

SUMMARY AND RECOMMENDATION

4. REZONING: 1444 Alberni Street and 740 Nicola Street

Summary: To rezone 1444 Alberni Street and 740 Nicola Street from DD (Downtown District) to CD-1 (Comprehensive Development) District to permit the development of two residential towers containing 314 market strata units, 129 market rental units and a 56-space childcare centre. A maximum height of 135.2 metres (443.5 feet) and a floor space ratio (FSR) of 14.48 are proposed.

Applicant: Musson Cattell Mackey Partnership in partnership with Robert A.M. Stern Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of July 24, 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 Musson Cattell Mackey Partnership in partnership with Robert A.M. Stern Architects, on behalf of Alberni Street Nominee Ltd., the registered property owner, to rezone 1444 Alberni Street and 711 Broughton Street [*PID 007-561-938; Lot 1 (Explanatory Plan 10081) Block 43 District Lot 185 Plan 92*] and 740 Nicola Street [*PID 009-175-105; Lot 16 Block 43 District Lot 185 Plan 92*], from DD (Downtown District) to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 6.00 to 14.48 and the building height from 91.4 m to 135.2 m to permit the development of two residential towers containing 314 market strata units, 129 market rental units and a 56-space childcare centre, generally as presented in Appendix A of the Policy Report dated July 16, 2018, entitled "CD-1 Rezoning: 1444 Alberni Street and 740 Nicola Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- a) That the proposed form of development be approved by Council in principle, generally as prepared by Musson Cattell Mackey Partnership and received September 1, 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 the overall proportions of both tower forms to minimize their apparent bulkiness, particularly in the east-west dimension.

Notes to Applicant: Design development is needed for the towers to appear more slender. This can be achieved by: sculpting the facades to enhance overall verticality; increasing the depths of the step-backs in massing; and lowering the shoulders of the tower base to better emphasize the shaft. Maintain a minimum of 24 m (80 ft.) separation between tower faces.

The average floor plates of the proposal are 615 sq. m (6,623 sq. ft.) for the east tower and 617 sq. m (6,643 sq. ft.) for the west tower, while the maximum tower floor plate under the *West End Community Plan* is 603.9 sq. m (6,500 sq. ft.). The increase in floor plate sizes is to account for the Passive House ventilation system and extra wall thickness. Should the ventilation and extra wall thickness no longer be required, the maximum floor plate of 603.9 sq. m (6,500 sq. ft.) outlined under the Plan shall be adhered to.

2. Design development to the upper portion of the towers to further refine and enhance their architectural contribution to the city skyline and the public view cone.

Note to Applicant: Further sculpting of the tower crowns by lowering the shoulders of the shaft will enhance the tower tops as distinct elements.

3. Design development to rework the massing of the east face of the building to provide a sense of depth and variation and to provide massing relief to the Broughton Street frontage.

Note to Applicant: The intent is to reduce the massing impact of the uninterrupted shear face of the east façade. This can be achieved by stepping the east face of the tower back from the east face of the podium, and by finessing the proportions and depths of step-backs to integrate the tower into the podium, rather than producing an abrupt horizontal seam between tower and podium.

4. Design development to the south face of the residential podium to improve the livability of south-facing rental units and to enhance the rear elevation of the podium.

Note to Applicant: Improve the sense of privacy for street-level units facing onto the lane with increased setbacks and landscaping, and by raising the interior floor level relative to the grade of the lane. Balconies of upper-level podium units should be increased for usability. Reduce the apparent bulk of the rear elevation by increasing setbacks and stepping in the massing.

5. Design development to enhance the laneway interface at grade level as much as possible.

Note to Applicant: Consider pedestrian lighting, landscaping, seating, and other public realm improvements such as high quality paving treatments.

6. Design development to consolidate the amenity spaces and ensure that indoor amenity spaces are co-located with sufficiently sized and well-proportioned outdoor amenity spaces.

Note to Applicant: Reduce the number of amenity spaces to improve their scale, configuration, and usability. Consider shared amenity spaces for the entire development.

7. Design development to maintain the high quality materials, and to maintain the level of detailing implied and necessary to accomplish and construct the proposed design aesthetic. (This includes Haddington stone, granite accents, the bronze entry doors, metal railings, and sculpted stone panel detailing.)

8. Design development to ensure service equipment including window washing infrastructure, and cell tower and antennae elements do not protrude into the public view cone(s).

9. Design development to the entries of street-level units facing onto Alberni Street to better address the public realm.

Note to Applicant: Entrances should be enhanced through the use of elements such as low walls, steps, special paving, special planting features, architecturally integrated canopies projecting from the building and special lighting. Entry steps should be simplified as shorter straight runs perpendicular to the street. Reduce the differential between the height of entry level and adjacent sidewalk elevation as much as possible. No unit entry should be greater than 0.6 m (2 ft.) below the grade of the adjacent sidewalk.

10. Design development to provide direct circulation to edible landscaping without conflicting with other uses such as the child day care facility.

11. Submission of a bird friendly strategy for the design of the building and landscape is encouraged with the development permit application.

Note to Applicant: The strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Landscape

12. Design development to increase the long-term suitability of the proposed at-grade landscape by lowering and/or sloping the underground parking structure as follows:
 - (i) Provide a minimum 0.9 m (3 ft.) depth of growing medium for all landscape along the ground level. This growing medium should be uninterrupted from underground utilities, walls, structures, drainage layer, etc. Raised Planters cannot be accepted within the central courtyard.
 - (ii) The portions of the underground parking garage that are underneath landscaped areas should be designed and constructed to have a high level of structural integrity to accommodate trees for their entire lifespan without cracking or needing replacing.
13. Design development to provide a central courtyard that is more representative of the West End's character by providing:
 - (i) a minimum of five 'Part 1' additional trees from Schedule D of the Protection of Trees By-law; and
 - (ii) a diverse mix of medium to large statured evergreen and deciduous shrubs.

Note to Applicant: The West End is known for having green, leafy and inviting streetscapes which are composed of large, statured trees planted amongst a range of shrubs in an informal fashion. A proposal that has low plantings arranged in a formal manner, segregated from the public realm with walls and fences, cannot be supported. Features such as the walls and wrought iron fences should be designed to be less formal or be deleted.

14. Design development to improve the expression of the townhomes along Alberni Street by, as much as possible, limiting the stairs needed to enter each unit.

Note to Applicant: Explore using grade alterations within the interior of the building to limit the amount of stairs needed outside the building.
15. Design development to provide substantial planting along the perimeter of the 7th floor mezzanine.

Note to Applicant: Provide evergreen arching shrubs or trees along the north and south perimeters of the 7th floor mezzanine. To ensure long-term vitality of the landscape screen, the size of the planters will need to be expanded in order to meet or exceed BCSLA standards.

16. Design development to provide substantial planted landscaping along the Broughton Street streetscape in order to soften the massing of the building.

Note to Applicant: Consider small, statured trees between windows which will allow natural light into units yet prevent direct views from the sidewalk into the units.

17. Design development to increase the planted landscaping along the lane with small statured trees, shrubs and planted laneway bulges.

Note to Applicant: Explore having a landscape feature between the 'Class B' Loading Bay and the opening for the underground parking garage.

18. Design development to coordinate with staff from the Vancouver Parks and Recreation regarding what should be shown on the proposed plans within the minimum 6.1 m (20 ft.) dirt site to be transferred to the City, adjacent to Nicola Street.

Note to Applicant: Staff require that this site left blank on the plans as it is part of the future park proposed within the Nicola Street right of way.

19. Design development to delete water features.

Note to Applicant: Water features should be replaced with landscaping.

20. Design development to provide cross-section details of all landscape planters.

Note to Applicant: Planted areas at grade should show the specified growing medium of the planters as required in previous conditions. All other planted areas should meet or exceed BCSLA standards.

Engineering

21. The owner or representative is advised to contact Engineering Services to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that there is a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
22. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
23. 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.

24. Delete what appear to be curb returns in the lane. There is existing roll-over curb that runs the length of the lane which is to be maintained.
25. Please place the following statement on the landscape plan: *This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.*
26. Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to Engineering Services for review.
27. Delete the portions of balconies and projecting window surround which encroach into the lane (pages A102-105).
28. Deletion of balcony encroachments into the 20-foot setback.
29. Deletion of the existing planters on Nicola Street that are being considered for retention within the 20-foot setback area.
30. Deletion of the bike racks proposed to be located within the setbacks on Alberni Street and Nicola Street.
31. Deletion of landscape proposed within the 20-foot setback area on Nicola Street.
32. Deletion of the sidewalks and specialty treatments in the lane. Provision of standard treatment in the lane.
33. Clarify garbage pick-up operations. Confirmation that a waste hauler can access and pick up from the locations shown is required. Pick-up operations should not require the use of public property for storage, pick up or return of bins to the storage location. Applicant is showing garbage/recycling rooms on L1 and L2.
34. Provide automatic door openers at all doors leading to and providing access to the bicycle room(s).

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

Tech Table

- (i) Note to Applicant: Calculations for required daycare spaces should reference the City's Childcare Design Guidelines, Section 4.1.6: <http://vancouver.ca/docs/planning/childcare-design-guideline-1993-February-4.pdf>

Drawings

- (ii) Provision of a section drawing showing parking level elevations, vertical clearances, security gates including mechanical projections for the main ramp, and through the loading bays.

Note to Applicant: This is to confirm vertical clearances for same. Minimum 2.3 m clearance is required to access Class A loading and disability spaces; minimum 3.8 m clearance is required to access Class B loading spaces.

- (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bays, and at all entrances. Include width of the main ramp and distance between all breakpoints.

Note to Applicant: This is to calculate and confirm slopes and crossfalls throughout the parking areas.

Parking Ramps

- (iv) Clarify use of small ramp west adjacent to parkade access ramp. Include dimensions and ramp slopes.

Note to Applicant: Where there is a curved ramp, provide grades two feet from the wall on the inside radius. The slope and length of the ramp sections must be shown on the submitted drawings.

- (v) Provide corner cuts at right-angle turns for improved two-way vehicle visibility and maneuvering.

Note to Applicant: Corner cuts in the southeast corner of P1 through P3 would be acceptable.

Parking Spaces

- (vi) All types of parking and loading spaces to be numbered, dimensioned and labelled on the drawings as daycare or residential spaces.

- (vii) Provide a 6.6 m (21.7 ft.) maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.
- (viii) Dimension all columns encroaching into parking stalls.
- (ix) Improved wheelchair access from disability parking spaces to the elevators is required.

Note to Applicant: Note space 81 on P2 through P4, and space 83 on P5.

Loading Bays

- (x) Provision of 0.30 m (1 ft.) additional width for the Class A loading spaces adjacent to wall.
- (xi) Provide convenient, internal, stair-free access to/from all site uses and towers.

Bicycle Room, Bike Racks, and Bikeways

- (xii) Provision of an updated 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 or elevator, if required.

- (xiii) Include Class B bicycle parking on architectural drawings, in addition to those shown on landscape plans

Sustainability

36. 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 phased developments, it is expected that the individual development permits will meet the requirements of the *Green Buildings Policy for Rezonings* in effect at the time of development permit application. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezonings – Process and Requirements* (amended April 28, 2017 or later).

37. The applicant commits the proposed development to exceed the sustainable design and emissions improvements required by the *Green Buildings Policy for Rezonings* and the *Rezoning Policy for Sustainable Large Developments*, and to demonstrate leadership in sustainable design as required by the *General Policy for Higher Buildings*, through the following:
- (i) Passive House Design: the development shall be designed to certify under the Passive House standard, including a thermal energy demand of no more than 15 kWh/sq. m annually.

Crime Prevention Through Environmental Design (CPTED)

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

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

Housing/Tenant Relocation

39. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the *Tenant Relocation and Protection Guidelines*.

Note to Applicant: An updated list of tenants must be submitted at the time of development permit application.

40. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
41. Provide a notarized declaration, prior to issuance of a development permit 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; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
42. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants;

indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.

43. Provide residential amenity spaces as follows:
- (i) Indoor Amenity – Design development to include a common indoor amenity room for residents with kitchenette, storage closet and accessible washroom equipped with baby change table adjacent to an outdoor amenity area.
 - (ii) Outdoor Amenity – Design development to include an outdoor common area for residents including an area suitable for a range of opportunities for creative and motor-skills developing play for children with a range of ages (play equipment is neither necessary nor encouraged, but landscape features which encourage creative play and motor skills development such as boulders, logs, pathways, water-play elements, sand-play, etc. are encouraged).

Note to Applicant: The amenity spaces for the market rental and strata housing should comply with the *High Density Housing for Families with Children Guidelines*.

Child Day Care Facility

44. Design development to ensure that the 56-space childcare centre is licensable by Community Care Facilities Licensing and meets the intent of the City's *Childcare Design Guidelines and Childcare Technical Guidelines*. Each program within the childcare centre is required to have an adequate amount of contiguous indoor and outdoor space.

Note to Applicant: Based on the City's *Childcare Design Guidelines* a 56-space childcare centre will require a minimum gross indoor area of 7,320 sq. ft. and an approximate outdoor area of 7,590 sq. ft.

45. Design development to ensure that the indoor and outdoor spaces of the childcare centre are designed to maximize opportunities for healthy child development while ensuring an operationally sustainable facility for the non-profit operator.
46. Design development of the outdoor childcare space to maximize solar access and to ensure that the full outdoor area is supervisable and licensable. Storage must be accommodated on site for program equipment and strollers (for both parents' use and for the program's use).

Note to Applicant: All work pertaining to the design, construction, fit, furnish, equip and supply for the childcare centre shall be to the satisfaction of the City's Managing Director of Social Policy and Projects, the City's Director of Facilities Planning and Development, and to the Regional Manager of Community Care Facilities Licensing.

47. Design development to minimize the number of balconies overhanging the outdoor play space and to ensure mitigation of fallen or thrown objects from any remaining overhanging balconies.

48. Clarify the intended use of daycare garbage spaces on L01 and L03.

Note to Applicant: Note that daycare garbage room should be large enough to accommodate garbage and recycling for the childcare, and should be located in an area easily accessible by daycare staff (close to the daycare elevator).

49. Provide seven pick-up/drop-off parking spaces, and two staff parking spaces, dedicated and signed to the childcare.

50. Clarify that the childcare is situated no higher than 24.4 m (80 ft.) via evacuation routes.

51. Provide plans outlining how access to and use of the residential outdoor amenity spaces will be entirely separate from access to the daycare and that there would be minimal impact on the safety, security and daily operations of the daycare.

Note to Applicant: Staff are concerned that the close proximity of the outdoor amenity space will impact either the privacy of the childcare activities, and/or the access to natural light should a privacy barrier be erected. If there is access to the daycare level by residents, additional security measures will be required.

Note to Applicant: A provincially licensed childcare facility must be secured at all times, with access granted only to staff, children enrolled in the childcare, and their caregivers at pick-up/drop-off.

Public Park

52. Delete any features on the plans shown within the future park, including within the dedicated land along the western edge of the subject site offered by the applicant.

Note to Applicant: The design, construction and programming of the future park, including on the dedicated land, are to be determined through a separate, Park Board led process. The Park Board led process will confirm the amenities to be included in the park including on the dedicated land. Elements such as bike racks, landscaping, trees, planters or structures related to private development, as well as potential public art, as shown in the rezoning application, are not supported in the 6.1 m (20 ft.) dedicated land.

Further, site grading of the park, including the dedicated area, will be determined by the Park Board during the design of the park in order to best accommodate the park design and proposed park programming. The proposed westerly building elevation cannot limit any future possibility for

park grades. A consistent, even grade from lane to the street must remain possible. Final grading, which may include a series of terraces, would be further explored and determined through the future park design process.

53. Delete any sidewalk or pathway locations through the future park.

Note to Applicant: Sidewalk and pathway locations through the future park will be determined by the General Manager of Parks and Recreation and the General Manager of Engineering Services, and cannot be as shown in the development permit application without consultation with staff.

54. Design development to ensure that, other than subsurface drainage associated with the building, no subsurface building structure or infrastructure shall be located within the park or the dedicated area.

55. Design development to ensure no building encumbrances or encroachment to the air space above the park including the dedicated area, e.g. no overhanging structures/balconies/window bays within the dedicated area.

Note to Applicant: Any building encroachment into the 6.1 m (20 ft.) park dedication area is not permitted. The intent of this space is for park use. If additional space is required to accommodate the building façade, including balconies, water tables, or cornice projections, all these features must be accommodated within the rezoning site, not within the 6.1 m (20 ft.) park dedication that is to be transferred to the City.

56. Design development to ensure no direct building access into the dedicated area.

Note to Applicant: A collector pathway would be required within private property.

57. Ensure Park Board arborist approval is obtained for the tree protection plan for all trees within the park and street trees. Plans to be submitted for Park Board approval.

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 Managing Director of Cultural 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. Subdivision of Lot I (Explanatory Plan 10081) and Lot 16, Block 43, District Lot 185, Plan 92 to create a single parcel for the development site and a new 20 foot wide park parcel adjacent to Nicola Street. The new park parcel is to be transferred (“dedicated”) to the City for park purposes.

Note to Applicant: This 20-foot wide park site is to be transferred to City in Fee Simple Ownership and shall:

- (i) be a dirt site (no parking structure or other infrastructure underneath);
 - (ii) be transferred to City ownership, free and clear of any financial charges, liens and other encumbrances; and
 - (iii) meet all environmental conditions/remediation requirements for park use (verified by appropriate written documentation/certification).
2. Release of Easement & Indemnity Agreements 469603M (support), E36923 & 440228M (commercial crossings) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.
3. Provision of statutory right of way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the north property line to give an overall distance of 4.5 m (14.8 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings and benches at-grade, but the SRW agreement will accommodate underground parking Levels P1 to P6 and portions of building levels 1 and 2 within the SRW area.
4. Provision of a shared use agreement to the satisfaction of the General Manager of Engineering Services for the loading spaces between the daycare and residential uses.

Note to Applicant: The shared use agreement should specify allocated time periods for shared use by residential vs. daycare units. Label the space as “Residential and Daycare Loading”.
5. Provision of additional transportation demand management strategies in Green Mobility Plan, including:
 - (i) Provision of additional residential Class A bicycle spaces, for a minimum total of 1.8 spaces per unit;

- (ii) Provision of Class A and Class B bicycle spaces for the daycare; and
- (iii) Provision of 100% EV-ready vehicle parking spaces.

Note to Applicant: Additional information regarding the proposed private shared bicycle fleet must be provided to determine its suitability in meeting the requirements of the Green Mobility Plan. Contact John Turecki in Engineering Services for further information.

- 6. Provision of a letter of commitment to post occupancy monitoring of the Transportation Demand Management (TDM) measures proposed. Including provision of a limited TDM plan update to be delivered approximately 1 year after occupancy outlining the following:
 - (i) Travel mode survey for the all employees;
 - (ii) Current and future TDM measures being implemented and the uptake; and
 - (iii) Each update to capture summer and winter data for the mode split and TDM uptake.

Note to Applicant: A \$10,000 Letter of Credit will be required to secure the studies. Completed studies are to be submitted to the Parking Management Branch of the City.

- 7. 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 the existing 150 mm sanitary sewer along Alberni Street, from the development to Nicola Street (approximately 54 m). The estimated size of the upgraded sanitary sewer is 250 mm.

(iii) *RAINWATER MANAGEMENT PLAN* – Provision of a comprehensive site-wide Rainwater Management Plan (RMP) prepared by a subject matter expert (Engineer), that demonstrates how the project will meet the requirements for peak flow control, volume retention, and treatment, and which will address the following:

a. Peak Flow Rate Control:

1. The peak flow rate from the 2-year post-development storm event shall be maintained at the pre-development level.
2. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post-development estimate shall utilize the 2100 IDF curve to account for climate change.

b. Treatment and Volume Retention:

1. Runoff from the first 24 mm of rainfall from all areas, including rooftops, paved areas, and landscape must be retained and treated on site (landscapes over native subsoils with appropriately sized topsoil meets the 24 mm retention requirement);
2. Surfaces designed for motor vehicle use and other high pollutant generating surfaces require an additional 24 mm of treatment beyond the first 24 mm retained (for a total of 48 mm treated).
3. Water quality volume (24 mm for low pollutant generating surfaces like roofs and 48 mm for high pollutant generating surfaces like driveways) that leaves the site must be treated to a standard of 80% TSS removal by mass by using either individual BMPs that meet the standard or treatment trains of BMPs that, when combined, meet the standard. For proprietary treatment devices:
 - (i) Provide product information for all treatment practices.
 - (ii) Products need to be certified by TAPE - The Technology Assessment Protocol – Ecology Program, Washington State Department of Ecology’s process for evaluating and approving emerging rainwater treatment BMPs. The applicant may propose other

technologies but must provide supporting information that shows the technology meets the standard.

4. The applicant must prioritize methods of retention according to the three tiers below. Justification must be provided for using a lower tier retention option. The tiers are as follows:
 - (i) 1st tier priority green infrastructure practices: Provide volume reducing green infrastructure practices. For example, rainwater can be kept on site for rainwater harvesting for re-use, green roofs, and soil infiltration;
 - (ii) 2nd tier priority green infrastructure practices: Provide treatment and retention in non-infiltrating landscapes. For example, rainwater can be directed to absorbent landscape on slab, closed bottom planter boxes, and lined bioretention systems;
 - (iii) 3rd tier priority green infrastructure practices: Provide treatment and detention as per the rate control requirement.

c. Submission requirements for development permit stage must include the following elements:

1. Pre-development site plan showing orthophoto and existing drainage areas and appurtenances.
2. A proposed site plan that delineates drainage areas, including the area measurements for pervious/impervious areas, and identifies appropriately sized green infrastructure practices for each of those areas.
3. Hydrologic and hydraulic analysis prepared by a qualified professional in the area of rainwater management showing how the site will meet the requirements.
4. If lower tier green infrastructure options are chosen, then justifications must be included in the RMP report.
5. Details on how the targets set out above will be achieved through the development phases and once all development phases are complete.

6. Include supplementary documentation for any proprietary products that clearly demonstrates how they contribute to the targets.
7. The plan and report must demonstrate that access has been provided for maintaining the rainwater management system, such as providing truck access for pumping out sediment traps.
8. Maintenance and operation guide for the rainwater management system that will be provided to the eventual owner or party responsible for maintenance.

Note to Applicant: On-site drainage is required to be treated on site; it cannot be treated on public property (i.e. on the future park site).

Note to Applicant: The Development to be serviced to the upgraded 250 mm sanitary sewer along Alberni Street.

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

- (iv) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work. Note: as-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
- (v) Provision of a new 1.524 m (5 ft.) sod lawn front boulevard and light broom finish saw cut concrete sidewalks between the front boulevard and the property line along the Alberni Street frontage of the site.
- (vi) Provision of a new 1.524 m (5 ft.) sod lawn front boulevard and Triangle West sidewalk treatment between the front boulevard and the property line along the Broughton Street frontage of the site.
- (vii) 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.

- (viii) Removal of the existing driveway crossings and provision of new curb and gutter and sidewalks on Alberni Street adjacent the site.
 - (ix) Deletion of the existing planters on Nicola Street that are being considered for retention within the 20-foot setback area.
 - (x) Provision of street to park design and re-construction on Nicola Street adjacent to the site or cash payment for street to park improvements within the Triangle West area including design. Improvements will generally include all park improvements within the existing street right-of-way and 20-foot setback area, walking and cycling facilities, provisions for emergency access and improved street and pedestrian LED lighting including a lighting analysis and design, and adjustment to all existing infrastructure to accommodate the proposed improvements.
 - (xi) Provision of a new full traffic signal at Alberni and Broughton streets.
 - (xii) Provision of \$400,000 for changes to existing signals due to future Nicola Park.
8. 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.

Childcare

9. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, Managing Director of Social Policy and Projects and Director of Facility Planning and Development, for the turn-key delivery of an air space parcel with improvements on one level for the 56-space childcare facility, an adjacent outdoor space of contiguous dedicated childcare outdoor area as part of the development at this site, subject to the following provisions:

- (i) The facility is to meet the City's Childcare specifications, and comprises of a minimum of 8,778 sq. ft. interior space and a minimum of 7,590 sq. ft. of exterior space, located on the 7th floor of the development, fully fit-out and finished, equipped (FF&E), including storage and any additional amenity spaces and along with dedicated parking stalls required under the Parking By-law.

Note to Applicant: For information, FF&E is estimated at \$2,500 per childcare space. At 56 spaces, the total cost would be approximately \$140,000.

- (ii) All within a fee-simple Airspace Parcel (with shared systems maintained by the market residential airspace parcel strata or commercial airspace parcel strata/owner (as applicable), with fair and equitable sharing of costs related thereto), transferred to City ownership (free and clear of any financial charges, liens and other encumbrances);
- (iii) Delivery Date: by Q1 2024 (with the goal to deliver as soon as possible, but under no circumstances later than end of Q4 2024);
- (iv) The delivery of the facility is to be secured by a Letter of Credit (LC), provided to the City prior to building permit issuance, the amount of which will be settled as part of the rezoning enactment documents; all LC's must be in compliance with and in the form set out in the City's Letter of Credit Policy AF-002-02: <https://policy.vancouver.ca/AF00202.pdf>
- (v) The facility is to achieve Passive House Certification, consistent with the rest of the development; and
- (vi) To the extent possible, the facility to be built with separate dedicated building systems so that its operating costs are accounted for and managed separately from the balance of the development.

- 10. Prior to enactment, the City to provide a \$2,950,000 cash contribution towards the facility.
- 11. Total CAC Credit for this facility is \$7,050,000 based on a valuation of \$10,000,000 offset by the \$2,950,000 City contribution.

Housing

- 12. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement securing 129 rental housing residential units, as market rental housing, for the longer of 60 years and the life of the building, subject to the following additional conditions:
 - (i) a no separate-sales covenant;

- (ii) a no stratification covenant;
- (iii) that none of such units will be rented for less than one month at a time;
- (iv) that a minimum of 13 units (10%) at approx. 7,704 sq. ft. of rentable floor area as secured market rental housing, plus related parking at moderate income rates as set out in the Moderate Income Rental Housing Pilot Program. See Figure 1 in Appendix B of the Policy Report dated July 16, 2018, entitled “CD-1 Rezoning: 1444 Alberni Street and 740 Nicola Street” for the general location of these units.

a. The average starting monthly rents of the units secured at moderate income rates for the longer of 60 years and life of the building, will be at or below the following rates, applicable at the time of initial occupancy:

- Five (5) studio units - \$950 per month
- Five (5) one bedroom units - \$1,200 per month
- Three (3) two bedroom units - \$1,600 per month

as set out in section 2a of the “Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements And Available Incentives: Admin Bulletin” and rent increases will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy.

Note to Applicant: A rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services.

b. The applicant will verify eligibility of new tenants for the units secured at moderate income rates:

1. For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent).
2. There should be at least one occupant per bedroom in the unit.

- c. The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every 5 years after initial occupancy:
 - 1. For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent).
 - 2. There should be at least one occupant per bedroom in the unit.
- d. On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the Moderate Income Rental Housing Units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income units, and a summary of the results of eligibility testing for all units.
- e. Compliance with the City approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit; and
- f. 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.

Sustainability

- 13. 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.

Community Benefit Agreement

- 14. Execute an Inner-City Local Employment and Procurement Agreement between the applicant and the City identifying and committing to targets across the life-cycle of the development project up to and potentially including post-occupancy.

Note to Applicant: Based on consultation with industry, community, and suppliers, the Community Benefit Agreement policy framework brings value by allowing for flexibility in terms of options for social hiring and

social purchasing - this includes not limiting opportunities strictly to construction phase but including site prep, and possibly building and site services after build out is complete (janitorial, landscaping, gift baskets for new condo owners etc.)

Social Policy

15. In lieu of providing three food assets on site, as described in the Rezoning Policy for Sustainable Large Developments, the following contributions to neighbourhood food assets are suggested. The owner shall, at its sole cost and on terms and conditions satisfactory to the Director of Legal Services, and the Managing Director of Social Policy and Projects, make arrangements for the following:

- (i) A \$50 gift certificate for each unit for the Vancouver Farmers Market is to be provided for the building residents to assist the new residents in connecting with this important local resource.

Note to Applicant: The City of Vancouver will require a letter of credit to ensure compliance.

- (ii) A \$25,000 grant to the Gordon Neighbourhood House, a leader in sustainable food systems in the West End, to enhance and expand their food initiatives.

Note to Applicant: The City Vancouver will require a letter of credit to ensure compliance.

Community Amenity Contribution (CAC) – Cash Payments

16. Pay to the City the cash CAC of \$67,982,700, to be allocated towards the achievement of public benefits in accordance with the West End Public Benefits Strategy.

17. Payment Terms are as follows:

- (i) \$22,950,000 must be paid prior to enactment of the rezoning by-law;

- (ii) \$20,000,000 must be paid on the earlier of the following dates:

- a. the issuance of the first Development Permit; and
- b. the date that is 12 months (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 12 months following the date of rezoning enactment until the date that such amount is fully paid;

and

- (iii) \$25,032,700 (the “Outstanding Balance”) must be paid on the earlier of the following dates:
 - a. the issuance of the Building Permit; and
 - b. the date that is 24 months (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 24 months following the date of rezoning enactment until the date that such amount is fully paid.

However, if the Applicant wishes to build the project in two phases (i.e. obtain building permits for one tower first, and complete that tower first (with occupancy permits issued), before obtaining building permits for the other tower), the Outstanding Balance must be paid based on the pro rata percentage of the proportion of area approved via Building Permits, upon issuance of the Building Permit for each phase of the development.

For Phase 1, the pro rata percentage of the Outstanding Balance must be paid on the earlier of following dates:

- c. at issuance of the Building Permit of Phase 1; and
- d. 24 months following the date of the rezoning enactment (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 24 months following the date of rezoning enactment until the date that such amount is fully paid.

The remaining balance of the Outstanding Balance must be paid on the earlier of the following dates:

- e. at issuance of the Building Permit for Phase 2; and
- f. 48 months following the date of the rezoning enactment (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 24 months following the date of rezoning enactment until the date that such amount is fully paid.

- (iv) The deferred cash balance of \$45,032,700 will be secured via a letter of credit (LC), in the City’s standard form, provided to the City prior to enactment of the rezoning by-law. This letter of credit (LC) will be used to pay the City, and will be drawn down by the City on the aforementioned due dates. However, if the development does not proceed to Development Permit stage or

any portion thereof does not proceed to obtain building permits, the City will draw down the entire remaining balance of the LC by the date (or next business day) that is 2 years after the date of enactment of the rezoning by-law.

- (v) 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 upon the closing of such sale transaction.
- (vi) The deferred payment and any interest, as applicable, will also be secured by a Development Permit hold and Building Permit hold, which will be registered on title prior to rezoning enactment and, if required, an additional Occupancy Permit hold for the development, to be released only on confirmation of receipt by the City of the full amount of the total cash CAC Offering (plus interest, if applicable).

18. The cash CAC payment is subject to the following conditions:

- (i) The Applicant's commitment to design and develop this project to achieve Passive House Certification for the entire development was fundamental in the pro forma analysis and resolution of the community benefits offering at this lower amount (relative to what would be expected for a development on Alberni Street in Vancouver). Achieving Passive House Certification for the entire development is considered a public benefit as it helps to achieve the City's objectives for sustainability and meeting the City's goal of being the "Greenest City" in the world. Therefore, the requirement for Passive House Certification will be secured through rezoning conditions, including agreements registered against title to the Rezoning Lands. If the Applicant chooses to make alterations to the elements of the development's design which result in the removal of such Passive House premium cost items, then the City may require the applicant/owner to pay an additional cash CAC, based on the revised pro forma, prior to building permit issuance.

Note to Applicant: This condition will be secured by building permit hold and a Section 219 covenant.

- (ii) The Applicant agrees to provide complete transparency to the City with respect to all the costs for this development. Therefore, the Applicant will fully disclose its contracts and accounting of costs (with support documentation) for this development to the City (and/or its delegated staff/consultant(s)) so that the City is able to determine the incremental cost for developing a Passive House Project at this scale. This information is only for the City's knowledge to assist in costing future Passive House Projects; the

City will not seek recourse if such costs are determined to be lower than the estimated premium costs used in the pro forma analysis to determine the total public benefits package noted herein.

Other Public Benefits (not included in value of CAC offering)

19. Local Buyers First – The applicant’s voluntary commitment to support residents who live or work in Metro Vancouver by giving them the first opportunity to purchase new pre-sale homes in the new development on the subject site, 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, they do not intend to assign the Contract prior to completing the purchase of their unit, they intend for the title to the unit to be registered in their name in the Land Title Office upon the completion of the purchase of their unit and they 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

20. 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

21. 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 16, 2018 entitled "CD-1 Rezoning: 1444 Alberni Street and 740 Nicola Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law, pursuant to Section 565.2 of the Vancouver Charter, 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 – 1444 Alberni St and 740 Nicola St]