

SUMMARY AND RECOMMENDATION

5. REZONING: 1550 Alberni Street

Summary: To rezone 1550 Alberni Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposal is for a 43-storey mixed-use building, comprised of market residential with commercial uses at grade, all over eight levels of underground parking. A height of 132.35 m (434 ft.) and an FSR of 14.15 are proposed.

Applicant: Merrick Architecture in conjunction with Kengo Kuma and Associates.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of September 20, 2016.

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

- A. THAT the application by Merrick Architecture in conjunction with Kengo Kuma and Associates, on behalf of 1550 Alberni Property Inc. , to rezone 1550 Alberni Street [Lots A to E of Lots 11 to 13, Block 43, District Lot 185, Plan 1354; PIDs 014-829-410, 014-829-428, 014-829-444, 014-829-461 and 014-829-487 respectively] from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 6.00 to 14.15 to allow for the construction of a 43-storey mixed-use building, comprised of market residential with commercial uses at grade, generally as presented in Appendix A of the Policy Report dated, September 6, 2016, entitled "CD-1 Rezoning: 1550 Alberni Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Merrick Architecture in conjunction with Kengo Kuma and Associates, and stamped "Received City Planning Department, May 3, 2016", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to further reduce the average floorplate of the tower above a height of 18.3 m (60 ft.) to meet the floorplate size objective of 603.9 m² (6,500 sq. ft.) as set out in the *West End Plan*.

Note to Applicant: The intent of the floorplate control is to limit building bulk in order to preserve views and maintain access to light to public areas. As such, the technical measure of floorplate should include areas of a floor that are open to below, structure, and storage; and should only exclude exterior balcony areas. The degree of visual porosity of the full-height parapet walls at the perimeter of Level 43 (transparency of glass, design of supporting structural members, and translucency of aluminum panels) will determine whether the roof deck areas of that level will be included into the computation of floorplate. Refer also to Condition 4.

2. Design development to maintain the general building form, balconies and architectural expression as illustrated.

Note to Applicant: Balcony area in excess of 12% will be included in the calculation of FSR, but shall not be captured in or converted to enclosed floor area or otherwise cause an increase in building bulk.

3. Design development to maintain the high quality materials and to maintain the level of detailing implied and necessary to accomplish and construct the proposed design aesthetic (this includes the minimal and flush detail conditions at floors, columns, soffits, guards, wedge-shaped floor extrusions, the layering of shingle panels, perforated metal panels and the domed lattice work at the forecourt).

Note to Applicant: Particular attention should be applied to the effects of weathering of architectural elements that are exposed contrasted to similar elements that are covered, such as exterior concrete columns. The proposed materials (aluminum shingle panels, domed lattice wood grid structure, butt glazing at commercial frontage, structural glass with glass fins on levels two through six, clear glazing in concealed aluminum frames on residential levels) and detailing are to be carried forward and remain through the development permit process

4. Retention of the unique architectural design and resulting low-efficiency floor layout of the building.

Note to Applicant: These were key factors in the pro forma analysis and resolution of the community benefits offering. The City has acknowledged several premium cost components in the pro forma reviewed as part of the rezoning application, including the significantly reduced floor layout efficiency rate at 69%. If the applicant chooses to make alterations to the elements of the building design, which result in the removal of such premium cost items or in increasing the efficiency

above 69%, Council approval must be sought through an application to change the form of development under Schedule 1, Section 16 of the Zoning and Development Fee By-law. Any implications this would have for the Community Amenity Contribution would be reported to Council at that time.

5. Design development to the physical composition and positioning of perforated aluminum screens at balcony locations to provide a high degree of visual porosity and to ensure the openness of these outdoor spaces.

Note to Applicant: The intent is to ensure good access to daylight for residents and to reduce the impression of solidity at balcony locations as viewed from public areas. Sufficient visual porosity of the panels as viewed both directly through and at an angle is required to 1) satisfy the technical requirement of Horizontal Angle of Daylight; and 2) to exclude the affected exterior balconies from the floorplate calculation. Details of perforated screens indicating material, finish and dimensions of components will be required. Screens at balconies should be noted as open to air flow and include dimensions to show that the screens occupy less than half of the balcony width, or in the case of a corner location, less than half of the balcony perimeter.

6. Design development to provide an enhanced public realm on Cardero Street consistent with the *Triangle West Streetscape Design Details* (see also Engineering enactment condition 4 (c)).
7. Design development to enhance the laneway interface.

Note to Applicant: Explore opportunities to improve and activate the laneway with active land uses. Consider pedestrian lighting, landscaping and gardens, seating, and other public realm improvements (see also Landscape condition 19).

8. Clarification of the intent of the use of the area on the roof of the loading area.

Note to Applicant: Further study and review of the neighbouring context is required to determine suitability of any use at that area. Any proposed structure located on the roof of the loading bay must not compromise the horizontal angle of adjacent residential units.

9. Provision of confirmation that the open domed garden and forecourt will not be enclosed at any time in the future;

Note to Applicant: This condition will be carried forward through to the development permit stage.

10. Design development to the landscaping and proposed use along Alberni Street to:

- (a) Provide improved visibility to the ground level commercial space as viewed from the sidewalk;
- (b) Imply that the forecourt area is for private use;
- (c) Clearly identify entry locations; and
- (d) Respond to Crime Prevention Through Environmental Design (CPTED) principles.

Note to Applicant: See also CPTED condition 15.

- 11. Provision of a vertical vent space to accommodate future exhaust from the commercial level.

Note to Applicant: Intent is to allow for a wider range of uses, including restaurants, without requiring the retrofitting of exhaust ducting on the outside of the building.

- 12. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

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

- 13. Design development to improve the circulation to the exterior children's play area.

Note to Applicant: The play area should be both handicap accessible and more conveniently accessed. Refer also to Urban Design condition 13.

- 14. Design development to create ground-oriented open spaces suitable for children's play with adjacent common amenity room. Refer to the *High-Density Housing for Families with Children Guidelines* for more information.

- 15. Design development to comply with the Horizontal Angle of Daylight provision of the CD-1 By-law.

Note to Applicant: Ensure that exterior perforated aluminum panels are sufficiently porous to permit the required visual access to daylight from habitable spaces. Details of panels will be required at the development permit stage to meet the satisfaction of staff. Refer also to Condition 4.

Design development is also required to provide Horizontal Angle of Daylight to habitable spaces of units 302 and 303 if the area on top of the loading area is to be developed. Refer also to Condition 7.

Crime Prevention Through Environmental Design (CPTED)

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

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

Sustainability

17. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The design strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Landscape

18. Design development to the covered landscaped forecourt area to allow transparent visibility into the plaza from Alberni Street, while ensuring the plaza functions as a private space for private use only;

Note to Applicant: Confirmation is required that the planting will maintain visual access over time. The taller bamboo should be replaced with another plant for safe visual access from the street. The public to private transition should clearly indicate the plaza as a private space. The children's play area should be visible from all angles, rather than completely screened by planting. See also Urban Design conditions 12 and 13.

19. Design development to improve sustainability and expand programming to include urban agriculture plots if possible, as well as edible plants.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's *Urban Agriculture Guidelines for the Private Realm* and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

20. Provision of a pedestrian friendly experience at the lane edges by the use of down lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by a 0.2 m (8 in.) high curb.

21. Design development to ensure locations of hydro kiosk in areas screened by soft landscape, or in internal mechanical room. Any other emergency generators, transformers or gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.
22. Arrangements to be made for the City Engineer and Vancouver Board of Parks to review all existing City-owned trees, including along Alberni and Cardero streets, as well as the six trees along the lane.

Note to Applicant: Tree locations noted on the survey. Please call 311 for referral to Cabot Lyford, Urban Forestry, Park Board, and Kevin Cavell, Engineering Services. See also Engineering enactment condition 4 (i).

23. A full Landscape Plan to be provided at the development permit submission stage.
 - (a) The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
 - (b) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future.
 - (c) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

- (d) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (e) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (f) A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade;
- (g) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

- (h) Please place the following notes on the landscape plans;
 - (i) All plant material within the same continuous planting area which is located on street right-of-way within 10 m (32.8 ft.), measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m (2 ft.), measured from the sidewalk.
 - (ii) All plant material within the street right-of-way which is located outside of the areas described above shall not exceed 1 m (3.3 ft.) in height, measured from the sidewalk. Exceptions will be approved on a case-by-case basis by the City of Vancouver's Street Activities Branch.
 - (iii) All plant material shall be planted in such a way that it does not encroach on the adjacent roadway, sidewalk, bike lane or lane.
 - (iv) Planting proposed on street right-of-way should take into consideration parking and boulevard access requirements.

Engineering

- 24. Clarification is required that no portion of the building will encroach over the property lines.

Note to Applicant: Based on the grid-line locations, some building elements appear to be shown over the property lines on the elevation drawings (pages A310 - A313).

25. Clarification if any canopies or awnings are proposed to extend over the property lines (future property lines or SRW areas); if so a separate application to the General Manager of Engineering Services is required.
26. Clarify garbage pick-up operations. Confirm whether all bins are to be pulled out through the loading bays for pick up.
27. Delete the proposed curbing shown in the lane on drawing A206. The existing rollover curb is to remain.
28. Provision of two Class B loading spaces with double loading throats, to accommodate MSU trucks and provide 4.1 m (13.5 ft.) of vertical clearance.

Note to Applicant: The dimensions for the 2 Class B spaces shown on drawing A204 would meet this requirement. Confirm 4.1 m (13.5 ft.) of vertical clearance and the required loading throats are being provided and note on plans.

29. Provision of a Loading Management Plan outlining the following:
 - (a) How the loading facility will operate, as two Class B spaces are proposed to be shared. Provide the framework for the detailed shared loading agreement.
 - (b) Management of the facility, including the name, phone number and email of the on-site loading manager.
 - (c) Provision of a sign outlining the loading procedure and site contact information to be posted on-site.
 - (d) Specify routing of the trucks from the arterial streets to and from the loading space and show maneuvering for the largest truck to identify any required geometric changes at the lane entrance/exit that are required. The truck routing should avoid using the Cardero Street Bikeway, if possible.
 - (e) Show the access route from the Class B loading spaces to reach the commercial and residential uses. The route must be 'stairs free' and confirm the use of an elevator, if required.
30. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
31. Compliance with the *Parking and Loading Design Supplement* to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (a) Provision of design elevations on both sides of the parking ramp at all breakpoints, within the parking area, both sides of the loading bay, and at all entrances.

Note to Applicant: Where there is a curved ramp, provide grades two feet from the wall on the inside radius (Section I.A). The slope and length of the ramp sections must be shown on the submitted drawings. The slope and crossfall of the loading bay must not exceed 5%.

32. Modification of the parking ramp design to the satisfaction of the General Manager of Engineering Services. The following must be addressed:

- (a) The slope must not exceed 10% for the first 6.1 m (20 ft.) from the property line. Additional design elevations are required along the outside radius of the ramp to confirm the slope and crossfall.
- (b) The crossfall must not exceed 5%.
- (c) The slope must not exceed 12.5% after the first 6.1 m (20 ft.) from the property line. Slopes of 15% may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m (13.1 ft.) in length.
- (d) Provision of two-way traffic flow in the main ramp (Section I.B) - the current ramp design and column placements on the ramp does not allow for opposing vehicles to pass and affects maneuvering.
- (e) Provision of 6.1m (20 ft.) of ramp width as 5.7 m (18.7 ft.) and 5.8 m (19.0 ft.) ramp widths are shown on drawing A205 and A206.
- (f) Parking ramps must be designed to position vehicles perpendicular to the lane to facilitate ease of vehicle ingress and egress from either direction of travel in the lane.
- (g) Provide corner cuts through the inside radiuses of the main parking ramp to enable two vehicles to pass each other unobstructed. Corner cuts are required at the top and bottom of ramps to provide adequate radii for continuous two-way traffic flow where 200 or more vehicles are being served. A standard 6m (20 ft.) ramp width would require a 2.7 m by 2.7m (9 ft. by 9 ft.) corner cut. Reduced corner cuts would be acceptable for wider ramps upon review.

- (h) Provide increased width through the curved section of the parking ramp to enable two vehicles to pass unobstructed.
- (i) Provision of additional maneuvering analysis for the parking ramp and parking levels. Exhibit 2 in the Bunt analysis dated March 22, 2016 is missing column locations on the ramp, walls adjacent to the maneuvering aisle, and the maneuvering for the exiting vehicles from P1. Further analysis is required showing two-way flow on the ramp where 200 or more vehicles are being served with the necessary corner cuts and column adjustments. Confirm two-way flow is being provided by the bicycle elevator on drawing A203.

Note to Applicant: Explore providing two separate 3.7 m (12 ft.) wide ramps (inbound and outbound) with corner cuts and different ramp slopes. The existing slopes and crossfalls for the site may not work with a single ramp. Consultation with a Transportation Engineer is recommended.

- (j) Consider relocating the maneuvering aisle at the bottom of the ramp on P1 to be along the north property line to create greater separation between the maneuvering aisle and the revised drop-off space.
- (k) Remove the column encroachment into the maneuvering aisle at gridline A/3 on P1 and P2 to provide and improve 2-way flow.

Note to Applicant: The large column along the south wall encroaches into the maneuvering aisle.

- (l) Dimension all parking stalls and column encroachments and label all types of parking and loading spaces on the drawings as commercial or residential spaces.

Note to Applicant: A column 0.61 m (2 ft.) in length must be set back 0.61 m (2 ft.) from either the opening to or the end of the parking space. A column 0.91 m (3 ft.) long may be set back 0.1 m (1 ft.). Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 1.2 m from the end of the stall. Provide a minimum 0.3 m (1 ft.) setback from the drive aisle for all columns.

- (m) Provision of minimum vertical clearances for the main ramp, security gates, and loading bays.

Note to applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. A minimum vertical clearance of 2.3 m (7.5 ft.) is required for access and maneuvering to all disability spaces. A minimum vertical

clearance of 4.1 m (13.5 ft.) is required for Class B loading spaces and maneuvering.

- (n) Provision of a bicycle elevator to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The minimum dimensions for a bicycle elevator are 2 m (6.6 ft.) in length and 2.1 m (6.9 ft.) in width with doors on either end. Provide additional detailed information for the bike lift and swinging doors shown on drawing A205.

- (o) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

Neighbourhood Energy Utility

- 33. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 34. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

- 35. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
- 36. Provide for 21 m² (226 sq. ft.) of adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, at development permit.

37. Provide for up to 93 m² (1001 sq. ft.) of suitably located dedicated Neighbourhood Energy Room and design provisions to accommodate the City-designated NES, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, to the satisfaction of the General Manager of Engineering Services.
38. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots A, B, C, D & E, All of Lots 11 to 13, Block 43, DL 185, Plan 1354 to create a single parcel.
2. Provision of a building setback and a surface Statutory Right of Way (SRW) on Alberni Street to achieve a 4.5 m (14.8 ft.) distance from the back of the existing City curb to the proposed building face. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrance such as structure, stairs, door swing and plantings at grade but the encroaching building portions shown below grade and at the 3rd storey and above will be accommodated within the SRW agreement.
3. Release of Easement & Indemnity Agreement 535278M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition for zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

4. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No

development permit for the site will be issued until the security for the services are provided:

- (a) Provision of a standard concrete pedestrian lane crossing and new curb returns at the lane entrance south of Alberni Street on the east side of Cardero Street.
- (b) Provision of a new curb return and curb ramps at the south east corner of Alberni Street and Cardero Street (adjacent to the site).
- (c) Provision of Triangle West sidewalk treatments on the Cardero Street frontage of the site.
- (d) Relocation of the existing utility kiosk mid-block on the Cardero Street frontage of the site so that it is out of the future sidewalk planned for this street frontage.

Note to Applicant: Should an acceptable location not be found on public property then the site is to provide on-site space to accommodate this kiosk including any legal arrangements (rights of way) to accommodate placement onto the site.

- (e) Provision of new 3.15 m (10.3 ft.) concrete sidewalks and 1.35 m (4.4 ft.) exposed aggregate front filler sidewalk with saw cut joints adjacent to the Alberni Street frontage of the site.
- (f) Provision of upgraded street lighting adjacent the site and new pedestrian scale lighting on Cardero Street adjacent to the site. A review of the existing lighting is required to determine its adequacy and upgraded lighting is to be provided where required.
- (g) Provision of geometric changes and street re-construction at the Cardero Street and Alberni Street intersection to allow for a fully protected bicycle and pedestrian friendly intersection adjacent to the site. Work to include adjustment of all utilities and services to accommodate the proposed geometric changes.
- (h) Provision of street reconstruction on Cardero Street adjacent to the site to allow for new curb and gutter, 2.5 m (8.2 ft.) raised protected bicycle lane, grass boulevard with street trees, CIP broomed finished sidewalks with saw cut joints and new curb ramps where required. Work to include adjustment of all utilities and services to accommodate the proposed geometric changes.
- (i) Provision for removal and/or relocation of the street trees on Cardero Street adjacent to the site to accommodate the proposed geometric changes and new street trees adjacent the site where space permits.

- (j) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Neighbourhood Energy Utility

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the *West End Plan*, that may include but are not limited to agreements which:
- (a) Require buildings within the development to connect to the City-designated NES at such time that a system becomes available;
 - (b) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation;
 - (c) Grant use of and access to suitable space required for the purposes of an energy transfer station as established in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, to the satisfaction of the General Manager of Engineering Services; and
 - (d) Grant use of and access to the Neighbourhood Energy Room for the purposes of infrastructure and distribution equipment to the satisfaction of the General Manager of Engineering Services.

Note to Applicant:

- (i) A City-designated NES utility provider has been identified, and the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.
- (ii) The Development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available at that time, the agreement will provide for future connection.
- (iii) At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.
- (iv) Design shall provide suitable space for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications conduit. Neighbourhood energy equipment may include, but is not limited to; a steam to hot water converter station sized for neighbourhood service provision, an energy plant sized for neighbourhood service, energy transfer stations (ETS), and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

Heritage Density Transfer

- 7. Secure the purchase and transfer of a total of 6,916 m² (74,444 sq. ft.) of heritage density (which has a total value of \$6,258,590) as follows:
 - (a) A purchase of 6,274 m² (67,529 sq. ft.) of heritage density valued at \$5,739,965 from 101 West Hasting Street (Woodwards).

Note to applicant: The stipulated value for this heritage density is \$85.00 per buildable square foot.

- (b) A purchase of 642 m² (6,915 sq. ft.) of heritage density valued at \$518,625 from 71-77 East Hastings Street.

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$75.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$75.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to applicant: “Letter B” in the City’s standard format is to be completed by both the owner of the subject site, also referred to as the “receiver” site, and the owner of the “donor” site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Amenity Bonus Density Transfer

8. Secure the purchase and transfer of a total of 3,586 m² (38,600 sq. ft.) of amenity bonus density (which has a total value of \$3,281,000) from 101 West Hastings Street (Woodwards).

Note to applicant: The stipulated value for this transferrable amenity bonus density is \$85.00 per buildable square foot.

Note to applicant: “Letter B” in the City’s standard format is to be completed by both the owner of the subject site, also referred to as the “receiver” site, and the owner of the “donor” site, and submitted to the City prior to enactment together with receipt(s) of amenity bonus density purchase, including the amount, sale price, and total cost of the amenity bonus density.

Community Amenity Contribution (CAC) - Cash Payments

9. Pay to the City the cash component of the Community Amenity Contribution of \$22,460,450 which the applicant has offered to the City and is allocated as follows:
- (a) \$8,250,000 toward public realm improvements in the West End area, which could include improvements to the Cardero Stroll, Alberni Street, Georgia Gateway, and Robson Village areas, including a new public plaza at Bute Street.
 - (b) \$10,657,838 toward renewal and expansion of community facilities serving the West End area, which could include the West End Community Centre complex, childcare, library, seniors’ centre, and/or cultural space.

- (c) \$3,552,613 toward affordable housing in the West End area.
10. Payment of the cash portion of the CAC is to be made as outlined below, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services:
- (a) \$10,460,450 must be paid in cash prior to enactment of the CD-1 By-law; and
 - (b) The balance of \$12,000,000 must be paid in cash on the following milestones:
 - (i) \$3,000,000 to be paid upon the earlier of: (i) the date of issuance of the first Development Permit; and (ii) the date that is 12 months (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 12 months following the date of rezoning enactment until the date that such amount is fully paid; and
 - (ii) \$9,000,000 to be paid at or before the date that is 18 months (measured in calendar days) following the date of rezoning enactment, with interest accruing at prime plus 3% (per Bank of Montreal daily prime rates) from the date that is 18 months following the date of rezoning enactment until the date that such amount is fully paid.
 - (c) The deferral of \$12,000,000 of the cash CAC will be secured by a mortgage registered as a first charge against the Rezoning Lands in the Land Title Office (LTO) in priority over all other financial charges and any other charges as required by the City's Director of Legal Services or by such other security acceptable to the Director of Legal Services (the "City Security"). The City will be entitled to realize on the City Security if the required payments are not made to the City in the amounts and at the times set out above.

Public Art

11. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please call 311 to be directed to the Public Art Program Manager to discuss your application.

Soils

12. If applicable:
- (a) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (b) As required by the Manager of Environmental Planning 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
 - (c) If required by the Manager of Environmental Planning 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 Planning, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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

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

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

- B. THAT, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C of the Policy Report dated, September 6, 2016, entitled "CD-1 Rezoning: 1550 Alberni Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as

set out in Appendix C of the Policy Report dated, September 6, 2016, entitled “CD-1 Rezoning: 1550 Alberni Street”.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated, September 6, 2016, entitled “CD-1 Rezoning: 1550 Alberni Street”.

- E. THAT Recommendations A through D be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 1550 Alberni Street]