

SUMMARY AND RECOMMENDATIONS

5. REZONING: 777 Pacific Boulevard – Sub-area 10C (1 Robson Street)

Summary: To rezone a portion of 777 Pacific Boulevard (1 Robson Street) – Northeast False Creek Sub-area 10C from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit the development of a mixed-use building with commercial and residential uses. The proposal is for a maximum floor area of 37,161 sq. m (400,000 sq. ft.) and a maximum building height of up to 121.9 m (400 ft.). The application is being considered under the Northeast False Creek Plan.

Applicant: General Manager of Planning, Urban Design and Sustainability

Owner: B.C. Pavilion Corporation

Referral: This item was referred to Public Hearing at the Policy and Strategic Priorities Meeting on June 20, 2018.

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

- A. THAT the application by the General Manager of Planning, Urban Design and Sustainability, on behalf of B.C. Pavilion Corporation, to rezone a portion of 777 Pacific Boulevard [*PID: 029-173-825; Lot 347 False Creek Plan EPP31476*] from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District to permit the development of a mixed-use building with commercial and residential uses. The proposal is for a maximum floor area of 37,161 sq. m (400,000 sq. ft.) and a maximum building height of up to 121.9 m (400 ft.) generally as presented in Appendix A of the Policy Report dated June 5, 2018 entitled “CD-1 Rezoning: 777 Pacific Boulevard – Sub-area 10C (1 Robson Street)”, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed preliminary form of development be approved by Council in principle, generally as prepared by Stantec Architecture, on behalf of B.C. Pavilion Corporation (PavCo) and the General Manager of Planning, Urban Design and Sustainability, and stamped “Received Planning Department, January 23, 2018”, provided that the Director of Planning may allow alterations to this preliminary 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 Owner/Developer 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 in accordance with the General Policy for Higher Buildings (if applicable) to establish a significant and recognizable new benchmark for architectural creativity and excellence, while making a significant contribution to the beauty and visual power of the city's skyline, and demonstrating leadership in sustainable design and energy consumption towards the city's objective for carbon neutrality.

Note to Owner/Developer: This building will be reviewed in accordance with the General Policy for Higher Buildings if any height and mass is proposed that extends into the Cambie View Cones 9.1 and 9.2.2 (approximately 300 ft.) or the Queen Elizabeth View Cone 3.2.3. Refer to the General Policy for Higher Buildings for more information regarding the requirements.

2. Design development to shape and sculpt the tower at upper levels to establish a dialogue between the three towers that together form the Georgia Gateway and to take full advantage of the city skyline shaping opportunity this presents.

Note to Owner/Developer: Particular consideration should be given to the skyline set against the mountain backdrop as viewed from the origins of the Cambie View Cones 9.1 and 9.2.2 and the Queen Elizabeth View Cone 3.2.3, as well as other vantage points along Cambie Street.

3. Design development to ensure that the development of Sub-area 10C supports Georgia Street as the prime ceremonial street in the city and a pivotal piece in connecting the downtown to False Creek.

Note to Owner/Developer: While the preliminary concept establishes the basis for the active streetscape sought along the south edge of Georgia Street, further consideration should be given to the detailed design and relationship between the proposed stair core, supporting structures, and the public realm at the juncture of Georgia Street and Pacific Boulevard, including whether the exit core could be pulled further back from the corner and integrated into the interior of the building base. Further consideration should also be given to the design and activation of the north side of Georgia Street and coordination and integration with evolving concepts for connections between other adjacent developments and Georgia Street. In general, accommodation and successful integration of exiting from the stadium, the proposed building, and the underground parking are all areas that will require careful consideration and design development as the design progresses, with particular regard for CPTED principles.

4. Design development to ensure integration and coordination of the Phase 1 parking structure with the Georgia Ramp and the public realm it supports.

Note to Owner/Developer: A plan and strategy is needed for the interim treatment of the Phase 2 area ensuring appropriate pedestrian circulation and landscape treatment should there be a delay or uncertain timing between the implementation of the Georgia Ramp and the construction of the tower and its base.

5. Design development to ensure the acoustical performance of the building considering its immediate adjacency to the stadium and location in the Events and Entertainment District of NEFC.

Note to Owner/Developer: Outline strategies in the building design to achieve the required noise levels outlined in the CD-1 By-law.

6. Provide an Acoustical Design Strategy prepared by professionals in acoustic and mechanical engineering outlining approaches in the building design to achieve the requirements under the acoustics section of the proposed CD-1 By-law and draft Design Guidelines with the development permit application, meeting the following performance criteria:

- (a) Noise isolation design strategies and passive and/or mechanical cooling;
- (b) Mitigate event noise to achieve noise levels between 40 dBC and 50 dBC within the units during event periods; and
- (c) Ensure summertime internal thermal comfort levels in line with ASHRAE 55 v. 2010 or newer (with windows closed).

Note to Owner/Developer: Building orientation and construction must mitigate as much as possible events in major facilities and outdoor spaces which will produce high levels of noise, particularly base noise (dBC), on a regular basis, and for significant periods of time.

7. As part of the development permit application, the Owner/Developer must take measures, including covenants on title for initial and future purchasers, and notices in rental agreements, inclusion in marketing and disclosure documents, and signage on buildings, to notify residents that their dwelling unit is located in an Events and Entertainment District and to advise of anticipated noise levels.

Landscape Design and Sustainability

8. Design development to the overall structural design to ensure adequate soil volumes and planting depths for plants and trees, intensive green roof terraces and extensive green roofs.

Note to Owner/Developer: To ensure the long-term viability of planting on slab and exposed upper roof conditions, soil depths must meet or exceed BCLNA planting standards. Consider the following:

- (a) Angling the slab at the junction of the outer wall and ceiling of the underground parkade;
 - (b) Lowering the slab below plaza level to create contiguous tree planting troughs such that the tree base is level with the surrounding walking surfaces. The soil volume targets should be considered at a minimum of 12 m³ (cylindrical planters) or 16 m³ (rectangular planters), with 1 m depth and 2 m radially (measured from the trunk). Private and semi-private terraces should offer planter sizes and soil volumes that can support long term tree health and canopy cover;
 - (c) Soil cells, structural or enhanced native soils and contiguous planting troughs should be explored.
 - (d) Fully integrated planters should be provided, rather than add-on movable planters;
 - (e) Avoid the necessity to mound soils to obtain minimum soil depths; and
 - (f) Further details of a successful strategy will be required at the development permit stage.
9. Design development to the sustainable site strategy and landscape plan (private property) to include the following:
- (a) A robust tree canopy replacement and layered planting plan at the ground level, upper levels, amenity areas and private terraces;
 - (b) Extensive green roof coverage, wherever possible;
 - (c) Explore opportunities for green walls, in appropriate locations, rather than blank expanses of exterior wall; and
 - (d) Strategies to maximize free or open-grade to allow for greater vegetated canopy growth and diversity. Increased areas of free-grade will allow infiltration of rainwater into the sub-soils. Raingardens and water features should be integrated into a rainwater management plan.

Note to Owner/Developer: Pull back or chamfer slab wherever possible for a greater amount of permeable area within the property lines.

10. Design development to reduce or eliminate potable water use in the irrigation systems by using drought tolerant species, rainwater harvesting methods and efficient irrigation technology for all planted areas.

Note to Owner/Developer: Potable water may be considered for urban agriculture areas and patios. Individual hose bibs should be provided for

all patios of 9.3 m³ or greater in size, to encourage patio gardening.

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

Note to Owner/Developer: The Owner/Developer will be required to demonstrate that the development is on track to achieve the above requirements at each permitting stage. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning*s – *Process and Requirements*.

12. Indicate how the proposal will exceed the applicable city policies for Green Buildings and whether the project will be pursuing the Near Zero Emissions or the Low Emissions pathway under the policy.

Note to Owner/Developer: Completion of the applicable checklist by the project energy modeller, showing that the project meets the performance limits for energy use, heat loss, and greenhouse gas emissions, together with key inputs will be required at the time of development permit application.

13. Indicate how the development will meet the General Policy for Higher Buildings through the development permit process, if applicable.

Note to Owner/Developer: If the proposed building exceeds 91.4 m measured from base surface the *General Policy for Higher Buildings* will be applicable and the development will be subject to all the requirements of the policy such as but not limited to: building energy consumption, connection to a low-carbon heat and cooling source, review by a panel of design and sustainability experts. See Urban Design Condition (b)1.

14. Design development to ensure that no habitable spaces or critical infrastructure is located below a flood construction level of 4.8 m GVRD datum (also known as CGVD28 datum) as prescribed in “Flood Construction Levels and Regulations related to Designated Flood Plains” in the Vancouver Building By-law No. 10908, or the approved Northeast False Creek Plan or as per policy at the time development application, whichever is higher.

15. Submit a letter of credit, prior to the issuance of the development permit, to the General Manager of Engineering Services for assurance of the Post Occupancy Study (POS) completion, for the following:

- (a) Provision of a “Post Occupancy Study” (POS) three (3) years following the issuance of an occupancy permit for each building to the satisfaction of the Director of Sustainability.

Note to Owner/Developer: Including but not limited to data, tables, graphs and other analytic tools to best illustrate sustainability trends in the development including but not limited to: annual energy demand, building systems efficiency, Greenhouse Gas (GHG) emissions, per capita potable water use history, resident thermal comfort, transportation mode splits, local food assets and rainwater management systems.

- (b) Provision of a letter to the satisfaction of the Director of Sustainability from each Strata Council confirming receipt of a Building Operation Manual within six months of issuance of the occupancy permit that documents specifications, operations, and maintenance requirements of systems including but not limited to: heating, ventilation, green roofs, rainwater management and irrigation.

Note to Owner/Developer: As per the *Green Buildings Policy for Rezoning – Process and Requirements* commissioning process, the following items must be provided to the Owner:

- The final Commissioning Report
- Operating and maintenance manuals
- Training for operators or building managers
- A digital copy of the full Operation and Maintenance (O&M) Manuals, a full PDF set of building as-built drawings, a copy of the Building Information Modeling (BIM) files if applicable, and the final building energy model file.

16. Establish ongoing, in-person educational and technical support services to building managers, strata, residents and businesses to help achieve sustainability success.

Note to Owner/Developer: Consider using a “Greencierge” to help align the development to relevant City policies like Greenest City, Zero Waste 2040 and Transportation 2040. Refer to NEFC Plan, section 11.5.4 for more information on the “Greencierge”.

17. Comply with the *Bird Friendly Operational Guidelines* found here: <http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>. Design and indicate in drawings where elements of the *Bird Friendly Operational Guidelines* are applied.

Note to Owner/Developer: Refer to the *Bird Friendly Design Guidelines* for examples of built and landscape features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at:

Engineering Services

18. Clarification is required as to how the utility duct bank across Pacific Boulevard will be impacted (see E&IA R92193 – Ex. Plan 18545X).
19. The Owner or representative is advised to contact Engineering Services to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
20. Compliance with the parking and loading design supplement and bicycle design supplement.
21. Provision of a Green Mobility plan including:
 - (a) Enhanced access for bicycles including separation from vehicle access;
 - (b) Enhanced security Class B bicycle parking for visitors;
 - (c) Enhanced end of trip facilities for non-residential class A bicycle parking;
 - (d) Car share vehicles beyond those required to meet the Parking By-Law requirements;
 - (e) Shared vehicle memberships and complimentary driving time for building residents and workers;
 - (f) Transit incentives for residents including ongoing subsidies for transit passes;
 - (g) Automatic door openers along the access route to bicycle parking spaces; and
 - (h) Other innovative transportation interventions that seek to further understanding of how green transportation infrastructure, incentives, programs and other contribute to people's transportation choices;

to the satisfaction of the General Manager of Engineering Services, or such other set of Green Mobility plan items that are acceptable to the General Manager of Engineering Services.

22. Provision of a stormwater and rainwater management plan that meets the objectives of the City's Integrated Rainwater Management Plan and complies with the Sewer and Water Course By-law, the plan shall achieve the following objectives:

- Retain or infiltrate the 6-month storm event volume (24 mm) onsite
- Treat the 2-year event (48 mm) onsite
- Maintain the pre-development 10-year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note to Owner/Developer: Legal agreements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

23. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual, Section 02596 and Encroachment By-law No. 4243, Section 3A) and access around existing and future utilities adjacent to the site.

Note to Owner/Developer: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Contact Engineering Services for details.

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

25. 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, System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.

In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The Owner/Developer may be required to show details of how the site will be provided with all services underground.

26. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up garbage without reliance on lanes or street for extended bin storage.

27. Provision of a landscape plan that reflects the off-site improvements sought for the rezoning, including the following statement to be placed on the landscape plan.

Note to Owner/Developer: The landscape plan is to be noted as “NOT FOR CONSTRUCTION” and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering Development Services and/or your Engineering Building Site Inspector for details.

28. The proposed approach to site heating and cooling, developed in collaboration with the City, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
29. All buildings in the development shall connect to a City-owned low-carbon NEU, should one be available for connection as determined by the General Manager of Engineering Services prior to development permit issuance, and shall adhere to the following requirements:

- (a) The heating and hot water system of all buildings in the development 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 Owner/Developer: The Owner/Developer shall refer to the Energy Utility System By-law No. 9552 and *Neighbourhood Energy Utility Building Connection Guidelines (2016)* for specific design requirements, which includes provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The Owner/Developer is encouraged to work closely with Staff to ensure adequate provisions for NEU compatibility are provided for in the mechanical design. As a pre-condition to building permit, the City will conduct a peer design review of the building’s connection to the NEU to ensure that the Neighbourhood Energy connectivity requirements have been satisfied.

- (b) 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;

- (c) Provide for 21 m² of dedicated space on the P1 level to be utilized for an energy transfer station connecting the building(s) to the City-owned low-carbon Neighbourhood Energy System (NES), as outlined in the *Neighbourhood Energy Connectivity Standards – Design Guidelines*, to the satisfaction of the General Manager of Engineering Services; and
- (d) 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.

Environmental Contamination

- 30. Shall remediate all contamination to meet Provincial requirements and in a manner that meets current Provincial standards.
- 31. Shall obtain and submit to the City copies of all contamination studies and the consequential remediation plan(s), approved by the Province (or any certified professional in accordance with the BC Environmental Management Act or regulation thereto), in respect to the Development Site 10C Remediation Lands.
- 32. Shall meet the terms and conditions of Sub-area 10C Utility Design, Remediation and Occupancy Restrictive Agreements.

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 City Manager, the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the Owner/Developer, make arrangements for the following:

Engineering Services

- 1. Provision of a statutory right-of-way over a portion of the Rezoning Site in favour of the City for road and maintenance purposes to accommodate the construction and existence of the Georgia Ramp and a Ramp Construction Agreement, all to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services.

Note to Owner/Developer: The right-of-way for the Georgia Ramp should include provisions for utilities, pedestrian spaces and concourses.

- 2. A subdivision strategy must be provided to the City for review and subdivision will be required to create the Rezoning Site; alternatively, at the discretion of the Director of Legal Services, it may be possible to define the rezoning site with a Reference Plan.

3. Enter into and registration of a Road Proximity Agreement over the Rezoning Site, including permitting the City and any permittee or licensee of the City to gain access to the Rezoning Site and any buildings and improvements located thereon, to conduct any required work including bringing materials on to the Rezoning Site to allow for the future reconstruction of Pacific Boulevard and Georgia Ramp related to the removal of the Dunsmuir and/or Georgia Viaducts, while working with BC Place operators to minimize impact on operations.
4. Enter into and registration of a Site Modification Agreement for the modification of the site to meet future grades to connect the site to the new Pacific Boulevard and Georgia Ramp if the Dunsmuir and/or Georgia Viaducts are removed at the sole cost and expense of the Owner/Developer.
5. Enter into a Statutory Right-of-Way (SRW) to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services for the granting of rights for the City to provide access between properties east of the new Georgia Ramp, to the easterly length of the Georgia Ramp, which is subject to the right-of-way, as if the right-of-way was a dedicated City street. The right-of-way will include a provision for a license to third-parties for construction and maintenance.

Note to Owner/Developer: The right-of-way will include a provision for a license to third-parties for construction and maintenance, which may include Rogers Arena.

6. Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for a Site Parkade Agreement for the construction of the site parkade prior to the construction of the Georgia Ramp at the sole cost and expense of the Owner/Developer.

Note to Owner/Developer: The agreement should establish phasing and funding, construction responsibilities of the parkade as well as specifications to support the infrastructure demands for the Georgia Ramp.

7. All Legal Notations, non-financial charges, liens, and interests registered on title to the lands which may affect this application must be evaluated to determine whether they impact the proposed development. The Owner/Developer's lawyer must submit to the City a title summary containing the following information:

- (a) A copy of the current certificate of title for Lot 347;
- (b) A summary of the contents of each Legal Notation, non-financial charge, lien or interest on title containing a general description of the issues addressed by the document. The summary must also provide the lawyer's opinion as to whether the Legal Notation,

charge, lien or interest will impact the application, and if so, how; and

- (c) A copy of all Legal Notations, non-financial charges, liens or interests which may impact the application.
8. Clarification is required as to how the stadium water chambers will be addressed since they will be impacted by the proposal (see SRW R92190 – SRW Plan 18542).
 9. Execution of a floodplain covenant for the Rezoning Site.
 10. Arrangements for easements in favour of Remainder Lot 348 Plan EPP26177, ASP1, ASP2, and ASP3 Plan EPP35220 (Rogers Arena) to accommodate the Georgia Ramp connections to the Rogers Arena site.
 11. Arrangements to the satisfaction of the General Manager of Engineering Services to ensure that a traffic plan is established to maintain access for loading, vehicles, patrons and pedestrians during and after construction on the street network (see Appendix H of the Policy Report dated June 5, 2018, entitled “CD-1 Rezoning: 777 Pacific Boulevard — Sub-area 10C (1 Robson Street)”).

Note to Owner/Developer: Engineering staff will continue to work with BC Place operators to implement the traffic plan (see Appendix H of the same Report).

12. 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-owned low-carbon NEU, which may include but are not limited to agreements which:
 - (a) Require buildings within the Rezoning Site to connect to the City-owned low-carbon NEU;
 - (b) Grant the operator of the City-owned low-carbon NEU access to the building(s) mechanical system and thermal energy system-related infrastructure within the Rezoning Site for the purpose of enabling NEU connection and operation, on such terms and conditions as may be reasonably required by the Owner/Developer; and
 - (c) Grant use of and access to suitable space within the Rezoning Site required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

Note to Owner/Developer: The development will be required to connect to the City-owned low-carbon NEU 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 is required, the Owner will be prohibited from entering into any third-party

energy supply contract for thermal energy services, unless otherwise approved by the by the General Manager of Engineering Services.

Environmental Contamination

13. Submit a completed Site Profile or Site Profile Exemption Form certifying that the Rezoning Site is exempt from the requirement to submit a Site Profile and providing the basis for that exemption with documentation from the Province satisfactory to the City Manager.
14. Do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of Section 571 (B) of the Vancouver Charter on terms and conditions satisfactory to the City Manager.
15. Execute agreements to the satisfaction of the City Manager, Director of Legal Services, and PavCo, substantively similar in form and intent to the those Agreements, including the Utilities Design Agreement and Soils Remediation Agreement, on the PavCo owned site on the westside (Sub-area 10A) of the PavCo owned BC Place lands as applicable and, without limiting the foregoing but with reference to, that:
 - (a) Meets Provincial Standards provided for under the Pacific Place Approach, and if applicable, as determined by the Ministry of Environment, any additional requirements of the Environmental Management Act; and
 - (b) Addresses the remediation and/or management of contamination on the rezoning site and related site servicing lands in accordance with the BC Place Upgrade Commitment Agreement.
16. Enter into an Sub-area 10C Remediation Occupancy Restrictive Agreement, satisfactory to the City Manager, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the Rezoning Site until applicable Provincial Instruments of Approval certifying that all remediation has been completed and confirmation provided to the City and that all obligations under the Sub-area 10C Remediation Agreement and Sub-area 10C Utility Design Agreement have been met to the satisfaction of the City.

Planning

17. Execute an Inner-City Local Employment and Procurement Agreement between the Owner/Developer and the City identifying and committing to targets across the life-cycle of the development project.

Public Art

18. 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 and the NEFC Public Art Plan, 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.

Note to Owner/Developer: Please call Eric Frederickson, Senior Cultural Planner, 604-871-6002, to discuss your application.

Note to Owner/Developer: 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 registerable 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 site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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 consequential amendment to the False Creek North Official Development Plan, generally as set out in Appendix C of the Policy Report dated June 5, 2018, entitled “CD-1 Rezoning: 777 Pacific Boulevard – Sub area 10C (1 Robson Street)”, be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law No. 6555, generally as set out in Appendix C of the Policy Report dated June 5, 2018, entitled “CD-1 Rezoning: 777 Pacific Boulevard – Sub-area 10C (1 Robson Street)”.
- D. THAT A through C be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the Owner 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 – 777 Pacific Boulevard — Sub-area 10C (1 Robson Street)]