

## SUMMARY AND RECOMMENDATION

**4. REZONING: (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street****Summary:**

(i) To amend CD-1 (435) for 1380 Hornby Street and to rezone 1382 Hornby Street from DD (Downtown) District to the amended CD-1 (435) in order to permit the development of a 39-storey residential development with floor space ratio of 16.4 and height of 114.6 m (376 ft.) and to relocate the heritage building known as the "Leslie House" within the consolidated site; and

(ii) To rezone 801 Pacific Street from DD (Downtown) District to CD-1 (Comprehensive Development) District to permit the development of a seven-story cultural facility with floor space ratio of 3.51 and height of 26 m (85.3 ft.).

**Applicant:** IBI Group and ACDF Architecture

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of January 24, 2017.

**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 IBI Group and ACDF Architecture for 1380-1382 Hornby Street and 801 Pacific Street, on behalf of Hornby BT Holdings Limited and Pacific BT Holdings Limited (Grosvenor Pacific), to:
- (i) amend CD-1 (435) for 1380 Hornby Street [*PID: 026-006-359, Lot A, Block 111, District Lot 541, Group 1, New Westminster District Plan BCP 12494*] and to rezone 1382 Hornby Street [*Lots A and B (see 410809L) of Lots 18 and 19, Block 111, District Lot 541, Plan 210, PIDs: 015-472-507 and 015-472-566 respectively*] from DD (Downtown) District to the amended CD-1 (435) in order to permit the development of a 39-storey residential development with floor space ratio of 16.4 and height of 114.6 m (376 ft.) and to relocate the heritage building known as the "Leslie House" within the consolidated site; and
  - (ii) rezone 801 Pacific Street [*Lots 20 and 21, Block 111, District Lot 541, Plan 210, PIDs: 005-989-621 and 009-812-067 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District in order to permit the development of a seven-story cultural facility with floor space ratio of 3.51 and height of 26 m (85.3 ft.),

generally as presented in Appendices A1 and A2 of the Policy Report dated January 10, 2017, entitled "CD-1 Rezoning: (i) 1380 -1382 Hornby Street and (ii) 801 Pacific Street", be approved subject to the following conditions:

## CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT - 1380-1382 Hornby Street

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by IBI Group in conjunction with ACDF Architecture, and stamped "Received City Planning Department, December 21, 2015", 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. Significant design development to the proposed tower's shape and location, in order to improve the livability for the neighbouring development located immediately due north (1360 Hornby Street), including:
  - (i) The preservation of private views from south-facing dwelling units located immediately north of the subject site, for as many dwelling units as possible; and
  - (ii) Ensuring that the proposed outdoor amenity area located on Level 2 does not result in a higher party wall than the existing wall at 1360 Hornby Street, while also avoiding an overlook opportunity into 1360 Hornby Street's existing outdoor amenity.

Note to Applicant: The tower should be located and shaped in plan so that the accumulated horizontal expanse of view for the neighbouring dwelling units is equal to or better than what resulted from the previously Council-approved CD-1(435).

- 2. Significant design development to achieve an improved integration of the Leslie House with the overall design, including:
  - (i) establishing a legible transition in scale between the proposed tower and the Leslie House, as viewed from the Pacific Street sidewalk;
  - (ii) achieving a more commodious immediate context for the Leslie House, including a backdrop of open space, landscaping, open sightlines and perimeter plantings, to lessen the appearance of being sited in a constricted area;
  - (iii) establishing a layered landscaping response against the rear service lane, involving a finer grain of short, brick masonry retaining walls to help delineate the area around the Leslie House.

3. Design development to the street-level interface against the Hornby Street sidewalk within the required 1.8 m (6 ft.) building setback, in order to meet the design objectives in the *Downtown South Design Guidelines*, including:
  - (i) provision of a 0.6 m (2 ft.) increase to the public sidewalk width, as measured from the Hornby Street property line;
  - (ii) provision of the remaining 1.2 m (4 ft.) setback to be landscaped with minimum 60% soft landscaping providing soil depths of minimum 1.1 m (3.5 ft.); and
  - (iii) any retaining wall located at the edge of the 0.6 m (2 ft.) sidewalk widening should be no more than 0.3 m (1 ft.) in height above the adjacent sidewalk grade.
4. Design development to achieve a more neighbourly interface with the service lane and the existing terrace of the neighbouring property immediately north, including:
  - (i) a minimum 0.6 m (2 ft.) setback from the rear property line, to be landscaped with soft foundation plantings where possible;
  - (ii) elevation treatment with a more textured cladding material, such as stone or brick masonry; and
  - (iii) a minimization in height of the lane-facing rear elevation, to no more than what is required to achieve the minimum required height of the loading bays.
5. Confirmation of the following:
  - (i) triple-glazing to be employed as the typical cladding system for the north and south elevations;
  - (ii) the maximum area of the tower floorplate, excluding exterior balconies, does not exceed 603.8 m<sup>2</sup> (6,500 sq. ft.); and
  - (iii) a window-cleaning system that does not require equipment that is permanently visible from any public vantage point.
6. Design development to further articulate the exterior balcony expression on the tower component.

Note to Applicant: This condition responds to comments heard from the Urban Design Panel that the architectural expression could be mistaken for an office building.

#### **Crime Prevention Through Environmental Design (CPTED)**

7. 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

- 8. 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 1 point for 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.

- 9. Provision of a detailed Sustainability Design Strategy specific to Leslie House as part of the Development Permit application that articulates how the best green building performance outcome can be achieved within the guidance of Federal Government's *Standards and Guidelines for the Conservation of Historic Places in Canada* and the *Building Resilience: Practical Guidelines for the Retrofit and Rehabilitation of Buildings in Canada*.

Note to Applicant: In 2016, the Federal Provincial Territorial Ministers of Culture and Heritage in Canada (FPTMCHC) published a document entitled, *Building Resilience: Practical Guidelines for the Retrofit and Rehabilitation of Buildings in Canada* which is intended to serve as a "sustainable building toolkit" for "existing and traditionally constructed buildings as well as formally recognized heritage places." It is strongly recommended this document be used to inform the Sustainability Design Strategy for Leslie House in conjunction with the Standards and Guidelines for the Conservation of Historic Places in Canada.

## Heritage

10. Provision of a revised Leslie House Conservation Plan as part of the Development Permit application to include the following:
  - (i) The Sustainability Design Strategy for Leslie House, as required in Sustainability condition 9 under the Conditions of Approval of Form of Development, and rationalization of the proposed sustainability measures from the heritage conservation prospective.
  - (ii) Development of detailed conservation procedures for the building's interior to accommodate approved adaptive re-use while minimizing impact on historic materials and finishes.
  - (iii) Development of the Interpretation Plan with all its components (plaques photos, artifacts). The content of the Interpretation Plan, as well as the design development of all its components, is to be integrated with the development permit application documentation and completed prior to the issuance of the permit. The installation of the Interpretation Plan and its components is to be completed before occupancy of the tower and public access to it ensured at that time.

Note to Applicant: The purpose of the Interpretation Plan is to present the importance of the historic place for the community, to provide information about its history and evolution, as well as to explain the circumstances resulting with its new location.

## Landscape

11. Explore opportunities for planting at the lane.

Note to Applicant: Except at points of access, consider the addition of climbing vine systems at the base of the wall in between the parking garage entrance and the loading area. (Refer to urban design condition for landscape treatment to the perimeter of the Leslie House.)

12. Provide a second row of smaller shade trees within the private property planters adjacent to Hornby Street.

Note to Applicant: Provide trees wherever possible. Planter areas accommodating any trees will need to be a minimum inside dimension of 1.0 m (3 ft.) to accommodate trees.

13. Design development to improve the pedestrian experience adjacent to Pacific Street by:
  - (i) deleting the water feature in its entirety; and
  - (ii) providing additional layered planting and permanent street furniture consistent with the *Downtown South Guidelines* and the Pacific Street "Great Street" treatment.

Note to Applicant: Please note that the "Great Street" treatment for Pacific Street has specific tree species and tree spacing requirements for the public realm. The private realm landscape treatment should be compatible with the public realm treatment.

14. Integrate grades, retaining walls, walkways and structural design with the architecture to ensure adequate soil volumes.

Note to Applicant: Soil depths should exceed BCLNA Landscape Standard. Angle the corner of the underground slab downward (approximately 1.2 m/4 ft. horizontally and 1.0 m/3.3 ft. vertically) to maximize contiguous soil volumes in order to avoid raised planters above grade at the perimeter of the building. Wherever possible, planted landscapes on slab should be designed to maximize soil depths.

15. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad-mounted transformers, "Vista" junctions, underground venting, etc.) visible to the public realm. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

16. At the time of Development Permit application:

- (i) provision of a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. The Plant List should include the common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The Landscape Plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through common open spaces, semi-private patio areas and the public realm;

Note to Applicant: In tree areas, the sections should illustrate, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

- (iii) application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture;

- (iv) provision of high efficiency irrigation for all planted areas and hose bibs for urban agriculture areas (where applicable);

Note to Applicant: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify how the irrigation is to be designed and constructed.

- (v) provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis);

- (vi) provision of an outdoor Lighting Plan; and

Note to Applicant: Consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

- (vii) consideration to explore design options that respect the City's *Bird Friendly Design Guidelines*;

Note to Applicant: refer

<http://council.vancouver.ca/20150120/documents/rr1attachmen tB.pdf>

## Engineering

17. Correction of the legal descriptions on page A0.1 to read "Lots A & B (See 410809L), Both of Lots 18 and 19, Plan 210, and Lot A, Plan BCP12494; All of Block 111, District Lot 541".
18. Correction of Section 1 on pages A6.1 and A6.2, as it incorrectly shows P1 within the proposed volumetric statutory right-of-way (SRW) area.
19. Provision of City building grades on the site plan and corresponding design grades at all entries along the property lines clearly indicating building grades are met.  
  
Note: First risers for all stairs are to be 1'-0" behind the property line.
20. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.  
Note: pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.
21. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.
22. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

23. Provision of streetscape treatment on Hornby Street in accordance with the *Downtown South Guidelines* for the Hornby Slopes neighbourhood, including sidewalk and stamps, tree grates and surrounds, benches and bike racks etc. In addition saw-cut joints should be used rather than trowelled tool lines for the sidewalk pattern. Notes should be added to the Landscape Plan.
24. Provision of changes to the material legend for concrete sidewalks to include DTS stamp treatment and saw-cut joints, instead of the more general COV standard.
25. Provision of CIP light broom-finish sidewalks with saw-cut joints on Pacific Street and a sod grass boulevard with no tree grates between the sidewalk and bike lane. Note: *Downtown South Guidelines* do not apply to Pacific Street.
26. Deletion of the proposed specialty lane treatment and provision of a separate application to the City Engineer for specialty treatments in the lane.

Note to Applicant: Approvals of the lane treatments to be fully approved within the DP process and reflected on the plans. Early application is recommended.

27. Confirmation of the need for a vista switch or pad mounted transformer and clearly locate and dimension it on the plans.
28. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.
  - (i) Number and dimension all types of parking and loading spaces on the drawings. Show the loading throat for the Class B loading space.
  - (ii) All Class A bicycle spaces must be located on the P1 parking level or at grade. Should Class A bicycle parking be provided below P1 then provision of an adequately sized elevator for use by bicycles is to be provided.
  - (iii) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (iv) Provision of six (6) Class B bicycle spaces located fully on private property when the racks are occupied.

Note to Applicant: The bike rack orientation shown on the Landscape Plan does not accommodate six (6) bicycles. Bicycles locked to the rack shall not encroach over the Property Line. Ensure that bicycles parked on the rack will not interfere with doors.

- (v) 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.

- (vi) Provision of a minimum 0.3 m (1 ft.) grass strip between any sidewalk and any adjacent planting.

- 29. Provision of a parking ramp design to the satisfaction of the General Manager of Engineering Services. The following is required:

- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking levels and at all entrances. This is to calculate the slope and crossfall. The slope must not exceed 10% for the first 6.1 m (20 ft.) from the property line. The slope must not exceed 12.5% after the first 20' from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m (13 ft.) in length. The design elevations shown on drawings A2.4 and A2.5 do not meet these design requirements.

- (ii) Provide a 2.7 m x 2.7 m (9 ft. x 9 ft.) corner cuts at the top and bottom of the parking ramps 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. Corner cuts are required on the ramps from grade to P3.

Note to Applicant: Please provide the best design solution, which may include a cut and mirrors, to be refined at the Development Permit stage.

- (iii) Provision of a minimum 0.3 m (1 ft.) setback from the drive aisle for all columns.

### Neighbourhood Energy Utility

- 30. 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.
- 31. 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.

32. 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.
33. Provide for 21 m<sup>2</sup> (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.
34. 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 - 1380-1382 Hornby Street

- (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, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, the General Manager of Community Services, the General Manager of Real Estate and Facilities Management, 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 and B (See 410809L), Both of Lots 18 and 19, Plan 210, and Lot A, Plan BCP12494; All of Block 111, District Lot 541 to create a single parcel.
2. Provision of a volumetric statutory right-of-way (SRW) agreement for public access, with or without vehicles, bicycles and pedestrians as if dedicated street over the southerly 3.0 m (10 ft.) of the site and a 3.0 m (10 ft.) (Hornby Street) by a 8.0 m (26 ft.) (Pacific Street) corner cut additional to the said southerly 3.0 m (10 ft.) portion, all to

accommodate the future bicycle lane and future sidewalk along the north side of Pacific Street.

Note to Applicant: The construction of a sacrificial slab is required to protect the parking structure that is proposed below the volumetric right of way area.

3. Provision of a statutory right-of-way (SRW) for public pedestrian use of an expanded sidewalk over the 1.3 m (4 ft.) wide portion of the site directly adjacent and parallel to the northerly boundary of the volumetric statutory right of way noted above. The required SRW agreement must accommodate an underground parking structure and a small corner of the building from Level 3 to the roof within the SRW area.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of a concrete public bike share (PBS) station pad, mid-block on Hornby Street, including all curb, street infrastructure and utility adjustments to accommodate the installation of the pad. Should a final location and/or design not be available at occupancy of the building then delivery of a cash payment equal to the cost of construction of the PBS pad would be required.
  - (ii) Provision of a cast-in-place (CIP) concrete median and deletion of all planters proposed for the median separating the travel lane and bike lane on Hornby Street.
  - (iii) Provision of CIP concrete islands at the intersection of Hornby and Pacific streets that will form a protected intersection for bicycles including all curbs, street infrastructure and utility adjustments to accommodate the installation of the concrete islands. An approved geometric design will be provided by the City.
  - (iv) Provision of new or improved street and pedestrian lighting adjacent to the site, to current standards.
  - (v) Provision of a separated bicycle facility on Pacific Street adjacent the site to tie into the bicycle facility proposed for the 801 Pacific Street site to the east. Work to include construction of the separated bicycle facility, curb adjustments, sidewalk adjustments and adjustments to all infrastructure impacted by the new street design.

- (vi) Upgrading of the existing traffic signal at the intersection of Hornby and Pacific streets to accommodate the proposed geometric changes or provision of funding for the traffic signal upgrade should other nearby street works impact the completion of the upgrade by the time of building occupancy.
- (vii) Provision of a standard commercial concrete lane entry on the north side of Pacific Street at the lane east of Hornby Street, including provision of new curb returns on both sides of the lane entry.

Note to Applicant: The lane is shown as 4.95 m wide on the Landscape Plan. The laneway width must be maintained at 20 ft. (6.1 m).

- (viii) Provision of streetscape treatment in accordance with the *Downtown South Guidelines* for the Hornby Slopes neighbourhood, including concrete sidewalk, leaf stamps, tree grates, surrounds, benches and bike racks.
- (ix) 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.

Note to Applicant: The development should tie storm and sanitary sewer connections to the existing 375 mm diameter storm sewer and 250 mm diameter sanitary sewer in the lane east of Hornby Street and north of Pacific Street.

- 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 plants, 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 the City-designated Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and may include but are not limited to agreements which:
  - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;
  - (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation; and
  - (iii) 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.

Note to Applicant:

- a. 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.
- b. 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.
- c. 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 (Leslie House)

7. Discharge of the current Heritage Revitalization Agreement notice No. BW307521 from title to Lot A, Block 111, District Lot 541, Group 1 NWD Plan BCP12494.
8. Discharge of the existing Heritage Restoration Covenant registered in the Land Title Office under No. BB882568 from title to Lot A, Block 111, District Lot 541, Group 1 NWD Plan BCP12494.

9. Enter into a Heritage Restoration Covenant to be initially registered on title to the parcels comprising both the Hornby Street Site and the Pacific Street Site to, among other things:
  - (i) rehabilitate and conserve Leslie House in accordance with the proposal and the approved Conservation Plan;
  - (ii) secure the conservation and protection of Leslie House in perpetuity, on its current location, during construction on its temporary location on the Pacific Street Site and secure ongoing protection on its final location on the Hornby Street Site after completion of the rehabilitation;
  - (iii) allow the City to place a commemorative plaque on Leslie House; and
  - (iv) ensure the future obligation of maintenance and upkeep of the house is the collective responsibility of the strata.

The Heritage Restoration Covenant is to be completed and registered in the Land Title Office to the satisfaction of both the Director of Planning and the Director of Legal Services.

10. Enactment of the by-law to amend Heritage Designation By-law No. 8879.
11. Repeal of Heritage Revitalization Agreement By-law No. 8878.

#### **Cultural Facility (at 801 Pacific Street)**

12. Delivery of the Pacific Street Site (the "Amenity Lands") and the cultural facility (the "Amenity Building") are subject to the following terms and conditions:
  - (i) Delivery of the Amenity Lands and the Amenity Building to the City prior to issuance of any Occupancy Permit for the Hornby Street Site (1380-1382 Hornby Street). The Amenity Building is to be built to a "warm shell" specification for commercial buildings reflecting the proposed use and ready for final fit out (i.e. tenant improvements). The "warm shell" specification includes:
    - a. a minimally finished interior;
    - b. base building HVAC system ready for distribution;
    - c. base building electrical system, plumbing and washrooms;
    - d. base interior and exterior lighting;
    - e. all building envelope details required to conform to the City's *Zero Emissions Building Plan* including the roof;
    - f. installation of one freight elevator to service the building and all required components;
    - g. basement bicycle parking area with the provision of one end-of-trip facility (i.e. shower); and
    - h. all necessary structural elements required to support the building as well as all required life safety systems.
  - (ii) The Amenity Building improvements, valued at \$10,050,000, shall be secured by a Letter of Credit in the same amount

(inclusive of the environmental remediation estimate of \$58,000), issued to the City of Vancouver and to the satisfaction of the General Manager of Real Estate and Facilities Management and Director of Legal Services, due prior to enactment of the rezoning by-law. The Letter of Credit shall be held by the City of Vancouver until such time as the completed Amenity Building is delivered, free and clear of all deficiencies and legal encumbrances.

- (iii) The building program for the Amenity Building shall generally consist of the following:
- a. 21,050 sq. ft. of gross floor area, 7 levels, built to a design and building specification appropriate for this type of amenity and to the satisfaction of the Director of Facilities Planning and Development and the Managing Director of Cultural Services;
  - b. Preliminary building design work and programming input from BC Artscape indicates a building design that accommodates the following uses:
    - Level 1 – presentation/exhibition and community space;
    - Levels 2 to 7 – production/rehearsal/programming/ancillary space;
    - P1 – bicycle spaces and mechanical/electrical rooms/storage;
  - c. One (1) Car Share Vehicle and car share vehicle space and minimum 39 Class A Bicycle Spaces and six (6) Class B Bicycle Spaces; and
  - d. Built to *Zero Emissions Building Plan* standards, or alternative building standards as required by the Director of Facilities Planning and Development.
- (iv) Registration of an Option to Purchase against title to the Amenity Lands in favor of the City of Vancouver prior to rezoning enactment for a purchase price of \$10.00 which is not exercisable by the City until the earlier of substantial completion of the Amenity Building and five (5) years following zoning by-law enactment for the Hornby Street Site (1380-1382 Hornby Street).
- (v) The Option to Purchase will require that the Amenity Lands be transferred to the City in a condition that meets numeric standards applicable to commercial land use, and will require the Developer to deliver a Certificate of Compliance for the Amenity Lands which confirms that such commercial numeric standards have been met, a separate certificate of compliance for any off-site contamination which may have migrated from the Amenity Lands onto any other property, including onto any

lands dedicated to the City and any City roads or other City property, and an Indemnity Agreement signed by the Developer and its parent company which indemnifies the City of Vancouver from all future on and off-site environmental liability and costs in relation to the Amenity Lands. The Indemnity applies to all contaminants on the Amenity Lands at the time the Amenity Lands are transferred to the City and to those contaminants which have migrated from the Amenity Lands prior to the date of transfer of the Amenity Lands to the City and any contaminants existing on the Amenity Lands as of the date of transfer to the City which thereafter migrate onto any other lands. The developer will not be responsible for any contaminants which are brought onto the Amenity Lands by any party other than the Developer (or someone for whom the Developer is responsible) following the date of transfer of the Amenity Lands to the City. For greater clarity, the deemed land value for the Amenity Lands is \$5,650,000.

### Community Amenity Contribution (CAC)

13. Pay to the City the cash component of the Community Amenity Contribution of \$24,525,000 which the applicant has offered to the City and is allocated as follows:
  - (i) \$4,500,000 to complete the Vancouver Art Gallery plaza project;
  - (ii) \$9,500,000 budgeted for the construction cost of a 69-space childcare facility, including elevator access and underground parking, in and around Downtown South;
  - (iii) \$8,500,000 to complement funding already committed for a couple of social housing projects in Downtown South; and
  - (iv) \$2,025,000 to implement Council active transportation priorities in Downtown South.
  
14. Payment 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:
  - (i) \$20,000,000 must be paid in cash prior to enactment of the by-law to amend CD-1 (435); and
  - (ii) The balance of \$4,525,000 payable on or before eighteen (18) months following enactment of the amended CD-1 (435), and secured by a Letter of Credit in the same amount issued to the City of Vancouver and to the satisfaction of the General Manager of Real Estate and Facilities Management and Director of Legal Services, due prior to enactment of the rezoning by-law. The Letter of Credit shall be held by the City of Vancouver until such time as the remaining cash CAC balance is paid in full.

## Public Art

15. Execute an agreement satisfactory to the Director of Legal Services and the Managing Director of 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). Please note a Civic Program Contribution of 10 % of the proposed public art budget is to be attributed towards the Public Art Program prior to Development Permit (DP) issuance. Please contact the Public Art Program regarding public art options.

Note to Applicant: Please call 3-1-1 to be directed to the Public Art Program Manager to discuss your application.

## Environmental Contamination

16. If applicable:
  - (i) Submit a site profile to Environmental Services (Environmental Protection);
  - (ii) 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
  - (iii) 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 Ministry of Environment, have 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 registered charges pursuant to 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.

## CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT - 801 Pacific Street

- (d) That the proposed form of development be approved by Council in principle, generally as prepared by IBI Group in conjunction with ACDF Architecture, and stamped "Received City Planning Department, October 4, 2016", provided that the General Manager of Planning, Urban Design and Sustainability may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (e) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning, Urban Design and Sustainability, who shall have particular regard to the following:

### Urban Design

1. Design Development to ensure that no portion of the building, either at grade or above, is within the 1.3 m (4.3 ft.) statutory right-of-way (SRW) from the south (Pacific Street-facing) property line, as required by Engineering condition 2 under the Conditions of By-law Enactment.

Note to Applicant: The intent of this condition is to ensure there is sufficient volumetric space within the public realm, for large mature street tree growth (as specified by Council-adopted policy of "Great Street" treatment for Pacific Street). Furthermore, the public sidewalk along Pacific Street should not have any building elements located directly above.

2. Design Development to retain the minimum 1.8 m (6 ft.) setback from the Howe Street property line for the first and second storeys, while reducing the setback to zero for the third storey and above.

Note to Applicant: The intention is for a visually-interesting building form to be located above the portion of public sidewalk that is located within the Howe Street SRW, but located at a substantial height of at least 7.6 m (25 ft.).

3. Design Development to reduce the minimum setback from the north property line to 2.4 m (8 ft.) minimum, for all portions of the building on the fourth storey and above.

Note to Applicant: The portion of the building facing north that contains the exit stair and access to the stair (located between gridlines 4 and 5.5 based on the application drawing set dated September 28, 2016), may have a reduced setback of minimum 1.2 m (4 ft.)

4. Design development to retain a strong level of transparency to the exterior for all gallery, administrative and work spaces so that:
  - (i) a high level of full-spectrum natural light penetrates into the interior spaces while also meeting the Passive House requirements (see conditions under Sustainability); and

- (ii) an activated and engaging frontage at street level is presented for the public sidewalk along Howe and Pacific Streets.

Note to Applicant: Sightlines from the administrative office spaces to the exterior should also be provided as part of this condition.

- 5. Design Development to the north-facing elevation, to ensure a good level of transparent glazing and a variety of materials and secondary forms, in order to provide visual amenity to the south-facing hotel rooms located in the neighbouring building due north.

#### **Crime Prevention Through Environmental Design (CPTED)**

- 6. Design development to respond to CPTED principles, having particular regard for:
  - (i) break and enter;
  - (ii) mail theft; and
  - (iii) 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.

#### **Landscape**

- 7. Integration of grades, retaining walls, walkways and structural design with the architecture to ensure adequate soil volumes.

Note to Applicant: Soil depths should exceed BCLNA Landscape Standard. To avoid raised planters above grade, at the perimeter of the building angle the corner of the underground slab downward (1 m across and 1.2 m) to maximize contiguous soil volumes. Wherever possible, planted landscapes on slab should be designed to maximize soil depths.

- 8. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Every effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping

- 9. At time of development permit:
  - (i) provision of a detailed Landscape Plan illustrating soft and hard landscaping;

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. The Plant List should include the common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The Landscape Plan

should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through tree protection zones, all proposed common open spaces and semi-private patio areas;

Note to Applicant: In tree protection areas, the sections should illustrate and dimension the limit of excavation, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

- (iii) application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture;
- (iv) provision of high efficiency irrigation for all planted areas and hose bibs for urban agriculture areas (where applicable);

Note to Applicant: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed.

- (v) provision of an outdoor Lighting Plan;

Note to Applicant: consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

- (vi) consideration to explore design options that respect the *City of Vancouver, Bird Friendly Design Guidelines*;

Note to Applicant: refer to <http://council.vancouver.ca/20150120/documents/rr1attachmen tB.pdf>

- (vii) provision of an arborist report to comment on any necessary tree work and a consent letter from the north neighbour on the tree care strategy;

- (viii) provision of a letter of assurance for arborist supervision;

Note to Applicant: Arborist supervision is typically necessary when any work is required within a minimum root protection zone of a retained tree. The arborist should discuss the details of any supervision requirements within the arborist report, particularly if the plans depict any work that encroaches into a tree protection zone. The letter must be signed by the owner, the contractor and the arborist.

## Sustainability

10. Confirmation that the application is on track to meeting the *Zero Emission Building Plan*, which requires that the building be Certified to the Passive House (PH) standard or alternate zero emission building standard, and use only low carbon fuel sources, in lieu of certifying to LEED® Gold unless it is deemed unviable by Real Estate and Facilities Management, in collaboration with Sustainability.

Note to Applicant: If pursuing Passive House, as part of the Development Permit application, an updated letter must be submitted from the PH designer/consultant confirming that the preliminary building design meets all the design criteria necessary for PH certification, that a recognized PH certifier has been identified and retained for the project, and highlighting the key design strategies and/or challenges for certification.

Note to Applicant: If pursuing Passive House, as part of the Building Permit application, a letter must be submitted from a recognized PH certifier confirming the building design meets all the design criteria necessary for PH certification, and provide detail of the as-designed PH criteria.

## Engineering

11. Deletion from the Landscape Concept Plan of the note “New curb alignment as approved by city arborist. See civil drawings for absolute dimensions”.
12. Deletion of the proposed specialty lane treatment and provision of a separate application to the City Engineer for specialty treatments in the lane.

Note to Applicant: approvals of the lane treatments to be fully approved within the DP process and reflected on the plans. Early application is recommended.

13. Confirmation that the wood pole in the lane is to be relocated or eliminated for access to loading and parking, if so confirmation from all the utilities that are connected to the pole that relocation is possible.
14. Compliance with the Parking and Loading Design Supplement, and Bicycle Parking Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Provide minimum dimensions for the proposed car share space. 2.9 m width and 5.5 m length are required.
  - (ii) Indicate the proposed Class B loading space on the drawings including dimensions.

Note to Applicant: The Class B loading space should be dimensioned, and clear of any door or panel swing.

- (iii) Provide a section through the loading space indicating vertical clearance. Note that 3.8 m of clearance is required.
- (iv) Provide design elevations on both sides, front and back of the loading bay, and at all entrances and indicate cross slope.

Note to Applicant: There appears to be an opportunity to provide a higher proportion of horizontal bicycle parking spaces by providing horizontal spaces along the south wall, and vertical spaces opposite.

- 15. Provision of six (6) Class B bicycle parking spaces on the site.
- 16. Provision of an updated statistic table reflecting the required parking/loading/bicycle requirements and all of the relaxations sought.
- 17. Provision of a landscaping materials legend which should include concrete sidewalks with DTS stamp treatment and saw cut joints, and concrete sidewalks with saw cut joints instead of the more general COV standard concrete note.
- 18. Provision of a minimum 0.3 m (1 ft.) grass strip between any sidewalk and any adjacent planting.
- 19. Updating of the Landscape Plan to reflect the street improvements sought by this rezoning.
- 20. Provision of a storm water discharge profile for the site that remains the same or better post development.

Note to Applicant: The development should tie storm and sanitary sewer connections to the existing 375 mm dia. storm sewer and 250 mm dia. sanitary sewer in the Lane east of Hornby Street and north of Pacific Street.

#### **CONDITIONS OF BY-LAW ENACTMENT - 801 Pacific Street**

- (f) 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, the General Manager of Community Services, the General Manager of Real Estate and Facilities Management, 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 20 and 21, Block 111, DL 541, Plan 210 to create a single parcel and subdivision of that site to result in the dedication of the southerly 2.9 m (9.5 ft.) for road purposes;

2. Provision of a statutory right of way for public pedestrian use of an expanded sidewalk over a 1.3 m (4.3 ft.) wide portion of the site directly adjacent and parallel to the portion of the site to be dedicated.
3. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 1 Shared Vehicle and the provision and maintenance of 1 Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (i) provide 1 Shared Vehicle(s) to the development for a minimum period of three years;
  - (ii) enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle;
  - (iii) provide and maintain the Shared Vehicle Parking Space for use exclusively by such shared vehicles;
  - (iv) make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
  - (v) provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
  - (vi) registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
  - (vii) provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum clear width of 2.9 m (9.5 ft.), and no column encroachment is allowed for enclosed parking spaces.

4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - (i) Provision of separated bicycle facility on Pacific Street adjacent the site to tie into the bicycle facility proposed for 1382 Hornby site to the west. Work to include construction of the separated

bicycle facility, curb adjustments, sidewalk adjustments and adjustments to all infrastructure impacted by the new street design.

- (ii) Provision of a traffic signal upgrade to the signal at Howe Street and Pacific Street to accommodate the bicycle facility on Pacific Street. Work is expected to impact a minimum of 2 of the intersection signal poles.
- (iii) Provision of improved street lighting on Howe Street and Pacific Street and pedestrian lighting on Pacific Street adjacent to the site.
- (iv) Provision of streetscape treatment on Howe Street in accordance with the *Downtown South Guidelines* for the Hornby Slopes neighbourhood, including sidewalk and stamps, sod grass boulevard with specified tree grates and surrounds, benches and bike racks etc. In addition saw cut joints should be used rather than troweled tool lines for the sidewalk pattern.
- (v) Provision of Pacific Street "Great Street" sidewalk treatments adjacent the Pacific Street frontage of the site should the bicycle facility design be able to accommodate the great street design otherwise standard commercial sidewalk treatments with saw cut joints on Pacific Street and a sod grass boulevard between the sidewalk and bike lane will apply.

Note to Applicant: tree grates are not required in the boulevard area.

Note to Applicant: *Downtown South Guidelines* do not apply to Pacific Street.

- (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- 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 plants, 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.

#### Heritage (Leslie House)

6. Enter into a Heritage Restoration Covenant to be initially registered on title to the parcels comprising both the Hornby Street Site and the Pacific Street Site to, among other things:
  - (i) rehabilitate and conserve Leslie House in accordance with the proposal and the approved Conservation Plan;
  - (ii) secure the conservation and protection of Leslie House in perpetuity, on its current location, during construction on its temporary location on the Pacific Street Site and secure ongoing protection on its final location on the Hornby Street Site after completion of the rehabilitation;
  - (iii) allow the City to place a commemorative plaque on Leslie House; and
  - (iv) ensure the future obligation of maintenance and upkeep of the house is the collective responsibility of the strata.

The Heritage Restoration Covenant is to be completed and registered in the Land Title Office to the satisfaction of both the Director of Planning and the Director of Legal Services.

#### Cultural Facility on Site

7. Delivery of the Pacific Street Site (the "Amenity Lands") and the cultural facility (the "Amenity Building") are subject to the following terms and conditions:
  - (i) Delivery of the Amenity Lands and the Amenity Building to the City prior to issuance of any Occupancy Permit for the Hornby Street Site (1380-1382 Hornby Street). The Amenity Building is to be built to a "warm shell" specification for commercial buildings reflecting the proposed use and ready for final fit out (i.e. tenant improvements). The "warm shell" specification includes:
    - a. a minimally finished interior;
    - b. base building HVAC system ready for distribution;
    - c. base building electrical system, plumbing and washrooms;
    - d. base interior and exterior lighting;
    - e. all building envelope details required to conform to the City's *Zero Emissions Building Plan* including the roof;
    - f. installation of one freight elevator to service the building and all required components;
    - g. basement bicycle parking area with the provision of one end-of-trip facility (i.e. shower); and
    - h. all necessary structural elements required to support the building as well as all required life safety systems.

- (ii) The Amenity Building improvements, valued at \$10,050,000, shall be secured by a Letter of Credit in the same amount (inclusive of the environmental remediation estimate of \$58,000), issued to the City of Vancouver and to the satisfaction of the General Manager of Real Estate and Facilities Management and Director of Legal Services, due prior to enactment of the rezoning by-law. The Letter of Credit shall be held by the City of Vancouver until such time as the completed Amenity Building is delivered, free and clear of all deficiencies and legal encumbrances.
- (iii) The building program for the Amenity Building shall generally consist of the following:
- a. 21,050 sq. ft. of gross floor area, 7 levels, built to a design and building specification appropriate for this type of amenity and to the satisfaction of the Director of Facilities Planning and Development and the Managing Director of Cultural Services;
  - b. Preliminary building design work and programming input from BC Artscape indicates a building design that accommodates the following uses:
    - Level 1 – presentation/exhibition and community space;
    - Levels 2 to 7 – production/rehearsal/programming/ancillary space; and
    - P1 – bicycle spaces and mechanical/electrical rooms/storage;
  - c. One (1) Car Share Vehicle and car share vehicle space and minimum 39 Class A Bicycle Spaces and six (6) Class B Bicycle Spaces; and
  - d. Built to *Zero Emissions Building Plan* standards, or alternative building standards as required by the Director of Facilities Planning and Development.
- (iv) Registration of an Option to Purchase against title to the Amenity Lands in favor of the City of Vancouver prior to rezoning enactment for a purchase price of \$10.00 which is not exercisable by the City until the earlier of substantial completion of the Amenity Building and five (5) years following zoning by-law enactment for the Hornby Street Site (1380-1382 Hornby Street).
- (v) The Option to Purchase will require that the Amenity Lands be transferred to the City in a condition that meets numeric standards applicable to commercial land use, and will require the Developer to deliver a Certificate of Compliance for the

Amenity Lands which confirms that such commercial numeric standards have been met, a separate certificate of compliance for any off-site contamination which may have migrated from the Amenity Lands onto any other property, including onto any lands dedicated to the City and any City roads or other City property, and an Indemnity Agreement signed by the Developer and its parent company which indemnifies the City of Vancouver from all future on and off-site environmental liability and costs in relation to the Amenity Lands. The Indemnity applies to all contaminants on the Amenity Lands at the time the Amenity Lands are transferred to the City and to those contaminants which have migrated from the Amenity Lands prior to the date of transfer of the Amenity Lands to the City and any contaminants existing on the Amenity Lands as at the date of transfer to the City which thereafter migrate onto any other lands. Developer will not be responsible for any contaminants which are brought onto the Amenity Lands by any party other than the Developer (or someone for whom the Developer is responsible) following the date of transfer of the Amenity Lands to the City. For greater clarity, the deemed land value for the Amenity Lands is \$5,650,000.

#### Public Art

8. Execute an agreement satisfactory to the Director of Legal Services and the Managing Director of 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 aforementioned officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided). Please note a Civic Program Contribution of 10 % of the proposed public art budget is to be attributed towards the Public Art Program prior to Development Permit (DE) issuance. Please contact the Public Art Program regarding public art options.

Note to Applicant: Please call 3-1-1 to be directed to the Public Art Program Manager to discuss your application.

#### Environmental Contamination

9. If applicable:
  - (i) Submit a site profile to Environmental Services (Environmental Protection);
  - (ii) 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
  - (iii) 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 Ministry of Environment, have 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 registered charges pursuant to 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 by-law to amend Heritage Designation By-law No. 8879 to ensure the protection of the Leslie House, which is currently located at 1380 Hornby Street:
- (i) on its proposed interim location at 801 Pacific Street for the duration of construction work at the proposed consolidated rezoning site at 1380-1382 Hornby Street; and
  - (ii) on its permanent location at 1380-1382 Hornby Street;
- be approved.
- C. THAT, subject to enactment of the amended Heritage Designation By-law, Heritage Revitalization Agreement By-law No. 8878, generally as set out in Appendix C of the Policy Report dated January 10, 2017 entitled "CD-1 Rezoning: (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street", be repealed.
- D. THAT the consequential amendment to Schedule E of the Zoning and Development By-law regarding building lines, generally as presented in Appendix C of the Policy Report dated January 10, 2017 entitled "CD-1 Rezoning: (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street", be approved.
- E. THAT the application to amend Schedule E of the Sign By-law to establish regulations for the CD-1 for 801 Pacific Street 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 January 10, 2017 entitled "CD-1 Rezoning: (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street", be approved.

- F. THAT, subject to enactment of the CD-1 By-law for 801 Pacific Street, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law to include the CD-1 for 801 Pacific Street in Schedule A, generally as set out in Appendix C of the Policy Report dated January 10, 2017 entitled "CD-1 Rezoning: (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street".
- G. THAT, subject to enactment of the CD-1 By-law for 801 Pacific Street, the Director of Legal Services be instructed to bring forward amendment to the Parking By-law to include the CD-1 for 801 Pacific Street in Schedule C and to provide parking regulations, generally as set out in Appendix C of the Policy Report dated January 10, 2017 entitled "CD-1 Rezoning: (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street".
- H. THAT A through G be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a 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.

**[RZ - (i) 1380-1382 Hornby Street and (ii) 801 Pacific Street]**