

6. REZONING: 1055 Harwood Street

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.

Applicant: Strand Development in conjunction 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 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>.

Landscape

- 5. 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.
- 6. 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.

- 7. 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.

8. 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.

9. 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.

10. 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

11. 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.
12. 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.

13. 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.

14. 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.
15. 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."*
16. Provision of consistent drawings as drawings A1.05 and L1.1 are showing different landscaping layouts and access to the building.
17. 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.
18. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
19. 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.

20. 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% 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.

21. 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.

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

- (i) The slope must not exceed 10% for the first 20 ft. from the property line.
- (ii) 15% slopes may be acceptable if a 7.5% to 10% 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.

23. 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.

24. 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.

25. 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

26. 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.
27. 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.
28. 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% 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

29. 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% 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)

30. 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

- 31. Design development to remove the heat treatment room from Level 1 of the social housing portion of the building.
- 32. 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% accessible units is outlined in the Housing Design and Technical Guidelines.

- 33. 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.
- 34. 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.

- 35. Design development to remove washer-dryer closet and hook-up in all one-bedroom units in the social housing portion of the building.
- 36. 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.

- 37. 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.
- 38. 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.
- 39. 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.

40. 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.

41. 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% 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% 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% 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% 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 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.

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% 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% 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%, 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, 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: 1055 Harwood 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; 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.

[RZ – 1055 Harwood Street]