

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

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.

Applicant: Strand Development in partnership with Intracorp Projects Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of July 10, 2018.

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

- A. THAT the application by 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% on private property, 50% 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 the common outdoor spaces, as follows:

For the social housing:

- (i) Reconfigure the garbage access to avoid impact on the outdoor amenity spaces, particularly on the children’s play area.
- (ii) Relocate and/or improve the children’s play to have direct access and clear sightlines from the indoor amenity room.
- (iii) 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).
- (iv) Provide a minimum 6 ft. landscape buffer between the common outdoor amenity and the lane (see relevant Landscape Conditions).
- (v) Provide a screen and/or a minimum 3 ft. landscape buffer between the loading and the outdoor space (see relevant Landscape Conditions).

For the market housing:

- (vi) Delete the outdoor amenity space at the northwest corner of the site or reconfigure to mitigate noise impacts from Thurlow Street.
- (vii) Relocate the children's play area to provide direct access and clear sightlines from a multi-purpose amenity room, and increase it in size to be commensurate with the number of family units.
- (viii) Relocate the urban agriculture for improved solar performance.
- (ix) Consideration to provide of an additional common outdoor space above grade (rooftop location is recommended).

Note to Applicant: *Social housing* – The social housing children's area does not perform well as it is difficult to supervise, does not have an accessible path of travel, and is crossed by the garbage access for both residential uses. Consider using the area above the parkade ramp for urban agriculture, and developing a larger children's play and dining/recreation area in the south yard. All common areas should be wheelchair accessible. See Housing Conditions for further comments on the non-market housing outdoor spaces.

Market housing – It is recommended to replace the small patio at the northwest corner with a larger landscaped area and/or public artwork. Noting the requirements to provide a Public Bike Share (split between public and private property) and to provide more landscaping, the available outdoor space at grade will be significantly reduced. An additional outdoor space, preferably on the rooftop, should be explored.

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 Rezonings, 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% (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 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% 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% 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% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.
 - (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% 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% of the funding for a pedestrian signal at Thurlow and Burnaby streets.
- (vii) Provision of funding for up to 22% 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 Rezonings”, 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% 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% 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/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%, 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, if Council approves in principle the rezoning and the Housing Agreement 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" 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, 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 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.

[RZ – 1068-1090 Burnaby Street and 1318 Thurlow Street]