll for all units be provided, prior to issuance of an occupancy permit, to the satisfaction of the 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 in the for-profit affordable rental housing units to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by Section 3.1B(c) of the Vancouver Development Cost Levy By-law. Following occupancy, the rent increases for the Moderate Income Rental Housing Units be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of change in occupancy; and
- (xi) Such other terms and conditions as the General Manager of Arts, Culture and Community Services and the Director of Legal Services may in their sole discretion require.

Note to applicant: This condition will be secured by both a Section 219 Covenant and 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**

- 12. 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 the 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.

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 the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, as approved in principle by Council and described in described in section (c) of Appendix B, of the Policy Report dated June 26, 2018 entitled "CD-1 Rezoning: 1800-1898 Main Street", 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.
- C. THAT Council approve the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated June 26, 2018, entitled "CD-1 Rezoning: 1800-1898 Main Street".
- 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, generally as set out in Appendix C of the Policy Report dated June 26, 2018, entitled "CD-1 Rezoning: 1800-1898 Main Street".
- E. THAT recommendations A to D 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 risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 03253)

#### **5. REZONING: 1068-1090 Burnaby Street and 1318 Thurlow Street**

An application by Strand Development in partnership with Intracorp Projects Ltd. was considered as follows:

Summary: To rezone 1068-1090 Burnaby Street and 1318 Thurlow Street from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 30-storey residential building with 39 social housing units and 82 market strata units. A height of 88.66 metres (291 feet) and a floor space ratio (FSR) of 9.01 are proposed.

Council also had before it a memo dated July 23, 2018, from the General Manager of Planning, Urban Design and Sustainability which brought forward additional information about the application, and recommended a replacement Urban Design Condition of Approval to address public concerns related to separated common areas for market and social housing, as follows:

THAT the Urban Design Condition of Approval (b)2 in the Summary and Recommendation of the Public Hearing agenda be replaced with the following:

- 2. Design development to explore improving common outdoor spaces for social and market housing with the goal of promoting inclusiveness and creating improved, larger contiguous outdoor amenities shared by all residents, and provide such legal agreements as are necessary to enable sharing, as follows:
  - (i) Combine children's play areas for social and market housing to create an improved and larger contiguous amenity that may be accessed by all residents (i.e. from market and social housing) and is commensurate in size with the number of family units. Additionally, provide weather protected seating adjacent to the children's play area to promote an outdoor space for parental supervision. Consider locating the children's play area in the south yard.
  - (ii) Seek opportunities to provide direct access and clear sightlines to the children's play area from a multi-purpose amenity room that serves as the social housing common indoor space (consider



grade implications in ultimate location).

- (iii) Seek opportunities to combine and relocate common outdoor seating, gathering areas, and urban agriculture facilities to create an amenity that is inclusionary to both social and market housing residents and maximizes solar performance.
- (iv) Delete and/or reduce the outdoor amenity space at the northwest corner of the site or reconfigure and design to mitigate noise impacts from Thurlow Street.
- (v) Reconfigure the garbage access to avoid impact on the outdoor amenity space, particularly on the children's play area.
- (vi) Relocate the loading bay to be directly adjacent to the parkade ramp, to optimize useable outdoor space and to consolidate service functions (i.e. refuse, loading, parkade access).
- (vii) Provide a minimum 6 ft. landscape buffer between the common outdoor amenity and the lane (see relevant Landscape Conditions).
- (viii) Provide a screen and/or a minimum 3 ft. landscape buffer between the loading and the outdoor space (see relevant Landscape Conditions).

Note to Applicant: The children's outdoor play areas do not perform well as they are difficult to supervise, do not have an accessible path of travel, and are crossed by the garbage access for both residential uses. All common areas should be wheelchair accessible. See Housing Conditions for further comments on outdoor spaces.

It is additionally recommended to replace the small patio at the northwest corner with a larger landscaped area and/or public artwork.

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 and the above-noted memo.

### **Summary of Correspondence**

The following correspondence was received since referral to Public Hearing and prior to the close of the speakers list:

- 10 letters opposed to the application.

The speakers list and receipt of public comments closed at 8:12 pm.

## Staff Opening Comments

Staff from Planning, Urban Design and Sustainability presented the application, including the information in the above-noted memo, and along with staff from Arts, Culture and Community Services, Engineering Services, and the City Manager, responded to questions.

## Applicant Comments

Cameron Thorn, Strand Development, introduced the application and responded to questions.

## Speakers

Mayor Robertson called for speakers for and against the application.

The following spoke in opposition to the application, noting concerns with traffic, an excess of parking, and the economics of the application:

Don Rosenbloom  
Peter Lipscombe  
John Yano  
John Cassidy

Carrie Bercic spoke in support of the application so long as the change to the summary and recommendations proposed in the above-noted memo was also being included.

## Applicant Closing Comments

Mr. Thorn responded to questions.

## Staff Closing Comments

Staff from Arts, Culture and Community Services and Planning, Urban Design and Sustainability provided closing comments and responded to questions.

## Council Decision

*The motion below contains changes from the summary and recommendation, which are noted in **bold italics**.*

MOVED by Councillor Louie  
SECONDED by Councillor Deal

- A. THAT the application by Strand Development in partnership with Intracorp Projects Ltd., on behalf of the registered owner, Thurlow Street Project Nominee Inc., to rezone 1068 Burnaby Street [*Lot 8, Except the West 25 Feet, and The West 25 Feet of Lot 8, both of Block 12, District Lot 185, Plan 92; PIDs 015-749-*

118 and 015-749-126 respectively], 1090 Burnaby Street [PID 010-748-628; Lot A, Block 12, District Lot 185, Plan 7000] and 1318 Thurlow Street [Strata Lots 1 to 14, District Lot 185, Strata Plan VR. 1437; PIDs 004-478-215, 004-204-948, 002-828-669, 002-862-999, 006-543-961, 004-427-777, 002-630-788, 003-559-866, 004-074-238, 006-543-987, 006-123-881, 006-544-061, 006-544-088 and 006-544-100 respectively] from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.20 FSR to 9.01 FSR and the building height from 18.30 m to 88.66 m to permit the development of a 30-storey residential tower containing 39 social housing units and 82 market strata units, generally as presented in Appendix A of the policy report dated July 6, 2018, entitled "CD-1 Rezoning: 1068-1090 Burnaby Street and 1318 Thurlow Street" be approved subject to the following conditions:

### **CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by NSDA Architects and received September 5, 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 improve site planning and "tower in the park" expression , as follows:
  - (i) Reconfigure the northeast corner of the site to accommodate a Public Bike Share (50 percent on private property, 50 percent on City property), with a landscape buffer between the PBS and the outdoor amenity space (refer to Engineering conditions).
  - (ii) On Thurlow Street, improve the interface to the sidewalk by reducing retaining walls to no more than 3 ft. in height, minimizing stairs, and providing a minimum 3 ft. landscape buffer outboard of the retaining walls. Provide a further 9 ft. of landscaping in the raised planters (for a total 12 ft. landscape buffer).
  - (iii) On Burnaby Street, increase the landscape buffer at the property line to minimum 12 ft. (reduced to 6 ft. adjacent to the Public Bike Share).
  - (iv) Consider providing a work of public art in the northwest corner of the site (i.e. in place of the outdoor common area).

Note to Applicant: The landscape buffers on the street frontages should be increased to enhance the “tower in the park” expression and provide better privacy for the outdoor amenity. Consider relocating the two exit stairs on Thurlow Street into the building and/or combining them into a single stair. Refer also to relevant Landscape conditions.

2. ***Design development to improve common outdoor spaces for social and market housing with the goal of promoting inclusiveness and creating improved, larger contiguous outdoor amenities shared by all residents, and provide such legal agreements as are necessary to enable sharing, as follows:***
  - (i) ***Require a combined children’s play area for social and market housing to create an improved and larger contiguous amenity that may be accessed by all residents (i.e. from market and social housing) and is commensurate in size with the number of family units. Additionally, provide weather protected seating adjacent to the children’s play area to promote an outdoor space for parental supervision. Consider locating the children’s play area in the south yard.***
  - (ii) ***Seek opportunities to provide direct access and clear sightlines to the children’s play area from a multi-purpose amenity room that serves as the social housing common indoor space (consider grade implications in ultimate location).***
  - (iii) ***Seek opportunities to combine and relocate common outdoor seating, gathering areas, and urban agriculture facilities to create an amenity that is inclusionary to both social and market housing residents and maximizes solar performance.***
  - (iv) ***Delete and/or reduce the outdoor amenity space at the northwest corner of the site or reconfigure and design to mitigate noise impacts from Thurlow Street.***
  - (v) ***Reconfigure the garbage access to avoid impact on the outdoor amenity space, particularly on the children’s play area.***
  - (vi) ***Relocate the loading bay to be directly adjacent to the parkade ramp, to optimize useable outdoor space and to consolidate service functions (i.e. refuse, loading, parkade access).***
  - (vii) ***Provide a minimum 6 ft. landscape buffer between the common outdoor amenity and the lane (see relevant Landscape Conditions).***

- (viii) Provide a screen and/or a minimum 3 ft. landscape buffer between the loading and the outdoor space (see relevant Landscape Conditions).**

***Note to Applicant: The children's outdoor play areas do not perform well as they are difficult to supervise, do not have an accessible path of travel, and are crossed by the garbage access for both residential uses. All common areas should be wheelchair accessible. See Housing Conditions for further comments on outdoor spaces.***

***It is additionally recommended to replace the small patio at the northwest corner with a larger landscaped area and/or public artwork.***

3. Design development to improve the livability of the non-market housing, as follows:
- (i) Provide a private outdoor space for all family units;
  - (ii) Relocate bulk storage away off of exterior walls, particularly where they interfere with windows;
  - (iii) Provide bulk storage for every dwelling unit per the Bulk Storage bulletin, and relocate in-suite storage rooms away from exterior walls; and
  - (iv) Show furniture layout of common amenity space to illustrate functionality and programming.

Note to Applicant: Some 3-bedroom units on levels 3-6 appear to have no balconies. Many in-suite storage rooms are located on exterior walls and conflict with window locations. See Housing Conditions for further comments on the livability of the non-market housing.

4. Confirmation that the application is on track to meeting the current Green Buildings Policy for Rezoning, with clarification of whether the Near Zero Emissions Building or a Passive House Certification approach will be pursued.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which strategies, features or technologies will be incorporated into the project in order to achieve the objectives of the Green Buildings Policy. A letter from an accredited professional must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the project with certification-granting organization (CaGBC or other) must be provided with the application. Application for certification will be required at a subsequent stage.)

5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design;

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

6. Consideration to provide seating on private property at the corner of Thurlow Street and Burnaby Streets with direct access to the sidewalk is to be demonstrated to improve walkability within the West End.

### **Landscape**

7. Design development to the ground-floor street frontage landscape buffering to be layered with plants and trees (space permitting).
8. Design development to the landscape treatment to increase the volume of soil, tree canopy cover, and planting on slab, as follows:

- (i) consideration for intensive/extensive green roof and related amenity programming; 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.

9. Design development to locate, integrate and fully screen parking garage vents and Vista switch in a manner which minimizes their impact on the architectural expression, and on the project's open space and public realm.
10. 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 practises;
  - (ii) minimize the necessity for hidden mechanical water storage;
  - (iii) increase the amount of planting to the rooftop areas, where possible;
  - (iv) consider linear infiltration bio-swales along property lines;
  - (v) use permeable paving;
  - (vi) employ treatment chain systems (gravity fed, wherever possible); and
  - (vii) use grading methods to direct water to soil and storage areas.

Note to Applicant: Refer to the City of Vancouver Integrated Rainwater Management Plan (I.R.M.P), 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.

11. 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.

Note to Applicant: The sustainable summary water balance calculations assume soil volumes are capable of receiving rainwater and are only valid if water is directed from hard surfaces to infiltration zones.

12. 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.

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

Note to Applicant: The plans should be at 1/8":1 ft. 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.

14. Provision of detailed architectural and landscape cross sections (minimum 1/4" 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.

15. 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.

16. 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.

17. 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 ft. long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

18. 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 requested to encourage patio gardening and hand watering on private patio and amenity decks.

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

20. Provision of an outdoor Lighting Plan.



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

### **Heritage**

21. Provision of an as built set of drawings with photo analysis of Hobbs Residence.
22. Completion of a Statement of Significance, which is to be submitted to the City.
23. Provision of a letter, signed by the property owner, which states that they will seek opportunities for relocation and heritage protection of Hobbs Residence.
24. Provision of a letter, signed by the property owner, which states that a demolition application for Hobbs Residence, located at 1090 Burnaby Street, will not be submitted until necessary for construction of the new development.
25. The property owner would be required to adhere to *the Planning – Bylaw Administration Bulletin for Demolition Permits for Pre-1940 Houses – Recycling Requirements*, should a solution not be found that relocates and saves Hobbs Residence as a protected heritage building. This criteria would ensure a minimum reuse and recycling of 90 percent (by weight) of demolition material (excluding hazardous materials).

### **Sustainability**

26. 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 Rezonings – Process and Requirements* (amended April 28, 2017 or later).

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

27. Design development to respond to CPTED principles, having particular regards for:
  - (i) theft in the underground parking;
  - (ii) residential break and enter;

- (iii) mail theft; and
- (iv) mischief in alcove and vandalism, such as graffiti.

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

### **Engineering**

- 28. 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.
- 29. 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.
- 30. 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.
- 31. Clarify garbage storage and pick-up space. Please show containers and totters 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. Please ensure pathway has adequate width to accommodate widest bins expected to be moved from storage to the lane and note that 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.
- 32. 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.”

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. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

35. Design development to provide direct “stairs free” loading access from the Class B loading space to both the social housing and market elevator cores and note on plans.

Note to Applicant: Confirm access to the market elevator is being provided without going through the social housing lobby.

36. Provision of a planting plan and a plant list, as required under Landscape.

Note to Applicant: Retain the plantings in curb bulge on Thurlow Street.

37. Given the available width between the property line and the sidewalk along Burnaby Street, it is acceptable for applicant to shift the Public Bike Share (PBS) space north 2 m so that the 2 m station footprint is located on private property and the remaining 2 m required for bike maneuvering is located on public property within the back boulevard space.

38. Applicant to confirm there are no conflicts with fire connections adjacent to or behind the PBS space.

39. Applicant to remove the proposed landscaping/trees as shown on Drawing L1.2 to be within the 19m x 2m PBS space and provide a hard surface free and clear of in-ground utility access points (including drains).

40. Please include elevations at four corners of the PBS space on drawing to confirm grades.

41. Please show the location of electrical connection that will serve the PBS station on the drawings.

42. 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) Number and dimension all stalls, dimension ramp widths, maneuvering aisle widths, and all column encroachments.

Note to Applicant: Disability stalls require additional width and a minimum 20 foot ramp width is required as 19.5 feet is shown on drawing A104.

- (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, additional elevations within the parking areas, both sides of the loading bay, and at all entrances.
- (iii) Provision of a heated ramp and note on plans.

Note to Applicant: Ramps which have a 15 percent slope and are exposed to the weather must be heated.

- (iv) Design development to provide a Class B loading space to minimize conflicts with pedestrians and any required maneuvering over the pedestrian path out to Maxine Lane.

Note to Applicant: A truck stopped in the loading space shown on drawing A105 would need to maneuver over the pedestrian path and block the pedestrian path while stopped. Shifting the loading space a minimum of 6' further east would reduce this conflict and create additional space for the PMT to be located outside of the SRW on Thurlow Street.

- (v) 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 provide additional design elevations to confirm.

- (vi) Provision of the minimum vertical clearance for the main ramp and security gates.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces.

43. Provide gridlines on drawings A101-A106.

44. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.

Note to Project Coordinator: One bike room is showing 50 spaces and 20 percent of the Class A bicycle spaces will be required in bicycle lockers. The number of spaces provided for social housing, the ratio of small car spaces, and the number of disability parking spaces are to be confirmed with Parking By-Law requirements.

## Social Housing

45. Locate the social housing laundry area directly adjacent to the amenity space to enable parents to observe children while doing their laundry, as per S. 4.2.1.g. of Housing Design and Technical Guidelines.
46. Provide details about social housing common laundry area that demonstrate compliance with S. 4.2.8 of Housing Design and Technical Guidelines, including demonstration that a minimum of one washer/dryer combination is designed for accessible use.
47. Provide details about social housing indoor amenity spaces that demonstrate compliance with S. 4.2 of Housing Design and Technical Guidelines (Indoor Amenity Spaces (Additional Requirements)).
48. Revise design of the equipment storage and maintenance spaces to comply with S. 4.4.5 (a and b).
49. Revise design of the social housing janitor's closets to comply with S.4.4.7a of the Housing Design and Technical Guidelines. Also, locate one janitor's closet every four floors (e.g. on levels three and six). Each janitor's closet should contain a floor sink and some storage.
50. As per S.4.4.11 of the Housing Design and Technical Guidelines, in the social housing provide separate, lockable mechanical and electrical rooms to safely accommodate items such as hot water tanks, electrical panels, data lines, telephone and security equipment panels, gas, water or hydro meters and any other mechanical or electrical equipment that need to be accommodated within the building.
51. As per S.4.4.12 of the Housing Design and Technical Guidelines, provide a heat treatment room for purposes of exterminating bedbugs in a location where a new occupant would enter the premise with their belongings (e.g. within the parking garage or off the main lobby).
52. Provide a furniture layout to scale for the social housing units to demonstrate functionality and accessibility, as per S.5.4 of the Housing Design and Technical Guidelines.
53. Design development to provide at least two wheelchair accessible units (in compliance with the Housing Design and Technical Guidelines) on Level Two that enable entrance and exiting at grade in the event the elevator is unavailable, or provide two elevators to serve the social housing.
54. In the Social Housing Amenity Room, provide a kitchenette and accessible washroom, as per S.3.7.2 of the *High-Density Housing for Families with Children Guidelines*.

55. Provide a Final Tenant Relocation Plan to the satisfaction of the General Manager of Arts, Culture and Community Services, which in addition to the terms already agreed to, will include an updated list of tenants and rents, current as of the time of Development Permit application.
56. Provide a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and, includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
57. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and, include a summary of all communication provided to the tenants.
58. Prior to issuance of Development Permit, applicant to display a sign on the site, throughout construction, that acknowledges that social 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 and to the General Manager of Planning and Development, the Managing Director of Social Development, the General Manager of Engineering Services, the General Manager of Arts, Culture and Community Services, the Director of Facility Design and Management and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

##### **Engineering**

1. Consolidation of Strata Plan VAS1437 (after cancellation of the Strata Plan and the dissolution of the strata corporation); Lot A, The West 25 Feet of Lot 8, and Lot 8 Except the West 25 Feet, Plan 7000; All of Block 12, District Lot 185 to create a single parcel.
2. Release of Easement & Indemnity Agreement K31005 (encroachment agreement for landscaping) and Covenant M7376 (Rental) prior to building occupancy.

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

3. Confirmation that Statutory Right of Way 28049M (for sewer & drainage purposes over the east 3 feet of Strata VAS1437); is currently not in use

for its intended purpose and then arrange for cancellation or if currently in use but to be decommissioned with site development, then discharge of the SRW agreement following decommissioning.

Appropriate arrangements are to be made following confirmation of disposition of the SRW.

4. Provision of a building setback and a surface Statutory Right of Way (SRW) on Thurlow Street to achieve a 4.5 m (14'-9") distance from the back of the existing City curb. The SRW will be free of any encumbrance at grade such as structure, PMT, stairs, door swing, parkade vents, walls etc.
5. Provision for a Right of Way for the provision of space to accommodate a Public Bike Share (PBS) Station. The proposed 19 m x 2 m Right of Way for the PBS space as outlined on Drawing A-106 & L1.2 at the northeast corner of the site fully on private property along Burnaby Street is acceptable provided the proposed landscaping within the PBS space is removed or relocated outside of the PBS space. Additional required changes include the following:
  - (i) **Size:** At a minimum a 19 m x 4 m sized station shall be accommodated (19 m x 2 m Right of Way on private property). 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 4m.
  - (ii) **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.
  - (iii) **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). Any utility access point within 1 m of the PBS space is to be identified and shown in a detailed drawing submitted. Other firm, paved materials are subject to approval.
  - (iv) **Grades:** The surface must be leveled with a maximum cross slope of 3 percent and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5 percent. At minimum, spot elevations at the four corners of the station must be provided.
  - (v) **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.

- (vi) **Power:** Provision of an electrical service and electrical power is to be available in close proximity to the PBS station.
6. 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 percent of any water system upgrading that may be required.
  - (ii) Upgrade approximately 585 m of existing 375 mm sanitary sewer main to 450 mm sanitary sewer main on Pacific Street from Burrard Street to Jervis Street.  
  
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.
  - (iii) Provision of a new 1.83 m (6 ft.) sod grass front boulevard and 2.14 m (7 ft.) light broom-finish saw-cut concrete sidewalk on Thurlow Street adjacent the site.
  - (iv) 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.
  - (v) Relocation of the speed hump in Maxine Lane away from the top of the parking ramp. Provide an improved plan showing the location of the speed hump as no site survey is available to confirm. The City will provide a location for the new hump(s).  
  
Note to Applicant: Relocation of this speed hump may impact the other speed humps requiring adjustment to more than this single hump.
  - (vi) Provision of 50 percent of the funding for a pedestrian signal at Thurlow and Burnaby streets.



- (vii) Provision of funding for up to 22 percent of the total cost for interim improvements to the intersection of Davie and Burrard streets to provide a new traffic signal including a left turn arrow, a left turn bay and required curb modifications and infrastructure relocation to accommodate the signal and left turn bay works.
7. 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**

8. Provision of a detailed response toward the IRMP requirements outlined in the “Green Buildings Policy for Rezoning”, and the following:
9. Provision of a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for infiltration, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review by the General Manager of Engineering Services.
- (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.
    - (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 24mm 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) Where the growing medium is above the level of adjacent paving, 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;
- (iv) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
- (v) 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;
- (vi) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices.
- (vii) Planters designed as flow-through planters can be used to meet the treatment volume requirement;
- (viii) Consider increasing the depth of soil throughout planted areas and include shallow ponding depths within the planted areas as part of the calculations.

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

### **Sustainability**

10. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the 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.

## Social Housing

11. 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 social housing units which comprise no less than 25 percent of the total floor area for all uses that are included in the calculation of floor space ratio, and associated parking and bike storage for such social housing, all contained within a separate air space parcel. The agreement or agreements will address, but not be limited to, the following issues:
  - (i) Total floor area must be at least 25 percent of the total floor area for all uses that are included in the calculation of floor space ratio;
  - (ii) All associated storage lockers, vehicle and bicycle parking to be provided is not included in the above net floor area;
  - (iii) Breakdown of unit types (i.e. studios, one-bedroom units, two-bedroom units, accessible units, etc.), sizes, parking numbers and finish specifications must be as per the City's *Housing Design and Technical Guidelines*;
  - (iv) Unit design and associated storage and amenity space must be as per the City's *High Density Housing for Families with Children Guidelines*; and
  - (v) The air space parcel for the social housing 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.

Note to Applicant: All units must be designed and delivered in compliance with the City's *Housing Design and Technical Guidelines*.
12. Grant the City an option to purchase, for a nominal purchase price, the social housing air space parcel, exercisable upon completion of construction of the social housing.
13. As a condition of issuance for the Building Permit, a Letter of Credit will be required in an amount equal to the estimated cost. The estimated cost is typically the cost to complete and deliver the Social Housing Parcel 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 Social Housing Parcel.

Note to Applicant: The value of the Letter of Credit will be determined at the time of registration of the legal agreements related to the provision of Social Housing.

14. 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 parcel for 60 years or the life of the building, whichever is greater, which will contain the following terms and conditions:
  - (i) A no separate sales covenant;
  - (ii) A no stratification covenant;
  - (iii) A provision that none of such units will be rented for less than one month at a time;
  - (iv) A requirement that all units comply with the definition of “social housing” in the applicable DCL By-law; and
  - (v) Compliance with the City approved Tenant Relocation and Protection Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit; and
  - (vi) Such other terms and conditions as the General Manager of Arts, Culture and 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.

15. The In-Kind Social Housing will:
  - (i) be secured by letters of credit (“Amenity LCs”) provided to the City prior to issuance of the building permit, the amount of which will be settled as part of the rezoning enactment documents; all LC’s will be in compliance with and in the form set out in the City’s Letter of Credit Policy AF-002-02: <http://citywire.city.vancouver.bc.ca/departments/fs/treasury/documents/Policy-AF00202-LettersofCredit-2016-06-24.pdf>; and
  - (ii) to the extent possible, be built with separate dedicated building systems so that its operating costs are accounted for and managed separately from the balance of the respective development.

### **Community Amenity Contribution (CAC) – Cash Payment**

16. Payment of the cash CAC of \$5,354,805 offered by the applicant, which is to be allocated to support delivery of the West End Public Benefits Strategy, with timing of payment on terms as follows:
- (i) The cash CAC must be paid on the earlier of the following dates:
    - a. the date of issuance of the first building permit for the development; and
    - b. the date that is 24 months (measured in calendar days) following the date of rezoning enactment.
  - (ii) Prior to rezoning enactment, the aforementioned deferred cash CAC payment will be secured via:
    - c. delivery of a letter of credit in the City's required form in the full amount of the cash CAC (all LC's will be in compliance with and in the form set out in the City's Letter of Credit Policy AF-002-02: <http://citywire.city.vancouver.bc.ca/departments/fs/treasurer/documents/Policy-AF00202-LettersofCredit-2016-06-24.pdf>); and/or
  - (iii) a mortgage to be registered against title to the rezoning site in first place securing the payment of the cash CAC in the timeline noted above. The Applicant must reimburse the City for all external legal costs in connection with the granting and registration of the aforementioned mortgage including, without limitation, due diligence and documentation costs and such mortgage will accrue interest at prime plus 3 percent, which interest will be waived and such security discharged if the cash CAC is paid to the City within the timeline noted above.
  - (iv) The City will be entitled to realize on the aforementioned letter of credit or mortgage (as applicable) if the required cash CAC payment is not made by the time noted above.

If the Applicant should sell (in whole or in part) its interest in the development on the Rezoning Lands or shares in the Applicant or corporations which hold legal or beneficial interest in the Applicant or this development, then the City may immediately draw down the entire remaining balance of the LC or (if applicable) Applicant must payout (including accrued interest) the aforementioned mortgages securing the cash CAC payment, upon the closing of such sale transaction.

The deferred payment and any interest, as applicable, will also be secured by a Building Permit hold, which will be registered on title prior to rezoning enactment and, if required, an additional

Occupancy Permit hold for the respective development, to be released only on confirmation of receipt by the City of the full amount of the total Cash CAC Balances (plus interest, if applicable).

### **Local Buyers First**

17. 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 Lands, which includes the following:
  - (i) For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for this development (or each phase of the development, if applicable, 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 live or work in Metro Vancouver and intend to occupy the unit they are purchasing.
  - (ii) 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.
  - (iii) There shall be no foreign marketing during this Exclusive Local Buyer Period.
  - (iv) No buyer shall be allowed to purchase more than one (1) unit within this Exclusive Local Buyer Period.

### **Public Art**

18. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please call Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

### **Environmental Contamination**

19. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);
  - (ii) As required by the Manager of Environmental Protection and the

Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

- (iii) If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

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

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

- B. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, as approved in principle by Council and described in section (c) of Appendix B, of the Policy Report dated July 6, 2018, entitled "CD-1 Rezoning: 1068-1090 Burnaby Street and 1318 Thurlow Street" 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.
- C. THAT A and B 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any

costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED (Vote No. 03254)  
(Councillor Jang opposed)

## **6. REZONING: 1055 Harwood Street**

An application by Strand Development in conjunction with Intracorp Projects Ltd. was considered as follows:

Summary: To rezone 1055 Harwood Street from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 32-storey residential building with 44 social housing units and 82 market strata units. A height of 91.4 metres (300 feet) and a floor space ratio (FSR) of 9.95 are proposed.

Council also had before it a memo dated July 23, 2018, from the General Manager of Planning, Urban Design and Sustainability which brought forward additional information about the application and recommended an additional Urban Design Condition of Approval to address public concerns related to separated common areas for market and social housing, as follows:

THAT the following be added to the Urban Design Conditions of Approval as set out in the summary and recommendation of the public hearing agenda:

“Despite Urban Design Condition of Approval (b)1 further design development is to explore improving common outdoor spaces for social and market housing with the goal of promoting inclusiveness and creating improved, larger contiguous outdoor amenities shared by all residents, and provide such legal agreements as are necessary to enable sharing, as follows:

- (i) Provide a shared children’s play area for social and market housing to create an improved and larger contiguous amenity that may be accessed by all residents (i.e. from market and social housing) and is commensurate in size with the number of family units. Additionally, provide weather protected seating adjacent to the children’s play area to promote an outdoor space for parental supervision.
- (ii) Seek opportunities to provide direct access and clear sightlines to the children’s play area from a multi-purpose amenity room that serves as the social housing common indoor space (consider grade implications in ultimate location).
- (iii) Seek opportunities to combine and relocate common outdoor seating, gathering areas, and urban agriculture facilities to create an amenity that



is inclusionary to both social and market housing residents and maximizes solar performance.”

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, and the above-noted memo.

### **Summary of Correspondence**

The following correspondence was received since referral to Public Hearing and prior to the close of the speakers list:

- Five letters opposed to the application.

The speakers list and receipt of public comments closed at 9:19 pm.

### **Speakers**

Mayor Robertson called for speakers for and against the application.

The following spoke in opposition to the application noting problems with traffic, an excess of parking and the need to combine the proposed playgrounds:

Don Rosenbloom  
Peter Lipscombe  
John Yano

### **Staff Closing Comments**

Staff from Engineering Services and Arts, Culture, and Community Services, responded to questions.

Mayor Robertson requested information on whether there has been any analysis on access to the Burrard Bridge since changes to the intersection at Pacific Avenue and whether establishing Thurlow Street as a one-way vs. two-way had been considered in the process.

### **Council Decision**

*The motion below contains changes from the summary and recommendation of the public hearing agenda which are noted in **bold italics**.*

*Note: please see page \_\_\_\_ for the final motion adopted.*

MOVED by Councillor Louie  
SECONDED by Councillor Carr

- A. THAT the application by Strand Development in conjunction with Intracorp Projects Ltd., on behalf of the registered owner, Harwood Street Project Nominee Inc., to rezone 1055 Harwood Street [*Lots 12 and 13, Block 12, District Lot 185,*

*Plan 92; PIDs 015-749-134 and 015-749-142 respectively*], from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.20 to 9.95 and the building height from 18.3 m to 91.4 m to permit the development of a 32-storey residential tower which would contain 44 social housing units and 82 market strata units, generally as presented in Appendix A of the policy report dated July 6, 2018, entitled “CD-1 Rezoning: 1055 Harwood Street” be approved subject to the following conditions:

### **CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by NSDA Architects and received October 5, 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 improve the livability, as follows:
  - (i) For the social housing, increase the size of the indoor common space to meet *Housing Design and Technical Guidelines*.  
  
Note to Applicant: The outdoor amenity space size should be maintained as proposed. Please also refer to relevant conditions under Affordable Housing.
  - (ii) For the social housing, reconfigure or remove irregularly-shaped, under-functioning in-suite storage rooms.  
  
Note to Applicant: Irregular-shaped/sized storage rooms are not excluded from floor space (refer to Technical conditions). Bulk storage for studios and one-bedrooms may be relocated to the parkade level. Bulk storage for family units must be located in-suite.
  - (iii) For the market housing, provide approximately 93.0 sq. m (1,000 sq. ft.) of indoor amenity space, with improved access to the outdoor space.
  - (iv) Increase the size of the market outdoor space by deleting or reducing the water feature, and by reducing the landscape buffer to Harwood Street to approximately 3.66 m (12 ft.) (measured from the south property line).

- (v) Relocate bulk storage rooms off the exterior wall (i.e. Level 8, Unit 3).

Note to Applicant: Dimensions and areas of common indoor and outdoor spaces should be indicated on the drawings. Deleting the water feature on the west side of the tower will improve access between the indoor and outdoor amenity spaces for the market housing, while increasing programmable/useable outdoor space. Please also refer to relevant Landscape conditions.

2. Design development to improve the interface to the east neighbour, as follows:
  - (i) Add a minimum 0.9 m (3 ft.) landscape strip at the east property line, for the south half of the site (i.e. below the retaining wall).
  - (ii) Relocate the mechanical shaft a minimum 0.9 m (3 ft.) from the east property line.
3. Consideration to improve the building elevations, as follows:
  - (i) Create a change in plane (minimum 12 in.) between the “solid” podium element (with stone cladding) and the tower base (with white frame), on the north and south elevations;
  - (ii) Relocate balconies at levels 29 and 30, to stack above the lower balconies/shades, on the west and east elevations;
  - (iii) Integrate further passive design elements, such as shading devices on the south and west elevations; and
  - (iv) Revise glazing to reduce reflectivity and a “tinted” appearance from the unit interiors.

Note to Applicant: It is understood that floorplate size of the podium may be marginally increased, to accommodate the change in plane in materials between the podium and tower. Overall floor space should not be increased. Some or all of these considerations may be resolved in detailed design development in a future Development Permit application.

4. Identification on the architectural and landscape drawings of any built features intended to create a bird-friendly design.

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

5. ***Despite Urban Design Condition of Approval (b)1 further design development to improve common outdoor spaces for social and market housing with the goal of promoting inclusiveness and***

**creating improved, larger contiguous outdoor amenities shared by all residents, and provide such legal agreements as are necessary to enable sharing, as follows:**

- (i) Provide a shared children's play area for social and market housing to create an improved and larger contiguous amenity that may be accessed by all residents (i.e. from market and social housing) and is commensurate in size with the number of family units. Additionally, provide weather protected seating adjacent to the children's play area to promote an outdoor space for parental supervision.**
- (ii) Seek opportunities to provide direct access and clear sightlines to the children's play area from a multi-purpose amenity room that serves as the social housing common indoor space (consider grade implications in ultimate location).**
- (iii) Seek opportunities to combine and relocate common outdoor seating, gathering areas, and urban agriculture facilities to create an amenity that is inclusionary to both social and market housing residents and maximizes solar performance.**

## **Landscape**

- 6. Design development to the ground-floor amenity area to include:
  - (i) A children's area and landscape features with natural materials such as sand, balancing logs, boulders that provide a range of creative and motor-skills developing play activities (Note: while play equipment is neither required nor encouraged, natural materials are preferred to stimulate creativity and exposure to nature).
  - (ii) A front yard landscape setback with trees and layered planting, where space permits.

- 7. Design development to integrate 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.

- 8. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad-mounted transformers, "Vista" junctions, underground venting) visible to the public

realm. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

9. Provision of neighbour consent letter, accompanied by a tree removal permit application, for the removal of neighbour tree # 239.

Note to Applicant: The arborist report recommends removal and states that the tree is in direct conflict with the proposed development. In the event that neighbour consent cannot be provided to remove the tree, then design development will be needed to retain and protect the tree in a safe and responsible manner. This could have major impacts to the proposed setbacks to above grade and below grade built form along the south property line.

10. Retention of the retaining wall and neighbour trees located near the east property line.

Note to Applicant: The arborist report states that the retention of 10 neighbour trees is dependent upon retention of a retaining wall in close proximity. Removal of the retaining wall and trees will only be supported if there is a major design or technical rationale with verification there are no possible design alternatives available. In such case, a neighbour consent letter must be provided granting permission to remove the offsite wall/trees, and accompanied by a tree removal permit application and appropriate re-landscape permit application, subject to review. In the event that neighbour consent cannot be provided, then design development will be needed to retain and protect the neighbour wall/trees in a safe and responsible manner. This could have impacts to the proposed setbacks to above grade and below grade built form along the east property line.

11. At time of development permit application, the following:

- (i) Provision of a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be at 1/8 in.: 1 ft. 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 Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of detailed architectural and landscape cross sections (minimum 1/4" inch 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.

- (iii) Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture;
- (iv) Provision of high-efficiency irrigation for all planted areas and hose bibs for urban agriculture areas (where applicable);

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.

- (v) Provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis); and
- (vi) Provision of an outdoor Lighting Plan;

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

### **Engineering**

12. The applicant or representative 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.
13. 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.

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.

14. 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.
15. Provision of a landscape plan that reflects the off-site improvements sought for this application. If design details for the off-site improvements are not available then a note reflecting the requirement is to be placed on the landscape plan.
16. Please place the following note on the landscape: *“This plan is “NOT FOR CONSTRUCTION” and is to be submitted for review to Engineering Services a minimum of eight (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.”*
17. Provision of consistent drawings as drawings A1.05 and L1.1 are showing different landscaping layouts and access to the building.
18. Provision of a complete tech table showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided with all stalls numbered and labelled.
19. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
20. Provision of an improved plan showing the parking ramp design from the property line to P1 on one drawing with design elevations and length of slopes.  
  
Note to Applicant: Currently the ramp design is shown on three separate drawings.
21. Provision of loading bay design to the satisfaction of the General Manager of Engineering Services. The following items must be addressed:
  - (i) Dimension the Class B loading space and any required loading throat.
  - (ii) Provide turning swaths for the largest vehicle to service the site as there is existing landscaping and parking across Maxine Lane that must be maintained. Show the maneuvering for the vehicle ingress and egress in three (3) maneuvers or less.
  - (iii) Provision of a ‘stairs free’ loading access from the Class B loading space to the social and market elevator cores and show the access route on the plans. The slope of the loading corridor must not exceed 5 percent and confirm the use of an elevator, if required. There seems to be no loading access to the market

residential elevators.

- (iv) Provision of an area at the back of the loading space to unload with direct access into the building.

22. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Dimension all stalls and all columns encroaching into parking stalls.
- (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking levels and at all entrances.
- (iii) Provision of gridlines on drawings A101 – A106.
- (iv) Provision of parabolic mirrors to improve visibility for two-way vehicle movement at turns.

Note to Applicant: Mirrors are required on the ramp and at the southeast corner of all parking levels.

23. Modification of the parking ramp design to address the following:

- (i) The slope must not exceed 10 percent for the first 20 ft. from the property line.
- (ii) 15 percent slopes may be acceptable if a 7.5 percent to 10 percent transition ramp is provided at the bottom for at least 4m in length. Provide design elevations and ramp lengths on both sides of the transition ramps to confirm.

24. 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.

25. Provision minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.5 m of vertical clearance is required for Class B loading spaces and maneuvering.

26. Note to Applicant: Bicycle storage spaces are to be provided in accordance with Parking By-law, including locker spaces appropriately



distributed across the market housing and social housing in the development.

### **Neighbourhood Energy Utility**

27. 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.
28. Design of the development must provide for Neighbourhood Energy System (NES) compatibility and shall adhere to the following requirements:

- (i) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to NES compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards – Design Guidelines* for general design requirements related to NES compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. At building permit stage, the applicant will be required to submit final detailed drawings and a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied.

- (ii) Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
- (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated NES, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines, at development permit.
- (iv) 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.
29. In lieu of the requirements outlined in Condition #27, the applicant may choose, at time of Development Permit, to meet a greenhouse gas

outcome equivalent to connecting to a low-carbon neighbourhood energy system. This equivalence must be demonstrated to the satisfaction of the Director of Planning, and may include achieving a 50 percent GHG reduction from a high-efficiency natural-gas scenario, achieving the GHG limits of the *Green Buildings Policy for Rezonings* (last amended February 2017), or a Certified Passive House.

Note to Applicant: If following the greenhouse gas outcome equivalency option, the applicant will be required at each stage of permit to submit energy model results, for review by Sustainability, demonstrating that the development is on track to achieve the above requirements and what must be submitted.

### **Sustainability**

30. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezonings* (as amended up to 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management and a 22 percent reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

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

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

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

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

## **Affordable Housing**

32. Design development to remove the heat treatment room from Level 1 of the social housing portion of the building.
33. Design development to convert the three-bedroom social housing unit on Level 2 into two (2) accessible units (e.g. a studio and one-bedroom unit) to allow for exiting at grade in the event the elevator is broken down, or provision of a second elevator to address accessibility concerns.  
  
Note to Applicant: Provision of 5 percent accessible units is outlined in the Housing Design and Technical Guidelines.
34. Consider relocating the laundry room from Level 1 to Level 2 in the social housing portion of the building in order to be in close proximity to the indoor and outdoor amenity spaces.
35. Provision of a minimum of 3.7 sq. m (40 sq. ft.) of in-suite storage, including a minimum clear horizontal dimension of 1.2 m in all directions, in all social housing family units (2 and 3 bedrooms).  
  
Note to Applicant: If this cannot be achieved, an additional storage locker should be provided below grade.
36. Design development to remove washer-dryer closet and hook-up in all one-bedroom units in the social housing portion of the building.
37. Design development to the Level 1 market housing common amenity room to add a kitchenette, accessible washroom, and storage space, and to the adjacent common outdoor amenity deck to allow for a range of functional programming including an area suitable for children's play activity.  
  
Note to Applicant: Please also refer to relevant conditions under Landscape.
38. Design development to include accessible urban agriculture planters on the Level 1 market amenity area along with supporting infrastructure including high efficiency irrigation and /or hose bib, potting bench, tool storage and compost box.
39. Provide a separate lockable janitor room with floor sink, space for storing bucket, mops, brooms, vacuum, ladder, supplies for cleaning, shelves for paper products, light bulbs, etc., appropriately size to adequately meet the needs of the building. In addition provide two smaller janitor's closets that contain a floor sink and storage on levels 3 and 6.
40. Provide separate, lockable mechanical and electrical rooms to safely accommodate items such as hot water tanks, electrical panels, data lines, telephone and security equipment panels, gas, water or hydro

meters and any other mechanical or electrical equipment that need to be accommodated within the building.

41. Provide a minimum 18 vehicle parking spaces, including two accessible parking spaces, for the social housing units.

Note to Applicant: As part of the DP drawings, clearly mark the provision of vehicle parking spaces for the social housing units. Please also refer to relevant conditions under Engineering.

42. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that social 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 and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management 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 12 and 13, Block 12, DL 185, Plan 92 to create a single parcel.
2. 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 percent of any water system upgrading that may be required.

- (ii) Upgrade approximately 585 m of existing 375 mm sanitary sewer main to 450 mm sanitary sewer main on Pacific Street from Burrard Street to Jervis Street.

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

- (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 GMES 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: 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 50 percent of the funding for a new full traffic signal at the intersection of Harwood Street and Thurlow Street including all infrastructure adjustments to accommodate the signal installation.

The traffic signal 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.

- (v) Provision of funding for up to 22 percent of the total cost for interim improvements to the intersection of Davie and Burrard to provide a new traffic signal including a left turn arrow, a left turn bay and required curb modifications and infrastructure relocation to accommodate the signal and left turn bay works.

- (vi) Provision of repainted paint markings on the existing speed humps in Maxine Lane between Thurlow and Burrard streets.

- (vii) Provision of new and relocated curb and gutter along the site frontage and transition of the curbing to the east to address the existing offset in the curb alignment. Work to include any adjustments to catch basins, extended road paving and infrastructure to allow the new curbing installation.

- (viii) Provision of a minimum 1.83 m (6'- 0") wide CIP light broom finish concrete sidewalk with saw-cut joints along the site frontage.

- (ix) Provision of upgraded street lighting along the site frontage to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
  - (x) Provision of a bench on private property at the property line facing Harwood Street and concrete paving between bench and the sidewalk to provide seating that feels welcoming to the public and is easily accessible.
  - (xi) Provision of street trees adjacent the site where space permits.
3. 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 Watercourse Bylaw. The plan shall achieve the following:
- (i) Retain or infiltration of 50 percent of the 6-month storm event volume (24mm) onsite;
  - (ii) Treat the 6-month event (48 mm) onsite; and
  - (iii) Maintain the pre-development 2014 IDF-5 year storm event rate.

Note to Applicant: The post development estimate shall use the 2100 IDF curve to account for climate change.

*Legal arrangements may be required to ensure the ongoing operation of certain stormwater storage, rainwater management and green infrastructure systems.*

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 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.

## Affordable Housing

5. 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 an air space parcel containing the social housing units (which comprise no less than the greater of 4,068.3 sq. m. and 25 percent of the total floor area of the project) and associated parking and bike storage for such social housing. The agreement or agreements will include, but not be limited to, the following:
  - (i) Total net floor area for the social housing must be at least the greater of 4,068.3 sq. m. and 25 percent of the total floor area of the project;
  - (ii) All associated storage lockers, vehicle and bicycle parking to be provided is not included in the above net floor area;
  - (iii) Breakdown of unit types (i.e. studios, one-bedroom units, two-bedroom units, accessible units, etc.), sizes, parking numbers and finish specifications must be as per the City's *Family Room: Housing Mix Policy for Rezoning Projects and High Density Housing for Families with Children Guidelines*;
  - (iv) Unit design and associated storage and amenity space must be as per the City's *Family Room: Housing Mix Policy for Rezoning Projects and High Density Housing for Families with Children Guidelines*; and
  - (v) The air space parcel for the social housing 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.
  - (vi) Grant the City an option to purchase, for a nominal purchase price, the social housing air space parcel, exercisable upon completion of construction of the social housing.
  - (vii) Provide that, as a condition of issuance for the Building Permit, a Letter of Credit will be required in an amount equal to the estimated cost to complete and deliver the Social Housing Parcel 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 Social Housing Parcel.

Note to Applicant: All units must be designed and delivered in compliance with the City's *Housing Design and Technical Guidelines*.

Note to Applicant: The value of the Letter of Credit will be determined at the time of application for a Building Permit for the project.

6. 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 parcel for 60 years or the life of the building, whichever is greater, which will contain the following terms and conditions:
  - (i) A no separate sales covenant;
  - (ii) A no stratification covenant;
  - (iii) A provision that none of such units will be rented for less than one month at a time;
  - (iv) A requirement that all units comply with the definition of "social housing" in the applicable DCL By-law; and
  - (v) Such other terms and conditions as the General Manager of Arts, Culture and 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.

7. The In-Kind Affordable Housing will:
  - (i) be secured by letters of credit ("Amenity LCs") provided to the City prior to issuance of the building permit, the amount of which will be settled as part of the rezoning enactment documents; all LC's will be in compliance with and in the form set out in the City's Letter of Credit Policy AF-002-02:  
<http://citywire.city.vancouver.bc.ca/departments/fs/treasury/documents/Policy-AF00202-LettersofCredit-2016-06-24.pdf>; and
  - (ii) to the extent possible, be built with separate dedicated building systems so that its operating costs are accounted for and managed separately from the balance of the respective development.

### **Community Amenity Contribution (CAC) - Cash Payment**

8. Payment of the cash CAC of \$6,619,470 offered by the applicant, which is to be allocated to support delivery of the West End Public Benefits Strategy, with timing of payment on terms as follows:
  - (i) The cash CAC must be paid on the earlier of the following dates:



- a. the date of issuance of the first building permit for the development; and
  - b. the date that is 24 months (measured in calendar days) following the date of rezoning enactment.
- (ii) Prior to rezoning enactment, the aforementioned deferred cash CAC payment will be secured via:
- a. delivery of a letter of credit in the City's required form in the full amount of the cash CAC (all LC's will be in compliance with and in the form set out in the City's Letter of Credit Policy AF-002-02:  
<http://citywire.city.vancouver.bc.ca/departments/fs/treasurer/documents/Policy-AF00202-LettersofCredit-2016-06-24.pdf>; and/or
- (iii) A mortgage to be registered against title to the rezoning site in first place securing the payment of the cash CAC in the timeline noted above. The Applicant must reimburse the City for all external legal costs in connection with the granting and registration of the aforementioned mortgage including, without limitation, due diligence and documentation costs and such mortgage will accrue interest at prime plus 3 percent, which interest will be waived and such security discharged if the cash CAC is paid to the City within the timeline noted above.
- (iv) The City will be entitled to realize on the aforementioned letter of credit or mortgage (as applicable) if the required cash CAC payment is not made by the time noted above.

If the Applicant should sell (in whole or in part) its interest in the development on the Rezoning Lands or shares in the Applicant or corporations which hold legal or beneficial interest in the Applicant or this development, then the City may immediately draw down the entire remaining balance of the LC or (if applicable) Applicant must payout (including accrued interest) the aforementioned mortgages securing the cash CAC payment, upon the closing of such sale transaction.

The deferred payment and any interest, as applicable, will also be secured by a Building Permit hold, which will be registered on title prior to rezoning enactment and, if required, an additional Occupancy Permit hold for the respective development, to be released only on confirmation of receipt by the City of the full amount of the total Cash CAC Balances (plus interest, if applicable).

### **Local Buyers First**

9. 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 Lands, which includes the following:
  - (i) For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for this development (or each phase of the development, if applicable, 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 live or work in Metro Vancouver and intend to occupy the unit they are purchasing.
  - (ii) 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.
  - (iii) There shall be no foreign marketing during this Exclusive Local Buyer Period.
  - (iv) No buyer shall be allowed to purchase more than one (1) unit within this Exclusive Local Buyer Period.

### **Public Art**

10. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please call Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

### **Environmental Contamination**

11. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);
  - (ii) As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Protection and the

Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

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

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

- B. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, approved in principle by Council and described in section (c) of Appendix B of the policy report dated July 6, 2018, entitled "CD-1 Rezoning: 1055 Harwood Street", 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.
- C. THAT A and B 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 risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or

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

amended

AMENDMENT MOVED by Councillor De Genova  
SECONDED by Councillor Carr

THAT in Urban Design Condition 5 the words “with the goal of promoting” be replaced with the words “to promote” and the word “creating” be replaced with the word “create”

CARRIED UNANIMOUSLY (Vote No. 03255)

The amendment having carried, the motion as amended was put and CARRIED with Councillor Jang opposed (Vote No. 03256)

### **Final Motion as Approved**

*Changes to the motion from the summary and recommendation of the Public Hearing agenda are noted in **bold italics**. The wording change in the amendment noted above is also **underlined**.*

- A. THAT the application by Strand Development in conjunction with Intracorp Projects Ltd., on behalf of the registered owner, Harwood Street Project Nominee Inc., to rezone 1055 Harwood Street [*Lots 12 and 13, Block 12, District Lot 185, Plan 92; PIDs 015-749-134 and 015-749-142 respectively*], from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.20 to 9.95 and the building height from 18.3 m to 91.4 m to permit the development of a 32-storey residential tower which would contain 44 social housing units and 82 market strata units, generally as presented in Appendix A of the policy report dated July 6, 2018, entitled “CD-1 Rezoning: 1055 Harwood Street” be approved subject to the following conditions:

### **CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by NSDA Architects and received October 5, 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 improve the livability, as follows:

- (i) For the social housing, increase the size of the indoor common space to meet *Housing Design and Technical Guidelines*.

Note to Applicant: The outdoor amenity space size should be maintained as proposed. Please also refer to relevant conditions under Affordable Housing.

- (ii) For the social housing, reconfigure or remove irregularly-shaped, under-functioning in-suite storage rooms.

Note to Applicant: Irregular-shaped/sized storage rooms are not excluded from floor space (refer to Technical conditions). Bulk storage for studios and one-bedrooms may be relocated to the parkade level. Bulk storage for family units must be located in-suite.

- (iii) For the market housing, provide approximately 93.0 sq. m (1,000 sq. ft.) of indoor amenity space, with improved access to the outdoor space.

- (iv) Increase the size of the market outdoor space by deleting or reducing the water feature, and by reducing the landscape buffer to Harwood Street to approximately 3.66 m (12 ft.) (measured from the south property line).

- (v) Relocate bulk storage rooms off the exterior wall (i.e. Level 8, Unit 3).

Note to Applicant: Dimensions and areas of common indoor and outdoor spaces should be indicated on the drawings. Deleting the water feature on the west side of the tower will improve access between the indoor and outdoor amenity spaces for the market housing, while increasing programmable/useable outdoor space. Please also refer to relevant Landscape conditions.

- 2. Design development to improve the interface to the east neighbour, as follows:

- (i) Add a minimum 0.9 m (3 ft.) landscape strip at the east property line, for the south half of the site (i.e. below the retaining wall).
- (ii) Relocate the mechanical shaft a minimum 0.9 m (3 ft.) from the east property line.

- 3. Consideration to improve the building elevations, as follows:

- (i) Create a change in plane (minimum 12 in.) between the “solid” podium element (with stone cladding) and the tower base (with white frame), on the north and south elevations;

- (ii) Relocate balconies at levels 29 and 30, to stack above the lower balconies/shades, on the west and east elevations;
- (iii) Integrate further passive design elements, such as shading devices on the south and west elevations; and
- (iv) Revise glazing to reduce reflectivity and a “tinted” appearance from the unit interiors.

Note to Applicant: It is understood that floorplate size of the podium may be marginally increased, to accommodate the change in plane in materials between the podium and tower. Overall floor space should not be increased. Some or all of these considerations may be resolved in detailed design development in a future Development Permit application.

- 4. Identification on the architectural and landscape drawings of any built features intended to create a bird-friendly design.

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

- 5. ***Despite Urban Design Condition of Approval (b)1 further design development to improve common outdoor spaces for social and market housing to promote inclusiveness and create improved, larger contiguous outdoor amenities shared by all residents, and provide such legal agreements as are necessary to enable sharing, as follows:***

- (i) ***Provide a shared children’s play area for social and market housing to create an improved and larger contiguous amenity that may be accessed by all residents (i.e. from market and social housing) and is commensurate in size with the number of family units. Additionally, provide weather protected seating adjacent to the children’s play area to promote an outdoor space for parental supervision.***
- (ii) ***Seek opportunities to provide direct access and clear sightlines to the children’s play area from a multi-purpose amenity room that serves as the social housing common indoor space (consider grade implications in ultimate location).***
- (iii) ***Seek opportunities to combine and relocate common outdoor seating, gathering areas, and urban agriculture facilities to create an amenity that is inclusionary to both social and market housing residents and maximizes solar performance.***

## Landscape

6. Design development to the ground-floor amenity area to include:

- (i) A children's area and landscape features with natural materials such as sand, balancing logs, boulders that provide a range of creative and motor-skills developing play activities (Note: while play equipment is neither required nor encouraged, natural materials are preferred to stimulate creativity and exposure to nature).
- (ii) A front yard landscape setback with trees and layered planting, where space permits.

7. Design development to integrate 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.

8. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad-mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

9. Provision of neighbour consent letter, accompanied by a tree removal permit application, for the removal of neighbour tree # 239.

Note to Applicant: The arborist report recommends removal and states that the tree is in direct conflict with the proposed development. In the event that neighbour consent cannot be provided to remove the tree, then design development will be needed to retain and protect the tree in a safe and responsible manner. This could have major impacts to the proposed setbacks to above grade and below grade built form along the south property line.

10. Retention of the retaining wall and neighbour trees located near the east property line.

Note to Applicant: The arborist report states that the retention of 10 neighbour trees is dependent upon retention of a retaining wall in close proximity. Removal of the retaining wall and trees will only be supported if there is a major design or technical rationale with verification there are no possible design alternatives available. In such case, a neighbour

consent letter must be provided granting permission to remove the offsite wall/trees, and accompanied by a tree removal permit application and appropriate re-landscape permit application, subject to review. In the event that neighbour consent cannot be provided, then design development will be needed to retain and protect the neighbour wall/trees in a safe and responsible manner. This could have impacts to the proposed setbacks to above grade and below grade built form along the east property line.

11. At time of development permit application, the following:

- (i) Provision of a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be at 1/8 in.: 1 ft. 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 Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of detailed architectural and landscape cross sections (minimum 1/4" inch 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.

- (iii) Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture;

- (iv) Provision of high-efficiency irrigation for all planted areas and hose bibs for urban agriculture areas (where applicable);

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.

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

- (vi) Provision of an outdoor Lighting Plan;



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

### Engineering

12. The applicant or representative 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.

13. 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.

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.

14. 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.

15. Provision of a landscape plan that reflects the off-site improvements sought for this application. If design details for the off-site improvements are not available then a note reflecting the requirement is to be placed on the landscape plan.

16. Please place the following note on the landscape: *“This plan is “NOT FOR CONSTRUCTION” and is to be submitted for review to Engineering Services a minimum of eight (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.”*

17. Provision of consistent drawings as drawings A1.05 and L1.1 are showing different landscaping layouts and access to the building.

18. Provision of a complete tech table showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided with all stalls numbered and labelled.

19. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
20. Provision of an improved plan showing the parking ramp design from the property line to P1 on one drawing with design elevations and length of slopes.  
  
Note to Applicant: Currently the ramp design is shown on three separate drawings.
21. Provision of loading bay design to the satisfaction of the General Manager of Engineering Services. The following items must be addressed:
  - (i) Dimension the Class B loading space and any required loading throat.
  - (ii) Provide turning swaths for the largest vehicle to service the site as there is existing landscaping and parking across Maxine Lane that must be maintained. Show the maneuvering for the vehicle ingress and egress in three (3) maneuvers or less.
  - (iii) Provision of a 'stairs free' loading access from the Class B loading space to the social and market elevator cores and show the access route on the plans. The slope of the loading corridor must not exceed 5 percent and confirm the use of an elevator, if required. There seems to be no loading access to the market residential elevators.
  - (iv) Provision of an area at the back of the loading space to unload with direct access into the building.
22. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Dimension all stalls and all columns encroaching into parking stalls.
  - (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking levels and at all entrances.
  - (iii) Provision of gridlines on drawings A101 – A106.
  - (iv) Provision of parabolic mirrors to improve visibility for two-way vehicle movement at turns.  
  
Note to Applicant: Mirrors are required on the ramp and at the southeast corner of all parking levels.
23. Modification of the parking ramp design to address the following:

- (i) The slope must not exceed 10 percent for the first 20 ft. from the property line.
  - (ii) 15 percent slopes may be acceptable if a 7.5 percent to 10 percent transition ramp is provided at the bottom for at least 4m in length. Provide design elevations and ramp lengths on both sides of the transition ramps to confirm.
24. 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.
25. Provision minimum vertical clearance for the main ramp, security gates, and loading bays.
- Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.5 m of vertical clearance is required for Class B loading spaces and maneuvering.
26. Note to Applicant: Bicycle storage spaces are to be provided in accordance with Parking By-law, including locker spaces appropriately distributed across the market housing and social housing in the development.

### **Neighbourhood Energy Utility**

27. 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.
28. Design of the development must provide for Neighbourhood Energy System (NES) compatibility and shall adhere to the following requirements:
- (i) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to NES compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards – Design Guidelines* for general design requirements related to NES compatibility at the building scale. The applicant is also encouraged to work closely with City

- staff during mechanical design to ensure compatibility with a neighbourhood-scale system. At building permit stage, the applicant will be required to submit final detailed drawings and a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied.
- (ii) Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
  - (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated NES, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines, at development permit.
  - (iv) 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.
29. In lieu of the requirements outlined in Condition #27, the applicant may choose, at time of Development Permit, to meet a greenhouse gas outcome equivalent to connecting to a low-carbon neighbourhood energy system. This equivalence must be demonstrated to the satisfaction of the Director of Planning, and may include achieving a 50 percent GHG reduction from a high-efficiency natural-gas scenario, achieving the GHG limits of the *Green Buildings Policy for Rezoning*s (last amended February 2017), or a Certified Passive House.

Note to Applicant: If following the greenhouse gas outcome equivalency option, the applicant will be required at each stage of permit to submit energy model results, for review by Sustainability, demonstrating that the development is on track to achieve the above requirements and what must be submitted.

### **Sustainability**

30. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezoning*s (as amended up to 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management and a 22 percent reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted,

incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist, must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

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

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

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

### **Affordable Housing**

32. Design development to remove the heat treatment room from Level 1 of the social housing portion of the building.
33. Design development to convert the three-bedroom social housing unit on Level 2 into two (2) accessible units (e.g. a studio and one-bedroom unit) to allow for exiting at grade in the event the elevator is broken down, or provision of a second elevator to address accessibility concerns.
- Note to Applicant: Provision of 5 percent accessible units is outlined in the Housing Design and Technical Guidelines.
34. Consider relocating the laundry room from Level 1 to Level 2 in the social housing portion of the building in order to be in close proximity to the indoor and outdoor amenity spaces.
35. Provision of a minimum of 3.7 sq. m (40 sq. ft.) of in-suite storage, including a minimum clear horizontal dimension of 1.2 m in all directions, in all social housing family units (2 and 3 bedrooms).

Note to Applicant: If this cannot be achieved, an additional storage locker should be provided below grade.

36. Design development to remove washer-dryer closet and hook-up in all one-bedroom units in the social housing portion of the building.
37. Design development to the Level 1 market housing common amenity room to add a kitchenette, accessible washroom, and storage space, and to the adjacent common outdoor amenity deck to allow for a range of functional programming including an area suitable for children's play activity.

Note to Applicant: Please also refer to relevant conditions under Landscape.

38. Design development to include accessible urban agriculture planters on the Level 1 market amenity area along with supporting infrastructure including high efficiency irrigation and /or hose bib, potting bench, tool storage and compost box.
39. Provide a separate lockable janitor room with floor sink, space for storing bucket, mops, brooms, vacuum, ladder, supplies for cleaning, shelves for paper products, light bulbs, etc., appropriately size to adequately meet the needs of the building. In addition provide two smaller janitor's closets that contain a floor sink and storage on levels 3 and 6.
40. Provide separate, lockable mechanical and electrical rooms to safely accommodate items such as hot water tanks, electrical panels, data lines, telephone and security equipment panels, gas, water or hydro meters and any other mechanical or electrical equipment that need to be accommodated within the building.
41. Provide a minimum 18 vehicle parking spaces, including two accessible parking spaces, for the social housing units.

Note to Applicant: As part of the DP drawings, clearly mark the provision of vehicle parking spaces for the social housing units. Please also refer to relevant conditions under Engineering.

42. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that social 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 and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management 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 12 and 13, Block 12, DL 185, Plan 92 to create a single parcel.
2. 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 percent of any water system upgrading that may be required.
  - (ii) Upgrade approximately 585 m of existing 375 mm sanitary sewer main to 450 mm sanitary sewer main on Pacific Street from Burrard Street to Jervis Street.

Note to Applicant: The sewer upgrading costs borne by this project may be reduced should benefiting nearby development proceed concurrently with this project with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.
  - (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 GMES 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: 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 50 percent of the funding for a new full traffic signal at the intersection of Harwood Street and Thurlow Street including all infrastructure adjustments to accommodate the signal installation.

The traffic signal 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.

- (v) Provision of funding for up to 22 percent of the total cost for interim improvements to the intersection of Davie and Burrard to provide a new traffic signal including a left turn arrow, a left turn bay and required curb modifications and infrastructure relocation to accommodate the signal and left turn bay works.
  - (vi) Provision of repainted paint markings on the existing speed humps in Maxine Lane between Thurlow and Burrard streets.
  - (vii) Provision of new and relocated curb and gutter along the site frontage and transition of the curbing to the east to address the existing offset in the curb alignment. Work to include any adjustments to catch basins, extended road paving and infrastructure to allow the new curbing installation.
  - (viii) Provision of a minimum 1.83 m (6'- 0") wide CIP light broom finish concrete sidewalk with saw-cut joints along the site frontage.
  - (ix) Provision of upgraded street lighting along the site frontage to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
  - (x) Provision of a bench on private property at the property line facing Harwood Street and concrete paving between bench and the sidewalk to provide seating that feels welcoming to the public and is easily accessible.
  - (xi) Provision of street trees adjacent the site where space permits.
3. 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 Watercourse Bylaw. The plan shall achieve the following:
- (i) Retain or infiltration of 50 percent of the 6-month storm event volume (24mm) onsite;
  - (ii) Treat the 6-month event (48 mm) onsite; and
  - (iii) Maintain the pre-development 2014 IDF-5 year storm event rate.

Note to Applicant: The post development estimate shall use the 2100 IDF curve to account for climate change.

*Legal arrangements may be required to ensure the ongoing operation of certain stormwater storage, rainwater management and green infrastructure systems.*



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 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.

#### **Affordable Housing**

5. 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 an air space parcel containing the social housing units (which comprise no less than the greater of 4,068.3 sq. m. and 25 percent of the total floor area of the project) and associated parking and bike storage for such social housing. The agreement or agreements will include, but not be limited to, the following:
  - (i) Total net floor area for the social housing must be at least the greater of 4,068.3 sq. m. and 25 percent of the total floor area of the project;
  - (ii) All associated storage lockers, vehicle and bicycle parking to be provided is not included in the above net floor area;
  - (iii) Breakdown of unit types (i.e. studios, one-bedroom units, two-bedroom units, accessible units, etc.), sizes, parking numbers and finish specifications must be as per the City's *Family Room: Housing Mix Policy for Rezoning Projects and High Density Housing for Families with Children Guidelines*;
  - (iv) Unit design and associated storage and amenity space must be as per the City's *Family Room: Housing Mix Policy for Rezoning Projects and High Density Housing for Families with Children Guidelines*; and
  - (v) The air space parcel for the social housing 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.

- (vi) Grant the City an option to purchase, for a nominal purchase price, the social housing air space parcel, exercisable upon completion of construction of the social housing.
- (vii) Provide that, as a condition of issuance for the Building Permit, a Letter of Credit will be required in an amount equal to the estimated cost to complete and deliver the Social Housing Parcel 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 Social Housing Parcel.

Note to Applicant: All units must be designed and delivered in compliance with the City's *Housing Design and Technical Guidelines*.

Note to Applicant: The value of the Letter of Credit will be determined at the time of application for a Building Permit for the project.

- 6. 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 parcel for 60 years or the life of the building, whichever is greater, which will contain the following terms and conditions:

- (i) A no separate sales covenant;
- (ii) A no stratification covenant;
- (iii) A provision that none of such units will be rented for less than one month at a time;
- (iv) A requirement that all units comply with the definition of "social housing" in the applicable DCL By-law; and
- (v) Such other terms and conditions as the General Manager of Arts, Culture and 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.

- 7. The In-Kind Affordable Housing will:
  - (i) be secured by letters of credit ("Amenity LCs") provided to the City prior to issuance of the building permit, the amount of which will be settled as part of the rezoning enactment documents; all LC's

will be in compliance with and in the form set out in the City's Letter of Credit Policy AF-002-02:

<http://citywire.city.vancouver.bc.ca/departments/fs/treasury/documents/Policy-AF00202-LettersofCredit-2016-06-24.pdf>; and

- (ii) to the extent possible, be built with separate dedicated building systems so that its operating costs are accounted for and managed separately from the balance of the respective development.

### **Community Amenity Contribution (CAC) - Cash Payment**

- 8. Payment of the cash CAC of \$6,619,470 offered by the applicant, which is to be allocated to support delivery of the West End Public Benefits Strategy, with timing of payment on terms as follows:

- (i) The cash CAC must be paid on the earlier of the following dates:
  - a. the date of issuance of the first building permit for the development; and
  - b. the date that is 24 months (measured in calendar days) following the date of rezoning enactment.
- (ii) Prior to rezoning enactment, the aforementioned deferred cash CAC payment will be secured via:
  - a. delivery of a letter of credit in the City's required form in the full amount of the cash CAC (all LC's will be in compliance with and in the form set out in the City's Letter of Credit Policy AF-002-02:  
<http://citywire.city.vancouver.bc.ca/departments/fs/treasury/documents/Policy-AF00202-LettersofCredit-2016-06-24.pdf>; and/or
- (iii) A mortgage to be registered against title to the rezoning site in first place securing the payment of the cash CAC in the timeline noted above. The Applicant must reimburse the City for all external legal costs in connection with the granting and registration of the aforementioned mortgage including, without limitation, due diligence and documentation costs and such mortgage will accrue interest at prime plus 3 percent, which interest will be waived and such security discharged if the cash CAC is paid to the City within the timeline noted above.
- (iv) The City will be entitled to realize on the aforementioned letter of credit or mortgage (as applicable) if the required cash CAC payment is not made by the time noted above.

If the Applicant should sell (in whole or in part) its interest in the development on the Rezoning Lands or shares in the Applicant or

corporations which hold legal or beneficial interest in the Applicant or this development, then the City may immediately draw down the entire remaining balance of the LC or (if applicable) Applicant must payout (including accrued interest) the aforementioned mortgages securing the cash CAC payment, upon the closing of such sale transaction.

The deferred payment and any interest, as applicable, will also be secured by a Building Permit hold, which will be registered on title prior to rezoning enactment and, if required, an additional Occupancy Permit hold for the respective development, to be released only on confirmation of receipt by the City of the full amount of the total Cash CAC Balances (plus interest, if applicable).

### **Local Buyers First**

9. 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 Lands, which includes the following:
  - (i) For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for this development (or each phase of the development, if applicable, 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 live or work in Metro Vancouver and intend to occupy the unit they are purchasing.
  - (ii) 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.
  - (iii) There shall be no foreign marketing during this Exclusive Local Buyer Period.
  - (iv) No buyer shall be allowed to purchase more than one (1) unit within this Exclusive Local Buyer Period.

### **Public Art**

10. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please call Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

### **Environmental Contamination**

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

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

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

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

- B. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, approved in principle by Council and described in section (c) of Appendix B of the policy report dated July 6, 2018, entitled "CD-1 Rezoning: 1055 Harwood Street", 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.

- C. THAT A and B 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 risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

**7. REZONING: 1445-1455 West Georgia Street - WITHDRAWN**

**ADJOURNMENT**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:39 pm.

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