

SUMMARY AND RECOMMENDATION

6. REZONING AND TEXT AMENDMENT: East Fraser Lands Area 2 and Kerr Street Properties

Summary: To rezone this site from M1-B, CD-1 (247), and CD-1 (473) to CD-1 (Comprehensive Development) District. The purpose of the application is to develop Area 2 of East Fraser Lands, comprising 38.4 acres (15.5 ha) of land. The application is to construct 162 912 m² (1,753,578 sq. ft.) of residential, 930 m² (10,000 sq. ft.) of retail, two childcare facilities, an elementary school, parks, and underground parking. Maximum proposed tower height is 13-storesys.

Applicant: Norman Shearing, Parkland Homes Ltd.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT amendments to the East Fraser Lands Official Development Plan, generally in accordance with Appendix B, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to re-order the development phasing, modify the uses and restrictions on use in the various phases, and other technical amendments, be approved;
- B. THAT an amendment to the Zoning and Development By-law, generally in accordance with Appendix C, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to repeal the building line for four blocks of Kent Avenue South between Kerr Street and Kinross Street, be approved;
- C. THAT amendments to the proposed Town Square Precinct By-law, Park Precinct By-law, and Waterfront Precinct By-law, in Area 1 of East Fraser Lands, approved by Council at the public hearing on September 16, 2008 but none of which by-laws Council has yet enacted, generally in accordance with the italicized wording in section 3.2 of each of Appendices D, E, and F, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to add "Cultural and Recreational Uses limited to Park or Playground" as a permitted use, and also to include technical amendments to the interim High Street and non-High Street CD-1 By-law No.'s 9732 and 9733 to remove the lands comprising the Town Square, Park, and Waterfront Precincts from those by-laws, be approved;
- D. THAT an amendment to the proposed Waterfront Precinct By-law, generally in accordance with Appendix F, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to amend the boundaries of that precinct by removing from it an area being added to Area 2 South, be approved;
- E. THAT modifications to the Area 1 conditions as set out in the Policy Report dated July 8, 2008 and approved by Council at public hearing on September 16, 2008 for the proposed Waterfront Precinct, Town Square Precinct, Park Precinct, generally in

accordance with Appendix G, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, be approved;

- F. THAT an amendment to CD-1 By-law No. 6533 for CD-1 (247), generally in accordance with Appendix H, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to amend the boundaries of the CD-1 zone that is the subject of that by-law by removing from it the Kerr Street Properties, be approved;
- G. THAT the application by Parklane Homes to rezone to CD-1 (Comprehensive Development) the Kerr Street Properties (3250 Marine Way, 3098 Southeast Marine Drive, and 8450 Kerr Street) outlined in black on the map attached to Appendix A, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, generally in accordance with Appendix I, to the same Policy Report, be approved subject to the following conditions:

1. PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT

PRELIMINARY FORM OF DEVELOPMENT

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared by Parklane Homes and stamped "Received Planning Department, December 1, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to this preliminary form of development when approving the detailed scheme of development as outlined below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, or the Development Permit Board, who shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Frontages on SE Marine Drive (Parcels W1)

- 1) Design development to ensure that enclosed balconies fronting SE Marine Drive, in the opinion of the Director of Planning, meet the intent of the City's approved Balcony Enclosure Guidelines and are:
- clearly expressed on the exterior of the building;
 - project somewhat from the main façade;
 - highly glazed, with transparency and openness at corners; and
 - expressed as open balconies that have been enclosed.

- 2) Design development to SE Marine Drive frontage to enhance livability including:
 - Minimizing grade difference for units adjacent SE Marine Drive frontage;
 - Substantive landscaping and screening on terracing to improve outlook, privacy and noise exposure; and
 - Consideration of two storey units, and garden and unit entry expressions where feasible and desirable (for example at corner locations).

Parking Structure Projections

- 3) Design development to minimize the extent of the parking structure that projects above grade. Where this occurs, it should be mitigated by terraced massing and/or employing landscape design elements.

Parcel W1 and W2

- 4) Design development to ensure an appropriate and neighbourly relationship between landscaped terraces and existing development on neighbouring properties in WFL.

Parcel W3

- 5) Design development of the retail building to have a minimum two storey scale achieved through a combination of two levels and/or double height spaces. The retail building should be designed to maximize its presence and visibility at the end of Kerr Street, as well as animate the adjacent public realm and waterfront. Vertical circulation for the retail building may be extended and expressed as a lookout tower that further enhances legibility and visibility of the retail building.
- 6) Design Development to increase the sideyard setback along the shared property line with the neighbouring property to 3.5 m, with a further increase to 8m at a point adjoining the riverfront setback. The setback line should connect from 3.5 m to 8 m starting at a point located 25 m north of the riverfront property line.

PHASING

- 7) Kerr Street Properties - Development is to be phased generally to follow the sequencing below:
 - a. Parcel W3; and
 - b. Parcels W1 and W2.

ENGINEERING

Public Realm Plan

- 8) Design development such that the street and path lighting design is finalized to the satisfaction of the General Manager of Engineering Services.

- 9) Design development such that any trees planted to the south of the sidewalk along the south-side of SE Marine Drive are on private property.

Note to applicant: Consideration may be given to a different form of landscape screening as an alternative to the row of trees planted on private property if it can be demonstrated that it better enhances both the experience of SE Marine Drive and the liveability of units that front along it.

- 10) Design development such that the rainwater management and storm sewer systems can accommodate peak stormwater runoff and such that elements such as raingardens and bioswales accommodate tree growth.

Note to applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- 11) Design development such that encroachment of planting strips into adjacent pathways is minimized.

- 12) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.

- 13) Design development such that all streets accommodate all legal users including vulnerable users.

- 14) Design development to provide for safe, comfortable and convenient pedestrian and bicycle movement through the Kerr Street landing and pier forecourt spaces.

Note to applicant: Kerr Street landing must be accessible to everyone and vehicular access will be required for routine maintenance. Aligning the pedestrian pathway from the east with the boardwalk to the west of the boardwalk of the landing at the foot of Kerr Street should be considered, to the extent possible, including the construction of all the necessary infrastructure, to maintain a suitable separation between bicycle and pedestrian movements and be constructed with compatible materials and design to be viewed as an integral part of the existing structure. Relocation and/or replacement in other locations should be explored for the trees at the foot of Kerr Street to facilitate a normalized intersection of the Kerr Street bicycle and pedestrian paths with the waterfront paths.

- 15) Design development such that the pedestrian and cyclist routes along the waterfront are hard surfaced, continuous and separated throughout. They may converge with minimum separation where separation cannot be achieved.

Note to applicant: Cyclist routes shall have clearly defined pedestrian crossing points in appropriate locations. The design of the pedestrian and cyclist routes shall be generally as shown in the Design Guidelines (see Appendix P).

Parking

- 16) Confirm on the drawings submitted for development permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement.
- 17) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- 18) The minimum residential parking can be reduced up to five spaces in lieu of one car-share vehicle and parking space. A maximum of two car-sharing vehicles per 100 units is to be available for this reduction in parking.
- 19) Design development such that resident parking is separated from visitor parking by a security gate.
- 20) Provision at development permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.
- 21) Design development to provide loading and parking spaces, as required by the City of Vancouver Parking Bylaw, Zoning and Development By-law and Parking and Loading Design Supplement, for the commercial component of Parcel W3 within Parcel W3.
- 22) Design development such that the on-site parking for parcel W3 is either accessed directly from Kerr Street or sufficient wayfinding is provided to direct patrons of the commercial component of W3 to the on-site parking from the intersection of Kerr Street and road H.

NEIGHBOURHOOD ENERGY UTILITY

- 23) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.

- 24) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services except where the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services on a case by case basis for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.
- 25) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

LANDSCAPE DESIGN

Public Realm

- 26) Provision of a variety of spaces consistent with the Design Guidelines (see Appendix P). Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- 27) Provision with each development permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- 28) Provision with each development permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- 29) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.

- 30) Provision with each development permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale
- 31) Provision with each development permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets and lanes. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- 32) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;
 - providing convenient and secure access if residential parking is proposed off-site;
 - reducing the scale of large areas of underground parking to serve specific buildings where possible;
 - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility,
 - reducing opportunities for break and enter;
 - reducing opportunities for mail theft; and
 - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SUSTAINABILITY

- 33) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist (Refer to Appendix P). 22 of 39 equivalent credits that are achieved must be those identified as City priorities in Appendix P.

Note to applicant: The LEED NC project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- 34) All buildings that are not evaluated under the LEED NC program will achieve a Gold rating under the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- 35) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC Gold and/or Built Green Gold equivalent, include reference to appropriate documentation at development permit, building permit and occupancy permit stages.
- 36) Use of electrical resistance heating for residential heating is not permitted.
- 37) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.
- 38) Provide for individual in-suite metering for energy use. Applicants are also encouraged to provide in-suite water use metering.

Note to applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness. Energy metering includes district energy, electrical and gas use if applicable.

- 39) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing.

Note to applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

- 40) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.
- 41) Living walls are encouraged to be considered in the design of concrete buildings, and sited in such a way as to improve their viability with good access to light.
- 42) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted

areas that can be made active upon implementation of an organics collection system.

- 43) Provide dual flush (3/6 litre) or HET (high efficiency toilet) equivalency (3.65 litre) toilets in all buildings.

PARKS

- 44) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of WFL and from the Victoria Fraserview Killarney community.

Note to applicant: The programming and design for the Kerr Street landing area should be considered in a public consultation process for the Foreshore Park to ensure design continuity between the new Foreshore Park, Riverfront Park and the new elements in the Kerr Street landing. The Kerr Street landing should be designed to ensure that it is vital, creates a comfortable scale and accommodates possible special events and opportunities for informal play.

- 45) All street trees should be at least 6 cm calliper dbh.

Note to applicant: Park Board arborists suggest consideration of timing when ordering street trees as certain varieties indicated in the Design Guidelines Section A Public Realm Plan may be difficult to source in adequate sizes at this time.

- 46) Design development to ensure naturalized areas preserve habitat values and reinforce the Songbird Strategy.

Foreshore Park

- 47) Design development to ensure seating areas along the waterfront are located set back from the pathways and to enjoy sunny exposures or views to the water.

SOCIAL DEVELOPMENT

- 48) Provision with each development permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines.

- 49) Provision with each development permit application of the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Urban Agriculture Design Guidelines for the Private Realm, Food Policy objectives and other relevant guidelines.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- 1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- 2) Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Kerr Street Properties (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-way for the Services are provided. The agreement shall include, but be not limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
- a. no development permit will be issued for a Parcel until the design of the Services required for that Parcel is completed;
 - b. no occupancy of any buildings or improvements on a Parcel until the Services required for that Parcel are completed;
and shall include the following works to the satisfaction of the General Manager of Engineering Services:
 - i) the construction and upgrading of all storm, sanitary and water including any cathodically protected infrastructure;
 - ii) the upgrading of Kerr Street from SE Marine Drive to the waterfront walkway including vehicle lanes, parking lane(s), bike lanes, treed boulevards, and public plaza generally as illustrated in the Design Guidelines (see Appendix P);
 - iii) the upgrading of Kent Avenue South between Kerr Street and the western property line of W3 generally as illustrated in the Design Guidelines (see Appendix P);

- iv) the upgrading of Kent Avenue North between Kerr Street and the western property line of W2 generally as illustrated in the Design Guidelines (see Appendix P);
- v) design and construction of the Kerr Street landing generally as shown in the Design Guidelines (see Appendix P);
- vi) design and construction of all other roads, pathways, sidewalks, lanes, mews, boulevards, greenways, bikeways and all other public access areas generally shown in the Design Guidelines (see Appendix P);

and shall require to the satisfaction of the General Manager of Engineering Services:

- vii) provision of life-cycle assessments for all non-standard materials proposed for City streets; and
- viii) provision of soil resistivity testing in all roads to determine the need for cathodic protection of utilities.

Subdivision Plan

- 3) Obtain approval of and deposit for registration of a subdivision plan or plans that creates the Parcels generally as defined in the Design Guidelines (see Appendix P) and provide for dedication or conveyance to the City of the land for roads, parks, and open space.

Statutory Right of Ways

- 4) Grant statutory rights-of-ways for all utilities and access over those portions of Parcel W3 until such time as utilities are relocated, at no cost to the City, and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

Rail Crossings

- 5) Negotiate agreements and approvals on behalf of the City with CP Rail and any applicable government authorities for rail crossings and maintenance of such crossings, generally in those locations shown in the Design Guidelines (see Appendix P) in a form containing terms satisfactory to the General Manager of Engineering Services.

Note to applicant: The dimensions, conditions, exact locations, and timing of delivery are to be part of the agreements. The City shall maintain its current seniority at the existing Kerr Street crossing.

Neighbourhood Energy Utility

- 6) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility including access to the Neighbourhood Energy Utility related infrastructure within each building in Area 2.

Shared Vehicle Agreement

- 7) Make arrangements for:
 - a. the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use

exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;

- b. a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
- c. the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
- d. the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

at the rate of 0.01 shared vehicles and shared vehicle parking spaces per dwelling unit in each development application and any number equal to or greater than 0.5 is to count as one shared vehicle and one shared vehicle parking space. The shared vehicles and shared vehicle parking spaces will be required for multiple residential units, and Affordable Housing units.

“Secondary dwelling units” (i.e. secondary suites in a housing unit) will be considered as a separate dwelling unit for the purpose of calculating shared vehicles.

CONTAMINATION

- 8) The following conditions apply:
 - a. In respect of the road dedications:
 - i) the Applicant is to provide confirmation that all road dedications within Kerr Street Properties are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads meet residential land use numerical standards for the top 3 meters and commercial land use numerical standards below 3 meters and that the groundwater in the roads meets the most restrictive standards for marine aquatic life, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and
 - ii) if the Applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the

City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications have been remediated to the standards described in paragraph (a)(i) above.

- b. In respect of the Development Parcels:
 - i) the Applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and
 - ii) the Applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Projection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.

PUBLIC ART

- 9) Execute an agreement on terms satisfactory to the Director of Legal Services and the Director, Director of Cultural Services, for the provision of public art in accordance with the City's *Public Art Policies and Guidelines*, such agreement to provide for security in a form and amount satisfactory to the Director of Legal Services.

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

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

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.

FURTHER THAT, subject to the approval of the CD-1 by-law at Public Hearing, the by-law be accompanied at the time of enactment by the East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines, generally in accordance with Appendix P, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to be adopted by resolution of Council;

H. THAT the application by Parklane Homes to rezone to CD-1 (Comprehensive Development) Area 2 North (3099 to 3151 East Kent Avenue North) outlined in black on the map attached to Appendix A, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, generally in accordance with Appendix K, to the same report, be approved, subject to the following conditions:

1. **PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT**

PRELIMINARY FORM OF DEVELOPMENT

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared by Parklane Homes and stamped "Received Planning Department, December 1, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to this preliminary form of development when approving the detailed scheme of development as outlined below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, or the Development Permit Board, who shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Frontages on SE Marine Drive and Marine Way (Parcels 1, 3, 5A, 5B)

- 1) Design development to ensure that enclosed balconies fronting SE Marine Drive and Marine Way, in the opinion of the Director of Planning, meet the intent of the City's approved Balcony Enclosure Guidelines and are:
- clearly expressed on the exterior of the building;
 - project somewhat from the main façade;
 - highly glazed, with transparency and openness at corners; and
 - expressed as open balconies that have been enclosed.

Note to applicant: Enclosed balconies may be permitted on the first nine storeys of units with exposure to SE Marine Drive or Marine Way to improve liveability by reduction of noise.

- 2) Design development to SE Marine Drive and Marine Way frontages to enhance livability including:
 - Minimizing grade difference for units adjacent SE Marine Drive or Marine Way frontage,
 - Substantive landscaping and screening on terracing to improve outlook, privacy and noise exposure, and
 - Consideration of two storey units, and garden and unit entry expressions where feasible and desirable (for example at corner locations).

Setbacks

- 3) Design development to demonstrate that residential setbacks of less than 2.5 m are sufficient to ensure appropriate relationship of dwelling to street, useable private outdoor space, planting area, trees, and room for steps.

Note to applicant: Many residential setbacks proposed are 2.0 m, whereas setbacks on similar sites in the previously approved central neighbourhood are 2.5 to 3.0 m. Staff note that the ODP recognizes the western neighbourhood as providing a 'substantial portion of the family-oriented housing', and the central neighbourhood as the 'most urban in scale, form of development, and public realm treatment'. Development permit applications must demonstrate that building setbacks will support ground-oriented units and outdoor spaces attractive to families.

Solar access on important public spaces (Parcels 5B)

- 4) Design development to articulate and shape the tower form on Parcel 5B in a manner that considers solar access to Kinross Park North and the outdoor play areas of the childcare facility.

Park Edges and Paths

- 5) Design development to ensure that frontages with ground-oriented units fronting onto parks are served by publicly accessible paths. These paths should not be gated, secured, or signed as private. This applies to Parcels 2/4 and 6 frontages on the Neighbourhood Park North.
- 6) Design development to ensure private pathways connecting to park, pathways and public spaces are approved by the General Manager of Engineering Services and the General Manager of the Parks and Recreation at the time of detailed design.

Parking Structure Projections

- 7) Design development to minimize the extent of the parking structure that projects above grade. Where this occurs, it should be mitigated by terraced massing and/or employing landscape design elements.

Townhouses on Parcels 2/4 and 6

- 8) Design development to ensure that the private drives are enlivened by dwelling entries and substantially planted to enhance liveability and to create the feeling of a small scale well treed street or mews.

Note to applicant: The ability to accommodate trees, planting areas, and unit entry expressions between individual garage accesses is required for approval of a townhouse configuration with surface accessed parking.

- 9) Design development to ensure appropriate building and grading relationship between Parcel 2/4 and existing adjacent properties that are not included in the Area 2 rezoning.

Note to applicant: Further information is required on the proposed re-grading of the site in relationship to the neighbouring property. The proposed form of development and access should not result in excessive grade differences, retaining wall heights or blank building walls. Some reallocation of density and adjustment to building locations may be required to create a desirable relationship.

- 10) Design development to ensure the effect of proposed exclusions for surface accessed parking for townhouse units does not negatively impact the form and massing, required mews landscape, and the stepping and terracing of building forms with useable rooftop decks.

Note to applicant: Increases beyond the number of parking spaces illustrated for the parcels, either to enable more units or to increase the parking ratio provided, will displace allowable floor area for living space. If more parking is proposed at time of development application, it must be demonstrated that the increases do not compromise the key elements of the design as stated above. Some reallocation of floorspace to another parcel may be required.

- 11) Design development of Parcel 6 to provide sufficient parking for the floor area and number of units proposed and to ensure appropriate landscaping for the internal mews as outlined in Condition 9.

Note to applicant: The illustrative form of development for the parcel does not provide the required resident or visitor parking for the number of units and floor area proposed. This would mean a further increase in on-site parking. Providing the required parking will displace allowable floor area for living space. It will also further challenge on-site area available for landscape, noting that the illustrative form of development does not indicate sufficient landscape as proposed.

HERITAGE

- 12) Complete an interpretive strategy prior to the issuance of the development permit for Parcels 2/4 that documents and communicates the history of the site to future residents of East Fraser Lands.

PHASING

- 13) Area 2 North - Development is to be phased generally to follow the sequencing set out below:
- a. Parcels 2/4, and 6
 - b. Parcels 1 and 3
 - c. Parcels 5A and 5B.

ENGINEERING

Public Access Ways

- 14) Design development to provide a secondary system of paths that create permeability and connectivity of the block system, generally as illustrated in the Design Guidelines (see Appendix P), to the satisfaction of the Director of Planning, General Manager of Engineering Services and Director of Legal Services.

Note to applicant: The precise location, width, and functionality of the paths are to be determined at development permit. Paths are to be:

- accessible, and comfortable for pedestrians;
- safe, secure, well-lit, ungated, and welcoming;
- overlooked by active, inhabited space;
- typically provide visibility and permeability through the block; and
- connect directly with parks or public routes and streets.

Prior-to enactment condition 6 requires a blanket SRW to be registered against Parcels for the purposes of these paths.

Public Realm Plan

- 15) Design development such that the street and path lighting design is finalized to the satisfaction of the General Manager of Engineering Services and the General Manager of the Parks and Recreation.
- 16) Design development such that any trees planted to the south of the sidewalk along the south-side of Marine Way and SE Marine Drive are on private property.

Note to applicant: Consideration may be given to a different form of landscape screening as an alternative to the row of trees planted on private property if it can be demonstrated that it better enhances both the experience of Marine Way and SE Marine Drive and the liveability of units that front along it.

- 17) Design development such that the rainwater management and storm sewer systems can accommodate peak stormwater runoff and such that elements such as raingardens and bioswales accommodate tree growth.

Note to applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- 18) Design development such that encroachment of planting strips into adjacent pathways is minimized.
- 19) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.
- 20) Design development such that all streets accommodate all legal users including vulnerable users.

Parking

- 21) Confirm on the drawings submitted for development permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement.
- 22) The minimum residential parking can be further reduced up to five spaces in lieu of one car-share vehicle and parking space. A maximum of two car-sharing vehicles per 100 units is to be available for this reduction in parking.
- 23) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- 24) Design development such that resident parking is separated from visitor parking by a security gate.
- 25) Provision at development permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.

NEIGHBOURHOOD ENERGY UTILITY

- 26) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.
- 27) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services except where the use of solar systems to generate heat energy or equipment to acquire waste heat energy from

the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services on a case by case basis for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.

- 28) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

LANDSCAPE DESIGN

Public Realm

- 29) Provision of a variety of spaces consistent with the Design Guidelines (see Appendix P). Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- 30) Provision with each development permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- 31) Provision with each development permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- 32) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.
- 33) Provision with each development permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that

is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale

- 34) Provision with each development permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets and lanes. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- 35) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;
 - providing convenient and secure access if residential parking is proposed off-site;
 - reducing the scale of large areas of underground parking to serve specific buildings where possible;
 - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility;
 - reducing opportunities for break and enter;
 - reducing opportunities for mail theft; and
 - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SUSTAINABILITY

- 36) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist (Refer to Appendix P). 22 of 39 equivalent credits that are achieved must be those identified as city priorities in Appendix P.

Note to applicant: The LEED NC project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- 37) All buildings that are not evaluated under the LEED NC program will achieve a Gold rating under the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will

demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- 38) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC Gold and/or Built Green Gold equivalent, include reference to appropriate documentation at development permit, building permit and occupancy permit stages.
- 39) Use of electrical resistance heating for residential heating is not permitted.
- 40) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.
- 41) Provide for individual in-suite metering for energy use. Applicants are also encouraged to provide in-suite water use metering.

Note to applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness. Energy metering includes district energy, electrical and gas use if applicable.

- 42) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing.

Note to applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

- 43) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.
- 44) Living walls are encouraged to be considered in the design of concrete buildings, and sited in such a way as to improve their viability with good access to light.
- 45) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted areas that can be made active upon implementation of an organics collection system.
- 46) Provide dual flush (3/6 litre) or HET (high efficiency toilet) equivalency (3.65 litre) toilets in all buildings.

PARKS

- 47) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of WFL and from the Victoria Fraserview Killarney community.

- 48) No utilities located in or adjacent to parks will be included in the park calculation.

Note to applicant: Lands surrounding utilities adjacent to parks should be landscaped to integrate them into the park design to the extent possible.

- 49) All street trees should be at least 6 cm calliper dbh.

Note to applicant: Park Board arborists suggest consideration in your timing when ordering street trees as certain varieties indicated in the Public Realm Plan may be difficult to source in adequate sizes at this time.

- 50) Design development to ensure naturalized areas preserve habitat values and reinforce the Songbird Strategy.

Neighbourhood Park North

- 51) Design development of Neighbourhood Park (north of Kent Avenue) to the upper and lower terraces to ensure they are as large as possible and universally accessible.

Note to applicant: The three distinct sections of the neighbourhood park should be connected together by stairs (and ramps to the extent possible) within the park to increase the usability of the entire park.

- 52) Design development to the proposed middle terrace area of the neighbourhood park to ensure universal access and maintenance vehicle access.

Note to applicant: This central area must be accessible to everyone, not just immediate neighbours, so an accessible pedestrian route through Parcel 6 to the park and direct vehicular access into this area to allow for occasional deliveries, waste removal and maintenance must be provided.

- 53) Design development, subject to community consultation, to develop the middle terrace of the neighbourhood park for passive recreation and communal food production, including a small orchard of fruit and nut trees.

Kinross Park Corridor

- 54) Design development to create a corridor with a primarily ecological and passive recreation focus incorporating features for rainwater management and habitat creation.

Kinross Park North

- 55) Design development to the north end of the Kinross Park to make it as universally accessible as possible and to ensure the rain water feature is attractive with or without water.

Note to applicant: The water feature should be designed to be attractive and to engage the public through creative use of running water when it available from rain or stormwater sources and with dry areas or areas of standing water when water isn't flowing.

- 56) Design development to the north end of the Kinross Park to incorporate the pump station into the park design to the extent possible unless it moves to the N/W corner of Playfield Park, to the satisfaction of the General Manager of Engineering Services, and to include a pedestrian connection into the park from the south-west corner, west of the pump station.

SOCIAL DEVELOPMENT

- 57) Provision with each development permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines.

- 58) Provision with each development permit application of the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Urban Agriculture Design Guidelines for the Private Realm, Food Policy objectives and other relevant guidelines.

- 59) Provision of a minimum of one family childcare unit within Parcel 3 and Parcel 5A, licensable for the maximum number of spaces and provided to the satisfaction of the Managing Director of Social Development in consultation with the Provincial Community Care Facility Licensing.

- 60) Design development of a licensable childcare centre in Parcel 5B as part of the residential tower. The childcare shall have a gross indoor area of at least 764 m² and an outdoor area of at least 615m² in accordance to the City of Vancouver Childcare Design Guidelines.

Note to applicant: Community Care Facilities Licensing (CCFL) regulations for childcare encompass site conditions including but not limited to air quality, levels of noise, and adequate sunlight on outdoor play spaces. The applicant is advised to explore site conditions with regard to noise and air quality to ensure achievability of CCFL approval at an early stage of development.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- 1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- 2) Execute a Services Agreement to detail the delivery of all on-site and offsite works and services necessary or incidental to the servicing of Area 2 North (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. The agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
- a. no development permit will be issued for a Parcel until the design of the Services required for that Parcel are completed;
 - b. no occupancy of any buildings or improvements on a Parcel, shall be permitted until the required Services for that Parcel are completed to the satisfaction of the General Manager of Engineering Services;

and shall include the following works to the satisfaction of the General Manager of Engineering Services:

- c. the construction and upgrading of all storm, sanitary and water systems as required by the development including any cathodically protected infrastructure;
- d. the upgrading of the sanitary pump station at the corner of Kinross Street and Kent Avenue North;

- e. design and construction of a temporary turnaround at the western extent of Road E for vehicular turnaround, including emergency vehicles, to the satisfaction of the General Manager of Engineering Services and the Fire Chief;
- f. design and construction of a temporary asphalt bicycle connection along Kent Avenue North that connects Kerr Street with Boundary Road;
- g. upgrades to Marine Way and SE Marine Drive from Kerr Street to Kinross Street including six travel lanes, one new signalized intersection at Kinross Street, with left-turn bays at the new signalized intersection, a landscaped median, a treed boulevard, sidewalks, an off-street bike path between the intersection of Marine Way and SE Marine Drive and Kinross Street;
- h. upgrades to Kent Avenue North adjacent to the rezoning area boundaries generally as illustrated in the Design Guidelines (see Appendix P);
- i. upgrades to Kerr Street between Marine Way and the CP railtracks generally as illustrated in the Design Guidelines (see Appendix P);
- j. upgrades to Kinross Street between Marine Way and the CP railtracks generally as illustrated in the Design Guidelines (see Appendix P);
- k. design and construction of all other roads, pathways, sidewalks, lanes, mews, boulevards, greenways, bikeways and all other public access areas generally as shown in the Design Guidelines (see Appendix P);

and shall require, to the satisfaction of the General Manager of Engineering Services:

- l. provision of life-cycle assessments for all non-standard materials proposed for City streets; and
- m. provision of soil resistivity testing in all roads to determine the need for cathodic protection of utilities.

Subdivision Plan

- 3) Obtain approval of and deposit for registration of a subdivision plan or plans that creates the Parcels generally as defined in the Design Guidelines (see Appendix P) and provide for dedication or conveyance to the City lands to be used for roads, parks, and open space.

Note to applicant: all land to be conveyed to the City as "Park" shall be transferred to the City in fee simple rather than dedicated as Park under the Land Title Act (except for the riverfront strip which is to be dedicated as Road).

Note to applicant: Provision of an as-built survey of SE Marine Drive and Marine Way and detailed design of those sections of Marine to be improved including the intersection of Marine Way and Kinross Street will be required in order to ensure adequate property dedications prior to approval of the subdivision plan.

Statutory Rights-of-ways

- 4) Grant blanket statutory rights-of-ways for utility purposes to be reduced to a minimum of 6.0 metres width when the utility design is approved to the satisfaction of the General Manager of Engineering Services over parcel 2/4 within which the proposed temporary water main will be constructed.
- 5) Grant blanket statutory rights-of-ways for road purposes to be reduced upon design of the temporary turnaround at the western extent of Road E over parcel 1 for any portion of the turnaround that does not lie within dedicated Road.
- 6) Grant blanket statutory rights-of-ways over such Parcels within Area 2 North as required for public access over the secondary system of paths to be reduced at development permit stage to the locations generally as shown in the Design Guidelines (see Appendix P).

Conveyance of Closed Roads

- 7) Acquire from the City at a cost to be determined by City Council, the portions of road as described and adjacent to lands described in Appendix P being:
 - a. Portion of the South Side of SE Marine Drive East of Kerr Street.

Note to applicant: an application to the City Surveyor is required to initiate this process. The applicant's surveyor is to provide sufficient historical research and Land Title Office documentation to show how the roads to be closed were originally established or dedicated as road.

- 8) Make arrangements for the relocation, at no cost to the City, of all utilities within that portion of Marine Drive to be closed, to the satisfaction of the General Manager of Engineering Services.

Neighbourhood Energy Utility

- 9) Grant an option to purchase in favour of the City (with the right to assign the option to purchase to a utility operator) a minimum 500 m² suitable site to be utilized for an energy system plant, and/or make provisions within the utility rooms of required Parcels to serve as sites for the Neighbourhood Energy Utility, depending upon the form of the Neighbourhood Energy Utility.

Note to applicant: The site is proposed to be within the development parcel 5B, or at a site to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The form of the Neighbourhood Energy Utility is further being refined and may require one site or multiple utility room sites within appropriate development parcels for the siting of an energy system plant(s). The location of the site may be moved in future as

mutually agreed upon by the applicant and the General Manager of Engineering Services as further information on the Neighbourhood Energy Utility is known and appropriate arrangements for transfer of lands will occur at that time.

- 10) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility including access to the Neighbourhood Energy Utility related infrastructure within each building in Area 2.
- 11) Make arrangements for either a Request for Proposal or other similar process to solicit proposals from possible utility providers for the development and operation of a future neighbourhood energy utility or other arrangements to the satisfaction of the General Manager of Engineering Services in order to facilitate the development of the Neighbourhood Energy Utility.

Shared Vehicle Agreement

- 12) Make arrangements for:
 - a. the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
 - b. a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
 - c. the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
 - d. the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

at the rate of 0.01 shared vehicles and shared vehicle parking spaces per dwelling unit in each development application and any number equal to or greater than 0.5 is to count as one shared vehicle and one shared vehicle parking space. The shared vehicles and shared vehicle parking spaces will be required for multiple residential units, and Affordable Housing units.

“Secondary dwelling units” (i.e. secondary suites in a housing unit) will be considered as a separate dwelling unit for the purpose of calculating shared vehicles.

CONTAMINATION

- 13) The following conditions apply:
- a. In respect of the road dedications:
 - i) the Applicant is to provide confirmation that all road dedications within Area 2 North are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads meet residential land use numerical standards for the top 3 meters and commercial land use numerical standards below 3 meters and that the groundwater in the roads meets the most restrictive standards for marine aquatic life, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and
 - ii) if the Applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications have been remediated to the standards described in paragraph (a)(i) above.
 - b. In respect of the park parcels:
 - i) the Applicant is to provide confirmation that all park parcels within Area 2 North are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the park parcels meet residential land use numerical standards and that the groundwater in the park parcels meets the most restrictive standards for marine aquatic life, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and
 - ii) If the Applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal

Services deemed necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the park parcels have been remediated to the standards described in paragraph (b)(i) above.

- c. In respect of the Development Parcels:
 - i) the Applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and
 - ii) the Applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Projection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.

SOCIAL DEVELOPMENT

- 14) Grant to the City options to purchase Parcels 3 and 5A for Affordable Housing programs. The optioned Parcels must be sufficient to develop approximately 114 family units with a minimum aggregate floor area of 12 035 m². The option to purchase will be on terms satisfactory to the Managing Director of Social Development and the Director of Legal Services in their sole discretion.
- 15) Make arrangements for the provision of a licensable childcare centre in Parcel 5B (with a form of tenure acceptable to the City) with a gross indoor area of at least 764 m² and additional floor space and storage as required by the multi-level layout, and an outdoor area of at least 615 m², prior to issuance of an occupancy permit for any improvements on Parcel 5B.

Note to applicant: the childcare facilities must be designed in accordance with the City of Vancouver Childcare Design Guidelines and such guidelines that may apply at the time of development permit application.

PARKS

- 16) Execute an agreement on terms satisfactory to the General Manager of Parks and Recreation to convey to the City 0.2383 ha of land as park. The conveyance of fully constructed parks must be prior to the issuance of an occupancy permit for any improvements on those Parcels as set

out below (refer to the Design Guidelines - Appendix P - for park definitions):

- a. Neighbourhood Park North (with an area of approximately 0.132 ha) - Parcels 2/4;
- b. Kinross Park North (with an area of approximately 0.1063) - Parcel 5B.

PUBLIC ART

- 17) Execute an agreement on terms satisfactory to the Director of Legal Services and the Director, Director of Cultural Services, for the provision of public art in accordance with the City's *Public Art Policies and Guidelines*, such agreement to provide for security in a form and amount satisfactory to the Director of Legal Services.

LIBRARY CONTRIBUTION

- 18) Make arrangements for payment of a library contribution of \$45,943.00 (in 2006 dollars, to be inflated at the consumer price index for construction costs), the timing of payment and any security with respect to the payment to be satisfactory to the City.

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

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

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.

FURTHER THAT, subject to the approval of the CD-1 by-law at Public Hearing, the by-law be accompanied at the time of enactment by the East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines, generally in accordance with Appendix P, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to be adopted by resolution of Council;

- I. THAT the application by Parklane Homes to rezone to CD-1 (Comprehensive Development) Area 2 South (3098 to 3310 East Kent Avenue South) outlined in black on the map attached to Appendix A, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, generally in accordance with Appendix M, to the same report, be approved subject to the following conditions:

1. **A. PROPOSED CONDITIONS OF APPROVAL FOR THE PRELIMINARY FORM OF DEVELOPMENT**

PRELIMINARY FORM OF DEVELOPMENT

- (a) THAT the proposed preliminary form of development be approved by Council in principle, generally as prepared by Parklane Homes and stamped "Received Planning Department, December 1, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to this preliminary form of development when approving the detailed scheme of development as outlined below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, or the Development Permit Board, who shall consider the following conditions:

DESIGN DEVELOPMENT

General Conditions

URBAN DESIGN

Setbacks

- 1) Design development to demonstrate that residential setbacks of less than 2.5m are sufficient to ensure appropriate relationship of dwelling to street, useable private outdoor space, planting area, trees, and room for steps.

Note to applicant: Many residential setbacks proposed are 2.0 m, whereas setbacks on similar sites in the previously approved Central Neighbourhood are 2.5 to 3.0 m. Staff note that the ODP recognizes the western neighbourhood as providing a 'substantial portion of the family-oriented housing', and the central neighbourhood as the 'most urban in scale, form of development, and public realm treatment'. Development permit applications must demonstrate that building setbacks will support ground-oriented units and outdoor spaces attractive to families.

Solar access on important public spaces (Parcels 8B, 11, 24, and 25)

- 2) Design development to articulate and shape tower forms in a manner that considers solar access to important public spaces, in particular, Kinross Park South, Playfield Park and the school and childcare site. Tower forms to which this condition refers are those on 8B, 11, 24, and 25.

Townhouses on Neighbourhood Park South (Parcel 9B and Parcel 10)

- 3) Design development to provide a minimum setback of 3.5 m in the area adjacent to the widened throat of the Neighbourhood Park South on Parcel 9B and Parcel 10.

Note to applicant: The required building setback is intended to enable resident access to townhouse units along the park via a sidewalk adjacent to the park, and to enhance public views to the riverfront and sunlight access to the park.

Park Edges and Paths

- 4) Design development to ensure private pathways connecting to park, pathways and public spaces are approved by the General Manager of Engineering Services and the General Manager of the Parks and Recreation at the time of detailed design.

Pedestrian Rail Crossing

- 5) Design development of the pedestrian rail crossing, as shown in the ODP, to be aligned with the mews between Parcels 7B and 8A.

Note to applicant: At the time of rezoning the crossing had not yet been secured however all efforts will be made by all parties to secure the crossing during the development period.

Terraced Forms

- 6) Design development to ensure that buildings along the riverfront demonstrate the terracing and stepping of massing that was a key principle identified in the ODP and as is outlined in the Design Guidelines section B Massing Parameters, and section C Character and Expression.

Note to applicant: Flexibility in building height and construction type has been built into the CD-1 by-law to assist in responding to market conditions. However, within this flexibility, as specified in the ODP riverfront massing must 'relate to the natural character of the river by creating a downward transition in scale'.

Parking Structure Projections

- 7) Design development to minimize the extent of the parking structure that projects above grade. Where this occurs, it should be mitigated by terraced massing and/or employing landscape design elements.

Parcel 9A

- 8) Design development to better respond to the prominent riverfront and Kerr Street landing location of this key building.

Note to applicant: This building will be one of the first buildings in EFL, and will always have a prominent place in announcing EFL along the riverfront. It is key that this building capture the quality and character anticipated along the riverfront and reflect a downward transition in scale through a stepping progression of roof forms from Kerr Street eastward and the introduction of upper level setbacks in the area most immediate to the river. As outlined and illustrated in the Design Guidelines for wood-frame terraced buildings - 'Buildings should resolve

in a three storey expression at the riverfront.' A more significant response through a more substantial setback of the fourth level at the south eastern part of the building is required.

Parcel 23

- 9) Design development to co-locate an elementary school with 60 out-of-school spaces and a child care facility with 20 out-of-school spaces, to the satisfaction of the Managing Director of Social Development and the Director of Facilities Design and Management, and in consultation with the Vancouver School Board and Provincial Community Care Facility Licensing. Preliminary conceptual design work is to be undertaken when the first building is ready to proceed.

Note to applicant: Both the school and childcare will likely require underground parking and drop-off. Preliminary conceptual designs should seek to maximize efficiencies between the needs of the two facilities such as shared access to underground parking. Childcare facilities must meet the intent of the City's Childcare Design Guidelines and the Childcare Technical Guidelines, as well as regulations under the Community Care Facilities Licensing Act, as such guidelines and regulations are set out at the time of development.

HERITAGE

- 10) Design development to integrate heritage artifacts including the fluted rollers and large engine, into the public realm and or building design.

Note to applicant: Heritage artifacts should be sited in the general vicinity of their original locations where possible. Except that the traveling crane which was historically located in Area 2 will be located in Area 1 in the waterfront plaza.

PHASING

- 11) Area 2 South - Development is to be phased generally to follow the sequencing set out below:
- a. Parcels 7A and 9A, 7B and 9B
 - b. Parcels 8A and 10, 8B and 11
 - c. Parcels 24, 25 and 28.

ENGINEERING

Public Access Ways

- 12) Design development to provide a secondary system of paths that create permeability and connectivity of the block system, generally as illustrated in Design Guidelines (see Appendix P), to the satisfaction of the Director of Planning, General Manager of Engineering Services and the Director of Legal Services.

Note to applicant: The precise location, width, and functionality of the paths are to be determined at development permit. Paths are to be:

- accessible, and comfortable for pedestrians;
- safe, secure, well-lit, ungated and welcoming;
- overlooked by active, inhabited space;
- typically provide visibility and permeability through the block; and
- connect directly with parks, public routes and streets.

In addition, paths are to be provided over sidewalks up to 1.5 m wide contiguous with public parks along the east boundary of Parcels 8B and 11. On these Parcels, the SRW is to be included in the park calculation

Public Realm Plan

- 13) Design development to provide for safe, comfortable and convenient pedestrian and bicycle movement through the Kerr Street landing and pier forecourt spaces Note to applicant: Kerr Street landing must be accessible to everyone and vehicular access will be required for routine maintenance. Aligning the pedestrian pathway from the east with the boardwalk to the west of the boardwalk and landing at the foot of Kerr Street should be considered, to the extent possible, including the construction of all the necessary infrastructure, to maintain a suitable separation between bicycle and pedestrian movements and be constructed with compatible materials and design to be viewed as an integral part of the existing structure. Relocation and/or replacement in other locations should be explored for the two trees at the foot of Kerr Street to facilitate a normalized intersection of the Kerr Street bicycle and pedestrian paths with the waterfront paths.

- 14) Design development to Kinross Park South to integrate an east-west 3.5m bikeway and pedestrian walkway west from Mount Baker Way to the waterfront pathways north of the west end of the sanctuary island.

- 15) Design development such that the pedestrian and cyclist routes along the waterfront are hard surfaced, continuous and separated throughout. They may converge with minimum separation only where separation cannot be achieved.

 Note to applicant: Cyclist routes shall have clearly defined pedestrian crossing points in appropriate locations. The design of the pedestrian and cyclist routes shall be generally as shown in the Design Guidelines (see Appendix P).

- 16) Design development such that the pedestrian pathway is located closer to the riverfront by crossing the weir by a bridge rather than sharing the bicycle crossing of the wetland north of the sanctuary island.

- 17) Design development such that the street and path lighting design is finalized to the satisfaction of the General Manager of Engineering Services and the General Manager of Parks and Recreation.

- 18) Design development such that the rainwater management and storm sewer systems can accommodate peak stormwater runoff and such that elements such as raingardens and bioswales accommodate tree growth.

Note to applicant: Any water that flows from private to public property is subject to public safety considerations as well as the regulatory framework that governs water conveyance from public to private property.

- 19) Design development such that encroachment of planting strips into adjacent pathways is minimized.
- 20) Support agreements will be required where properties require support by means of a retaining wall or any other structure adjacent to City street prior to occupancy of any buildings on the parcel requiring the agreements.
- 21) Design development such that all streets accommodate all legal users including vulnerable users.

Parking

- 22) Confirm on the drawings submitted for development permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement.
- 23) Design development such that on-site loading is properly accommodated. Detailed loading design including turning swaths where appropriate shall be provided before the issuance for any development permit.
- 24) The minimum residential parking can be reduced up to five spaces in lieu of one car-share vehicle and parking space. A maximum of two car-sharing vehicles per 100 units is to be available for this reduction in parking.
- 25) Design development such that resident parking is separated from visitor parking by a security gate.
- 26) Provision at development permit application of an updated Parking and Loading Study for each Parcel and as part of this study turning templates for all parking and loading access points and for all internal parking and loading circulations be clearly shown.

NEIGHBOURHOOD ENERGY UTILITY

- 27) Building design is to include provision of connections to, and be compatible with, the Neighbourhood Energy Utility proposed for the area.

- 28) Buildings shall, upon implementation of the Neighbourhood Energy Utility, connect to the system for provision of all building heating and domestic hot water services except where the use of solar systems to generate heat energy or equipment to acquire waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services on a case by case basis for the purpose of supplementing the heat energy provided by the Neighbourhood Energy Utility.
- 29) Provide compatible, energy efficient design and details of the in-building heating and domestic hot water for the connection to the Neighbourhood Energy Utility proposed for the area.

LANDSCAPE DESIGN

Public Realm

- 30) Provision of a variety of spaces consistent with the Design Guidelines (see Appendix P). Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, site furniture, weather protection, garbage storage, recycling and loading facilities.

Open Space and Landscape Treatment

- 31) Provision with each development permit application of a design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, composting, soil, habitat), urban agriculture, access and security.
- 32) Provision with each development permit application for the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met.

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Food Policy objectives and relevant guidelines. Careful consideration should be given to adequate solar exposure, provision of hosebibs for urban agriculture areas, and opportunities for tool storage, composting and seating.

Technical

- 33) Provision of optimum planting depth and volume (may be beyond BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.

- 34) Provision with each development permit application of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes, and quantities), paving, walls, furniture, fences, lighting, site grading and other landscape features. Plant materials should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum of 1:100 (1/8"=1'-0") scale
- 35) Provision with each development permit application of large scale sections 1:50 (1/4"=1') illustrating the townhouse to public realm interface at the streets and lanes. The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- 36) Design development to take into consideration the principles of CPTED having particular regard for:
- maximizing surveillance provided by ground level residential units to the pedestrian mews;
 - providing clear definition between public and private spaces;
 - providing secure access to services such as residential mail and garbage without using public property;
 - providing convenient and secure access if residential parking is proposed off-site;
 - reducing the scale of large areas of underground parking to serve specific buildings where possible;
 - reducing opportunities for crime in underground parking areas by providing full separation between user groups and improving visibility;
 - reducing opportunities for break and enter;
 - reducing opportunities for mail theft; and
 - reducing opportunities for graffiti and skateboarding where not programmed in open spaces.

SUSTAINABILITY

- 37) Buildings evaluated under the Canadian Green Building Council's (CaGBC) Leadership in Energy and Environmental Design for New Construction (LEED NC) program must achieve all prerequisites and the equivalent of 39 credits (LEED Gold) from the project checklist (Refer to Appendix P). 22 of 39 equivalent credits that are achieved must be those identified as City priorities in Appendix P.

Note to applicant: The LEED NC project checklist should identify targeted credits and a project sustainability strategy with references to the project drawings where applicable that articulate how the applicant will achieve each credit or prerequisite and demonstrate compliance.

- 38) All buildings that are not evaluated under the LEED NC program will achieve a Gold rating under the Built Green program, or the Built Green "Multi" program, with a minimum Energuide score of 80.

Note to applicant: A Built Green project checklist identifying targeted credits and a project sustainability strategy on how the applicant will demonstrate compliance will be required. A copy of the Energuide report (including both completed "P" and "N" files) will be required at occupancy permit.

- 39) Provide a compliance strategy and timeline that outlines the documentation process required to achieve LEED NC Gold and/or Built Green Gold equivalent, include reference to appropriate documentation at development permit, building permit and occupancy permit stages.
- 40) Use of electrical resistance heating for residential heating is not permitted.
- 41) All domestic appliances installed in residential units that are applicable to the Energy Star™ program will have an Energy Star™ label.
- 42) Provide for individual in-suite metering for energy use. Applicants are also encouraged to provide in-suite water use metering.

Note to applicant: Meter displays will be in a prominent location to encourage usage and improve effectiveness. Energy metering includes district energy, electrical and gas use if applicable.

- 43) No natural gas fireplaces are to be installed within dwelling units. Ornamental non-combustion fireplaces are permitted if they are not heat producing.

Note to applicant: All fireplaces are discouraged. A letter from a professional engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for a Building Permit to state that the fireplaces installed are not heat producing.

- 44) Provide a green roof over concrete structures, excluding the tops of towers. Roofscapes should be highly programmable, useable and accessible.
- 45) Living walls are encouraged to be considered in the design of concrete buildings, and sited in such a way as to improve their viability with good access to light.
- 46) Provide three streams of waste removal both in-suite and in-building for the development (regular garbage, recyclable materials and organics). The development site is to provide adequate space and infrastructure to accommodate three streams of waste removal including fully outfitted

areas that can be made active upon implementation of an organics collection system.

- 47) Provide dual flush (3/6 litre) or HET (high efficiency toilet) equivalency (3.65 litre) toilets in all buildings.

PARKS

- 48) All park programming for individual parks should be subject to a public consultation process, in conjunction with the Park Board, including any residents living in the new community, the residents of WFL and from the Victoria Fraserview Killarney community.

Note to applicant: The programming and design for the Kerr Street landing area should be considered in a public consultation process for the Foreshore Park to ensure design continuity between the new Foreshore Park, Riverfront Park and the new elements in the Kerr Street landing. The Kerr Street landing should be designed to ensure that it is vital, creates a comfortable scale and accommodates possible special events and opportunities for informal play.

- 49) No utilities located in or adjacent to parks will be included in the park calculation.

Note to applicant: Lands surrounding utilities adjacent to parks should be landscaped to integrate them into the park design to the extent possible.

- 50) All street trees should be at least 6 cm calliper dbh.

Note to applicant: Park Board arborists suggest consideration of timing when ordering street trees as certain varieties indicated in the Design Guidelines Section A Public Realm Plan may be difficult to source in adequate sizes at this time.

- 51) Design development to ensure naturalized areas preserve habitat values and reinforce the Songbird Strategy.

Note to applicant: Consider siting and designing at least one fenced off-leash area for dogs.

Neighbourhood Park South

- 52) Design development, subject to public consultation, to provide for informal recreation and seating while inviting people to comfortably move through this space linking the community to the waterfront.

Note to applicant: This is an important node adjacent to the Foreshore Park which should be a comfortable scale and accommodate a wide range of future activities, including unstructured play, informal sports, picnics and other community gatherings.

Kinross Park South

- 53) Design development to create a corridor with a primarily ecological and passive recreation focus incorporating features for rainwater management and habitat creation.
- 54) Design development to the Kinross Park South to incorporate conveyance of rainwater through to the Fraser River including a constructed freshwater wetland and a seasonal biofiltration area.

Note to applicant: The freshwater wetland should have an optimum water surface area of approximately 1 300 m² and an intermittent biofiltration area of approximately 1 000 m² employing rainwater and water from the Fraser River and should be designed to be as natural in appearance as possible and attractive at all times of the year.

Playfield Park

- 55) Design development to Playfield Park to locate the fence at the west end of the field to maximize the park area along Kinross Street available for use by the public regardless of the field being used or not.

Note to applicant: The playfield needs to be fenced on the north, west and south sides along the perimeter of the 5 metre run-out surrounding the field for the security of elementary school students and entry points will be determined by the General Manager of Parks and Recreation in consultation with the Vancouver School Board at final design.

Foreshore Park

- 56) Design development to ensure seating areas along the waterfront are located set back from the pathways and to enjoy sunny exposures or views to the water.
- 57) Design development of Kinross Park South and Foreshore Park to ensure consistency in the design of the proposed water features/wetland in the Kinross corridor and the sanctuary island.

Note to applicant: Bridge structures will need to be designed and built to accommodate the required pathway crossings.

- 58) Design development to maintain the integrity of the sanctuary island for habitat.

Note to applicant: Detailed design should discourage people or dogs from accessing the sanctuary island in the proposed Foreshore Park.

- 59) Design development to ensure the inlet east of Parcel 28 is an attractive and engaging ecological feature.

Note to applicant: Construction of the inlet is tied to the development of Parcel 33/34 in Area 1.

SOCIAL DEVELOPMENT

- 60) Provision with each development permit application of a range of common area amenities that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met;

Note to applicant: Indoor and outdoor area amenities should meet the intent of the High-Density Housing for Families with Children Guidelines.

- 61) Provision with each development permit application of the inclusion of urban agriculture features that are appropriate to the size, unit configuration and location of the proposed development parcel, to ensure that the diverse needs of the future resident population can be met;

Note to applicant: Urban agriculture features, particularly shared garden plots and edible landscaping, should meet the intent of the City of Vancouver's Urban Agriculture Design Guidelines for the Private Realm, Food Policy objectives and other relevant guidelines.

- 62) Provision of a minimum of one family childcare unit within Parcel 8A, licensable for the maximum number of spaces and provided to the satisfaction of the Managing Director of Social Development in consultation with the Provincial Community Care Facility Licensing.

- 63) Design development of licensable childcare centre, with a gross indoor area of at least 764 m² and an outdoor area of at least 615 m², and adequate floor space and storage for a 20-space out of school program on Parcel 23.

Note to Applicant: Childcare facilities must meet the intent of the City's Childcare Design Guidelines and the Childcare Technical Guidelines, as well as regulations under the Community Care Facilities Licensing Act, as such guidelines and regulations are set out at the time the developer submits a Development Permit application.

Construction of the childcare facility and elementary school on this site are expected to occur at different times. Design development of the childcare facility is required to provide for temporary surface parking for the childcare as well as a coordinated plan for permanent on-site parking acceptable to the relevant departments of the City of Vancouver in consultation with the Vancouver School Board, to be built at the time of development of the elementary school.

2. B. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

CHARGE SUMMARY

- 1) Provide to the Director of Legal Services a charge summary of the titles to the subject lands, in accordance with her specifications.

ENGINEERING

Services Agreement

- 2) Execute a services agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of Area 2 South (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-way for the Services are provided. The agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
 - a. no development permit will be issued for a Parcel until the design of the Services required for that Parcel are completed;
 - b. no occupancy of any buildings or improvements on a Parcel shall be permitted until the Services required for that Parcel are completed; and shall include the following works to the satisfaction of the General Manager of Engineering Services:
 - c. the construction and upgrading of all storm, sanitary and water systems including any cathodically protected infrastructure;
 - d. the upgrading the sanitary pump station at the corner of Kinross Street and Kent Avenue North;
 - e. design and construction of all rail crossings;
 - f. temporary pathways that provide continuous and uninterrupted passage along the river's edge within the Area 2 South boundaries, or a suitable alternate route within a reasonable distance through all phases of development such that the connection between the Burnaby foreshore and WFL for pedestrians and cyclists is maintained until the permanent waterfront infrastructure is completed;
 - g. upgrades to Kent Avenue South east of Kinross Street generally as illustrated in the Design Guidelines (see Appendix P);
 - h. upgrades to Kinross Street south of Kent Avenue South generally as illustrated in the Design Guidelines (see Appendix P);
 - i. upgrades to Kerr Street south of Kent Avenue South generally as illustrated in the Design Guidelines (see Appendix P);
 - j. design and construction of the Kerr Street landing generally as shown in the Design Guidelines (see Appendix P);

- k. design and construction of all other roads, pathways, sidewalks, lanes, mews, boulevards, greenways, bikeways and all other public access areas generally as shown in the Design Guidelines (see Appendix P);

and shall require, to the satisfaction of the General Manager of Engineering Services;

- l. provision of life-cycle assessments for all non-standard materials proposed for City streets; and
- m. provision of soil resistivity testing in all roads to determine the need for cathodic protection of utilities.

Shoreline Agreement

- 3) Execute a shoreline agreement for design and construction of the shoreline works necessary for the development of Area 2 South, at no cost to the City, to the satisfaction of the General Manager of Engineering Services. This agreement will include, but not be limited to, the design and construction of the waterfront walkway and bikeway and the following provisions, all to the satisfaction of the General Manager of Engineering Services:
 - a. no development permit will be issued for a Parcel until the design of the required shoreline works required for that Parcel is completed;
 - b. no occupancy of any buildings or improvements on a Parcel will be permitted until the required shoreline works for that Parcel are completed; and
 - c. the applicant shall provide access to, and support of, the shoreline works from both the uplands and the water lots, and shall grant rights-of-way therefore as required by the General Manager of Engineering Services for access to the shoreline works for maintenance and repair purposes.

Rail Crossings

- 4) Negotiate agreements and approvals on behalf of the City with CP Rail and any applicable government authorities for rail crossings and maintenance of such crossings, generally in those locations shown in the Design Guidelines (see Appendix P) in a form and containing terms satisfactory to the General Manager of Engineering Services.

Note to applicant: The dimensions, conditions, exact locations, and timing of delivery are to be part of the agreements. The City shall maintain its current seniority at the existing Kinross crossing and existing Kerr Street crossing.

Subdivision Plan

- 5) Obtain approval of and deposit for registration of a subdivision plan or plans that creates the Parcels generally as defined in the Design Guidelines (see Appendix P) and as described below:
 - a. dedication or conveyance to the City of the lands to be used for roads (which includes the waterfront walkway and bikeway),

- parks, open space and the 0.44ha school and childcare facility site (Parcel 23); and
- b. dedication to the City as road to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and the Approving Officer, a minimum of 10 metre wide strip along the riverfront to connect Kerr Street and the easterly limit of Area 2.

Note to applicant: The riverfront road dedication must accommodate a minimum width to contain the riverfront walkway and bikeway. The minimum 10 metre wide riverfront road dedication, to be measured from the southerly limit of the upland is required in order to comply with the Section 75(1)c (access to water) requirements of the Land Title Act.

Note to applicant: all land above the original natural boundary to be conveyed to the City as public space shall be transferred to the City in fee simple as a parcel or dedicated as "Road" under the Land Title Act to the satisfaction of the General Manager of Engineering Services, the Approving Officer, and the Director of Legal Services.

Waterlots

- 6) Make arrangements to the satisfaction of the City Manager, the General Manager of Engineering Services and the Director of Legal Services in consultation with the Park Board to secure tenure, at the applicant's cost, over the portions of the Water Lots containing the waterfront public open space, the walkway and the bikeway. The tenure may be in the form of a sub-lease from Port Metro Vancouver to the City or lease directly from the Province to the City, at no cost to the City.

Note to applicant: It is recognized that the Water Lots are subject to a head lease between the Province and Port Metro Vancouver. In the event that the agreement is a sub-lease from the Port, the sub-lease will include provisions such that upon the renewal of the head lease, the sub-lease will be automatically renewed with the terms of the original sub-lease extended to the sub-lease renewal term or terms, all at no cost to the City.

Statutory Rights-of-ways

- 7) Grant blanket statutory rights-of-way over such Parcels within Area 2 South as required for public access over the secondary system of paths to be reduced at development permit stage to the locations generally as shown in the Design Guidelines (see Appendix P); Conveyance of Closed Roads
- 8) Acquire from the City at a cost to be determined by City Council the portions of road as described and adjacent to lands described in Appendix P being:

- a. Portion of Kent Avenue South east of Kerr Street and west of Kinross Street;
- b. Portion of Hartley Street Adjacent to That Part of Block 8 Lying South of Right of Way Shown on Explanatory Plan 5938 District Lot 330 Plan 455; and
- c. Portion of Kinross Street Adjacent to the Closed Portion of Kinross Street Shown on Explanatory Plan 3111 Blocks 9, 10, and 16 to 19 District Lots 330 and 331 Plan 2593.

Note to applicant: an application to the City Surveyor is required to initiate this process. The applicant's surveyor is to provide sufficient historical research and Land Title Office documentation to show how the roads to be closed were originally established or dedicated as road.

Release of Agreements

- 9) Cause the discharge of SRW GC 104773 from all lands encumbered thereby.

Neighbourhood Energy Utility

- 10) Grant an option to purchase in favour of the City (with the right to assign the option to purchase to a utility operator) a minimum 500 m² suitable site to be utilized for an energy system plant, and/or make provisions within the utility rooms of required Parcels to serve as sites for the Neighbourhood Energy Utility, depending upon the form of the Neighbourhood Energy Utility.

Note to applicant: The site is proposed to be within Parcel 5B, or at a site to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The form of the Neighbourhood Energy Utility is further being refined and may require one site or multiple utility room sites within appropriate development parcels for the siting of an energy system plant(s). The location of the site may be moved in future as mutually agreed upon by the applicant and the General Manager of Engineering Services as further information on the Neighbourhood Energy Utility is known and appropriate arrangements for transfer of lands will occur at that time.

- 11) Make arrangements for appropriate agreements for access to and operation of the Neighbourhood Energy Utility including access to the Neighbourhood Energy Utility related infrastructure within each building in Area 2;
- 12) Make arrangements for either a Request for Proposal or other similar process to solicit proposals from possible utility providers for the development and operation of a future neighbourhood energy utility or other arrangements to the satisfaction of the General Manager of Engineering Services in order to facilitate the development of the Neighbourhood Energy Utility;

Waterfront Access Agreements

- 13) Grant statutory right-of-way agreements for public access over the waterfront Parcels 9A, 9B, 10, 11, 24, 25 and 28 for a temporary walkway and bikeway to facilitate continuous waterfront passage through all phases of development until the applicable portion of the permanent waterfront walkway and bikeway is completed.

Shared Vehicle Agreement

- 14) Make arrangements for:
 - a. the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
 - b. a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
 - c. the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
 - d. the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

at the rate of 0.01 shared vehicles and shared vehicle parking spaces per dwelling unit in each development application and any number equal to or greater than 0.5 is to count as one shared vehicle and one shared vehicle parking space. The shared vehicles and shared vehicle parking spaces will be required for multiple residential units, and Affordable Housing units.

“Secondary dwelling units” (i.e. secondary suites in a housing unit) will be considered as a separate dwelling unit for the purpose of calculating shared vehicles.

CONTAMINATION

- 15) The following conditions apply:
 - a. In respect of the road dedications:
 - i) the applicant is to provide confirmation that all road dedications within Area 2 South are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates

of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads meet residential land use numerical standards for the top 3 meters and commercial land use numerical standards below 3 meters and that the groundwater in the roads meets the most restrictive standards for marine aquatic life, all as prescribed by the Environmental Management Act and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and

- ii) if the applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications have been remediated to the standards described in paragraph (a)(i) above.

b. In respect of the park parcels:

- i) the applicant is to provide confirmation that all park parcels within Area 2 South are covered by numerical based Certificates of Compliance or other instruments acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the park parcels meet residential land use numerical standards and that the groundwater in the park parcels meets the most restrictive standards for marine aquatic life, all as prescribed by the Environmental Management Act and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and
- ii) If the applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the park parcels have been remediated to the standards described in paragraph (b)(i) above.

- c. In respect of the Parcels:
 - i) the applicant will do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571B of the Vancouver Charter, on terms and conditions satisfactory to the Manager of Environmental Protection and the Director of Legal Services in their sole discretion; and
 - ii) the applicant will execute a Section 219 Covenant, as required by the Manager of Environmental Projection and the Director of Legal Services, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificates of Compliance or other instruments acceptable to the City have been provided to the City by the Ministry of Environment.

SOCIAL DEVELOPMENT

- 16) Grant to the City an option to purchase Parcel 8A for Affordable Housing programs. The optioned Parcel must be sufficient to develop approximately 77 family units with a minimum aggregate floor area of 7 930 m². The option to purchase will be on terms satisfactory to the Managing Director of Social Development and the Director of Legal Services in their sole discretion.
- 17) Make arrangements for the provision of a licensable childcare centre on Parcel 23, with a gross indoor area of at least 764 m² and additional floor space and storage required by the multi-level layout, and an outdoor area of at least 615 m². The childcare centre is to be delivered prior to the issuance of the occupancy permit for any improvements on Parcel 25, or prior to the issuance of the occupancy permit for the elementary school, whichever is first.

Note to applicant: the childcare facilities must be designed in accordance with the City of Vancouver Childcare Design Guidelines and such guidelines that may apply at the time of development permit application.

- 18) Make arrangements for the payment of \$1,250,000.00 (in 2006 dollars, to be inflated at the consumer price index for construction costs) as a contribution to out-of-school childcare in Area 1 and Area 2, the timing of payment and any security with respect to the payment be satisfactory to the City.

PARKS

- 19) Execute an agreement on terms satisfactory to the General Manager of Parks and Recreation to convey to the City 3.9658 ha of land as park. The conveyance of fully constructed parks must be prior to the issuance of an occupancy permit for any improvements on those Parcels as set

out below (refer to the Design Guidelines - Appendix P - for park definitions):

- a. Foreshore Park (with an area of approximately 2.3555 ha) - a proportionate share of the park with Parcels 9B, 11 and 24;
- b. Playfield Park (with an area of approximately 0.9837 ha) - Parcel 28;
- c. Neighbourhood Park South (with an area of approximately 0.1196 ha) - Parcel 10; and
- d. Kinross Park South (with an area of approximately 0.507 ha) - Parcel 8B.

PUBLIC ART

- 20) Execute an agreement on terms satisfactory to the Director of Legal Services and the Director, Director of Cultural Services, for the provision of public art in accordance with the City's *Public Art Policies and Guidelines*, such agreement to provide for security in a form and amount satisfactory to the Director of Legal Services.

LIBRARY CONTRIBUTION

- 21) Make arrangements for the payment of a library contribution of \$127,665.00 (in 2006 dollars, to be inflated at the consumer price index for construction costs), the timing of payment and any security with respect to the payment to be satisfactory to the City.

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

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

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.

FURTHER THAT, the subject to the approval of the CD-1 by-law at Public Hearing, the by-law be accompanied at the time of enactment by the East Fraser Lands Area 2 and Kerr Street Properties Design Guidelines, generally in accordance with Appendix P, to the Policy Report, *"East Fraser Lands Area 2 and Kerr Street Properties Rezoning"*, dated December 1, 2009, to be adopted by resolution of Council;

- J. THAT a consequential amendment to the Sign By-law to establish regulations for the Kerr Street Properties, Area 2 North, and Area 2 South CD-1 By-laws, generally in accordance with Appendix Q, to the Policy Report, *“East Fraser Lands Area 2 and Kerr Street Properties Rezoning”*, dated December 1, 2009, be approved;
- K. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following the approval and enactment of the rezoning by-laws for the Kerr Street Properties, Area 2 North, and Area 2 South, to establish regulations to include these by-laws in Schedule B, generally in accordance with Appendix R, to the Policy Report, *“East Fraser Lands Area 2 and Kerr Street Properties Rezoning”*, dated December 1, 2009.

(RZ. East Fraser Lands Area 2 and Kerr Street Properties)