

## SUMMARY AND RECOMMENDATION

**5. TEXT AMENDMENT: 777 Pacific Boulevard (FCN ODP - BC Place Stadium)**

**Summary:** To amend the False Creek North Official Development Plan (FCN ODP) to allow for additional development potential on the BC Place Stadium site.

**Applicant:** Director of Planning

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

- A. THAT the application to amend the False Creek North Official Development Plan (FCN ODP), including among other amendments, adjustments to land use and the amount of permitted floor space for Area 10, and to permit city- and region-serving cultural, recreational and institutional uses including consideration of the Vancouver Art Gallery as a use, generally as set out in Appendix A to policy report "False Creek North Official Development Plan Amendments: BC Place Stadium - 777 Pacific Blvd." dated September 3, 2008 be approved.
- B. THAT, in addition to the measures outlined in the proposed FCN ODP amendments requiring future residential development to address the noise levels that will be generated by major events in BC Place Stadium (i.e. meeting acoustic standards and providing notice to purchasers and residents), staff report back prior to the sub-area rezoning for Area 10 with appropriate amendments to the City's Noise Control By-law addressing the noise levels and frequency of occurrence of major events.
- C. THAT the City Manager or the Deputy City Manager be authorized to finalize, execute and deliver an Upgrade Commitment Agreement with BC Pavilion Corporation (PavCo), generally in accordance with the terms set out below, which commits PavCo to undertaking and completing the Stadium upgrade and to bearing the direct and indirect costs for any services associated with the upgrade and adjacent development on Stadium lands while also confirming that the City will not anticipate any Community Amenity Contributions from the development beyond the Stadium upgrade itself, all subject to termination if the proposed FCN ODP amendments are not enacted by a specified outside date.

**OUTLINE OF MAJOR TERMS FOR "UPGRADE COMMITMENT AGREEMENT" WITH PAVCO**

1. Definition of "Upgrade" to describe proposed work to rehabilitate B.C. Place, including new roof.
2. Recitals to reflect concept that resulting Upgrade will amount to a significant community amenity.
3. Agreement not to fetter Council discretion, regarding consideration of FCN ODP Amendments or otherwise.

4. Mutual condition precedent whereby Agreement will terminate if the FCN ODP Amendments are not enacted by specified outside date.
5. PavCo to commit absolutely to complete Upgrade by a certain date.
6. PavCo to be responsible for 100% of the direct and indirect costs of the on-site and off-site services to properly service B.C. Place as rehabilitated and, when the adjacent development sites 10A and 10C are redeveloped, PavCo or their successors to 10A and 10C to be responsible for 100% of the direct and indirect costs of the on-site and of-site services to properly service 10A and 10C.
7. Considering the recited significant community amenity (item 2 above), no DCLs or CACs.
8. Arrangements related to Smithe Street Extension.
9. Mechanisms regarding various grants, statutory rights of way and transfers to the City, including under Georgia Viaduct areas, passage route(s) through site, street car route setback and rehabilitated B.C. Place encroachments.
10. All other terms and conditions as required by the Office of the City Manager in consultation with Engineering and Legal Services.

Note: The terms of the Upgrade Commitment Agreement have yet to be fully negotiated with and accepted by PavCo.

**[RZ. 690/2008 - 777 Pacific Boulevard (BC Place Stadium)]**