



## REFERRAL REPORT

Report Date: May 24, 2022  
 Contact: Yardley McNeill  
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 RTS No.: 14931  
 VanRIMS No.: 08-2000-20  
 Meeting Date: June 7, 2022

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Text Amendment CD-1 (567) East Fraser Lands Waterfront Precinct:  
 3480 East Kent Avenue South and 3522 East Kent Avenue South

### **RECOMMENDATION TO REFER**

THAT the rezoning application and plans, described below, be referred to Public Hearing together with the recommendations set out below and with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary zoning by-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

### **RECOMMENDATION FOR PUBLIC HEARING**

A. THAT the application by Wesgroup Properties Inc. ("Wesgroup"), on behalf of Park Lane River District Developments Ltd., the registered owner of the lands located at:

- 3480 East Kent Avenue South [*PID 029-292-298; Lot 37 District Lots 330 & 331 Group 1 New Westminster District Plan EPP31354 Except EPP91177*]; and
- 3522 East Kent Avenue South [*PID 029-292-310; Lot 38 District Lot 331 Group 1 New Westminster District Plan EPP31354*];

to amend CD-1 (567) East Fraser Lands Waterfront Precinct By-law No. 10943, to increase the permitted floor area from 103,917 sq. m (1,118,553 sq. ft.) to 145,114 sq. m (1,561,995 sq. ft.); and to increase maximum building heights to allow additional social housing, secured rental housing, and strata market housing, be approved in principle;

FURTHER THAT the draft CD-1 By-law amendment, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Boniface Oleksiuk Politano Architects, received October 25, 2021, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B.

- B. THAT subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services, and the General Manager of Planning, Urban Design and Sustainability.
- C. THAT, subject to approval of the amended CD-1 By-law referenced in Recommendation A, the draft amendment to the East Fraser Lands Official Development Plan By-law No. 9393, prepared for the Public Hearing in accordance with Appendix D, be approved in principle.
- D. THAT, subject to approval of the amended CD-1 By-law referenced in Recommendation A, the draft amendment to the Vancouver Utilities Development Cost Levy By-law No. 12183, prepared for the Public Hearing in accordance with Appendix E, be approved in principle;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Vancouver Utilities Development Cost Levy By-law at the time of enactment of the CD-1 By-law.

- E. THAT, at the time of enactment of the amended CD-1 By-law referenced in Recommendation A, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for approval the updated East Fraser Lands Design Guidelines.
- F. THAT Recommendations A to E be adopted on the following conditions:
  - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

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

*Recommendations A, B, C and D are submitted as a package for Council's consideration. Recommendation D must be approved for Recommendations A-C to be approved, and vice versa.*

## **REPORT SUMMARY**

This report evaluates an application to amend CD-1 (567) East Fraser Lands Waterfront Precinct By-law to permit an additional 41,197 sq. m (443,442 sq. ft.) of residential floor area and increase maximum building heights, for social housing, secured market rental housing and strata housing. The application also requires a consequential amendment to the East Fraser Lands Official Development Plan ("EFL ODP"), as detailed in this report.

In April 2021, Council approved the *East Fraser Lands Official Development Plan and Public Amenity Financial Plan and Strategy: 10-year Review and Update* (the "EFL 10-year Review"). This included amendments to the *EFL ODP* to reflect new city policies and standards, adapt to changing environmental conditions due to climate change, increase housing options in response to the housing crisis, and enable the delivery of public benefits such as a community centre.

As part of the EFL 10-year Review, Council approved removal of unbuilt sites within the *EFL ODP* from the Utilities Development Cost Levy ("UDCL") boundary, in exchange for the delivery of in-kind amenities including the community centre and required drainage works. The UDCL By-law amendments are being considered as part of this rezoning application.

The rezoning proposal aligns with the *EFL ODP* amendments and the *EFL 10-year Review*. Staff recommend the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it in principle, subject to the Public Hearing and conditions contained in Appendix B.

**It is important to note that Recommendations A, B, C and D are submitted as a package for Council consideration.** If Council chooses not to remove EFL from the UDCL boundary in accordance with Recommendation D, then the conditions associated with this application can no longer be supported and the delivery of the community centre will remain the responsibility of the City. In this occurrence, staff recommend Council refer the rezoning application back to staff for further consultation and negotiation with the applicant.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- East Fraser Lands Official Development Plan and Public Amenity Financial Plan and Strategy: 10-year Review and Update (2021)
- East Fraser Lands Official Development Plan 10-year Review Planning Program: Progress Update and By-law Amendments for a New Community Centre Site and Affordable Housing (2018)
- East Fraser Lands Official Development Plan (2006, amended 2021)

- CD-1 565, 566, and 567 By-laws No. 10942, 10941, and 10943 respectively (approved 2008, enacted in 2014) and associated Design Guidelines
- East Fraser Lands Public Amenity Financial Plan and Strategy (2010)
- Housing Needs Report (2022)
- Vancouver Utilities Development Cost Levy By-Law No. 12183 (the “UDCL By-law”)

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

### **REPORT**

#### **Background/Context**

##### **1. Policy Context**

The East Fraser Lands (“EFL”), also referred to as the River District, is a 128-acre site located in the southeast corner of Vancouver on the Fraser River, and includes the lands between Kerr Street and Boundary Road south of Marine Way, as well as a triangle-shaped site north of Marine Way at Boundary Road.

Planning has been underway since 2002 following closure of the White Pines Sawmill. Each step in the planning process has been a collaborative effort with the community, City staff and the master developer, Wesgroup. Several policies, guidelines and reports guide the development of EFL. There are three key documents which inform evaluation of this rezoning application, as described below.

**East Fraser Lands Official Development Plan (2006)** – As updated in 2021, the *EFL ODP* enables approximately 9.4 million sq. ft. of development, including housing, shops and services, local-serving office, and a robust package of public amenities including:

- 11.01 hectares (27.2 acres) of parks and public open space,
- A 2,790 sq. m. (30,000 sq. ft.) community centre,
- Four childcare facilities with spaces for 276 children,
- 140 after-school-care spaces,
- Two school sites, and
- Sites to accommodate 20% of the residential units for social housing (equivalent to approximately 1.475 million sq. ft.).

Figure 1. East Fraser Lands ODP Plan and Areas



**East Fraser Lands Public Amenity Financial Plan & Strategy (2010)** – The EFL financial plan establishes a strategy to deliver the public amenity package established in the *EFL ODP*. The strategy committed the City to reinvest the equivalent of all Community Amenity Contributions (“CACs”) and Development Cost Levies (“DCLs”) generated within the ODP area and vacant sites in West Fraser Lands (“WFL”) to fund the delivery of the public benefit package (i.e. parks, childcare facilities, affordable housing and community centre). The strategy also establishes that the developer is obligated to secure rail crossings and rights; and to provide site servicing, soil remediation and shoreline works, in addition to providing land for roads, schools, parks, open space, childcare and the community centre. The City is responsible to deliver the public amenities – including the community centre.

**East Fraser Lands Official Development Plan and Public Amenity Financial Plan and Strategy: 10-year Review and Update (2021)** – A key direction from the *EFL 10-year Review* was to pursue removal of unbuilt sites within EFL from the UDCL boundary in exchange for in-kind delivery of the community centre and required drainage works.

The next steps, as outlined in the *EFL 10-year Review*, are to accept and evaluate a rezoning application for additional density in the waterfront precinct within Area 1 that aligns with the 2021 changes to the *EFL ODP*. Council directed staff to bring the rezoning application forward to public hearing, with the following:

- amendments to UDCL By-law to remove EFL from the boundary area,
- confirmation of the CAC value for the additional density,
- confirmation of costs to construct the community centre and drainage utility works required to conclude negotiations with the developer,
- enactment conditions for delivery of the community centre, including developing a functional program and timing expectations, and
- development holds until the community centre is delivered.

This direction informed the review and negotiation of this rezoning application and the conditions of approval included in Appendix B of this report.

**Housing Needs Report (2022)** – On April 27th, 2022, Council resolved at a public meeting to receive a [Housing Needs Report](#) prepared by staff. Council must consider the most recent housing needs report and the housing information on which the report is based when developing a development plan, or when amending a development plan in relation to housing policies of the Council respecting affordable housing, rental housing and special needs housing.

This rezoning application, Official Development Plan amendments and associated design guidelines are well supported by the data and findings within the Housing Needs Report. Increasing the amount of social housing along with secured market rental housing will help meet the diverse range of housing needs among current and future residents.

## 2. Development Progress

Development in EFL has been underway since 2010. Most of the development parcels in Area 2 (the western neighbourhood) have been completed or are under construction. New streets and other infrastructure in Area 2 are substantially completed.

Build out of Area 1 (the central neighbourhood) is also underway. This area is generally characterised as the focal point of the community marked by the tallest buildings and the location of the stand alone community centre site. The opening of a grocery store and the town square marked a significant milestone in the creation of this new community. Effort in Area 1 is now shifting south of the rail corridor to the high street, recently named River District Crossing, which will bring a variety of shops and services to support the growing new community.

To date, approximately 964 units of social housing have been completed or are nearing completion within Areas 1 and 2. In addition to the social housing, Wesgroup has elected to develop three rental housing projects delivering 566 units of secured market rental housing within Areas 1 and 2. Wesgroup has been successful in obtaining funding from Canada Mortgage and Housing Corporation (“CMHC”) to deepen the affordability of the secured market rental housing in several projects delivered to date.

**Figure 2. East Fraser Lands ODP Area map and development progress (December 2020)**



Of the 15,000 residents anticipated in the *EFL ODP* area, roughly 3,500 residents have moved into the new community. The project is generally on schedule to achieve 50% build-out by 2025. It is anticipated that full build-out of the plan, including Area 3, will take another 20-25 years.

**Neighbourhood Amenities** – The *EFL ODP* includes a package of amenities as described above. Since the previous update in 2021, design work on the first childcare centre has advanced. This 69-space childcare centre will be located just west of Kerr Street, at 3010 East Kent Avenue South, near the Fraser River. Construction is anticipated to begin in early 2023.

Park delivery in Area 2 is progressing with completion of the Area 2 flood protection and the upper and central sections of Kinross Park corridor. Design work for the park at Sawmill Crescent and Marine Way (informally identified as “promontory park”) is underway, with construction expected to start in the latter half of 2022.

Planning is underway for an upland staircase aligned with River District Crossing, as well as a staircase within Kinross Ravine Park to connect to Everett Crowley Park. Staff have looked at possible accessible connections, including ramps and elevators, between SE Marine Drive and Marine Way and have deemed them infeasible. A standard elevator would not be practical due to the slope – a better solution would be an inclined elevator or a funicular. Both of these would have high capital and maintenance costs and would not be practical given the current demand for the connection and the financial constraints within the *EFL Public Benefit Strategy*.

**Local School Capacity** – The *EFL ODP* currently includes two school sites for a K-7 elementary school and a potential high school. The elementary school site is within Area 2 of the plan. The site is zoned and subdivided. The site is currently owned by Wesgroup, and will be available for the school when the Vancouver School Board (“VSB”) is ready to proceed with development. It is the responsibility of the Provincial government to fund school construction.

Until the new EFL elementary school is constructed, students from EFL can attend either Cook Elementary, Champlain Heights Elementary or Champlain Heights Annex. According to the VSB’s 2020 Long Range Facilities Plan, these elementary schools are currently operating below capacity at 85%, 62% and 79% respectively. By 2029, Cook Elementary is projected to reach a capacity utilization of 115%, while the two Champlain schools are projected to remain at 60% and 71% capacity.

EFL is in the Killarney Secondary School VSB catchment. Killarney is currently operating below capacity at 73%, with a capacity utilization of 67% by 2029. Evaluation of the need for a high school site within EFL will be part of the future Area 3 rezoning.

## **Strategic Analysis**

### **1. Proposal**

CD-1 (567) is known as the ‘waterfront precinct’ and is located within Area 1. The waterfront precinct includes 9 parcels south of the rail corridor including: 26, 27, 29, 30, 31, 32, 33/34 and 35/36. CD-1 (567) allows a mix of uses with a combined maximum floor area of 103,917 sq. m (1,118,553 sq. ft.). Two parcels (26 and 27) are currently under construction. Parcel (29) has a development permit application in process. The community centre (31) and two retail buildings (32) are future development sites.

Parcels 30, 33/34, and 35/36 are the subject of this rezoning application, indicated in the red outline. The application proposes to add 41,197 sq. m (443,442 sq. ft) of residential floor area to the Parcels noted below and outlined in red in Figure 3.

**Figure 3: Proposed rezoning within Area 1**



Of the total floor area proposed, an additional 1,951 sq. m (21,000 sq. ft.) of strata-titled residential floor area has been added to the application since the project was posted on the Shape Your City website on February 25, 2022. The additional 1,951 sq. m (21,000 sq. ft.) will be manifested in three additional floors spread over two towers. Staff assessed the original rezoning proposal and determined the additional floor area was supportable from a massing perspective and would help ensure the delivery of the community centre, a priority for this area.

Amendments to CD-1 (567) include:

- Additional residential floor area of 41,197 sq. m (443,442 sq. ft.) consisting of:
  - o 5,110 sq. m (55,000 sq. ft.) of social housing;
  - o 9,290 sq. m (100,000 sq. ft.) of secured market rental housing; and
  - o 26,797 sq. m (288,442 sq. ft.) of strata-titled housing, inclusive of the additional 1,951 sq. m (21,000 sq. ft.) as described above.
- Increase maximum building heights:
  - o On parcel 30, permit an additional 20 storey tower, inclusive of two additional floors to accommodate the added floor area;
  - o On Parcel 33/34, increase from 14 to 23 storeys, inclusive of one additional floor to accommodate added floor area;
  - o On Parcel 35/36, increase from 9 to 16 storeys; and
  - o On Parcel 31 (community centre) increase from 3 to 4 storeys.



**EFL ODP** – The addition of 1,951 sq. m (21,000 sq. ft.) of strata-titled floor area, has a corresponding impact on the *EFL ODP* maximum residential floor area permitted and the requirement to deliver 20% of all residential units as social housing. A consequential amendment to the *EFL ODP* is therefore required to increase the maximum allowable floor area and to add 400 sq. m (4,306 sq. ft.) of social housing floor area to Area 3 to maintain the 20% requirement across the full *EFL ODP* area. The draft consequential amendments to the *EFL ODP* are included in Appendix D.

## 2. Land Use

The proposed residential land uses are consistent with the *EFL ODP* and existing CD-1 By-law. No changes in land use are proposed as part of this application.

While there are no new land uses proposed, a six-storey wood frame rental building is proposed to be located on the former pocket park site on Parcel 29/30. This change was envisioned in the 10-Year Review. A diagram of the shift is included in section 4. Park Land.

The *EFL ODP* requirement for 3.5 hectares (8.65 acres) of park space within Area 1 continues to be met. This total includes the community centre site, community centre plaza and riverfront park, as well as two parks closer to Marine Way. As part of this application, the existing Park Agreements will be revised to remove the pocket park, while ensuring the *EFL ODP* park requirements are met, as outlined in Appendix B. An adjustment to the existing subdivision plan is also required.

## 3. Form of Development, Density and Height (refer to drawings in Appendix I)

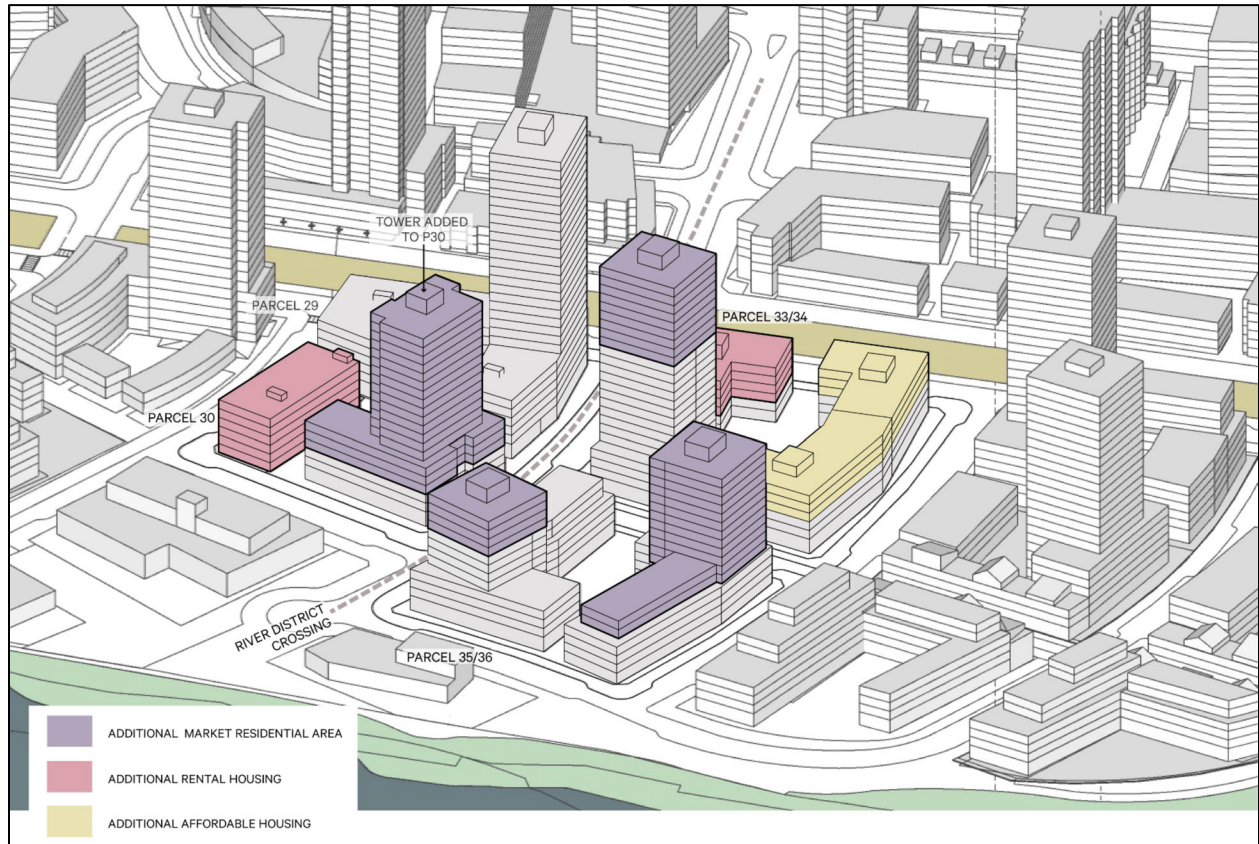
As part of the *EFL 10-year Review*, staff worked closely with Wesgroup and their design consultants to identify appropriate locations to increase building heights to accommodate additional density within Areas 1 and 3 of the *EFL ODP*. Area 3 will be subject to a future rezoning. The proposed increase in floor area in Area 1 is 41,197 sq. m (443,442 sq. ft.), allocated towards additional residential uses. In addition, to ensure the community centre building and co-located childcare fit with suitable space to enable an architectural response, the maximum height of the community centre is being amended by 1 additional storey of 5 m (16.4 ft.). These changes require the CD-1 By-law to be amended, see draft amendments in Appendix A.

The distribution of additional building heights follows the urban design principles established in the *EFL ODP* and previous rezoning approvals. The East Fraser Lands Design Guidelines: CD-1 Guidelines for Area 1 (the “Area 1 Design Guidelines”) continue to provide the basis for form of development and urban design performance criteria. Consideration has been given to the following key design strategies, which have shaped the form of development since the beginning of the EFL project:

- locate higher forms near the River District Crossing high street, contributing to the activation of what is intended to be the highest intensity part of the plan area;
- transition building heights down from the Town Square toward the Fraser River;
- optimize building podiums to create a well-defined street wall on wider streets;
- position towers to maximize private solar access, privacy, and views to the Fraser River;
- encourage and enhance pedestrian connectivity through blocks by way of coordinated mid-block connections;

- use building massing and architectural expression to frame the community centre, plaza and riverfront park, and;
- minimize incremental shadow impacts on public spaces, including parks and the high street.

**Figure 4: Proposed Development**



Additional height is indicated in colour on Figure 4 (above), with key changes and considerations as follows:

- Parcel 30 – A new 20-storey building, comprised of a six-storey podium and a 14-storey tower is proposed to be added to the SE corner of this parcel. The new tower steps down from a 28-storey tower on Parcel 29. Per the *EFL ODP* and *Area 1 Design Guidelines*, retail and other activating uses are proposed at grade along the River District Crossing high street. As described in the Land Use subsection of this report, a new six-storey wood-frame rental building is located on a part of this parcel previously identified for a pocket park. The park area attributed to the pocket park on this site was previously consolidated with the community centre plaza and riverfront park in 2018.
- Parcel 33/34 – This application proposes that all social housing floor area required in CD-1 567 be consolidated onto Parcel 34, by reconfiguring the massing currently shown in the *EFL ODP* for Parcels 33 and 34. This change will facilitate a more cost-effective construction of a standalone six-storey wood-frame building on Parcel 34, for City ownership. The revised Parcel 33 is comprised of a 23-storey tower and podium building at the southwest corner. The massing relationship between the Parcel 33 tower and

those of adjacent Parcels 35/36 reinforces the tiered transition of building heights toward the waterfront. Activating uses and pedestrian connections are proposed at grade aligning with key urban design expectations.

- Parcel 35/36 – An additional five floors are proposed to be added to the tower at the southwest corner Parcel 35/36, marking the foot of the River District Crossing high street. A second, taller element, is added to the northeast corner of the parcel to a maximum height of 16 storeys. Together, these taller building forms provide a more cohesive relationship to the surrounding proposed urban context while stepping down to the river. Additional podium massing is added along the eastern edge of the site, providing a more defined street wall and a stronger street edge along the new street, while a lower podium along the southern edge is maintained to provide solar performance of the central Parcel 35/36 courtyard. Activated uses will be provided along the western and southern edges of the site in accordance with the existing *Area 1 Design Guidelines*.

**Design Guidelines** – As part of the rezoning submission, the applicant team proposed updates to the approved *Area 1 Design Guidelines*. The draft updates, contained in Appendix J, are included for Council's consideration as part of this application. Once finalized, updates to the *Area 1 Design Guidelines* will be brought back to Council for adoption at the time of enactment of the amended CD-1 (567).

**Urban Design Panel** – The Urban Design Panel (UDP) reviewed this application on March 2, 2022 and unanimously supported the proposal (see Appendix G). The Panel shared supportive comments on the proposed additional floor area and building heights. The Panel's recommendations have been incorporated in to the design conditions in Appendix B.

The rezoning application complies with the building heights, and general massing permitted in the updated *EFL ODP*. Staff support the proposed changes subject to conditions noted in Appendix B.

#### **4. Park Land**

The 2008 Area 1 rezoning includes a pocket park on Parcel 29/30. As part of the 2018 amendment which created the stand-alone community centre site, the required park area was consolidated with the community centre plaza and riverfront park (see Figure 5). A larger consolidated park provides an improved waterfront destination and parcel configuration while also reducing maintenance inefficiencies associated with smaller distributed park space.

**Figure 5: Area 1 Waterfront Precinct park consolidation**

## 5. Community Centre and Associated Public Amenities and their Delivery

The *EFL ODP* requires a minimum 30,000 sq. ft. community centre located at the foot of the high street. In 2018, Council approved plan adjustments to create a stand-alone site for a community centre that is directly connected to the riverfront with a public plaza and framed with active retail buildings. The community centre and plaza are expected to become a premier public destination within southeast Vancouver. When the *EFL ODP* was first approved in 2006, it was envisioned that the community centre would be delivered at roughly the halfway point of community build out. The community is anticipated to reach this milestone around 2025 to 2027.

The *EFL Public Amenity Financial Plan & Strategy (2010)* contemplates delivery of the community centre to be the City's responsibility utilizing CACs generated within or near EFL. Currently there are insufficient funds available to deliver the community centre. As part of the *EFL 10-year Review*, an alternative delivery approach of shifting the obligation from the City to the developer was proposed by the developer, supported by staff and endorsed by Council. This approach is made possible by the removal of EFL from the UDCL boundary, and is reliant on funding generated from the Area 1 CAC which is the subject of this report and previously collected CACs which are held by the City.

The conditions of enactment included in Appendix B outline the terms of the community centre delivery by the developer.

**Figure 6: Artist Rendering of Community Centre, Community Centre Plaza and Riverfront Park**

*The above diagram is illustrative only and the plaza and riverfront park design are subject to future public consultation.*

**Associated Public Amenities** – The developer will deliver a 74-space childcare facility co-located on the top floor of the community centre and will explore entering into a Park Development Agreement, to the satisfaction of the Park Board, to deliver the community centre plaza at the same time as the community centre. The new childcare facility and plaza will be funded by City-wide DCLs.

While a library branch is a desirable amenity within EFL, there are currently insufficient CACs to secure a co-located library branch. Should additional CACs be generated in and around the EFL ODP area and the City choose to proceed with a co-located library branch, prior to detailed design of the community centre, it may be possible to accommodate as part of the future development permit process. At present, library kiosks are included in the community centre functional program, to be located outside, against the building. The functional program requires the developer to provide power and sufficient outdoor covered area to support the kiosks, however, the library kiosks are not part of the community centre delivery. Any significant changes in scope to the community centre functional program will be the responsibility of the City.

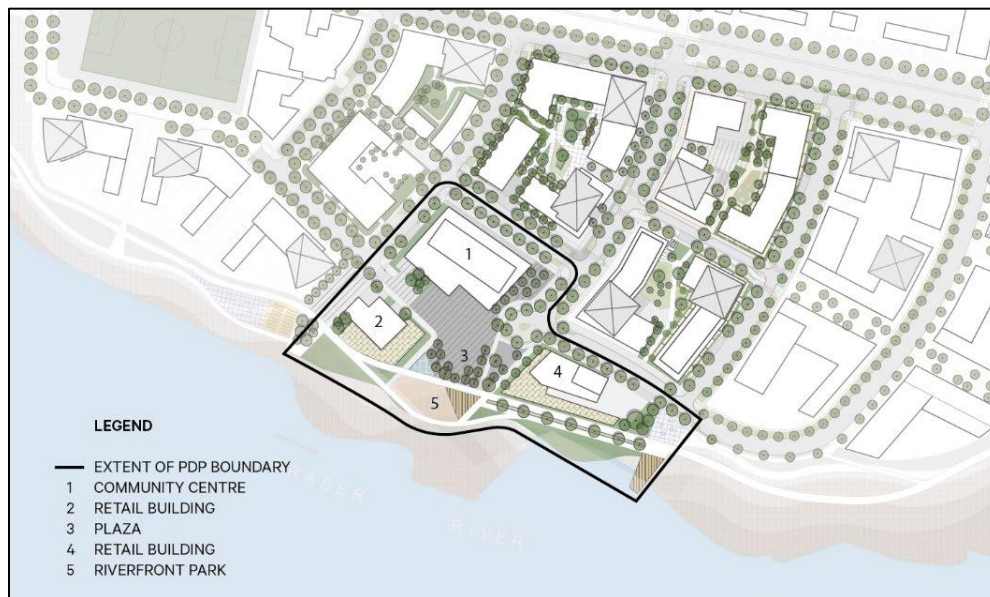
**Delivery Next Steps** – The design and delivery of the community centre within the Area 1 waterfront precinct is a complex project which requires design integration for the following items: community centre and underground parking, childcare facility, community centre plaza and riverfront park, retail buildings, soil remediation, flood protection integration, design of shoreline works, coordination of servicing obligations, transportation functions, tenure of Provincial foreshore and Provincial approvals for shoreline works. Engagement with the local First Nations is also required, particularly for the design of riverfront parks and the community centre.

Given this complexity, a preliminary development permit (PDP) process for the central waterfront is required to ensure detailed coordination of these elements. It is anticipated that the PDP will create efficiencies for the community centre development permit processing, as well as ensure coordination on the shoreline design and Provincial approvals.

It is also anticipated that the timeline to process the applications (PDP and community centre development permit) will be approximately 2.5 years given above noted complexity. Construction of the community centre and childcare facility will likely commence in another 2.5 years. Staff and the developer will seek to identify timing efficiencies as detailed work commences.

Concurrent to the community centre design and construction, the City and Wesgroup will need to work with the Province to secure tenure of the foreshore, as a portion of the lands are on Provincial land water lots; this would ideally be secured as Park as outlined in the 2018 ODP amendments. Additional Provincial approvals may also be required for construction of the shoreline and park works in and around this area.

**Figure 7: Preliminary Development Permit Area**



## 6. Housing

### Affordable Housing

Policy Context and Previous Approvals – To ensure that EFL is a mixed income, sustainable, and diverse community, the *EFL ODP* requires that 20% of all units be secured as affordable housing that meets the city-wide definition of social housing. The proposed locations of the affordable housing sites are identified on Figure 17 of the *EFL ODP*. Option-to-purchase agreements for the sites were secured through the rezonings of Areas 1 and 2. These options grant the City the right to purchase the housing sites for \$35 per buildable sq. ft., inflated from 2006 to the time of purchase. The options to purchase the sites are triggered as surrounding market development proceeds.

Under the original 2008 rezoning of Area 1, a minimum of 7,455 sq. m (80,245 sq. ft) of affordable housing is required on Parcel 33/34. The City will maintain the option-to-purchase agreement for the original floor area.

The reconfiguration of Parcel 33 & 34 into two development sites, results in the eastern parcel becoming the affordable housing site which can accommodate the original floor area plus the additional social housing density proposed in this rezoning, for the development of a six-storey social housing building. The new social housing site area will be approximately 3,494 sq. m (37,609 sq. ft.) with the exact site size refined through subdivision.

Since the additional floor area is being added to a parcel the City was expected to purchase, the additional 5,110 sq. m (55,000 sq. ft.) will be purchased for a nominal amount of \$10.00. With the proposed increase in residential floor area, the number of affordable housing units will increase from at least 76 units to 143 units of social housing.

Social housing on City-owned sites, including Parcel 34, will be delivered by the Vancouver Affordable Housing Agency (“VAHA”) and their respective development and non-profit partners. VAHA will explore options to deliver deeper levels of affordability, subject to senior government funding and financing. Previous projects in EFL have achieved deeper levels of affordability than the required minimum.

To maintain the 20% unit requirement across the *EFL ODP*, an additional 400 sq. m (4,305 sq. ft.) of social housing floor area is also required in Area 3 resulting from the additional floor area in Area 1. Since the additional floor area is being added to a parcel the City was expected to purchase, this additional floor area will be purchased for a nominal amount of \$10.00. A draft consequential amendment to the *EFL ODP* to reflect this requirement is included in Appendix D.

**Secured Market Rental Housing** – In 2021, as part of the *EFL 10-year Review*, the *EFL ODP* was amended to include a 10% rental housing requirement to align with the *Rezoning Policy for Sustainable Large Developments*. The *EFL ODP* requirement in Area 1 is for 9,290 sq. m (100,000 sq. ft.) of rental housing, this recognizes that Area 1 has existing approvals in place and the rental is incremental floor area.

Purpose-built rental housing offers permanent rental housing and security of tenure, unlike rented condominiums or basement suites in the secondary rental market. All 9,290 sq. m (100,000 sq. ft.) or approximately 121 units would be secured through a Housing Agreement and/or a Section 219 Covenant for the longer of 60 years and the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units. Conditions related to securing the units are contained in Appendix B.

While it is not required at rezoning, it is anticipated that the developer will apply for the DCL waiver when the rental housing projects advance to the development permit stage.

To date, the developer has provided approximately 566 units of rental housing using the incentives available through the *Secured Rental Policy*. The addition of secured market rental housing in Area 1 will generate an additional 121 units and provide more housing options within the community.

**Strata Housing** – As part of the *EFL 10-year Review*, the *EFL ODP* was amended to allow for additional market housing in Area 1. An additional 26,797 sq. m (288,442 sq. ft.) is proposed,

including the additional 1,951 sq. m (21,000 sq. ft.), taking advantage of unbuilt sites within the waterfront precinct. This results in approximately 324 units, depending on unit size and bedroom configuration.

**Housing Mix** – The *EFL ODP* requires that 35% of units within each building must be suitable for families with children, and that 10% of the units must have at least 3 bedrooms. Social housing buildings are required to have 50% of the units for families with children. These units are to be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

**Existing Tenants** – As there are no existing residential units on the site, a Tenant Relocation Plan is not required.

## 7. Transportation and Parking

EFL is a new community built on a former sawmill site. New streets and infrastructure are provided by the developer to service the new community as development proceeds. The transportation network includes new vehicular streets, protected bicycle facilities, including the Fraser River Trail along the waterfront, rail corridor crossings and key streets.

**Figure 8: Street Network Plan**



EFL is currently served by the #100 bus service that runs on South East Marine Drive/Marine Way. Concurrently with the *EFL 10-year Review*, staff initiated a consultancy in partnership with TransLink to study shorter, medium and longer term options for improving transit to the EFL area. As an initial result of this work, a new bus service #31 was introduced in 2019 with further improvements anticipated as the community builds out.



The rezoning site is located two blocks south of the Kent Avenue Greenway and one block north of the Fraser River Trail. Future protected paths will also be constructed on the River District Crossing high street and 'Road G' which connects the high street to the elementary school site. Through the *EFL 10-year Review*, staff identified additional key transportation connections from this new neighbourhood to the surrounding areas, to support walking, cycling and transit; these are proposed to be funded by transportation DCLs. An accessible connection at River District Crossing from Marine Way to Marine Drive was considered, but was determined to be economically not feasible considering the financial constraints of the Plan.

Vehicle and bicycle parking are provided as underground parking with access away from River District Crossing. Conditions included in Appendix B require the proposal meet the requirements of the Parking By-law.

## 8. Drainage Infrastructure

**UDCL Removal** – In July 2018, the City introduced the UDCL which is intended to address delivery of water, sewer and drainage infrastructure to support city-wide growth. As outlined in the *EFL 10-year Review*, removal of unbuilt sites in EFL from the UDCL boundary is supportable as: 1) there is currently no funding alternative that can deliver the community centre on the desired timeline of opening in 2027/2028; and 2) the utility needs for EFL have been largely met, with exceptions described below, through in-kind delivery with limited impact on city infrastructure as most flows are to the east into another jurisdiction's system.

**Drainage Works** – In 2017, the City identified neighbourhood serving drainage works within the EFL area as part of the development of EFL's *Flood Protection Plan* and the associated drainage plan. This drainage plan requirement was identified due to the interdependency between the proposed flood protection works along the waterfront (which will protect against sea level rise) and the topographic nature of the EFL neighbourhood at the foot of drainage areas (i.e. upland drainage). In creating the UDCL program in 2018, the drainage works identified in the *Flood Protection Plan* were included in the UDCL project list. With the proposed removal of EFL from the UDCL boundary, any required drainage infrastructure within the removed area must be funded or delivered in-kind by the developer.

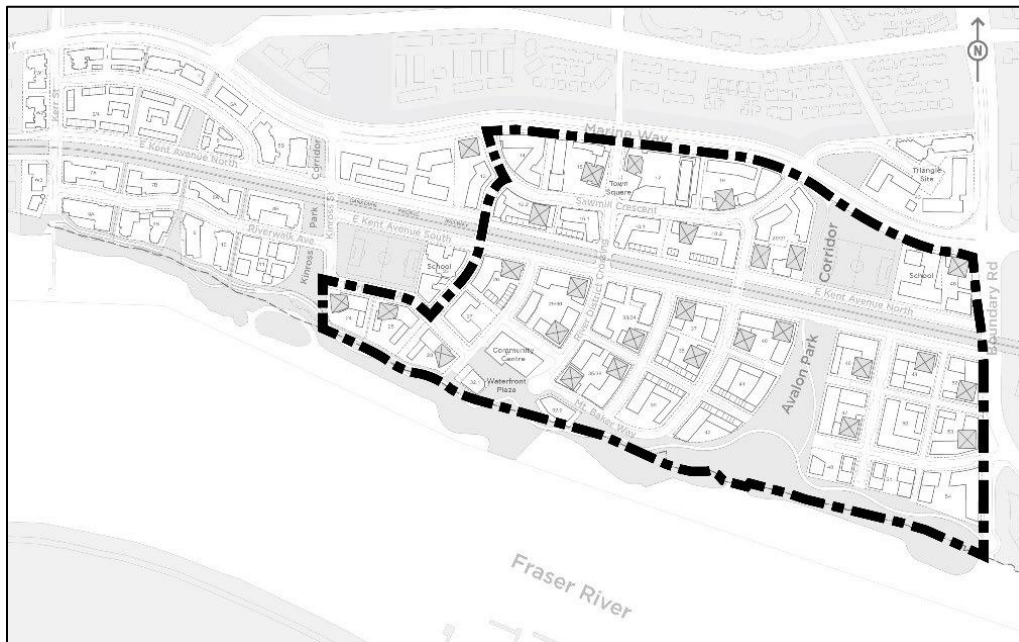
The drainage works are anticipated to include a pump station, culverts, and a tight pipe. The tight pipe is located near Kerr Street in Area 2 which is partially built out. It is expected that a drainage pump station and culverts will be required in future phases of build-out when Area 3 proceeds. The pump station is required once the waterfront flood protection system is completed, near the end of build-out of the community.

The *EFL 10-year Review* anticipated that all drainage works would be provided by the developer with removal of EFL from the UDCL boundary. It has since been determined that the Kerr Street tight pipe (\$5M) will remain on the UDCL program list and will be funded by the UDCL collected from the remaining unbuilt sites in Area 2 and the Kerr Street sites, some of which are not owned by Wesgroup. As a result, the \$5M reduction in drainage works (developer's obligation) will be reallocated to fund the community centre (developer's obligation), which had a higher cost than anticipated in 2021. The pump station and culverts are within the area proposed to be removed from the UDCL. If Council supports removal of EFL from the UDCL boundary then City-wide UDCL revenue can no longer be spent within EFL.

To ensure that the required drainage works can be delivered as part of the future phases, a cash payment of \$16M, escalated by the Statistics Canada Non-Residential Construction Price Index for Vancouver from 2020 onward, to be collected in four phases, is secured through conditions in Appendix B. The City will design and deliver the works under the current approach, however provisions to enable developer delivery are also included.

The draft amendment to the Utilities DCL By-Law is attached as Appendix E. An accompanying draft amendment to the *EFL ODP* is included as Appendix D. Additional details on the financial implications of the UDCL removal are included in the Public Benefits section of this report.

**Figure 9: Area to be removed from Utilities DCL By-law boundary**



**UDCL Removal Expiry** – A number of parcels (in Area 2) have already been built out and removal of those sites from the UDCL boundary is not necessary at this point. The built-out sites and those not owned by Wesgroup will remain in the UDCL boundary, as illustrated on the map above. Full build out of the remaining undeveloped sites within EFL is projected to take another 20 to 25 years, at which time the area is intended to be added back to the UDCL, subject to Council approval.

## 9. Natural Assets and Environmental Sustainability

**Natural Assets and Site Ecology** – The EFL site has limited natural assets given the former industrial uses on the lands. Prior to development commencing there were treed areas north of the tracks which have been substantially cleared. When planning began, the waterfront was assessed with areas of low, medium and high ecological value. The central waterfront, adjacent to where the plaza is located has the lowest ecological value as it was the central location of the former sawmill.

In 2018, Council approved changes to the waterfront to create the stand-alone site for the community centre and plaza, which pulled previously planned buildings back from the Provincial lands. As a result, a revised shoreline design and Provincial approvals are required. The

applicant is expected to secure all necessary authorizations so development can proceed, as outlined in the conditions in Appendix B.

The planned park and open space network seeks to reintroduce nature to the site. The plan includes two ecological corridors, the Kinross corridor and the Avalon corridor. Both park corridors will add features such as wetlands and other ecological features to the site. The riverfront park, running along the Fraser River, incorporates climate adaptation infrastructure including a flood protection and land raising measures to mitigate the risk of flooding. All park designs within EFL will be to the approval of the Vancouver Board of Parks and Recreation. All development parcels are expected to address rainwater and groundwater management and provision of landscaping, including food assets on site.

Vancouver's *Urban Forest Strategy* was developed to find ways to help preserve, protect and strengthen Vancouver's urban forest and tree canopy for the future. There are no existing trees on the rezoning site. New trees are being introduced on new City streets and in new parks, improving the overall canopy in the new neighbourhood.

As this application does not propose any changes to the previously approved site plan, the proposed additional floor area does not have impacts on the landscape plan for development parcels. A landscape condition to ensure the development maintain the overall high quality landscape treatment and programming is included in Appendix B.

**Environmental Sustainability** – The original rezoning in 2008 met the sustainability policies and objectives in place at the time. The project is developing a low-carbon district energy system and recently entered into an agreement with Metro Vancouver to utilize waste heat from the waste-to-energy facility located in Burnaby. The district energy system provides hot water and space heating. Buildings within EFL voluntarily meet many components of the current *Green Buildings Policy for Rezoning* requirements, including energy benchmarking, reporting embodied carbon, resilient water access, indoor air quality testing, enhanced commissioning of energy systems.

Sustainability conditions, to remove outdated requirements and to better align with current *Green Buildings Policy for Rezoning*, are contained in Appendix B.

## 10. Public Input

**EFL 10-year Review** – Leading up to this rezoning application, the City completed a multi-year process to review development in EFL. The process included four open houses from June 2017 to September 2019. The open houses had three primary functions:

- to introduce the planning process to review the plan and gather early input from the community,
- to develop site development options for feedback, and
- to present a preferred concept and to proposed amendments to the *EFL ODP* and the EFL financial plan and strategy.

In total 723 people attended these events and 327 people completed questionnaires to provide feedback.

Throughout the planning process, the strongest feedback was related to the need for improved transit and delivery of planned amenities to serve the growing community (in order of priority – community centre, parks, and childcare). Respondents requested faster delivery of amenities and firm commitments on timing. These concerns are heard regularly at engagement events as build-out of the new community progresses.

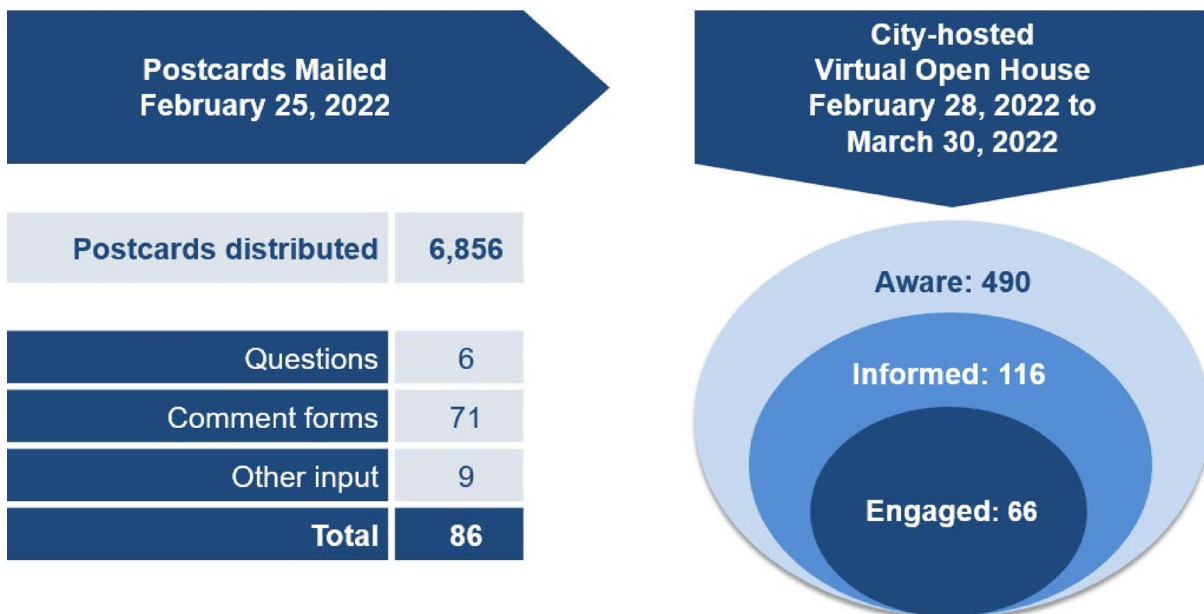
**Rezoning Public Notification** – A rezoning information sign was installed on the site on February 25, 2022. Approximately 6,856 notification postcards were distributed within the neighbouring area on or about February 25, 2022. Notification and application information, and an online comment form, was provided on the City’s Shape Your City Vancouver ([shapeyourcity.ca/](http://shapeyourcity.ca/)) platform.

**Virtual Open House** – A virtual open house was held from February 28, 2022 to March 20, 2022 on the Shape Your City platform. The open house consisted of an open-question online event where questions were submitted and posted with a response over a period of three weeks. Digital presentations and a digital model were posted for online viewing. 490 people signed onto the project webpage to review the rezoning application including an image of the proposal.

A virtual approach allowed people to access materials online and engage at different levels at a time and location of their choosing. An extended virtual open house period allowed people to ask questions regarding the proposal, which staff actively monitored and responded to publicly.

**Public Response and Comments** – Public input was via online questions, comment forms, by email and phone. A total of 86 submissions were received.

Figure 10: Overview of Notification and Engagement



Below is a summary of feedback received from the public by topic.

Generally, comments of support fell within the following areas:

- **Height, density and location:** Increased height and density are all appropriate for this area and necessary in order to properly fund the community center that is much needed in the area and to have the East Fraser Lands neighbourhood prosper as a community.
- **Community centre:** The creation of the new community centre is highly supported by residents living in the East Fraser Lands area.
- **Rental and affordable housing:** Provisions for increased rental and below market units are a welcome addition to the City and will help combat the ongoing housing crisis.
- **Green space:** Additional green space will be a welcome addition to the area.

Generally, comments of concern fell within the following areas:

- **Height, density and location:** The height and density are not appropriate for this area. The height is too tall and will cause shadowing and block the waterfront views of the Fraser River for many residents.
- **Services and amenities:** Not enough amenities and services to properly serve this growing community such as medical services, childcare and schools. The proposed community center has been delayed for too long and concerns have been raised how it will not materialize in a timely fashion to meet the needs and demands of current and new residents.
- **Community centre:** Concern over how the proposed community center is being used as leverage to create more units for the developer.
- **Parking and traffic:** Increased density will bring in more vehicular traffic and on street parking demands as the area is under served by transit. Increased traffic congestion along Marine Drive and Marine Way are also a concern.

## Response to Comments

**Height, density and location** – The updated *EFL ODP* included additional height on the Area 1 parcels which are under consideration in this rezoning application. Staff have evaluated the urban design performance in greater detail and have applied conditions of approval as found in Appendix B.

The rezoning application submission includes shadow diagrams for the months of March, June and December. Staff analysis of the shadow diagrams determined there would be limited impact to natural sunlight and shadowing on public spaces.

**Community Centre** – Staff have worked with Wesgroup on the Area 1 rezoning application, to secure delivery of the community centre. Delivery of this community amenity relies on CAC's generated from the additional residential density and removal of EFL from the UDCL boundary. Next steps for delivery are outlined earlier in this report.

## 11. PUBLIC BENEFITS

**Community Amenity Contributions (CACs)** – Within the context of the *Financing Growth Policy*, an offer of a Community Amenity Contribution (CAC) to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either a provision of on-site amenities or a cash contribution towards other public benefits which take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

The application is subject to the *Community Amenity Contributions Policy for Rezonings* with CACs based on a negotiated contribution.

For this rezoning, the applicant has offered a CAC of \$16M toward the delivery of the community centre. Real Estate Services staff have reviewed the applicant's development pro forma and concluded that the CAC offered is appropriate and recommend that the offer be accepted.

Consistent with the directions in the *EFL 10-year Review*, the developer has offered to take on the obligation to deliver a turn-key fully fit, finished, equipped and supplied community centre consisting of a minimum of 30,000 sq. ft. (net) in compliance with the *EFL ODP* and *EFL Community Centre Functional Program*, as per conditions in Appendix B. The community centre will be a free-standing four-storey building with an estimated cost of \$47M to be transferred to the City at completion for a nominal purchase price. Sources of funding for the community center are: \$16M CAC offering associated with this rezoning, \$9M of CACs collected from the EFL ODP area to date, and \$22M through the removal of EFL from the UDCL boundary. Refer to Figure 11 below. Consistent with City policies/practices on in-kind amenities, the developer will be responsible for cost escalation and delivery risks. The City is responsible for any costs associated with material scope changes.

Given the shift in delivery responsibility and transfer of cost escalation risk for the community centre to the developer, City's contribution to the project using previously collected cash CAC, as well as future City payments for the social housing option sites, securities for delivery are non-standard and rely on a combination of development holds on adjacent parcels and Area 3, a \$9M letter of credit, and payment holds on purchase of the Parcel 34 social housing site.

The community centre will be co-located with a 74-space childcare facility consisting of a minimum of 930 sq. m (10,010 sq. ft.) indoor floor area plus a minimum of 1,040 sq. m (11,194 sq. ft.) of outdoor space on the top floor of the community centre, to be constructed by the developer, and funded through City-wide DCLs. The developer will enter into a construction and transfer agreement for both the community centre and childcare facility. The developer will explore entering into a Park Development Agreement with the Board of Parks and Recreation to deliver the community centre plaza, funded through City-wide DCLs.

**Development Cost Levies (“DCLs”)** – DCLs collected from development help pay for amenities and infrastructure made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure.

The site is currently subject to the City-wide DCL and Utilities DCL. DCLs are payable at building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage.

In accordance with the provisions of the Vancouver Charter and the City's DCL By-laws, social housing is exempt from DCLs where a minimum 30% of the dwelling units are occupied by households with incomes below BC Housing Income Limits as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication, for which a Section 219 covenant, Housing Agreement, or other security that restricts the use of such units is registered against title and where the housing is owned by the City or a non-profit organization.

**City-wide DCL** – Based on the DCL by-laws in effect as of September 30, 2021 and the proposed 388,442 sq. ft. of additional strata and rental residential floor area, \$7,085,182 of DCLs would be expected.

At time of development permit application, the applicant may request a waiver of the City-wide DCL attributed to 100,000 sq. ft. of residential floor area qualifying as "for-profit affordable rental housing", subject to regulations in place at the time. If the applicant seeks the waiver at time of development permit, the value of the waiver of the City-wide DCLs using today's rates for the residential floor area is approximately \$1,824,000.

The DCL By-law is subject to future adjustments by Council, including annual inflationary rate adjustments. A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City's DCL Bulletin for details on DCL rate protection.

**Removal from the Utilities DCL By-law ("UDCL")** – Consistent with the *EFL 10-year Review* approved by Council, staff have pursued removal of EFL from the UDCL By-law, to fund drainage works and the community centre. Based on the 2021 rate, Wesgroup would contribute \$45M in UDCLs on undeveloped sites within Areas 1 & 2, and on future rezonings.

With removal of EFL from the UDCL boundary, the City is forgoing UDCL revenue of \$45M (2021\$) that would have been contributed by Wesgroup. In exchange, Wesgroup has offered \$38M (2021\$), or 87% of the UDCL value less \$1.1M UDCL credit, towards the community centre and drainage works. As a result, there is a \$5.6M reduction in overall development contributions to the City. Removal of EFL from the UDCL boundary, coupled with other EFL CACs, would enable the in-kind delivery of the community centre, which is otherwise underfunded, and a cash payment for required drainage works. Wesgroup will also bear all cost escalation and delivery risks in respect of the community centre.

**Figure 11: Summary of the costs and revenues for the drainage works and community centre**

Package Items	Cost (\$M)	Source of Revenue	Revenue (\$M)	Total (\$M)
Utilities Items	(\$21)	UDCL Removal	\$38*	\$22
		UDCL collected from non-WG sites	\$5	
Community Centre	(\$47)	CAC – Area 1 additional density (subject of this rezoning)	\$16**	(\$22)
		CAC – previously collected	\$9	
<b>TOTAL</b>	<b>(\$68)</b>		<b>\$68</b>	<b>\$0</b>

\*UDCL removal is proposed to be:

- 87% of UDCL recaptured as previously negotiated.
- Reduced by \$1.1M developer negotiated UDCL credit for project delay incurred by City initiated community centre reallocation of density to achieve City-owned waterfront site.

\*\*CAC is offered by the developer as part of the Area 1 additional density, which is the subject of this rezoning report.

Once the UDCL By-law is amended to exclude the area noted above, UDCLs cannot be collected from new development in this area, nor can UDCL reserve funds be spent in this area, as per Vancouver Charter (Sec 523D). To ensure the required drainage works are delivered, a cash payment of \$16M in 2020 dollars will be made by Wesgroup in four equal instalments at agreed milestones in Area 3. Deferred payments are to be escalated by the Non-Residential Cost Index, commencing in 2020, as set out in the conditions of enactment in Appendix B. The UDCL removal will occur upon enactment of this CD-1 By-law. Prior to enactment, any projects in this area will continue to be subject to the UDCL prior to building permit issuance.

**Public Art Program** – The River District Public Art Fund Agreement, entered into by the City and Park Lane River District Developments Ltd. dated July 31, 2013, outlines the owners' obligations with respect to the provision of public art by payment into the River District Public Art Fund, and will also apply to cover all public art requirements for the additional density.

The Owner will pay to the City in cash the amount equal to 100% of the Cost of Public Art attributable to the Building Floor Area for such Assessable Building to be applied by the City in accordance with the River District Public Art Fund Agreement. The public art rate and Building Floor Area are finalized at the development permit stage.

Public Art staff propose commissioning public art for the community centre site, funded from the River District Public Art Fund, and will seek to work with the applicant and relevant City and Park Board staff to integrate planning for public art into the community centre project.

The public art budget will be calculated on the floor area proposed at the development permit stage. Based on the formula contained in the River District Public Art Fund Agreement at today's rate, the public art budget is estimated to be \$489,437 for the additional floor area under this rezoning proposal.

See Appendix K for a summary of all of the public benefits expected from this application.

### **Financial Implications/Related Issues/Risk**

As noted in the Public Benefits section, and summarized in Figure 11 above, the applicant has



offered a CAC of \$16M toward delivery of the community centre for this rezoning. The applicant has also offered to deliver the community centre, now estimated to cost \$47M, funded by the CAC associated with this rezoning (\$16M), the previously collected EFL CACs (\$9M), and a portion of the funding from the UDCL removal (\$22M). The community centre will be co-located with a 74-space childcare facility to be constructed by the developer, and funded through City-wide DCLs. Funding approval will be sought as part of regular budget process.

The remaining funding from the UDCL removal (\$16M) will be collected as a cash payment for the required drainage works. The payments will be paid to the City in four equal instalments, at agreed milestones. The deferred payments are to be escalated by the Non-Residential Cost Index, commencing in 2020.

While removal of EFL from the UDCL boundary has localized benefits, it would result in a reduction of future UDCL revenues of approximately \$22M (2021\$) over the full build out of EFL, which is the amount being reallocated to the community centre (refer to figure 11). This forgone projected revenue will need to be factored into future UDCL programs. There is also additional reduced revenue with this approach as the developer is retaining 13% of the total estimated UDCL value which represents \$5.6M.

A dirt site secured through a previous rezoning of sufficient size to accommodate approximately 143 social housing units will be provided to the City, based on the established option price for original floor area. The additional social housing floor area will be provided at no additional cost to the City. VAHA will lead delivery of the new social housing building.

The new secured market rental housing, equivalent to approximately 121 units, will be privately owned and operated, secured by a Housing Agreement and Section 219 Covenant for 60 years or the life the building.

Based on the DCL by-law and rates in effect as of September 30, 2021, it is estimated that the project will pay \$7,085,182 in DCLs. If the applicant requests a DCL waiver at the development permit stage, the value of the City-wide DCL waiver would be approximately \$1,824,000.

The public art contribution associated with the additional residential floor area is estimated at \$489,437.

## **CONCLUSION**

The application proposes a significant addition of housing within EFL. The provision of additional social housing and secured market rental housing contributes to the City's objectives and targets for affordable housing.

The application will facilitate the delivery of a new 30,000 sq. ft. community centre, 74-space childcare facility and waterfront plaza to create a destination within southeast Vancouver, with a goal of completion by 2027/28. The proposal requires that the City contribute previously collected CACs from the area, and DCLs to fund the parks and childcare facility. The proposal also relies on removal of EFL from the UDCL boundary to generate the necessary funds to deliver the amenities. Without removal of EFL from the UDCL boundary, the community centre would remain underfunded and delivery timelines would remain uncertain.

Staff conclude that the proposed form of development is an appropriate urban design response to the site and its context, and that the application, along with the recommended conditions of approval, is consistent with the *EFL ODP* updated in April 2021.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to Public Hearing together with a package of draft amendments to the CD-1 By-law as generally shown in Appendix A, the Utilities Development Cost Levy By-law generally as shown in Appendix E, and the *EFL ODP* By-law generally as shown in Appendix D. Further it is recommended that, subject to the Public Hearing, the application including the form of development, as shown in the plans in Appendix I, be approved in principle, subject to the applicant fulfilling the Conditions of Approval in Appendix B.

\* \* \* \* \*

**DRAFT By-law to amend CD-1 (567)  
East Fraser Lands Waterfront Precinct By-law No. 10943 for  
3480 East Kent Avenue South and 3522 East Kent Avenue South**

*Note: A By-law to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

1. This By-law amends the indicated provisions of By-law No. 10943.
2. In section 4, Council:
  - (a) in subsection 4.1(b), adds “, of which at least 10% must include three bedrooms” after “include two or more bedrooms”;
  - (b) strikes out subsection 4.2; and
  - (c) renumbers sections 4.3, 4.4, 4.5, 4.6, 4.7, and 4.8 as 4.2, 4.3, 4.4, 4.5, 4.6, and 4.7, respectively.
3. In section 5, Council:
  - (a) in section 5.1, strikes out “103 917 m<sup>2</sup>” and substitutes “145 114 m<sup>2</sup>”;
  - (b) in section 5.2, strikes out “94 556 m<sup>2</sup>” and substitutes “135 753 m<sup>2</sup>”;
  - (c) renumbers sections 5.3 through 5.12 as sections 5.5 through 5.14, respectively;
  - (d) adds a new section 5.3 as follows:

“5.3 The floor area for social housing, must not be less 12 601 m<sup>2</sup>.”;
  - (e) adds a new section 5.4 as follows:

“5.4 In sub-area 1, the floor area for secured rental housing, must not be less than 9 290 m<sup>2</sup>.”;
  - (f) strikes out section 5.6 and substitutes:

“5.6 The floor area for all cultural and recreational uses and retail uses in sub-area 2, combined, must not exceed 1 443 m<sup>2</sup>.”;
  - (g) strikes out section 5.7;
  - (h) renumbers sections 5.8, 5.9, 5.10, 5.11, 5.12, 5.13 and 5.14 as 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, and 5.13, respectively;
  - (i) in section 5.12, Council:
    - a. in subsection (d), strikes out “section 5.9(c)” and substitutes “section 5.10(c)”, and

- b. in subsection (g), strikes out “section 5.9(b)” and substitutes “section 5.10(b)”; and
  - (j) in section 5.13, strikes out “section 5.10 or 5.11” and substitutes “section 5.11 or 5.12”.
4. Council strikes out the table in section 6.1 and substitutes the following:

“

<b>Development Parcel</b>	<b>Number of storeys</b>	<b>Maximum building heights in metres</b>
26	22	67.5
27	6	22.0
29 and 30	28	87.0
31	4	15.5
32.1 and 32.2	1	6.6
33 and 34	23	76.0
35 and 36	16	55.0

”.

5. This By-law is to come into force and take effect on the date of its enactment.

\* \* \* \* \*

**3480 and 3522 East Kent Avenue South  
CONDITIONS OF APPROVAL**

*Note: If the application is referred to a Public Hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the hearing minutes for any changes or additions to these conditions.*

**PART 1: CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

*Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by Boniface Oleksiuk Politano Architects, received October 25, 2021 and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.*

THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to the following:

**Urban Design**

- 1.1 A Preliminary Development Permit (PDP), or similar process, will be required for the Area 1 central waterfront to advance conceptual work to ensure coordination and design integration for the following items: community centre and associated underground parking, community centre plaza and riverfront park, retail buildings, transportation functions, flood protection alignment, shoreline works, and coordination of site servicing obligations.

The shoreline works, flood protection alignment, and riverfront park that are over Provincial lands will require Provincial approvals and a lease arrangement. Initial discussions are required to inform the designs. Engagement with the local First Nations is also required, particularly for the design of parks and the community centre.

The integrated design package should include, but not be limited to, the following:

(a) Waterfront Design Concept

- i. Provide plan that illustrates all relevant property lines, rights-of-way, development parcels, park area(s), and all Provincial lease areas;
- ii. Define circulation and movement patterns within the defined area including cycling connections, pedestrian movement, and vehicle access and circulation. This includes resolution of the proposed traffic turnaround at the south end of River District Crossing;

Note to Applicant: City to provide preliminary requirements for proposed traffic turnaround.

Note to Applicant: Per the East Fraser Lands Official Development Plan 10-year Review Report and By-law Amendments for a New Community Centre Site and Affordable Housing Report in 2018 (the “2018 EFL Report”) – Condition of By-Law Enactment 6: Continuous waterfront bike and pedestrians connection, paths to be at least 4.0m (13.1ft.) wide each, plus additional width for separation and clearances.

- iii. Identify service vehicle access between the south end of River District Crossing and flood protection works near the shoreline;

Note to Applicant: Travel path must be free and clear of permanent obstructions but may be integrated into the surrounding plaza space.

- iv. Develop parking and loading strategy for the community centre and retail parcels;
- v. Determination of building footprint, dimensions and layout for Parcel 31 (community centre), and Parcels 32.1 & 32.2 (commercial buildings) including underground parkades, driveway crossings, and entryways;
- vi. Determination of location for Public Bike Share station near the south end of River District Crossing; and
- vii. Seek opportunities to incorporate public art, heritage artifacts and/or other place making elements within the EFL Waterfront Precinct.

(b) Community Centre and Retail Buildings

- i. Provide community centre and childcare facility schematic design that meets the requirements of the *East Fraser Lands Detailed Functional Program* including parking and servicing requirements and interface with the community centre plaza, including details and cross-sections;
- ii. Confirm extent of the required community centre underground parking and interface with the plaza parcel and conceptual design, including cross sections;
- iii. Provide conceptual design for the two retail buildings and associated landscape plans, including parking and servicing requirements, interface with plaza, and relationship to flood protection alignment, including details and cross-sections; and
- iv. Develop parking and loading strategy for the community centre and retail parcels.

(c) Community Centre Plaza

- i. A concurrent concept design for the community centre plaza will be delivered separately. Condition 1.14 contemplates that this may be through a Park

Development agreement with the applicant.

- ii. Applicant is to carry over sufficient detail from concurrent concept development to inform the waterfront design process.

(d) Shoreline Concept and Flood Protection Alignment

- v. Provide proposed shoreline and flood protection works, including details and cross-sections;
- vi. Provision of location based setbacks from the Provincial lease area for flood protection works and service access, as defined in the EFL ODP.

Note to Applicant: Required setbacks vary between 7.5m to 30m and are generally defined in the Proposed Subdivision of Portions of Districts Lots 330 and 331, Group 1, New Westminster District (Development Parcels, Area 1 – Waterfront Precinct, River District) – dated April 17, 2019 and the *Setback Requirements on Designated Flood Plains* detailed in the Vancouver Building By-law summarized in the *Flood Plain Standards and Requirements*.

- vii. Concept plan requires shoreline, landscaping and habitat works in keeping with the Shoreline Works Agreement and the intended programming and quality of park experience in the riverfront park.

(e) Provincial Approvals

- i. Initiate discussions to secure a direct lease between the City and the Province for the foreshore park. Should this not be achievable, an alternate parcel configuration may need to be considered to accommodate the required park area and continuous waterfront walkway/bikeway outside of the leasehold area; and
- ii. Initiate discussions required to secure Provincial approval of the shoreline design.

(f) Engagement with local First Nations

- i. The City and the Applicant are to engage with the local First Nations in the design of public amenities including the shoreline, parks, and the community centre to advance principles of Reconciliation and increase visibility of the Nations on the land.

Note to Applicant: Additional details for these items are included in associated conditions within Part 1 and Part 2 of this document.

Note to Applicant: Full scope of the submission to be determined prior to the application being submitted.

### **Community Centre - Parcel 31**

- 1.2 Design development to achieve a high standard of architectural and urban design innovation and excellence, in which the community centre frames, complements and animates the public plaza.

- 1.3 Per 2018 EFL Report Urban Design Condition #5:

*Design development to animate key street frontages, by locating active uses along the plaza, River District Crossing (High Street) and Mews G.*

*Note to Applicant: Active uses may include multi-purpose and/or activity rooms, gymnasium, lobby, library reading rooms, etc. Where possible, the rooms should have secondary entries onto the street and/or plaza, to create opportunities for indoor/outdoor programming.*

- 1.4 Per 2018 EFL Report Urban Design Condition #6:

*Design development to provide a principle entry facing River District Crossing (High Street), and to provide a secondary entry and visual connection from Mews G to the plaza.*

- 1.5 Per 2018 EFL Report Urban Design Condition #7:

*Design development to align the building frontage on North Arm Avenue with the massing on the adjacent Parcel 27, to create a consistent streetwall and framed view down the street end to the plaza.*

- 1.6 Per 2018 EFL Report Urban Design Condition #8:

*Design development to locate childcare and associated outdoor spaces at Level 2 or above, and to rationalize the massing of the upper storeys to create larger, more functional outdoor play spaces.*

- 1.7 Per 2018 EFL Report Urban Design Condition #9:

*Design development to optimize and rationalize the use of double-height spaces, to create views between key "public" spaces (i.e. lobby, mezzanine) and between spaces with related programs (i.e. fitness room and gymnasium).*

*Note to Applicant: To maximize efficiency, double- and over-height spaces should not be provided for back-of-house or administrative uses.*

### **Retail Buildings - Parcel 32.1 and Parcel 32.2**

- 1.8 Per 2018 EFL Report Urban Design Condition #12:



*Design development to achieve a high standard of architectural and urban design innovation and excellence, in which the buildings serves to frame, complement and animate the public plaza.*

- 1.9 Per 2018 EFL Report Urban Design Condition #13 (note, wording has been revised):

*Design development to Parcel 32.1, as follows:*

- i. align the building frontage on North-Arm Avenue with the massing on the adjacent Parcel 28, to create a consistent streetwall and framed view to the plaza with Mt. Baker in the distance;
- ii. align the building face to create a framed view, along Road B, to the riverfront down the street end;
- iii. create active retail use at grade, with a primary frontage on the plaza to engage and animate the public realm; and
- iv. create an active, transparent building frontage on the plaza and street frontages.

- 1.10 Per 2018 EFL Report Urban Design Condition #14:

*Design development to Parcel 32.2, to sculpt the massing and building height to maximize public views to the plaza and riverfront.*

## **Landscape Design**

- 1.11 Design development to the landscape and private open space plan to meet the landscape conditions in the 2008 design development conditions, except the area under condition 1.1.

Note to Applicant: this can be done by providing a detailed landscape rationale outlining the overall landscape plan approach, response to specific conditions and highlighting any changes or improvements since the previous approval. There may be further design comments and submission requirements at the development permit stage for each site.

## **Housing**

- 1.12 Provision of confirmation that the family unit mix and design for all dwelling units will be consistent with the requirements set out in the *East Fraser Lands Official Development Plan* and the *High-Density Housing for Families with Children Guidelines* through all stages in the development application process.

## **Parks**

- 1.13 Design development to confirm boundaries of parks are clearly established for all park land in Area 1 to meet the ODP requirement of 3.5 hectares (8.65 acres). The total park area required for the community centre site, community centre plaza and Area 1 riverfront park, must be no less than 1.88 hectares (4.6417 acres).

Note to applicant: There will be no incursion of transportation infrastructure into the community centre plaza further west than shown in the Proposed Subdivision of Portions of Districts Lots 330 and 331, Group 1, New Westminster District (Development Parcels, Area 1 – Waterfront Precinct, River District) – Dated April 17, 2019 (the “Draft Subdivision Plan”)

- 1.14 To ensure optimal integration of the community centre, parkade structure and plaza, the applicant will explore entering into a Park Development Agreement with the Vancouver Board of Parks and Recreation prior to July 1, 2023, for the design, construction and transfer of the community centre plaza to the satisfaction of the General Manager of Parks and Recreation including, but not limited to the following conditions:
- (a) The concept design of the community centre plaza is subject to approval by the elected Park Board.
  - (b) Public consultation for the concept design of the plaza to meet Park Board standards to the satisfaction of the General Manager of Parks and Recreation.
  - (c) The exact extents of the community centre plaza to be included in the scope of work would be confirmed through the Park Development Agreement and would be inclusive of but not limited to parcel 31. The extents are anticipated to span from approximately the:
    - i. eastern edge of Road B;
    - ii. southern edge of Road G;
    - iii. western edge of River District Crossing until it crosses River District Crossing;
    - iv. the western edge of parcel 32.2; and
    - v. the northern edge of the riverfront bicycle and pedestrian path, including the portion of land south of parcel 32.1.
  - (d) The City would reimburse the applicant for all actually incurred construction costs and 3<sup>rd</sup> party verified, mutually agreed upon soft costs (including overhead and management fees) for the design and delivery of the community centre plaza. Payment terms to be established through the Park Development Agreement. The budget for all phases of work are to be approved by the Park Board in advance and any changes to the budget or any design changes must be approved by the General Manager of Parks and Recreation.
  - (e) The applicant is to retain a landscape architect in good standing with the British Columbia Society of Landscape Architects, to the satisfaction of the General Manager of Parks and Recreation.
  - (f) The applicant and Park Board are to agree on a contractor bid list for the plaza works, and should include the City’s prequalified contractors.

- (g) Community Centre Plaza is intended to be delivered concurrently with, or shortly after, the Occupancy of the Community Centre.
- (h) If the applicant and the Vancouver Board of Parks and Recreation do not enter into a park development agreement for the community centre plaza as contemplated in this condition 1.14, the applicant will grant a nominal license to the Park Board and its contractors to enable completion of the plaza concurrent with or shortly after the anticipated occupancy of the community centre, which licence shall commence at a time and be on commercially reasonable terms mutually agreeable to the parties.

1.15 The design of all park land is subject to approval by the elected Park Board.

Note to applicant: Per EFL Area 1 Rezoning (2008) Parks Condition of Approval #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.*

1.16 Design development to fully integrate any bike and/or pedestrian circulation within parks as part of the plaza concept design or other Park Board led design processes to the satisfaction of the General Manager of Parks and Recreation in consultation with the General Manager of Engineering.

1.17 No non-park building, non-park subsurface building structure, or non-park infrastructure shall be located within or otherwise encroach upon the parks except as outlined below.

Note to applicant: Per Area 1 Rezoning (2008) Parks Condition #46 (note, wording has been revised for further clarity):

*No utilities located in or adjacent to parks will be included in the park calculation except where the utilities are exclusively to service the community centre or plaza.*

Note to applicant: The community centre parkade underneath the plaza is an exception to this condition notwithstanding attempts to reduce the size of the parkade as contemplated in condition 1.27.

Note to applicant: Any above grade infrastructure related to the community centre and the associated parkade, including a possible stairwell to the parkade, will be constructed by the applicant as part of their community centre delivery obligations and to the satisfaction of the General Manager of Parks and Recreation.

Note to applicant: Parcels 32.1 and 32.2 and their associated outdoor spaces are excluded from the park count. Design and programming of plaza parcel to focus on public uses. Semi-private uses to support retail parcels 32.1 and 32.2 are not to encroach on the community centre plaza, unless Park Board is satisfied that it does not impeded public use of the plaza.

Note to applicant: Design development to ensure access and servicing of Parcel 32.1 and 32.2 is not occurring within parkland. Per the EFL ODP section 3.5.7(c):

*Calculation of park space is to exclude [...] land required to provide access, egress, or servicing to non-park related buildings.*

Note to applicant: Any public bike share stations associated with the community centre and plaza to be located in the road right of way where possible. If located within the plaza, they are to be located in areas that do not conflict with plaza programming to the satisfaction of General Manager of Parks and Recreation and as determined through plaza concept design.

- 1.18 Design development of plaza to explore siting and inclusion of various heritage artifacts from the site.

Note to applicant: Costs associated with any proposals related to large artifacts including the crane will not be considered as part of the Park Board's scope or budget. An alternative non-park funding mechanism would be required for capital and operating expenses associated with the crane if it were to be relocated and retained within parkland.

- 1.19 Design development to ensure EFL ODP section 2.2.10 is addressed:

*Public edges for public spaces; Buildings are to clearly define parks and open spaces, and public streets or walks are to edge parks.*

- 1.20 Design development to reinforce the Songbird Strategy.

### **Sustainability**

- 1.21 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning* (amended May 2, 2018), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later).

### **Civic Facilities**

- 1.22 Design development of the community centre to the satisfaction of the Director of Facilities Planning and Development in consultation with the General Manager of Parks and Recreation. Refer also to enactment condition 2.14.

Note to Applicant: the applicant is to retain an architect in good standing with the Architectural Institute of British Columbia, and who is satisfactory to the Director of Facilities Planning and Development in consultation with the General Manager of Parks and Recreation.

Note to Applicant: The design of the community centre to meet the requirements of the *East Fraser Lands Community Centre Detailed Functional Program* and the applicable design and technical guidelines referenced in the document. The versions of the Guidelines applicable as are in effect at the date of application of the Building Permit for the Building. The functional program currently contemplates a gross area of 39,195 sq. ft. City staff will revise the functional program to a gross area of approximately 36,000 sq. ft. before or concurrent with the development of the construction and transfer agreement, prior to enactment.

Note to Applicant: Adjustments made to Guidelines are generally minor in nature and are expected to be absorbed in the general process of design development and within the allowed design contingency. Changes can be tracked by the applicant from the Detailed Functional Program and applicable Design and Technical Guidelines, and should they exceed the design contingency, the City can review and decide whether to proceed and pay for additional cost or not to proceed. Any additional costs attributed to an increase in program scope would be the City's responsibility to pay for.

Note to Applicant: Siting and orientation of the community centre within the plaza to the approval of the General Manager of Parks and Recreation.

Note to Applicant: Design development of the Community Centre and its indoor/outdoor interface with streetscape and Plaza to meet, at a minimum, requirements set out in the *East Fraser Lands Community Centre Detailed Functional Program*, to the satisfaction of the General Manager of Parks and Recreation.

- 1.23 The Community Centre and Childcare shall be certified to the Passive House standard, or an approved alternative zero emission building standard, and use only low carbon fuel sources, and no fossil fuels in order to minimise energy consumption and GHG emissions. Connection to the neighbourhood district energy system is acceptable.
- 1.24 The Community Centre and Childcare will be required to meet a minimum LEED Gold Certification. Refer to the most current LEED® Canada NC, CI, or other appropriate LEED standard.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project is also required under the policy.

- 1.25 The Community Centre and Childcare must calculate the life-cycle equivalent embodied carbon emissions through a whole-building life-cycle assessment (LCA) study, and target a reduction of embodied carbon emissions by 40% compared to baseline.

Note to Applicant: The City is targeting 40% reduction in embodied carbon with all City-owned new projects. The design team should try to meet this intention through thoughtful design consideration. Should the options for reaching the 40% reduction cost more than the currently agreed upon scope and budget, the City will review and decide whether to proceed and pay for additional cost, or not to proceed.

- 1.26 Per Area 1 Rezoning (2008) Parks Condition #35:

*Design development to ensure adequate and easily accessed storage for furnishings and equipment that support programming of the plaza.*

*Note to applicant: This could be provided in the community centre.*

- 1.27 Design development of the parkade to limit impacts on the plaza design and operations, including the ability for significant trees to flourish on the plaza site and the ability for the plaza to support the programming as envisioned per Area 1 Rezoning (2008) Parks Condition #34 “such as farmers’ market, special events, festivals,” and include power and “water service and service vehicles”, lifts, etc. to the satisfaction of the General Manager of Parks and Recreation. Per condition 2.15b, attempts will be made to reduce the amount of parking required as part of the Detailed Functional Program update, and to confine it within the footprint of the building as much as possible, which would alleviate the extent of overlap of the parkade and plaza.

Note to applicant: At a minimum, the underground parkade will not be supported further south than the northern edge of North Arm Avenue.

Note to applicant: In situations where trees are located in the plaza above the parkade, allow adequate soil depth and volumes for trees to be placed at finished grade, with a minimum 30 cubic metres of soil volume per tree or 15 cubic metres of soil volume per tree for trees in a shared volume, without requiring soil mounding or planters.

- 1.28 Design, fit, finish and equip a 74-space childcare facility with a minimum gross indoor floor area of 930 sq. m (10,010 sq. ft.), at a height of not less than 12 ft. floor-to-floor, and not less than 1040 sq. m (11,194 sq. ft.) of contiguous outdoor area, with adequate indoor and outdoor space designated to each program, and meets the intent of the City’s Childcare Design Guidelines and Childcare Technical Guidelines, (the versions of the Guidelines applicable as those in effect at the date of application for the Building Permit for the Building) to the satisfaction of the Managing Director of Social Policy and Projects and the Director of Facilities Planning and Development to ensure that the facility is functional and efficient. The childcare must also meet Provincial regulations and be deemed licensable by Vancouver Coastal Health Authority, to the satisfaction of the Regional Director of Community Care Facilities Licensing. Other requirements include, but may not be limited to, the following (refer also to enactment condition 2.15):

- (a) Design development of the childcare facility identification signage at ground-level entrance;
- (b) Design development of the childcare facility to maximize efficiency and functionality of indoor spaces, including providing a functional kitchen to be shared between the programs;
- (c) Design development of the childcare facility to maximize efficiency and functionality of outdoor spaces, including providing varied activity opportunities, textures and age appropriate components for each childcare program;
- (d) Ensure the drawings denote two staff parking spaces, and ten pick-up/drop-off stalls that are safely and easily accessible to the childcare facility as outlined in the City's Childcare Design Guidelines;
- (e) Provide separate and dedicated metering for the plumbing, mechanical and electrical systems for the childcare facility; and
- (f) Ensure that appropriate measures are in place to secure access to the childcare level (through use of key/fob in elevator), and at all childcare program entry points.

## Engineering

### Rainwater

1.29 Provision of a draft final Rainwater Management Plan (RWMP) to be submitted to clearly indicate how the onsite system achieves the following:

(a) General Requirements

- i. Provision of a pre-development site plan showing orthophoto, existing drainage areas, and onsite and downstream offsite drainage appurtenances;
- ii. Provision of post-development site plan(s) that includes the following:
  - building location/footprint;
  - underground parking extent;
  - proposed service connections to the municipal sewer system;
  - location and labels for all proposed rainwater management practices;
  - area measurements for all the different land use surface types within the site limits; and
  - delineated catchments to demonstrate best management practices (detention tank(s), green infrastructure, etc.) are appropriately sized;
- iii. Ensure the draft final RWMP report clearly addresses rainwater management requirements for the proposed development site areas separately from the public realm;

Note to Applicant: The preliminary RWMP submitted at rezoning does not provide any information on the proposed development and was insufficient to

demonstrate how rainwater management targets will be met for the development site.

Note to Applicant: The required Water Quality criteria shall be fully addressed within the development parcel rather than in the public right-of-way.

- iv. Provision of a landscape plan that supports the use of the landscape area or feature as a rainwater management practice;
- v. Provision of a routing plan indicating the site areas directed to individual receiving RWM systems (receiving landscape planters, rain gardens, bioswales etc.) and indicate how any routing will be achieved; and
- vi. Provision of a grading plan to support the proposal of grading hardscapes into adjacent landscaping. Coordination with the landscape architect, soil storage capacities and a grading plan will be required to support this proposal.

(b) Water Quality Target

- i. Demonstrate how the first flush water quality requirement will be achieved on this site including any supporting calculations.

Note to Applicant: As per the Rainwater Management Bulletin, a minimum absorbent landscaping soil depth of 450 mm is required to meet water quality requirements for infiltration or filtration through landscaping.

Note to Applicant: The first 24 mm of rainfall from all pervious and impervious surfaces shall be treated to remove 80% Total Suspended Solids (TSS) by mass prior to discharge from the site. For impervious surfaces with high pollutant loads, including roads, driveways, and parking lots, the rainfall to be treated increases to the first 48 mm of rainfall. Treatment can be provided by either one green infrastructure practice or structural Best Management Practice (BMP) or by means of a treatment train comprised of multiple green infrastructure practices or structural BMPs that can be demonstrated to meet the 80% TSS reduction target.

(c) Infiltration/Geotechnical

- i. Consider on-site infiltration systems where feasible. If onsite infiltration is proposed as part of the draft final RWMP, provide an Infiltration Study that includes the following:
  - An evaluation of the potential for and risks of onsite rainwater infiltration, such as slope stability and soil contamination;
  - Results of infiltration testing at likely locations for infiltration practices and a proposed design infiltration rate;
  - Soil stratigraphy; and



- Depth to bedrock and seasonally high groundwater at likely locations for infiltration practices.
- ii. Ensure best management practice and requirements are adhered to for the design of any proposed infiltration facility:
- Minimum horizontal setback of 5 m from any edge of building foundation and 3 m offset from watermains. Relevant dimensions should be indicated on plans and drawings.
  - Specify the proposed design infiltration rate for drawdown time calculations.
  - Preferred estimated drawdown for the entire rainwater storage volume in less than or equal to 48 hours using the design infiltration rate.
  - Infiltration facility must be able to accommodate the expected loading imposed at grade.
  - Minimum 0.60 m vertical separation from the proposed bottom of the facility and seasonally high groundwater table.
  - Shall not be proposed at locations where there are known contamination concerns.

Note to Applicant: See Bulletin 2019-008-PL Siting Requirements for On-Site Infiltration Systems for further information. Lined rain gardens or bio-retention areas may also be used to mitigate these requirements.

Note to Applicant: As it is acknowledged that not all design components are advanced fully at this stage, placeholders will be accepted in this resubmission with the expectation the final RWMP will include all relevant details.

Please contact the City of Vancouver's Rainwater Management Review group ([rainwater@vancouver.ca](mailto:rainwater@vancouver.ca)) to schedule a meeting prior to resubmission with the DP application. Topics to be discussed will include the proposed approach to addressing the first flush Water Quality criteria on-site.

- 1.30 Provision of a Rainwater Management Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services registered prior to issuance of each Development Permit.
- 1.31 Provision of a final RWMP, which includes a written report, supporting calculations, computer models and drawings to the satisfaction of the General Manager of Engineering Services and the City Engineer prior to the issuance of any building permit.
- 1.32 Provision of a final Operations and Maintenance (O&M) Manual for the rainwater management system to be included as an appendix in the RWMP Legal Agreement, to the satisfaction of the General Manager of Engineering Services and the City Engineer prior to the issuance of any building permit.

### Hydrogeological

- 1.33 Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating:
- (a) Provisions of a Groundwater Management Plan which achieves the following objectives:
- i. Prevent or limit groundwater extraction and discharge to the City's drainage system.
  - ii. Adheres to the recommendations provided by GeoPacific Consultants Ltd. in the Groundwater Conceptualisation and Control Study – Mixed-Use Development Area River District, Vancouver, BC (dated July 14, 2021) with respect to the design of future foundations. This document adequately assessed the performance of cut-off wall designs, however, the City requests that any additional measures identified in that study (e.g. backflow preventer system at anchor heads) be utilized to improve cut-off wall performance at Parcel 29/30 and all future developments.
  - iii. Commitment to monitor groundwater construction-related discharge to the sewer, and report to the City. This monitoring must include daily average flow rates, and be submitted monthly to groundwater@vancouver.ca. A hold will be placed on the Building Permit; to lift the hold, provide an anticipated start date for excavation, and the contact details for the professional services that have been retained to conduct this monitoring, to groundwater@vancouver.ca.
  - iv. Contingency Groundwater Management Plan with details how groundwater will be discharged when there is no capacity in the storm system. Moreover, scenarios whereby discharge only occurs during a high tide event should be explored.
  - v. Demonstrates compliance with environmental laws.

Note to Applicant: Clearance of the above conditions does not limit the City's ability to regulate future discharges to the sewer system based on water quality or other factors. The applicant remains solely responsible for adhering to applicable bylaws and legislation.

- 1.34 Provision of a peer review, under the direction of and to the satisfaction of the City, of groundwater quality studies, letters, and reports provided by the developer's environmental consultant to assist the City in determining satisfaction of meeting 1.33 (a) v. above.

### Transportation

- 1.35 Loading and parkade access must be located to reduce, to the greatest extent possible, any vehicular access across pedestrian and cyclist oriented mews and pathways.

- 1.36 Provision of a north-south cycling connection between the riverside trail and the protected bike lanes on River District Crossing.
- 1.37 Provision of a finalized Transportation Demand Management (TDM) Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant #1: TDM plan only applies to additional density captured within this rezoning amendment.

Note to Applicant #2: Previously approved Green Mobility measures can be counted towards the new TDM Plan:

- COM-01 – Car Share Spaces
- COM-02 – Car Share Vehicles and Spaces
- ACT-07 – Public Bike Share Space

Note to Applicant #3: A TDM Plan with a minimum of 30 points is required for all Large Sites. A single TDM measure may count towards multiple land uses if it is usable by each land use. Refer to Schedule B of the TDM policy for detailed requirements for each measure. Provide TDM Plan as a separate package with complete information on TDM measures proposed, including the following clarifications:

Proposed new measures:

(a) ACT-01 – Additional Class A bicycle parking:

- i. update architectural plans to identify of the number and location of the additional Class A bicycle spaces.

Additional Class A bicycle parking spaces must meet the standards and minimums identified in the Parking By-law, and/or applicable Design Guidelines.

(b) ACT-05 – Bicycle Maintenance Facilities:

- i. update architectural plans to note and dimension the location of facilities;
- ii. bicycle maintenance facilities to be located with convenient access to from Class A bicycle spaces; and
- iii. provision of an operational plan.

- 1.38 Subject to the acceptance of an approved TDM Plan, entry into a TDM agreement, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, which identifies the following:

- (a) secures provision of funding towards long-term TDM monitoring fund in the amount of \$2.00 per square metre of net new floor area;

Note to Applicant: TDM monitoring funding only applies to additional density captured within this rezoning amendment, due at rezoning enactment.

- (b) secures the provision of TDM measures on the site;
- (c) permits the City to access and undertake post occupancy monitoring of the Transportation Demand Management (TDM) measures proposed; and
- (d) agrees to make reasonable adjustments to the TDM measures as requested by the City, based on the TDM monitoring results.

1.39 Provision of the following information as part of the drawing submission at the development permit stage to facilitate a complete Transportation review:

- (a) a complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided;
- (b) all types of parking and loading spaces individually numbered and labelled;
- (c) dimension of any/all column encroachments into parking stalls;
- (d) identification of all columns in the parking layouts;
- (e) dimensions for typical parking spaces;
- (f) dimensions of additional setbacks for parking spaces due to columns and walls;
- (g) dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates;
- (h) section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates;

Note to Applicant: These clearances must consider mechanical projections and built obstructions.

- (i) details on the ramp/parkade warning and/or signal systems and locations of lights, signs and detection devices to be shown on the plans;
- (j) areas of minimum vertical clearances labelled on parking levels;
- (k) design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances;

Note to Applicant: The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.

- (l) indication of the stair-free access route from the Class A bicycle spaces to reach the outside;

Note to Applicant: Stair ramps are not generally acceptable.

- (m) existing street furniture including bus stops, benches etc. to be shown on plans; and
- (n) the location of all poles and guy wires to be shown on the site plan.

### Streets

- 1.40 Provision of Building Grades finalized prior to DP application.

Note to Applicant: Building Grades have been issued only for EFL Parcel 26. With the exception of Parcel 29, BG application has not been started for the other parcels shown in the rezoning booklet.

### Water

- 1.41 Provision of two frost free public drinking fountains to the satisfaction of the GMES in the Waterfront Precinct area. The locations of the drinking fountains shall be determined in consultation with the City Engineer.

### General

- 1.42 Water Sustainability Act: Construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial Approval or License. Applications for provincial Approvals or Licenses can be completed online. The application will be received and accepted into the province's online system, and the provincial authorizations team strives for 140 days to get the approval to the applicant. The approval holder must be able to produce their approval on site so that it may be shown to a government official upon request. Dewatering before this approval is granted is not in compliance with the provincial Water Sustainability Act. Provide a letter confirming acknowledgement of the condition.

For more information: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals>

- 1.43 Compliance with all applicable Fisheries and Oceans Canada, the Ministry of Forests, Lands, Natural Resource Operations & Rural Development and the City of Vancouver requirements for marine riparian and intertidal habitat restoration, in-water work and soil remediation.

Note to Applicant: Ensure all permits and applications for work in or about a watercourse is reviewed and approved, as appropriate, by Fisheries and Oceans Canada (DFO) and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development regarding protection of fish habitat, wildlife and habitat compensation.

- 1.44 Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.

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- 1.45 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (City of Vancouver Construction Specifications section 32 15 02S and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
- 1.46 The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
- 1.47 Submission of a Key Plan to the City for review and approval prior to submission of any third party utility drawings is required. The review of third party utility service drawings will not be initiated until the Key Plan is defined and achieves the following objectives:
- (a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan <https://vancouver.ca/files/cov/engineering-design-manual.PDF>; and
  - (b) All third party service lines to the development is to be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.
- Note to Applicant: Use of street for temporary power (e.g., temporary pole, pole mounted transformer or ducting) is to be coordinated with the city well in advanced of construction. Requests will be reviewed on a case by case basis with justification provided substantiating need of street space against other alternatives. If street use for temporary power is not approved, alternate means of providing power will need to be proposed. An electrical permit will be required.
- 1.48 The following statement is to be placed on the landscape plan:
- “This plan is NOT FOR CONSTRUCTION and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering, Development and Major Projects and/or your Engineering, Building Site Inspector for details.”
- 1.49 City supplied building grades are preliminary and final building grades are required to be issued by the City prior to DP application. Show all City supplied building grades on architectural and landscape drawings. To minimize grade differences, interpolate a

continuous building grade between the points provided on the City supplied building grade plan.

## **PART 2: CONDITIONS OF BY-LAW ENACTMENT**

That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### **Engineering**

#### **2.1 Per the 2018 EFL Report Engineering Condition of By-law Enactment #1:**

*Obtain approval of and deposit for registration of an updated subdivision plan that creates updated parcels and roads, generally as defined in the East Fraserlands Design Guidelines document and provides for delivery to the City, revised roads (which includes the waterfront walkway/bikeway) and lands for parks and open space.*

*Note to Applicant: Revisions to the subdivision plan and parcel locations must comply with Section 75 of the Land Title Act [RSBC 1996] with respect to access to water provisions. Further design development will be needed if waterfront tenure cannot be achieved*

*Note to Applicant: Update existing legal agreements as required to append the updated subdivision plan and reflect any consequential amendments.*

Note to Applicant: above condition secured through Lot 38 No Development Covenant registered in the Land Title Office under CA7574300-301 and Lot 37 No Development Covenant registered in the Land Title Office under CA7574298-299. Proposed Area 1 – Waterfront Precinct subdivision plan identifies necessary parcels and roads.

#### **2.2 Per 2018 EFL Report Engineering Condition of By-law Enactment #8:**

*Provision of Statutory Rights of Way (SRW) in favor of City Engineer, at least 10m in width, center over the existing storm main in the Road B street end, south of North Arm Ave, for utility and public access purposes.*

Note to Applicant: above condition secured through Lot 38 No Development Covenant registered in the Land Title Office under CA7574300-301 and Lot 37 No Development Covenant registered in the Land Title Office under CA7574298-299. Proposed Area 1 – Waterfront Precinct subdivision plan secures a dedication greater than 10m over the existing storm main in Road B, and provided such dedication is made this condition will be considered satisfied.

2.3 Per 2018 EFL Report Engineering Condition of By-law Enactment #3:

*Revisions to the Shoreline Works Agreement to incorporate changes to the subdivision plan. Shoreline Works are to include structures, including a flood wall, if necessary in Area 1 Central Waterfront, to the satisfaction of the City Engineer.*

*Provision of Statutory Rights of Way (SRWs), minimum 7.5m (24.6ft) clear width measured from the toe of the shoreline works or floodwall, in favour of City Engineer for shoreline works, maintenance and installation. Structures will be maintained by City Engineer; walkways will be maintained by the applicable owner under public access SRW's, where applicable.*

Note to Applicant: above condition secured through Lot 38 No Development Covenant registered in the Land Title Office under CA7574300-301 and Lot 37 No Development Covenant registered in the Land Title Office under CA7574298-299.

Note to Applicant: This site is entirely contained within the floodplain of the Fraser River. The minimum FCL for the site is 4.8m. Areas below this FCL such as underground parking may be at risk to coastal flooding as surface water could flow into access ramps. Flood mitigation measures may be needed to address this flood risk. Note that the FCL elevation only accounts for coastal flooding and does not account for internal overland flooding due to rainfall. Rainfall-induced flooding may occur for areas below the FCL.

Note to Applicant: The applicant is required to submit shoreline flood protection design and construction in Area 1 which adheres to all current day requirements, including the City's Shoreline Flood Protection Design Reference and the EGBC Professional Practice Advisory for Electrical Engineering Considerations in Flood-Resilient Design of Buildings.

2.4 Per 2018 EFL Report Engineering Condition of By-law Enactment #4:

*Make arrangements to convey to the City such propriety rights in lands to be used for public open spaces, parks, roads, walkways/bikeways and the community centre as considered appropriate by the City Manager.*

Note to Applicant: above condition secured through Lot 38 No Development Covenant registered in the Land Title Office under CA7574300-301 and Lot 37 No Development Covenant registered in the Land Title Office under CA7574298-299. Proposed Area 1 – Waterfront Precinct subdivision plan identifies necessary dedications and SRWs required to meet this condition.

2.5 Per 2018 EFL Report Engineering Condition of By-law Enactment #5:

*Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services in consultation with the Park Board to enter into a no development covenant on Parcels 32.1, 32.2, 35, and 36 until such time as the City or Wesgroup Properties can secure tenure of the portion of park in the Provincial foreshore lease, at no cost to the City. The City and Wesgroup agree to collaboratively explore the benefits of a direct lease between the City and the*



*Province for the foreshore park. However, the City acknowledges that this may not be achievable. Further, if tenure cannot be achieved by either party, an alternate parcel configuration may need to be considered to accommodate a continuous waterfront walkway/bikeway outside of the leasehold area.”*

Note to Applicant: above condition secured through Lot 38 No Development Covenant registered in the Land Title Office under CA7574300-301 and Lot 37 No Development Covenant registered in the Land Title Office under CA7574298-299. A direct lease between the City and the Province is still outstanding. Wesgroup to prepare tenure application, including management plan, for the Province on behalf of City.

2.6 Per 2018 EFL Report Engineering Condition of By-Law Enactment #6:

*Revision of Statutory Right of Way (SRW) agreements for public access to reflect:*

- (i) *Continuous waterfront bike and pedestrians connection, paths to be at least 4.0m (13.1 ft.) wide each, plus additional width for separation and clearances.*

*Note to Applicant: the intent is for this walkway and bikeway to be primarily on public land; there may be constrained located which require SRW's on private lands.*

*Changes to parcel forms of development and passageways traversing parcels, as required, to meet the intent of the adopted design guidelines.*

Note to Applicant: above condition secured through Lot 38 No Development Covenant registered in the Land Title Office under CA7574300-301 and Lot 37 No Development Covenant registered in the Land Title Office under CA7574298-299. Detailed design of waterfront bike and pedestrian connections to be completed in conjunction with a Community Centre & Plaza PDP.

2.7 Provision of a Section 219 Covenant to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to restrict the issuance of any Development Permit for the Rezoning Site until the applicant enters into a transportation demand management agreement for each applicable development parcel, which agreement shall include, without limitation, the following provisions:

- (a) That no Development Permit for the Rezoning Site or any improvements or building thereon shall be issued until the following have been satisfied:
  - i. Provision of a detailed Transportation Demand Management (TDM) Plan for each development permit, meeting the requirements for large sites as described in the Transportation Demand Management for Developments in Vancouver Administrative Bulletin, for the approval of the General Manager of Engineering Services;

Note to Applicant: TDM Plan only applies to the additional density in this rezoning amendment.

- ii. Provision of further legal agreements, including without limitation a TDM Agreement, to ensure that the owner of the lands will construct, install, operate and continuously maintain the TDM measures set out in the approved TDM Plan. Such agreement(s) will:
- permit the City to access and undertake post occupancy monitoring of the Transportation Demand Management (TDM) measures proposed; and
  - require the owner of the lands to make reasonable adjustments to the TDM measures as requested by the City, based on the TDM monitoring results.

Note to Applicant: These agreements would include but not be limited to a Section 219 Covenant and Statutory Right-of-Way, subject to additional details being formalized through detailed design;

- iii. Provision of financial security in the form of Letter of Credit or alternate forms of security to the satisfaction of the Director of Legal Services to secure the obligations set out in the TDM Agreement.

(b) Such other terms and conditions as the Director of Legal Services, in consultation with the General Manager of Engineering Services, may in her sole discretion require.

- 2.8 Provision of funding towards long-term TDM monitoring fund in the amount of \$2.00 per square metre of net new floor area, due at rezoning enactment.

Note to Applicant: Early TDM monitoring payment is required for additional strata market housing density and secured rental housing density captured within this rezoning.

- 2.9 Provision of all third party utility services (e.g., BC Hydro, Telus and Shaw) to be underground. BC Hydro service to the site shall be primary. BC Hydro System Vista, Vista switchgear, pad mounted transformers, low profile transformers and kiosks as well as telecommunications kiosks are to be located on private property with no reliance on public property for placement of these features. Submission of a written confirmation from BC Hydro that all these items will be located on the development property.

For questions on this requirement, please contact Utilities Management Branch at 604-829-9447 or at [umb@vancouver.ca](mailto:umb@vancouver.ca).

- 2.10 Make arrangements to pay the City a base rate of \$16,000,000 (in 2020 dollars) for drainage works, in four equal installments, required for the development of Area 3. The deferred payments are to be escalated by the most recently published Stats Canada Non-Residential Cost Price Index ("SCNRCPI") for Vancouver, from the published 2020 rate. The deferred payment schedule is generally set out as follows:

<b>Payment</b>	<b>Payment Trigger (DP issuance)</b>	<b>Base Payment</b>	<b>Escalator</b>
1	EFL ODP Phase D - 2 <sup>nd</sup> DP <i>*excludes social housing</i>	\$4M	\$4M + SCNRCPI % increase <i>(e.g. from 2020 to 2027)</i>
2	EFL ODP Phase D - 4 <sup>th</sup> DP <i>*excludes social housing</i>	\$4M	\$4M + SCNRCPI % increase <i>(e.g. from 2020 to 2032)</i>
3	EFL ODP Phase E – 3 <sup>rd</sup> DP <i>*excludes social housing</i>	\$4M	\$4M + SCNRCPI % increase <i>(e.g. from 2020 to 2037)</i>
4	EFL ODP Phase E - 6 <sup>th</sup> DP <i>*excludes social housing</i>	\$4M	\$4M + SCNRCPI % increase <i>(e.g. from 2020 to 2042)</i>
<b>Total</b>		<b>\$16M</b>	

Note to Applicant: The deferred payment schedule may be refined at the time of Area 3 rezoning, if mutually agreed, when additional information pertaining to parcelization, residential tenure, floor area per parcel, site servicing and phasing is determined. The above schedule assumes that payment is due upon Development Permit issuance of either market strata or rental housing parcels, but excluding the City’s Affordable housing sites.

Note to Applicant: The drainage works will be delivered by the City. The current scope of the drainage works includes a drainage pump station and culverts in the rail corridor. Alternative works may be substituted at the sole discretion of the City Engineer (the “Area 3 Drainage Works”). Any savings in cost due to changes in Area 3 Drainage Works upgrade requirements will be retained by the City.

Note to Applicant: As part of the Area 3 rezoning, Wesgroup may request to deliver some or all of the Area 3 Drainage Works, which request must be approved by the City Engineer.

Note to Applicant: Alternative arrangements for early payment may be considered if determined to be mutually beneficial to both the City and Wesgroup, to better align deferred payments with delivery of the Area 3 Drainage Works.

Note to Applicant: Upon complete build out of the removed area excluding the gas station site (parcel 45), the City may recommend amending the UDCL By-law area to include the removed areas of EFL, which will require Council decision.

- 2.11 Wesgroup will enter into an Interim Area 3 Works and Services Delivery Agreement (the “**Interim Servicing Agreement**”) to secure the provision of the Area 3 Drainage Works which agreement will include a section 219 covenant in favour of the City, registered against all of River District Area 3 restricting issuance of any permits with respect to Area 3 until the terms of the Interim Servicing Agreement are complied with. The Interim Servicing Agreement will require the owner of Area 3 to satisfy its obligation to pay the UDCL in lieu amounts OR, if approved by the City Engineer, provides the Area 3

Drainage Works (the “**Area 3 UDCL Amount**”). The “UDCL in lieu amounts” are agreed to be \$16M in 2020 dollars, to be paid in four equal installments in Area 3. Deferred payments to be escalated by the SCNRCPI, commencing in 2020.

Note to Applicant: The Interim Servicing Agreement will remain on title to Area 3 until such time that a rezoning of Area 3 is enacted, at which time the Interim Servicing Agreement will be discharged and replaced with parcel specific security more particularly determined in the Area 3 rezoning process.

2.12 The applicant will provide a parent company covenant that, if it sells all or a portion of the Area 3 lands to an arms-length third party purchaser, it will not be released from the obligations in respect of the Area 3 UDCL Amount until such time that:

(a) The applicant obtains and delivers to the City an assignment and assumption agreement from such third party purchaser which secures provision of the Area 3 UDCL Amount, to the satisfaction of the City, acting reasonably; and

(b) The applicant satisfies one of the following security obligations, at its option:

- i. obtains from the purchaser and delivers to the City a letter of credit in the amount of \$16M, adjusted in accordance with the Non-Residential Cost Index at the date the letter of credit is provided to the City. The letter of credit must be in a form satisfactory to the City; or
- ii. provides a parent company guarantee securing the Area 3 UDCL Amount, effective only until Area 3 rezoning enactment; or
- iii. provides a Letter of Credit in the amount of \$16M, accordance with the SCNRCPI at the date the letter of credit is provided to the City, effective only until Area 3 rezoning enactment,

The parties agree that the foregoing security obligations are security only for the satisfaction of the Area 3 UDCL amount obligations and do not represent a final amount owed for the full and final satisfaction of the Area 3 UDCL Amounts requirements. The City may, in its discretion, decide to waive any security requirements at the time of transfer of Area 3.

## Housing

2.13 Further to the Affordable Housing Condition established pursuant to the Original Rezoning application approved by City Council in principle on September 16, 2008, and which condition is secured by the No Development Covenant registered on title to Lot 38 under registration numbers CA7574300-01 (the “Existing Condition”), the Owner shall make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services, the General Manager of Real Estate and Facilities Management and the Director of Legal Services for the delivery of a fee simple dirt site (Parcel 34) comprising of approximately 3 440 sq. m (37,000 sq. ft) of land, exact area to be confirmed through subdivision. To secure this condition the applicant will enter into

agreements with the City which include, but may not be limited to the following requirements, all to be satisfied at no cost to the City:

- (a) Make arrangements to create a stand-alone Parcel 34 through subdivision;
  - (b) Applicant will deliver a subdivision plan to create Parcel 34 which has been approved by the Approving Officer and the General Manager of Community Services, the General Manager of Real Estate and Facilities Management and the Director of Legal Services prior to issuance of the development permit for Parcel 33;
  - (c) Parcel 34 to provide a minimum net floor area of 12,601 sq. m (135,636 sq. ft.). The additional 5,110 sq. m. (55,000 sq. ft.) of net new Social Housing floor area is to be secured by the City at no additional cost under the Existing Condition (i.e. the purchase price will not increase or be affected by the additional density allowable under the EFL ODP Amendment);
  - (d) The City will be entitled to withhold the Option Price, less \$10.00, for Parcel 34, if Wesgroup is found to be in non-compliance with the terms of the construction contract, as verified by a 3<sup>rd</sup> Party Architect, and may be withheld until completion of the community centre to the satisfaction of the General Manager, Real Estate and Facilities Management and the General Manager, Finance, Risk and Supply Chain Management. Withholding of any payment in accordance with this section will not preclude the City from taking ownership, possession and control of Parcel 34. The City's option to withhold payment will be more particularly set out in the Construction and Transfer Agreement for the community centre; and
  - (e) Except as set out above, the terms of the Option to Purchase shall be on terms and conditions for the Existing Condition, as set out in the No Development Covenant registered on title to Lot 38 in the Land Title Office under registration numbers CA7574300-01.
- 2.14 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into a Housing Agreement and a Section 219 Covenant securing 9,290 sq. m (100,000 sq. ft.) as secured market rental housing units located on Parcel 30 and 33, excluding Seniors Supportive or Assisted Housing, for a term equal to the longer of 60 years and life of the building, subject to the following additional conditions:
- (a) A no separate-sales covenant.
  - (b) A no stratification covenant.
  - (c) That none of such units will be rented for less than one month at a time.
  - (d) That, if a waiver of the Development Cost Levies is sought pursuant to the Development Cost Levy By-law, prior to rezoning enactment all proposed residential units will meet the definition of "for-profit affordable rental housing" in the Development Cost Levy By-law and accordingly, the average size of all residential units will not be greater than specified for for-profit affordable rental housing in the Development Cost Levy By-law, and the average initial rents for all proposed

residential units will not exceed rents specified for for-profit affordable rental housing in the Development Cost Levy By-law. A rent roll would be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into, prior to development permit issuance and prior to DCL calculation during building permit.

- (e) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City at by-law enactment pursuant to Section 565.2 of the Vancouver Charter and a Section 219 Covenant.

Note to Applicant: If the applicant chooses to seek a waiver of the Development Cost Levies at the development permit stage, a new Housing Agreement will be required prior to development permit issuance to secure the obligations described in subsection 2.14(d) above.

## Civic Facilities

- 2.15 Enter into one or more agreements, as required by the Director of Legal Services in consultation with the Director of Facilities Planning and Development, Director of Real Estate Services, General Manager of Parks and Recreation, to secure the Applicant's obligation to design, build and deliver to the City a turnkey (fully fit, finished, furnished, equipped and supplied) community centre of 36,000 sq. ft. The agreement or agreements to secure the delivery of the community centre, including Construction and Transfer Agreements, will address but will not be limited to the following:

- (a) The community centre will be designed and constructed at the sole cost of the applicant to meet the minimum requirements established in the East Fraser Lands Detailed Functional Program document, and the applicable design and technical guidelines ("Guidelines") referenced in such document. The versions of the Guidelines applicable are those in effect at the date of application for the Building Permit for the community centre. The functional program currently contemplates a gross area of 39,195 sq. ft. City staff will revise the functional program to a gross area of 36,000 sq. ft. concurrent with the development of the construction and transfer agreement, prior to enactment;

Note to Applicant: Any additional costs attributed to an increase in program scope subsequent to the updated Functional Program would be the City's responsibility to pay for.

- (b) The community centre will include designated bicycle and vehicle parking and loading spaces as required by City by-laws and as outlined in the East Fraser Lands Detailed Functional Program;

Note to Applicant: Cost savings resulting from a reduction of parking requirements as part of the detailed functional program update will be verified by a 3<sup>rd</sup> Party Quantity Surveyor and the savings will be reinvested into the community centre project

- (including the childcare and community centre plaza). The 2021 class D cost estimate accompanying the rezoning application anticipated a single level of parking for the community centre and childcare facility;
- (c) Location and design of the community center must be approved by the General Manager of Parks and Recreation;
- (d) Community Centre and land (future Lot 31) to be transferred to the City free and clear of any financial charges, liens or other encumbrances unless such other encumbrances are agreed to by the City to reflect necessary arrangements for Wide Area Site covenants;
- (e) No Development covenants to be registered on Parcels 35/36 and Area 3 to secure construction milestones and ultimate delivery of community center;
- (f) City and Wesgroup to enter into (one or more) construction and transfer agreement(s) for community center and childcare setting out construction standards, expectations, milestones (including performance bonds) and required security for the project:
- i. City to provide \$9M in previously collected CACs to Wesgroup upon receipt of the letter of credit, as noted below;
  - ii. Wesgroup will provide a \$9M letter of credit to the City to secure satisfactory construction of the community centre prior to building permit issuance;
  - iii. Letter of Credit to be reduced at completion milestones during the course of construction as will be set out in the Construction and Transfer Agreement;
  - iv. Portion of Letter of Credit to be held back by City as security for deficiencies and warranty items; and
  - v. If, at any time at or after Building Permit issuance, Wesgroup is found to be in non-compliance with the terms of the construction contract, as verified by a 3<sup>rd</sup> Party Architect, the City may require additional Letter of Credit security if the current amount of Letter of Credit still held by the City is insufficient.
- (g) City may elect to hold payment for parcel 33/34 (social housing) if Wesgroup is found to be in non-compliance with the terms of the construction contract, as verified by a 3<sup>rd</sup> Party Architect, as additional Financial Security for satisfactory completion of the Community Centre, if required; and
- (h) City and the applicant will work toward the following application submission timelines:
- Preliminary Development Permit – January 2023
  - Development Permit – June 2024
  - Building Permit – November 2025.
- 2.16 Enter into a contract on commercially reasonable terms for the funding and delivery (design, fully fit, finish, furnish, equip and supply) of the 74-space City-funded childcare facility. The childcare will comprise a minimum gross indoor floor area of 930 sq. m (10,010 sq. ft.), at a height of not less than 12 ft. floor-to-floor, and not less than

1,040 sq. m (11,194 sq. ft.) of contiguous outdoor area, with adequate indoor and outdoor space designated to each program, to the satisfaction of the Managing Director of Social Policy and Projects, and the Director of Facilities Planning and Development to ensure that the facility is functional and efficient, licensable by Community Care Facilities Licensing and meets the intent of the City's *Childcare Design Guidelines and Childcare Technical Guidelines*, (the versions of the Guidelines applicable as are in effect at the date of application for the Building Permit for the Building).

- (a) The childcare facility will include designated bicycle and vehicle parking and loading spaces as required by the *Childcare Technical Guidelines*;
- (b) The childcare will be funded using Citywide DCLs;
- (c) The City will pay for all actually incurred construction costs based on incremental costs and 3<sup>rd</sup> party verified, mutually agreed upon soft costs (including overhead and management fees) for the childcare;
- (d) Construction costs, based on a Class A estimate, will be agreed to prior to construction start and adjusted by the actual tender amount, and all books will be open with the terms of payment will be determined as part of the Development Management Agreement for the childcare facility;
- (e) City of Vancouver will be responsible to pay for any costs initiated by the City or Operator throughout construction, but will not be responsible for delays that result from management of the project; and
- (f) Childcare to be transferred to the City free and clear of any financial charges, liens or other encumbrances unless such other encumbrances are agreed to by the City to reflect necessary arrangements for the Wide Area Site covenants.

## Parks

- 2.17 Revisions to the Parks Agreements to update the park sizes to ensure the delivery of a combined minimum of 1.88 hectares (4.6417 acres) of dedicated permanent park for the Area 1 riverfront park and community centre plaza, as determined through the 2018 EFL ODP 10 Year Review Planning Program and subsequent subdivision plan. Required park space to be calculated in section 3.5.7 of the East Fraser Lands Official Development Plan.

## Sustainability

- 2.18 The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services that requires the future owner of all buildings to report energy use data, on an aggregated basis, for each building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.



## Environmental Contamination

- 2.19 Submit a site disclosure statement to Environmental Services;
- (a) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (b) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the BC Ministry of Environment and Climate Change Strategy, have been provided to the City.

Note to applicant: The City acknowledges the Wide Area Site designation and will work with the applicant on land use designations and requirements.

## Public Art

- 2.20 The River District Public Art Agreement outlines the Owners' obligations with respect to the provision of public art by payment into the River District Public Art Fund to cover all requirements for the additional density.
- 2.21 The Owner will pay to the City in cash the amount equal to 100% of the Cost of Public Art attributable to the Building Floor Area for such Assessable Building to be applied by the City in accordance with the River District Public Art Fund Agreement. Please note that the public art rate and Building Floor Area are finalized at the development permit stage.

Note to applicant: Please contact Eric Fredericksen, Head of Public Art (604-673-8282), to discuss.

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

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

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

\* \* \* \* \*

East Fraser Lands Waterfront Precinct  
BLACKLINE VERSION OF DRAFT BY-LAW NO. 10943

THIS DOCUMENT IS BEING PROVIDED FOR INFORMATION ONLY AS A REFERENCE TOOL TO HIGHLIGHT THE PROPOSED AMENDMENTS IN APPENDIX A. SHOULD THERE BE ANY DISCREPANCY BETWEEN THIS BLACKLINE VERSION AND THE DRAFT AMENDING BY-LAW, THE DRAFT AMENDING BY-LAW SHALL PREVAIL.

**4 Conditions of use**

- 4.1 The design and lay-out of at least 35% of the dwelling units must:
- (a) be suitable for family housing;
  - (b) include two or more bedrooms; and
  - (c) at least 10% must include three bedrooms; and
  - (d) comply with Council's "High Density Housing for Families with Children Guidelines".
- 4.2 ~~At least 76 dwelling units, other than live-work units, must consist of affordable housing dwelling units. [11618; 2016 09 20]~~
- 4.34.2 In sub-area 1, dwelling units and live-work units fronting on high street must be on the second or a higher floor of a building.
- 4.44.3 In sub-area 1, a personal training centre, school – arts or self-improvement, or office must be on the second or a higher floor of a building except that advertising, financial institution, health care, insurance, real estate, travel, and ticket agency offices may be at grade.
- 4.54.4 In sub-area 2:
- (a) dwelling units in the most westerly building must be on the second or a higher floor of the building; and
  - (b) dwelling units in the most easterly and northerly buildings are not permissible. [12495; 2019 07 23]
- 4.64.5 In sub-area 2, the first storey of a building containing a manufacturing use, to a depth of 4.5 m from the front wall of the building and extending across its full width, must benefit pedestrian character to the satisfaction of the Director of Planning or Development Permit Board.
- 4.74.6 Any development permit issued for live-work uses must stipulate as permitted uses:
- (a) dwelling units;
  - (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and

(c) dwelling unit combined with any uses set out in subsection (b).

~~4.8~~4.7 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.

## 5 Density

5.1 The floor area for all uses, combined, must not exceed ~~403 917 m<sup>2</sup>~~ 145 114 m<sup>2</sup>. [12495; 2019 07 23]

5.2 The floor area for all dwelling uses, combined, must not exceed ~~94 556 m<sup>2</sup>~~ 135 753 m<sup>2</sup>. [12495; 2019 07 23]

5.3 The floor area for affordable housing, must not be less than 12 601 m<sup>2</sup>.

5.4 In sub-area 1, the floor area for secured market rental housing must not be less than 9 290 m<sup>2</sup>.

~~5.3~~5.5 The floor area for all cultural and recreational uses, institutional uses, office uses, retail uses, and service uses in sub-area 1, combined, must not exceed 6 724 m<sup>2</sup>. [12495; 2019 07 23]

~~5.4~~ The floor area for all cultural and recreational uses, and institutional uses, live-work uses, manufacturing uses, office uses, retail uses, and service uses in sub-area 2, combined, must not exceed 1 443 m<sup>2</sup>. [12495; 2019 07 23]

~~5.4~~5.6 The floor area for all cultural and recreational uses, and institutional uses, live-work uses, manufacturing uses, office uses, retail uses, and service uses in sub-area 2, combined, must not exceed 1 443 m<sup>2</sup>. [12495; 2019 07 23]

~~5.5~~ The floor area for a manufacturing use in sub-area 2 must not exceed 200 m<sup>2</sup>.

~~5.6~~5.7 In each of sub-areas 1 and 2, an accessory use must not exceed a gross floor area equal to 25% of the gross floor area of the principal use to which it is ancillary.

~~5.7~~5.8 The number of principal dwelling units combined with secondary dwelling units in a building must not exceed 25% of the total number of dwelling units in that building.

~~5.8~~5.9 A secondary dwelling unit must consist of at least 19 m<sup>2</sup>.

~~5.9~~5.10 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and

- (c) in the case of a dwelling use or live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.

5.405.11 Computation of floor area must exclude:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 5 000 m<sup>2</sup>; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 406 mm thickness based on an overall wall performance of R15 or greater.

5.415.12 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:

- (i) the total area of all open balcony or sundeck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (b) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character, energy efficiency, or occupant comfort;
- (c) unenclosed outdoor areas at grade level underneath building overhangs, if:
- (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
  - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (d) despite section ~~5.9(c)~~ 5.10(c), open to below spaces or double height volumes in two storey live-work units, to a maximum of 30% of the floor area of the first floor of that unit, if:
- (i) the design of the unit provides for open-to-below or double-height volume located at the street frontage with a depth of at least 3 m along 65% of the frontage,
  - (ii) a 30% volume remains open to below, and
  - (iii) there is a demonstration of an approvable second level design at the time of application for a development permit, regardless of whether the second level is constructed at time of occupancy;
- (e) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
- (f) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;

- (g) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section ~~5.9(b)~~ **5.10(b)**, those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and
- (h) floor space devoted to passive design elements such as larger ventilation shafts, or other elements providing ventilation and light within buildings if:
  - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and
  - (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

~~5.12~~**5.13** The use of floor space excluded under section ~~5.10 or 5.11~~ **5.11 or 5.12** must not include any purpose other than that which justified the exclusion.

## **6 Building height**

6.1 The building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall, for each development parcel illustrated on the plan marginally numbered Z-619(d)(iv) attached as Schedule A to this By law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:

<b>Development Parcel</b>	<b>Number of storeys</b>	<b>Maximum building heights in metres</b>
26	22	67.5
27	6	22.0
29 and 30	28	87.0
31	<del>34</del> <b>15.5</b>	<del>10.5</del> <b>15.5</b>
32.1 and 32.2	1	6.6
33 and 34	<del>14</del> <b>23</b>	<del>46.0</del> <b>76.0</b>
35 and 36	<del>9</del> <b>16</b>	<del>31.0</del> <b>55.0</b>

[12495; 2019 07 23] [12970; 2021 04 27]

- 6.2 If the uppermost level of a building:
- (a) consists of the upper floors of two storey dwelling units;
  - (b) does not exceed 40% of the floor area below it;
  - (c) provides rooftop access to private outdoor space and usable roof area; and
  - (d) meets the intent of the CD-1 design guidelines adopted by Council for it;
- then, for the purposes of section 6.1, the uppermost level is not a storey.

- 6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

\* \* \* \* \*



**DRAFT By-law to amend East Fraser Lands  
Official Development Plan By-law No. 9393  
regarding amendments consequential to amendments made to  
CD-1 (567) East Fraser Lands Waterfront Precinct**

*Note: A By-law to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

1. This By-law amends the indicated provisions of Schedule A of the East Fraser Lands Official Development Plan By-law No. 9393.
2. In the Table of Contents, Council:
  - (a) adds the following in the correct numerical order:

“5.3.4 Economic Sustainability”; and
  - (b) strikes out “Figure 19: Community centre and waterfront plaza” and “Figure 20: Areas in which office floor area may be used for secured market rental housing” and substitutes:

“Figure 19: Areas in which office floor area may be used for secured market rental housing  
Figure 20: Area removed from the Vancouver Utilities Development Cost By-Law No. 12183”.
3. In section 3, Council:
  - (a) in section 3.3, strikes out “870 243 m<sup>2</sup>” and substitutes “872 594 m<sup>2</sup>”;
  - (b) in subsection 3.5.1(b), strikes out “818 085 m<sup>2</sup>” and “690 951 m<sup>2</sup>” and substitutes “820 436 m<sup>2</sup>” and “693 302 m<sup>2</sup>”, respectively.
4. In section 5, Council adds the following in the correct numerical order:

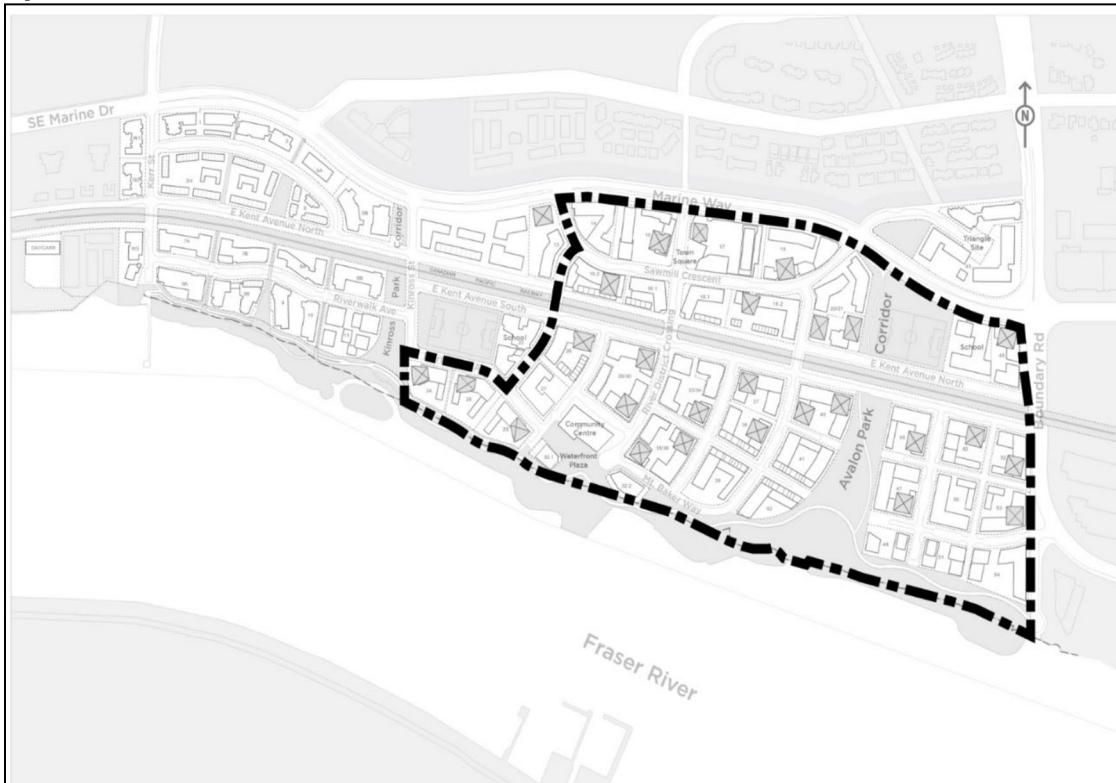
***“Economic Sustainability***

5.3.4 Sites illustrated on Figure 20 are removed from the Vancouver Utilities Development Cost By-Law No. 12183 boundary until development is substantially completed, to create a revenue source to deliver the community centre and drainage utilities required within Area 3.”.
5. In section 6, Council:
  - (a) in subsection 6.1.1(a), strikes out “338 774 m<sup>2</sup>” and “313 950 m<sup>2</sup>” and substitutes “390 695 m<sup>2</sup>” and “315 901 m<sup>2</sup>”, respectively;
  - (b) in subsection 6.1.1(h), strikes out “12.9%” and substitutes “12.8%”;

- (c) in subsection 6.1.3(a), strikes out “296 780 m<sup>2</sup>” and substitutes “297 180 m<sup>2</sup>”; and
- (d) in subsection 6.1.3(f), strikes out “25.6%” and substitutes “25.7%”

6. In section 7, Council adds the following new figure in the correct numerical order:

**“Figure 20. Area removed from the Vancouver Utilities Development Cost Levy By-law No. 12183**



- 7. A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law, and is not to affect the balance of this by-law.
- 8. This By-law is to come into force and take effect on the date of its enactment.

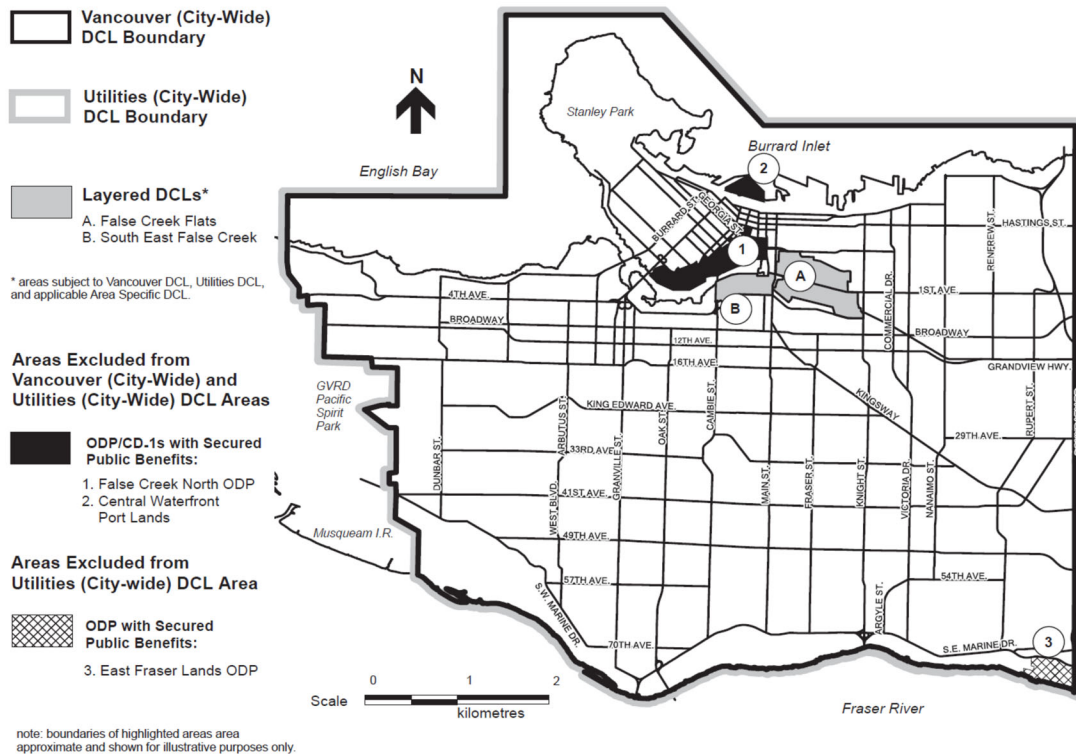
\* \* \* \* \*

**DRAFT By-law to amend the  
 Vancouver Utilities Development Cost Levy By-law No. 12183  
 regarding miscellaneous amendments**

*Note: A By-law to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

1. This By-law amends the indicated provisions of Vancouver Utilities Development Cost Levy By-law No. 12183.
2. In the Table of Contents, under the title “Schedules” Council adds the following:  
 “- Part 4”.
3. In the preamble, Council strikes “Parts 2 and 3” and replaces it with “Parts 2, 3 and 4”.
4. In the definition of “general area” in section 1.2, Council strikes “Parts 2 and 3” and replaces it with “Parts 2, 3 and 4”.
5. Council strikes out the map in Schedule A - Part 1 and substitutes the following as the new Schedule A – Part 1:

“



”

6. Council adds a new Part 4 to Schedule A, in the correct numerical order, as follows:

“

**SCHEDULE A – PART 4**

Those areas of land described as “Area removed from the Vancouver Utilities Development Cost Levy By-law No. 12183” in the East Fraser Lands Official Development Plan By-law No. 9393.”

7. This By-law is to come into force and take effect on the date of its enactment.

\* \* \* \* \*

**East Fraser Lands Waterfront Precinct  
BLACKLINE VERSION OF EAST FRASER LANDS  
OFFICIAL DEVELOPMENT PLAN BY-LAW**

**SECTION 5  
SUSTAINABILITY STRATEGIES**

- 5.1 Environmental sustainability
  - 5.1.1 Green buildings
  - 5.1.2 Energy
  - 5.1.3 Water
  - 5.1.4 Rain water management
  - 5.1.5 Ecology
  - 5.1.6 Sea level rise and flood management
  - 5.1.7 Solid waste and recycling
  - 5.1.8 Transportation demand management
  - 5.1.9 Light pollution
- 5.2 Social sustainability
  - 5.2.1 Diverse and affordable housing
  - 5.2.2 Education
  - 5.2.3 Health and social facilities
  - 5.2.4 Child care
  - 5.2.5 Recreation
  - 5.2.6 Urban agriculture
  - 5.2.7 Crime prevention
  - 5.2.8 Universal design
  - 5.2.9 History and continuity
  - 5.2.10 Community networks and organizations
  - 5.2.11 Community involvement
- 5.3 Economic sustainability
  - 5.3.1 Local business and job opportunities
  - 5.3.2 Construction
  - 5.3.3 Local self reliance
  - 5.3.4 **Economic Sustainability**

**SECTION 7  
FIGURES**

- Figure 1: East Fraser Lands ODP Boundaries
- Figure 2: Illustrative plan
- Figure 3: Sub areas
- Figure 4: Residential uses
- Figure 5: Retail, service, flex and light industrial live work uses
- Figure 6: Cultural, recreational, and school uses
- Figure 7: Parks and open space
- Figure 8: Maximum building heights
- Figure 9: Optimum building heights
- Figure 10: Public views
- Figure 11: Pedestrian routes
- Figure 12: Cycle routes
- Figure 13: Transit
- Figure 14: Street network
- Figure 15: Rain water management
- Figure 16: Foreshore concept
- Figure 17: Affordable housing

Figure 18: Development phases  
~~Figure 19: Community centre and waterfront plaza~~  
~~Figure 20: Areas in which office floor area may be used for secured market rental housing~~  
Figure 19: Areas in which office floor area may be used for secured market rental housing  
Figure 20: Area removed from the Vancouver Utilities Development Cost By-Law No. 12183

## Appendix A Rail Corridor Legal Descriptions

### Density

3.3 The floor area for all uses developed after the date of enactment of this By-law, except public cultural, recreational, and institutional uses, is not to exceed ~~870 243 m<sup>2</sup>~~ **872 594 m<sup>2</sup>**.

### Dwelling uses

3.5.1 Dwelling uses are permissible only in the areas, and:

- (a) they are to include a diverse housing mix serving a range of needs;
- (b) the total floor area for dwelling uses in all areas is not to exceed ~~818 085 m<sup>2</sup>~~ **820 436 m<sup>2</sup>**, except that if office floor area in the areas outlined with dotted lines in Figure 19 is used for dwelling units used for secured market rental housing, then the total floor area for dwelling uses in all areas is not to exceed ~~690 951 m<sup>2</sup>~~ **693 302 m<sup>2</sup>**;
- (c) at least 20% of all dwelling units, in at least 17% of the residential floor area, are to be available for affordable housing, excluding any dwelling units used for secured market rental housing that are located in the office floor area in the areas outlined with dotted lines in Figure 19;
- (d) the city encourages integration of sites for market housing and affordable housing throughout the areas;
- (e) for all re-zonings after [date of enactment], the objective will be to ensure that at least 10% of the residential floor area will be used for secured market rental housing, except that in Area 3, the objective will be to ensure that at least 9.4% of the residential floor area will be used for secured market rental housing;
- (f) for all development permit applications submitted after [date of enactment], the design and layout of at least 35% of all dwelling units that are not affordable housing dwelling units must:
  - (i) be suitable for family housing,
  - (ii) include at least 25% two bedroom and 10% three bedroom units, and
  - (iii) comply with Council's "High Density Housing for Families With Children Guidelines";;
- (g) at least 50% of the affordable housing units are to be suitable for families with children;
- (h) the city encourages housing forms designed with the flexibility to incorporate defined space for potential rental accommodation within a single dwelling unit, in order to contribute to a wider range of housing options available to low and middle income households, and to accommodate households at different stages of the lifecycle; and
- (i) the residential floor area allowances set out in this section 3.5.1 and in Section 6 are to be subject to review, at the time of each re-zoning, with regard to accomplishing urban design objectives, considerations of liveability for different housing types, and compatibility with adjacent development and the public realm. Floor area exclusions are to be determined at re-zoning to ensure that floor area allowances are consistent with anticipated building massing. Floor area

allowances may not be achievable if development site area is significantly reduced from the site plan illustrated on Figure 4.

### **Economic Sustainability**

5.3.4 Sites illustrated on Figure 21 are removed from the Vancouver Utilities Development Cost By-Law No. 12183 boundary, until development is substantially completed, to create a revenue source to deliver the community centre and drainage utilities required within Area 3.

#### **Area 1**

6.1.1 Area 1 is to include:

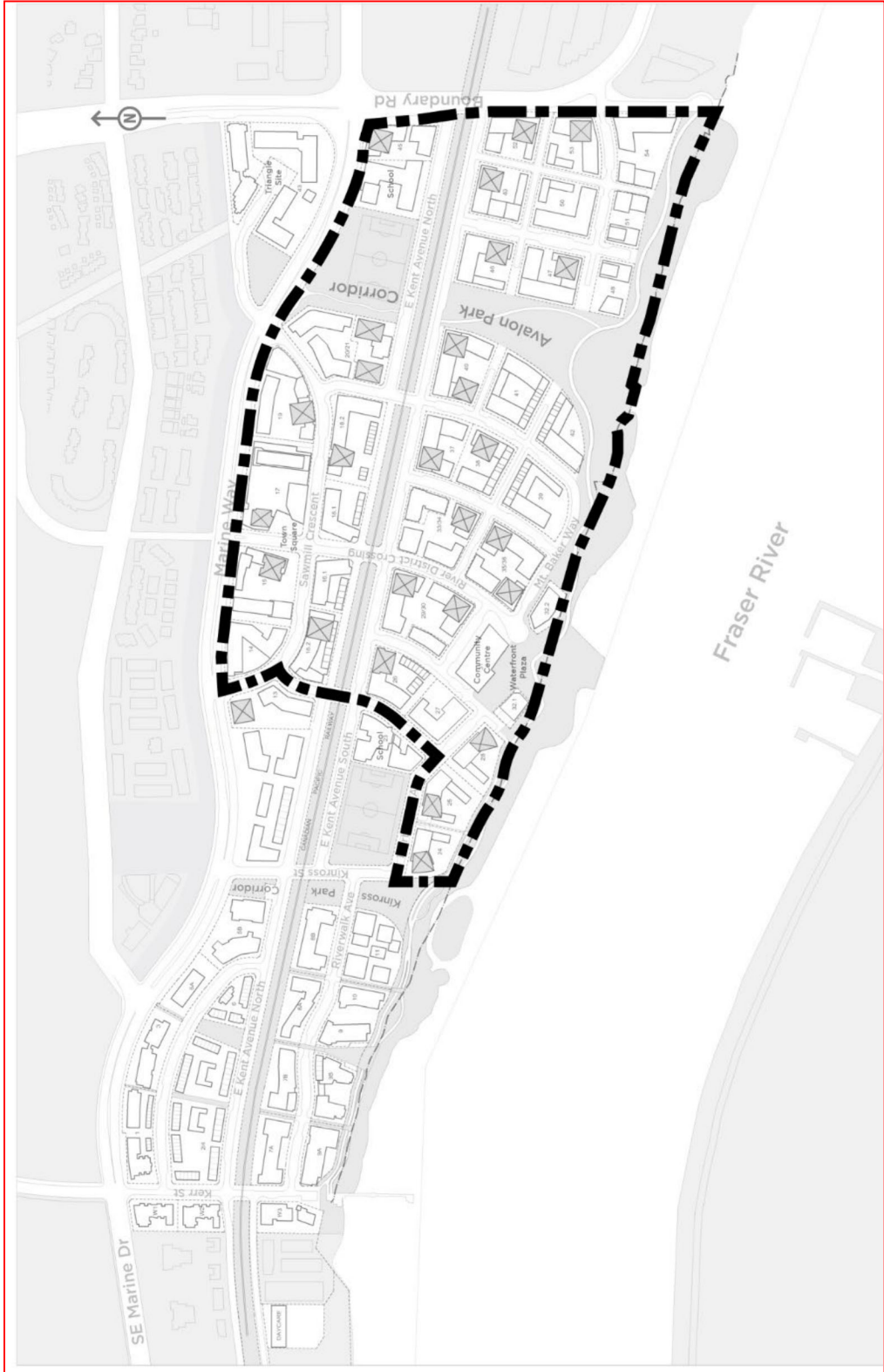
- (a) residential floor area consisting of approximately ~~338 774 m<sup>2</sup>~~ **390 695 m<sup>2</sup>**, except that if office floor area in the areas outlined with dotted lines in Figure 19 is used for dwelling units used for secured market rental housing, then it is to include residential floor area consisting of approximately ~~343 950 m<sup>2</sup>~~ **315 901 m<sup>2</sup>**,
- (b) retail floor area consisting of no more than 25 673 m<sup>2</sup>,
- (c) flex use floor area consisting of no more than 26 758 m<sup>2</sup>,
- (d) park and public open space consisting of at least 3.5 hectares,
- (e) a community centre consisting of at least 2 790 m<sup>2</sup> adjacent to a waterfront plaza,
- (f) a 69 space child care facility located in the community centre,
- (g) 60 out-of-school spaces located in the community centre,
- (h) at least ~~12.9%~~ **12.8%** of the residential floor area is to be available for affordable housing, and
- (i) at least 9 290 m<sup>2</sup> of the residential floor area is to be available for secured market rental housing on sites adjacent to the high street south of the rail corridor.

#### **Area 3**

6.1.3 Area 3 is to include:

- (a) residential, flex and light industrial live-work floor area consisting of approximately ~~296 780 m<sup>2</sup>~~ **297 180 m<sup>2</sup>**,
- (b) retail and community energy centre floor area consisting of no more than 2 050 m<sup>2</sup>,
- (c) Gasoline Station – Split Island,
- (d) park and public open space consisting of at least 3.31 hectares,
- (e) a secondary school site consisting of at least 0.57 hectares,
- (f) at least ~~25.6%~~ **25.7%** of the residential floor area is to be available for affordable housing, and
- (g) at least 27 871 m<sup>2</sup> of the residential floor area is to be available for secured market rental housing.

Figure 20. Area removed from the Vancouver Utilities Development Cost-Levy By-law No. 12183





**East Fraser Lands Waterfront Precinct  
URBAN DESIGN PANEL**

Urban Design Panel Minutes – March 2, 2022

Address:	East Fraser Lands Waterfront Precinct 3480 East Kent Avenue South and 3522 East Kent Avenue South
Permit No.	RZ-2020-00062 Proposed amendments to the CD-1 to align with current City policies and directions, including an additional floor area of 39,246 square metres (422,422 square feet) in Area 1 to increase housing options and an increased package of amenities, including 20 additional childcare spaces and 2 acres of park. Additional building height maximum from 24 to 28 storeys is proposed in the Waterfront Precinct.
Zoning:	Amendment to CD-1 (567)
Application Status:	Rezoning
Application Review:	First
Architect:	Boniface Oleksiuk Politano Architects
Staff:	Kirsten Robinson, Desiree Drewitt & Kevin Spaans

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EVALUATION: Support with recommendations

Panel's Consensus on Key Aspects Needing Improvement:

Having reviewed the project it was moved by MS. STAMP and MS.RAHBAR and was the decision of the Urban Design Panel:

THAT the Panel Recommend SUPPORT the project and recommends the applicant team to carefully review and consider the comments made by Panel, as reflected in the Meeting Minutes.

**Panel Commentary**

Strong support for the increases in height and amount of density proposed.

General support from the Panel for the approach to arrangement of massing, particularly the forming of courtyards.

General support from the Panel for the approach to public connectivity between and through courtyards.

A Panel member noted the modifications continue to allow for physical permeability while allowing for a more open and well-lit plaza.

Panel felt it was too early to comment on materiality and architectural expression.

Panel members noted that variety of architectural expressions should continue to reflect the legacy of the area.

A Panel member noted that the suggested material pallets in the East Fraser Lands Design Guidelines do good job of reflecting the industrial heritage of the site, future phases of development could include different approaches to materiality for contrast and visual interest.

Concern amongst some Panel members that the increase in density did not appear to include a commensurate increase in green space.

Strong support for the increased supply of affordable housing.

A Panel member expressed concern that 6-storey podiums (versus 4-storeys) may act as a barrier. The open spaces which should feel inviting.

Another Panel member expressed that 6-storeys wasn't enough considering the widths of some of the rights-of-way, noting that higher podiums may give more residents proximity to street and connectivity to the ground.

Panel members recommended setting towers back from the outside edges of podiums to better define the two massing elements.

Panel members generally supported the waterfront conceptual design; however, Panel members noted that more information is needed in future as the current proposal is more of a diagram.

Regarding landscaping, comments were made regarding provisions for double rows of street trees to reinforce a human scale, and that more native infill trees be provided in open spaces.

A Panel member suggested that there are opportunities for animation of back-of-house areas that should be considered, recommending that landscaping and furniture be used as tools to improve the performance of these areas.

A Panel member noted that the expression of landscapes, setbacks, public plazas, interstitial areas and park areas will be fundamental to the project.

A Panel member noted that all of the courtyard spaces at the development parcels are multiuse use, adding to activity and interest.

General support for sustainability elements.

Applicant's Response: The applicant team thanked the panel for their comments.

\* \* \* \* \*

**East Fraser Lands Waterfront Precinct  
 PUBLIC CONSULTATION SUMMARY**

**1. List of Engagement Events, Notification, and Responses**

	Date	Results
<b>Event</b>		
Virtual open house (City-led)	February 28, 2022 – March 20, 2022	490 participants (aware)* <ul style="list-style-type: none"> <li>• 116 informed</li> <li>• 66 engaged</li> </ul>
<b>Public Notification</b>		
Postcard distribution – Notice of rezoning application and virtual open house	February 25, 2022	6,856 notices mailed
<b>Public Responses</b>		
Online questions	February 28, 2022 – March 20, 2022	6 submittals
Online comment forms <ul style="list-style-type: none"> <li>• Shape Your City platform</li> </ul>	February, 2022 – March, 2022	71 submittals
Overall position <ul style="list-style-type: none"> <li>• support</li> <li>• opposed</li> <li>• mixed</li> </ul>	February, 2022 – March, 2022	71 submittals <ul style="list-style-type: none"> <li>• 20 responses</li> <li>• 41 responses</li> <li>• 9 responses</li> </ul>
Other input	February, 2022 – March, 2022	9 submittals
<b>Online Engagement – Shape Your City Vancouver</b>		
Total participants during online engagement period	February, 2022 – March, 2022	550 participants (aware)* <ul style="list-style-type: none"> <li>• 132 informed</li> <li>• 74 engaged</li> </ul>

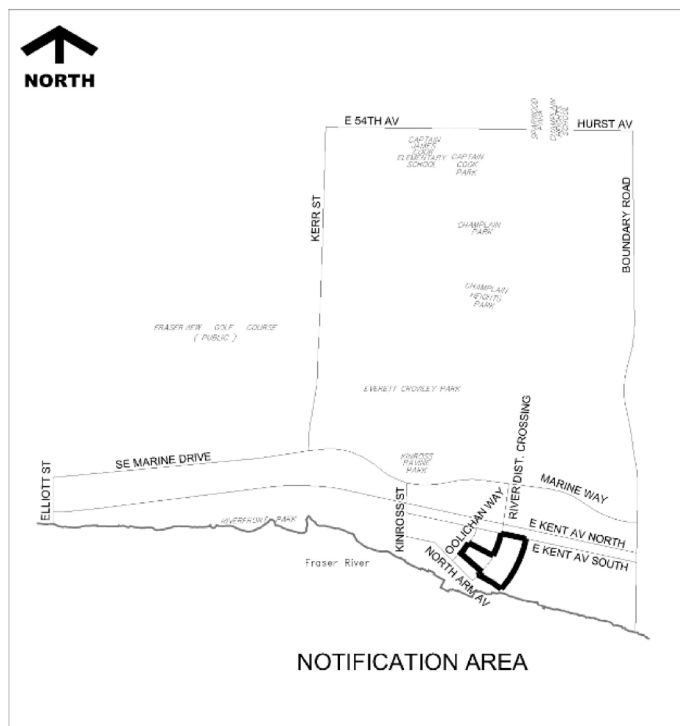
*Note: All reported numbers above are approximate.*

\* The Shape Your City platform allows staff to capture more nuanced levels of engagement associated with the rezoning application, categorized as:

- **Aware:** Number of unique visitors to the application webpage that viewed only the main page.
- **Informed:** Visitors who viewed documents or the video/photo gallery associated with the application; *informed* participants are a subset of *aware* participants.

- **Engaged:** Visitors that submitted a comment form or asked a question; *engaged* participants are a subset of *informed* and *aware* participants.

## 2. Map of Notification Area



## 3. Analysis of All Comments Received

Below is an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Height, density and location:** Increased height and density are all appropriate for this area and necessary in order to properly fund the community center that is much needed in the area and to have the East Fraser Land neighbourhood prosper as a community.
- **Community centre:** The creation of the new community centre is highly supported by residents living in the East Fraser Land area.
- **Rental and affordable housing:** Provisions for increased rental and below market units are a welcome addition to the City and will help combat the ongoing housing crisis.
- **Green space:** Additional green space will be a welcome addition to the area.

Generally, comments of concern fell within the following areas:

- **Height, density and location:** The height and density are not appropriate for this area. The height is too tall and will cause shadowing and block the waterfront views of the Fraser River for many residents.
- **Services and amenities:** Not enough amenities and services to properly serve this growing community such as medical services, childcare and schools. The proposed community center has been delayed for too long and concerns have been raised how it will not materialize in a timely fashion to meet the needs and demands of current and new residents.
- **Community center:** Concern over how the proposed community center is being used as leverage to create more units for the developer to make a profit have been expressed.
- **Parking:** Increased density will bring in more vehicular traffic and on street parking demands as the area is under served by transit.
- **Traffic:** Increased traffic congestions along Marine Drive and Marine Way are also a concern.

The following miscellaneous comments were received from the public (note: these were topics that were not ranked as highly as above).

*General comments of concern:*

- Wind tunnelling affecting other buildings is a concern.
- The increase in rental and social housing will decrease and cheapen the value of neighbouring properties.
- The amount of social housing proposed is not enough.
- The shuttle bus implemented in the East Fraser Land area is not enough to dissuade individuals from switching to using transit.
- Social housing will bring in dangerous vagrant activities into the neighbourhood, which will compromise the safety of families with children.
- Residents feel their concerns are not being heard by the City in a meaningful way and feel that Wesgroup are not delivering what they were promised.
- Continued construction in the East Fraser Land area is bringing hardships to existing residents.
- Having this built so close to an existing high-risk flood plain is a concern especially during extreme weather conditions.

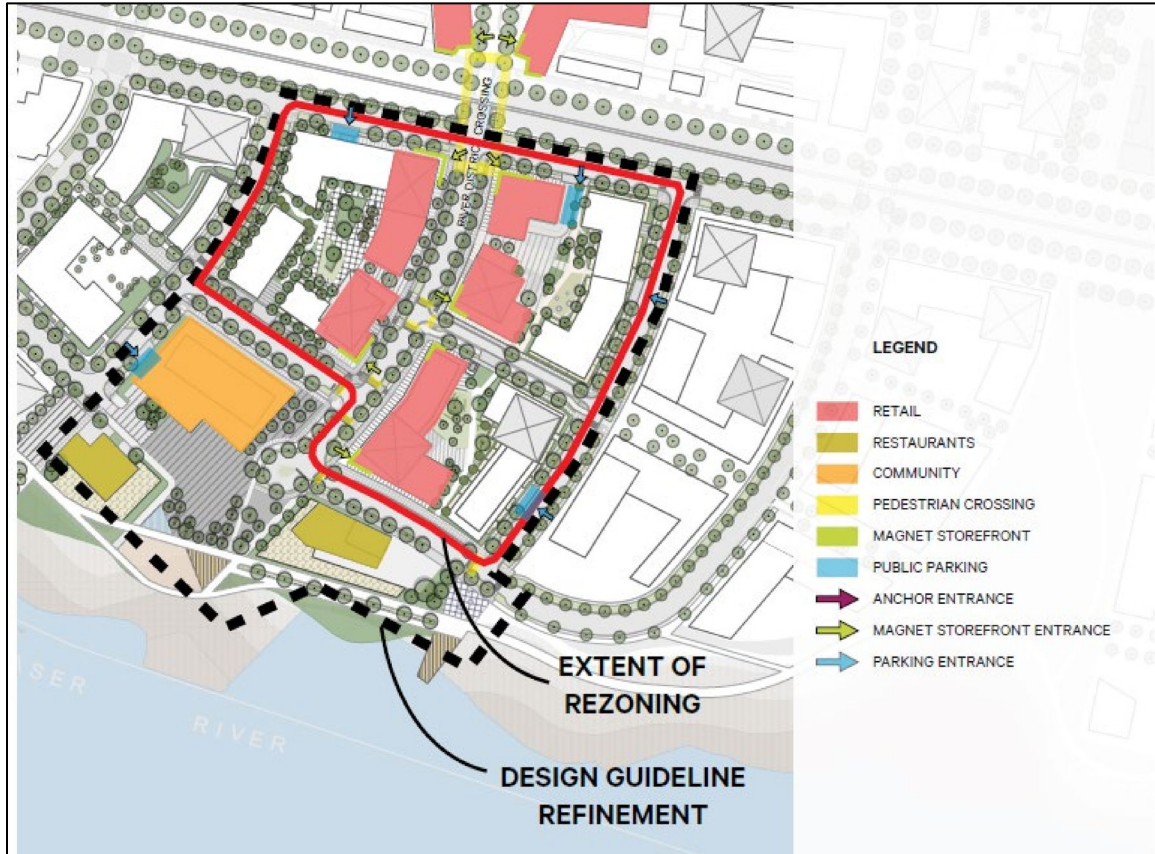
*Neutral comments/suggestions/recommendations:*

- The Towers should be allocated to the back of the EFL towards Marine Way while low rises should be relegated towards the waterfront.
- The height should be reduced to be kept in line with the surrounding buildings.
- Retail space should be considered on the ground level of this proposal.
- Sidewalks should be wider to accommodate multiple uses otherwise a separate bike lane should be implemented.

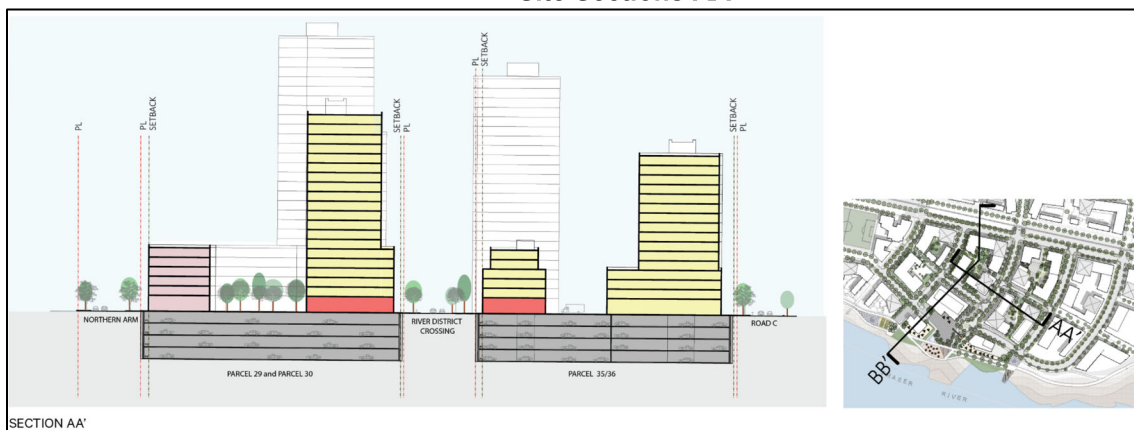
\* \* \* \* \*

**East Fraser Lands Waterfront Precinct  
 FORM OF DEVELOPMENT**

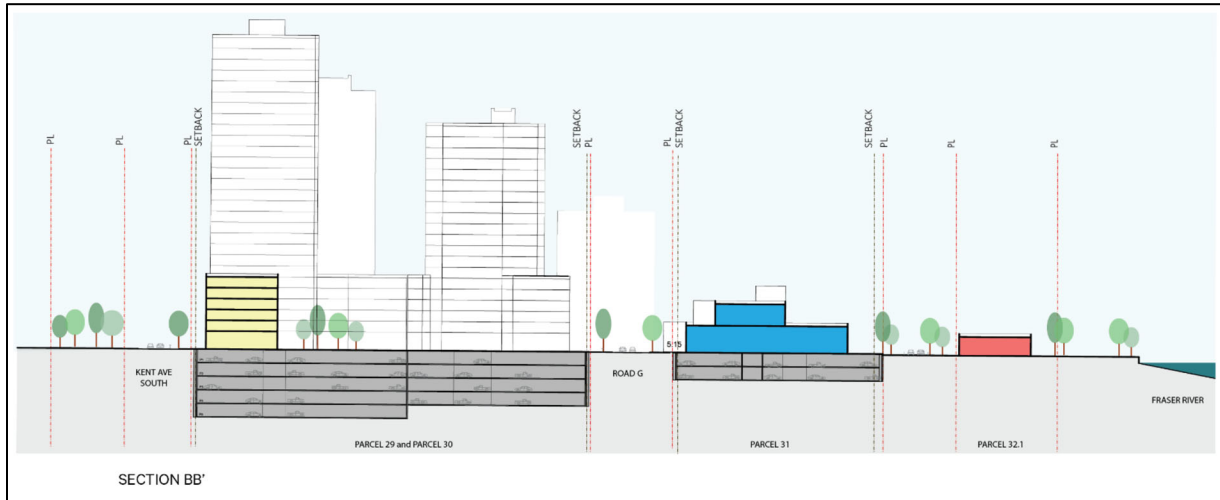
**Site Plan**



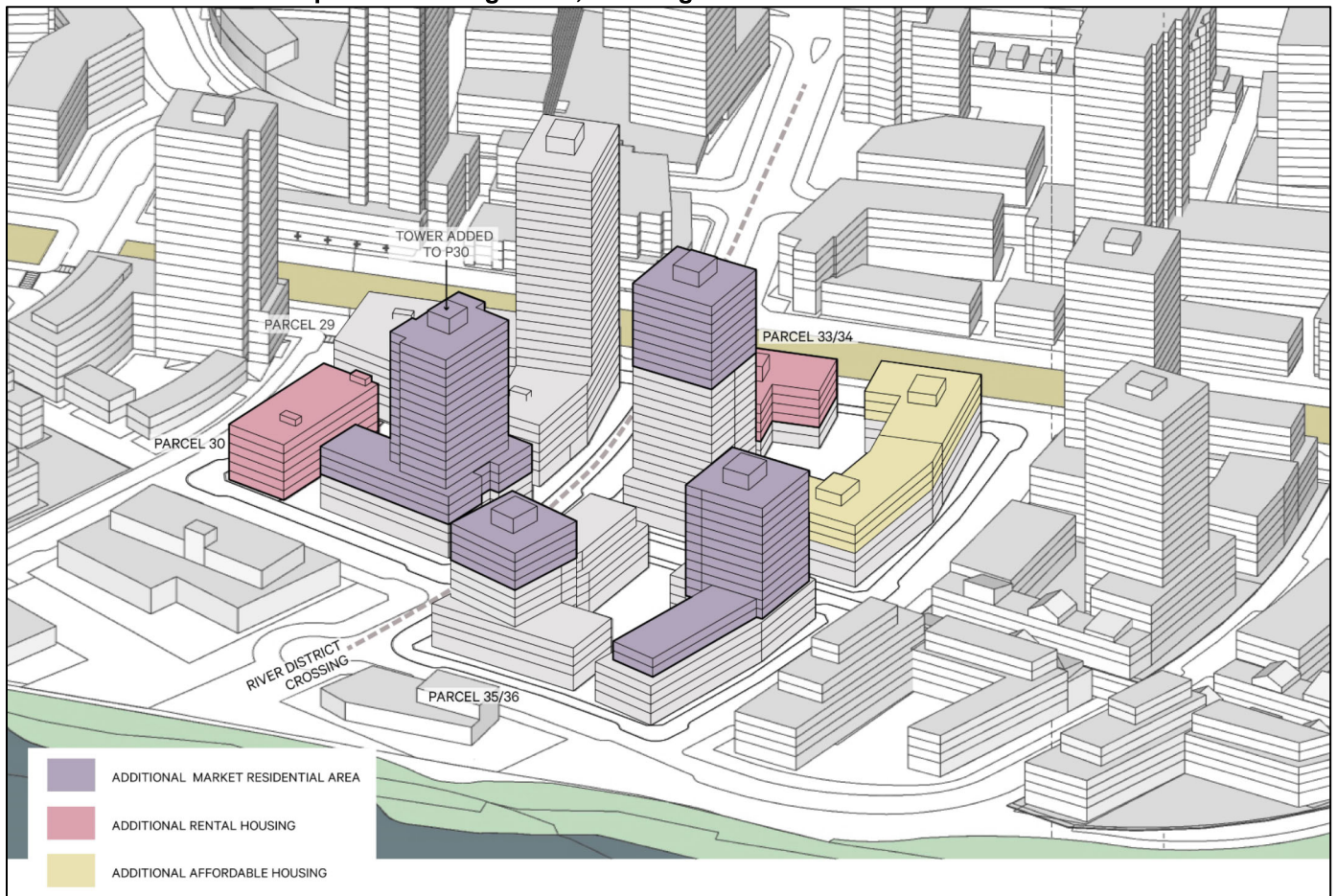
**Site Sections AA'**



**Site Sections BB'**



**Perspective looking North, showing additional floor area**

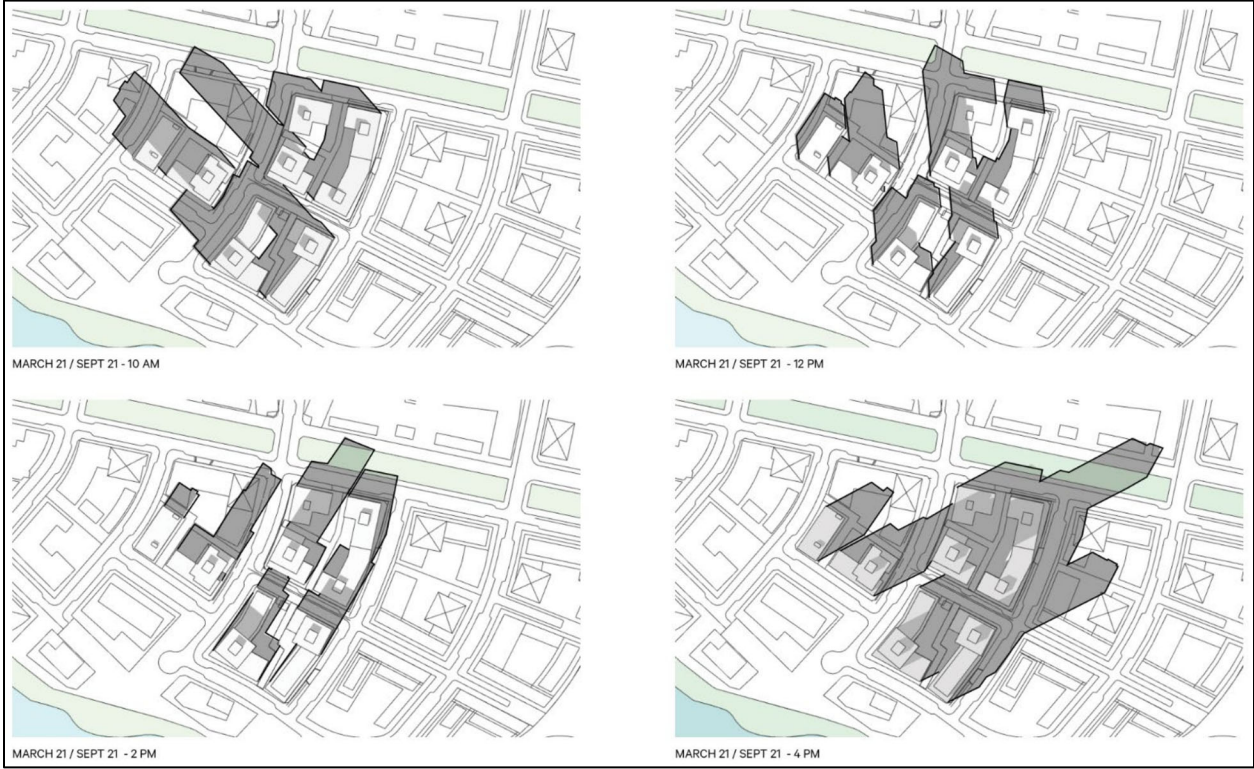




Shadow Studies (June)



Shadow Studies (March)



Shadow Studies (December)



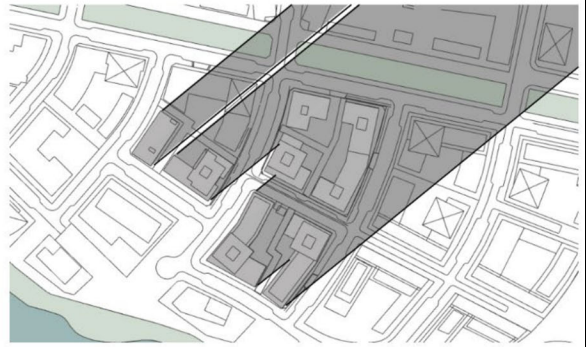
DECEMBER 21 - 10 AM



DECEMBER - 12 PM



DECEMBER 21 - 2 PM



DECEMBER 21 - 4 PM

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**East Fraser Lands Waterfront Precinct  
DRAFT UPDATES TO DESIGN GUIDELINES**

*Refer to separate link for draft updates to the East Fraser Lands Design Guidelines*

**East Fraser Lands Waterfront Precinct  
 PUBLIC BENEFITS SUMMARY**

**Project Summary:**

Amendments to CD-1 (567) to allow an additional 41,197 sq. m. (443,442 sq. ft.) of residential floor area and increase the maximum building heights:

- Parcel 30, an additional 20 storey tower;
- Parcel 33/34, from 14 to 23 storeys;
- Parcel 35/36, from 9 to 16 storeys; and
- Parcel 31 (community centre), from 3 to 4 storeys.

**Public Benefit Summary:**

The proposal would secure delivery of a community centre and required drainage works.

	Current Zoning	Proposed Zoning
Zoning District	CD-1	Amended CD-1
Floor Area (sq. ft.)	1,118,553	1,561,994
Land Use	Mixed-use	No change

**Summary of Development Contributions Expected Under Proposed Zoning**

City-wide DCL <sup>1, 2</sup>	\$7,085,182
Utilities DCL <sup>3</sup>	\$0
CAC (In-kind)	\$16,000,000
Public Art <sup>4</sup>	\$489,437
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>	<b>\$23,574,619</b>

**Other Benefits** (non-quantified): 9,290 sq. m. (100,000 sq. ft.) of secured market rental units.

<sup>1</sup> Based on DCL by-laws and rates in effect as at September 30, 2021; by-laws are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection, see the City's [DCL Bulletin](#) for details.

<sup>2</sup> At time of development permit application, the applicant may request a waiver of the City-wide DCL attributed to the residential floor area qualifying as "for-profit affordable rental housing", subject to regulations in place at the time. If the applicant seeks the waiver at time of development permit, the value of the waiver of the City-wide DCLs using today's rates for the rental residential floor area is approximately \$1,824,000.

<sup>3</sup> To be removed as per Council approval. The UDCL removal would generate \$38M (87% recaptured) through future EFL development, which will be split between contribution towards the community centre (\$22M) and the drainage works (\$16M).

<sup>4</sup> Based on rates contained in the River District Public Art Fund Agreement.

**East Fraser Lands Waterfront Precinct  
 APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**Property Information**

Address	Property Identifier (PID)	Legal Description
3480 East Kent Avenue South	029-292-298	Lot 37 District Lots 330 & 331 Group 1 New Westminster District Plan EPP31354 Except EPP91177
3522 East Kent Avenue South	029-292-310	Lot 38 District Lot 331 Group 1 New Westminster District Plan EPP31354

**Applicant Information**

<b>Architect</b>	Boniface Oleksiuk Politano Architects
<b>Registered Owner</b>	Park Lane River District Developments Ltd.

**Development Statistics**

	Permitted Under Existing Zoning	Proposed																																
<b>Zoning</b>	CD-1	Amended CD-1																																
<b>Uses</b>	Mixed-use	Mixed-use																																
<b>Floor Area (all uses)</b>	103,917 sq. m	145,114 sq. m																																
<b>Height</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Parcel</th> <th>Height (m)</th> </tr> </thead> <tbody> <tr><td>26</td><td>67.5</td></tr> <tr><td>27</td><td>22.0</td></tr> <tr><td>29 and 30</td><td>87.0</td></tr> <tr><td>31</td><td>10.5</td></tr> <tr><td>32.1 and 32.2</td><td>6.6</td></tr> <tr><td>33 and 34</td><td>46.6</td></tr> <tr><td>35 and 36</td><td>31.0</td></tr> </tbody> </table>	Parcel	Height (m)	26	67.5	27	22.0	29 and 30	87.0	31	10.5	32.1 and 32.2	6.6	33 and 34	46.6	35 and 36	31.0	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Parcel</th> <th>Height (m)</th> </tr> </thead> <tbody> <tr><td>26</td><td>no change</td></tr> <tr><td>27</td><td>no change</td></tr> <tr><td>29 and 30</td><td>no change</td></tr> <tr><td>31</td><td>15.5</td></tr> <tr><td>32.1 and 32.2</td><td>no change</td></tr> <tr><td>33 and 34</td><td>76.0</td></tr> <tr><td>35 and 36</td><td>55.0</td></tr> </tbody> </table>	Parcel	Height (m)	26	no change	27	no change	29 and 30	no change	31	15.5	32.1 and 32.2	no change	33 and 34	76.0	35 and 36	55.0
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<b>Parking, Loading and Bicycle Spaces</b>	Per Parking By-law	Per Parking By-law																																
<b>Natural Assets</b>	0 existing on-site by-law trees or City trees	Per Landscape Condition(s) in Appendix B																																

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