



# P4

POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: January 4, 2011  
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Meeting Date: January 18, 2011

TO: Vancouver City Council

FROM: Director of Planning in consultation with the General Manager of Engineering Services

SUBJECT: CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)

## *RECOMMENDATION*

- A. THAT the application by BC Pavilion Corporation (PavCo) to rezone the following:
- a portion of 777 Pacific Boulevard (PID: 008-332-614, Lot 153 False Creek Plan 20421 ("BC Place Site");
  - a portion of Terry Fox Way to be closed and conveyed to the registered owner of the BC Place Site (the "Surplus Road Area");
  - a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288 False Creek Plan BCP1977) to be dedicated as road (the "Smithe Street Extension");
  - portions of 10 Terry Fox Way (PID: 025-540-866, Lot 288 False Creek Plan BCP1977) east of the Smithe Street Extension (the "Triangle Site");

collectively, the "Rezoning Site" and shown within heavy bold outline on an Explanatory Plan attached as Map 1, (Appendix D) from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of a mixed-use hotel/entertainment complex, that includes the relocation and expansion of the Edgewater Casino, be referred to a Public Hearing, together with:

- (i) plans prepared by IBI/HB Group received August 9, 2010;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
- (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT, subject to approval of the rezoning after Public Hearing, Council approve the relocation of the casino operated by Paragon Gaming (Paragon Holdings [Smithe Street] ULC) at the Plaza of Nations (750 Pacific Boulevard), known as the Edgewater Casino, to the Rezoning Site on the terms set out in this report.
- C. THAT, subject to approval of the rezoning after Public Hearing, Council approve the expansion of the casino operated by Paragon Gaming (Paragon Holdings [Smithe Street] ULC) at the Plaza of Nations (750 Pacific Boulevard), known as the Edgewater Casino from 600 slot machines and 75 gaming tables to up to 1,500 slot machines and up to 150 gaming tables.
- D. THAT, if the application is referred to a Public Hearing, the Director of Planning be instructed to make application to amend the Zoning and Development By-law to amend the definition of Casino - Class 2 to remove the restriction on pari-mutuel betting and to make housekeeping amendments to the definitions of both Casino - Class 1 and Casino - Class 2, in order to update the reference in both definitions to Provincial gaming legislation and to remove an obsolete reference to non-player operated video lottery terminals, and that the application be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-law, generally in accordance with Appendix C, for consideration at the Public Hearing.

- E. THAT if the application is referred to a Public Hearing, the application from PavCo to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-law, generally in accordance with Appendix C, for consideration at the Public Hearing.

- F. THAT subject to approval of the rezoning after Public Hearing, the Noise Control By-law be amended to include this CD-1 in Schedule B, as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the Noise Control By-law at the time of enactment of the CD-1 By-law.

- G. THAT subject to approval of the rezoning after Public Hearing, the BCPED (BC Place/Expo District) By-law be amended to delete sub-area 10 from the by-law, as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the BCPED (BC Place/Expo District) By-law at the time of enactment of the CD-1 By-law.

- H. THAT, subject to approval of the rezoning after Public Hearing, Council approve in principle the proposal to stop-up, close and lease a volumetric portion of the Smithe Street Extension (to be dedicated as road) to the registered owner of the BC Place Site to accommodate the underground parking structure proposed to be within the Smithe Street Extension, and the Director of Real Estate Services be instructed to report back to Council on the terms of the lease;

FURTHER THAT subject to approval of the rezoning after Public Hearing, the General Manager of Engineering Services be instructed to bring back to Council, prior to occupancy of the development, a report to seek Council approval to stop-up, close and lease this volumetric portion of the Smithe Street Extension.

- I. THAT Recommendations A, B, C, D, E, F, G and H be adopted on the following conditions:
- (i) THAT 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.

#### ***GENERAL MANAGER'S COMMENTS***

The General Manager of Community Services RECOMMENDS approval of the foregoing.

#### ***COUNCIL POLICY***

Relevant Council Policies for this site include:

- False Creek North Official Development Plan (1990)
- Metro Core Jobs and Economy Land Use Plan: Issues and Directions (2007)
- Ecodensity Charter: Initial Action A-2 and Rezoning Policy for Greener Buildings (2008)
- Amendments to the False Creek North ODP for Area 10 (BC Place Stadium) (2008)
- North East False Creek: Directions for the Future (2009).

#### ***BACKGROUND***

1. False Creek North Official Development Plan Amendments/Upgrade Commitment Agreement

In the fall of 2008, Council approved amendments to the False Creek North Official Development Plan (FCN ODP) setting out the permitted land uses and densities for Area 10 (the entire Lot 153 on which the BC Place Stadium is located) in anticipation of this rezoning application. At the time of enactment of those amendments, BC Pavilion Corporation (PavCo – the Provincial Crown Corporation responsible for the stadium (the “Stadium”) on Area 10) entered into the “Upgrade Commitment Agreement” (UCA) with the City. In the UCA, PavCo committed to completing the Stadium upgrade (the “Stadium Upgrade”), including the replacement of the roof by December 31, 2012. The Upgrade Commitment Agreement outlined nine major terms and conditions regarding the Stadium Upgrade, including amenities, Smithe Street extension, and the amendments to the ODP regarding increased development potential on Area 10. A list of the items contained in the Upgrade Commitment Agreement is contained in Appendix H.

In consideration of the public benefit value of the Stadium Upgrade, the City agreed in the UCA that it did not anticipate that the Rezoning Site would be subject to community amenity contributions on this rezoning, except if the new replacement fabric roof component of the Stadium Upgrade is not a retractable roof (the CAC waiver was based on the value of the retractable roof). The 2008 amendments to the FCN ODP allow for rezonings of Area 10 to permit a maximum of 130 060 m<sup>2</sup> (1.4 million sq. ft.) of additional floor space, with a minimum of 700,000 of this space being job space.

The UCA also deals specifically with arrangements for the creation of the Rezoning Site. The terms of obtaining the Smithe Street Extension in the UCA are proposed to be implemented as part of this rezoning application. In compliance with the UCA, PavCo has obtained the consent of One West Holdings Ltd. (“Concord”) as lands owned by Concord are part of the Rezoning Site. The UCA stipulates that to create the Rezoning Site, the City will transfer the Surplus Road Area (Terry Fox Way) and the Triangle Site to PavCo at no cost, provided the City acquires the lands required for the Smithe Street Extension from Concord at no cost.

The Provincial Government has funded internal renovations to BC Place, with \$65 million of the estimated \$563 million Stadium Upgrade completed to date and with the work on the replacement retractable roof well under way. Completion of the Stadium Upgrade is anticipated in late 2011.

## 2. North East False Creek (“NEFC”) Bridging Work

In January 2010, Council approved the NEFC Bridging Work Program to advance policy and implementation issues arising from the approved “North East False Creek: Directions for the Future” and the submission of detailed rezoning proposals. The work program elements include: the civic plaza, Creekside Park extensions, marinas and dragon boat facilities, noise mitigation measures, public benefits strategy, district energy, local procurement and jobs, the Georgia Pedestrian Link and Pacific Boulevard Design. All of the land owners/developers in NEFC have submitted either rezoning applications or rezoning enquires. Staff are responding to the applications and enquiries while advancing the Bridging Work and anticipate reporting to Council in 2011 for decisions on key topics such as public benefits and open space.

## 3. Casino Policy and *Gaming Control Act*

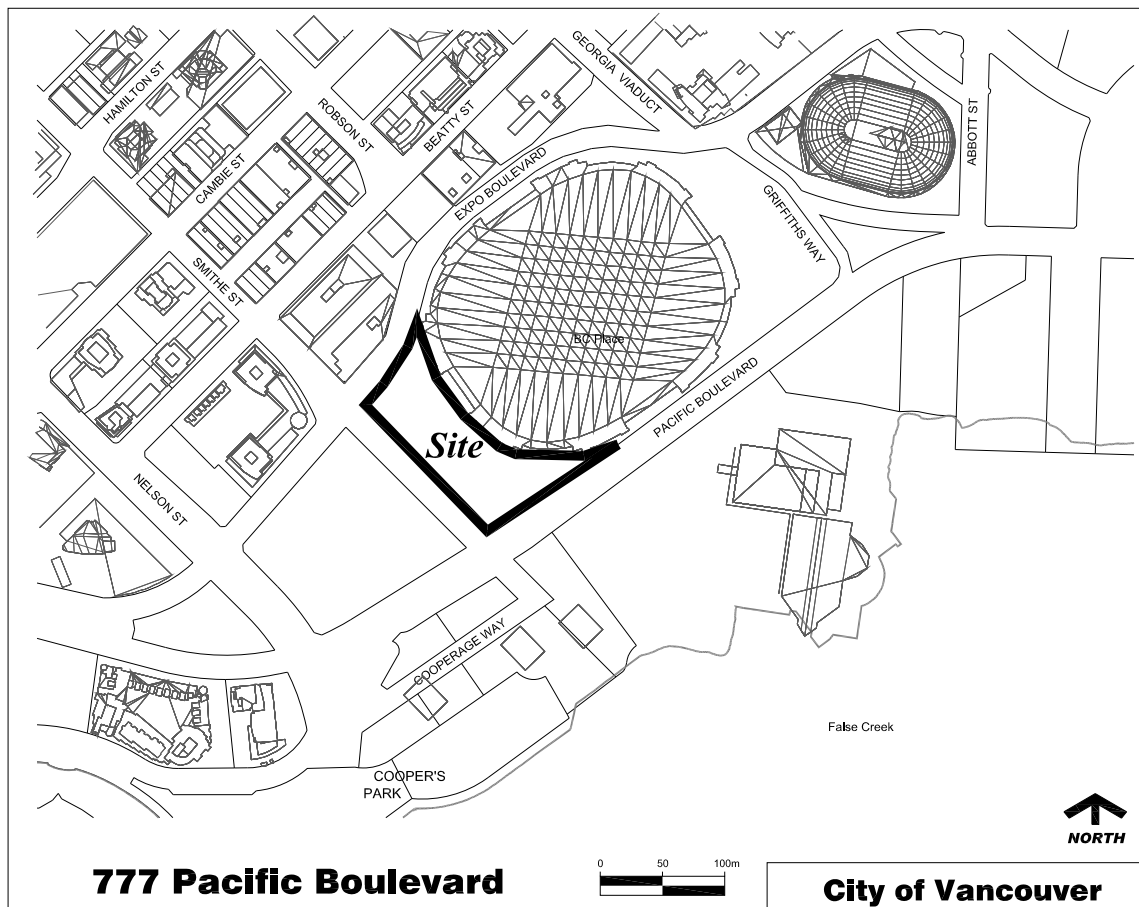
The City's policy with respect to the consideration of casinos is that each application is considered on its own merit on a case-by-case basis. The provincial *Gaming Control Act*

requires that the host local government has to satisfy the BC Lottery Corporation that adequate community input has been sought and considered prior to developing, using or operating a facility, relocating an existing gaming facility or substantially changing the type or extent of a gaming facility. Up to this point, and in respect of this requirement, there have been open houses in June 2010 and there will be a public hearing with respect to the rezoning, relocation, and expansion of the Edgewater Casino following referral by Council. The regulatory division of British Columbia Lottery Corporation (BCLC) has deemed this a satisfactory consultation for their purposes.

### **PURPOSE**

This report assesses an application to rezone the site at 777 Pacific Boulevard and adjacent lands to be acquired by the applicant (collectively the "Rezoning Site") from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District. The proposal is for a mixed-use entertainment complex including two hotels, a casino, restaurants, a theatre, and a cabaret. As part of the proposal, Smithe Street would be extended along the west part of the site. The proposal meets and exceeds the City's goals for exciting architecture, good public realm, and sustainability.

**Figure 1 – Site Context**



The three main components of the hotel/entertainment complex proposal that require Council's decision are:

1. Rezoning the land to allow for a hotel/entertainment complex including a casino adjacent to BC Place,
2. Relocation of the Edgewater Casino from its current site to the Rezoning Site, and
3. Expansion of the Edgewater Casino.

The report recommendations allow for all three components to be heard and decided at the same public hearing. However, the relocation and expansion of the Edgewater Casino can be decided independently of the public hearing of the rezoning. All decisions would be conveyed to both the BC Lottery Corporation (BCLC) and the Provincial Gaming Policy and Enforcement Branch.

This report is provided in conjunction with three other Council reports on the topic of future development in Northeast False Creek (NEFC). The reports are inter-related and have been produced in consideration of the overall objectives and outcomes in NEFC and adjacent neighbourhoods. Together, the reports make a series of recommendations that will allow for the development aspirations of Concord and PavCo and will ensure that the overall job space target of 1.8 million sq. ft. for NEFC, identified in the NEFC Directions remains achievable. The reports are summarized as follows:

1. FCN ODP Amendments - The report recommends amendments to the False Creek North Official Development Plan (FCN ODP) that specify new requirements for district energy, local jobs and procurement, event noise mitigation and thermal comfort. These requirements will apply to all of the undeveloped sites in Northeast False Creek which are subject to the recently approved Council policy, Northeast False Creek: Directions for the Future (the "NEFC Directions"). The report discusses a number of amendments required to consider site specific rezoning applications and provides a rationale for the recommendation to accept sites outside of the FCN ODP boundary for future affordable housing as part of the community amenity offering for Area 5b West.
2. Hotel/Entertainment/Casino Complex Rezoning - The report assesses an application to rezone a portion of Area 10 (west side of the stadium) to permit the development of a mixed-use entertainment complex including two hotels, a casino, restaurants, a theatre and a cabaret. The report explicitly discusses the proposed relocation and expansion of the Edgewater Casino. No amendments to the FCN ODP are required in conjunction with this rezoning. The report also discusses the linkages between the Hotel/Entertainment Complex and the Concord 5b East site.
3. Concord Area 5b East Rezoning - The report assesses an application to rezone Area 5b East to permit a primarily residential development. The rezoning requires concurrent amendments to the FCN ODP to transfer residential floor space from Area 10 (BC Place Stadium Site) to Area 5b East.
4. Concord Area 5b West Rezoning - The report assesses an application to rezone Area 5b West to permit a primarily residential development. The rezoning requires concurrent amendments to the FCN ODP to transfer commercial floor space from Area 6c and convert it to residential floor space.

## *DISCUSSION*

Rezoning Site and Context (See Figure 1, above):

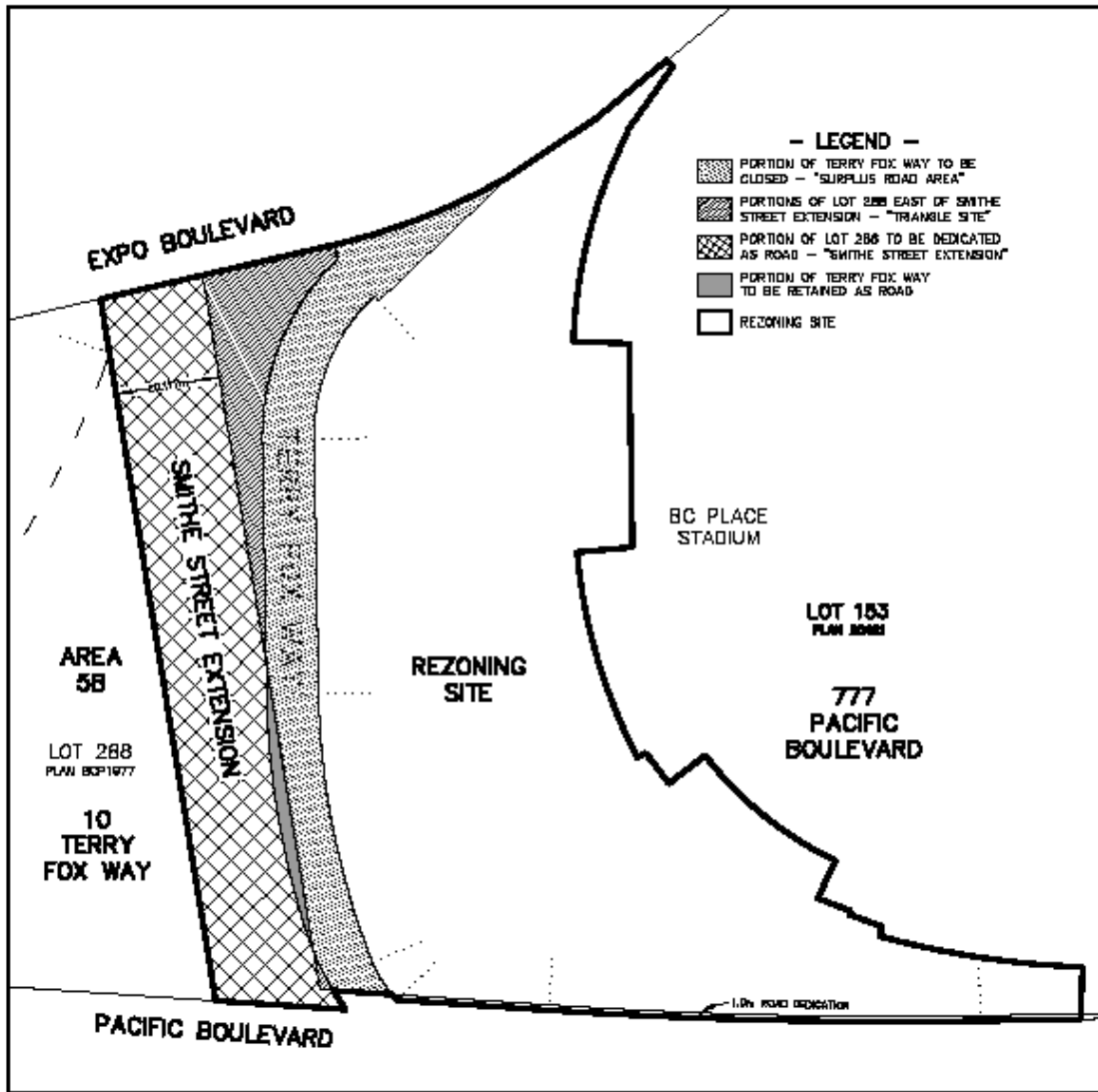
The Rezoning Site is located on the west side of Area 10, south of Expo Boulevard and north of Pacific Boulevard. The components of the site are further described below and illustrated in Figure 2. To the north of the site is commercial development, while the lands to the south have been rezoned for residential development. Two sites directly south of the Rezoning Site across Pacific Boulevard have been designated as future affordable housing sites. A future streetcar extension is proposed along Pacific Boulevard, with a stop to be located under the Cambie Street Bridge.

The Rezoning Site is shown within heavy bold outline on an Explanatory Plan, a copy of which is attached as Map 1, (Appendix D), and is comprised of the following components as illustrated in Figure 2, below:

- a) a portion of 777 Pacific Boulevard (PID: 008-332-614, Lot 153 False Creek Plan 20421) lying westerly of a line drawn approximately along the west edge of the stadium building above the concourse level as shown on Map 1, Appendix D (owned by BC Pavilion Corporation ["PavCo"]) (the "BC Place Site");
- b) a portion of Terry Fox Way to be closed and conveyed by the City to the registered owner of the BC Place Site ("Surplus Road Area");
- c) a portion of 10 Terry Fox Way (Lot 288 False Creek Plan BCP1977), owned by One West Holdings Ltd. ("Concord") and referred to as Area 5B East in the False Creek North ODP, to be dedicated as road (the "Smithe Street Extension"); and
- d) portions of 10 Terry Fox Way (PID: 025-540-866 Lot 288 False Creek Plan BCP1977), located east of the Smithe Street Extension, owned by Concord and referred to as Area 5B East in the False Creek North ODP (the "Triangle Site").

The agreement with respect to the closure and conveyance by the City of a portion of Terry Fox Way to the registered owner of the BC Place Site is set out in the UCA. A temporary statutory right of way, in favour of the City, will be registered over the closed portion of Terry Fox Way until all utilities have been abandoned or relocated and the road is no longer required. Prior to enactment of the rezoning, the General Manager of Engineering Services will bring a further report to Council to obtain authority to stop-up, close and convey this portion of Terry Fox Way to the registered owner of the BC Place Site. Following enactment of the By-law, subject to the approval of the City's Approving Officer, the applicant intends to create an air space parcel to contain the proposed development.

Figure 2 – Rezoning Site Components



1. Policy Context

Development of the Rezoning Site is governed by the False Creek North Official Development Plan (the ODP), which calls for incremental rezoning to CD-1 for each sub-area in the ODP. In 2008 the ODP was amended to add 130 060 m<sup>2</sup> (1.4 million sq. ft.) of development potential to Area 10. At that time, amendments were also approved to clarify that locating major institutions in North East False Creek (NEFC) would be consistent with the prevailing role of the area. A new Section 3.5.2.2 was added to the ODP as follows:

“3.5.2.2 Cultural, Recreational, and Institutional Uses Serving the City and Region – The proximity of the Stadium, GM Place\*, and Science World, and their ready access to public transit, reinforces the role of the area as a centre for entertainment, sports,

[\* now Rogers Arena]



and cultural and public events, serving the city and region. To enhance this role, Council may allow sub-area zonings to include other cultural and recreational facilities, including a major art gallery and a major casino that will also serve the city and region.”

In 2009, Council approved the “North East False Creek: Directions for the Future” (“NEFC Directions”) which guides the future redevelopment of the parcels governed by the ODP which remain to be developed. This proposed rezoning would contribute approximately 800,000 sq. ft. of job space towards achieving the target of 1.8 million sq. ft. in NEFC as set out in the NEFC Directions. The proposed project would also deliver approximately 1,900 full-time-equivalent jobs. In addition, the proposed hotel/entertainment complex is supported by the following directions:

- a) Direction 3.2.1 “Enhance NEFC as a vibrant city and regional focus of sports, entertainment, community and cultural events and facilities.”
- b) Direction 3.3.3 “Encourage new major attractions, such as the Vancouver Art Gallery, museum, entertainment uses, casino, or other citywide or regional facilities.”
- c) Direction 3.3.4 “Line major pedestrian links and public spaces with retail/service development.”

## **2. Land Use and Density**

The proposed land use allows for a unique mix of hotel, entertainment, retail, and service uses, which are complementary to and consistent with the policy directions for the area. Two hotels are proposed for the development, at opposite ends of the project. Together they comprise over 400,000 sq. ft. (more than half) of the total floor area for the site. A conference centre for the hotels is included within the complex. The proposal also contains six restaurants, one food court, four liquor primary establishments, and one cabaret venue, all located within various levels of the podium of the project. Retail and service uses to animate the pedestrian realm are located on the ground floor. The density of the project is 9.62 FSR. The height of the project is 91 metres to the upper side of the roof of the project, while the overall height of the project is 93 metres.

## **3. Casino Use, Policing Concerns and Memorandum of Understanding between Paragon and Planet Bingo**

The proposed rezoning permits Casino - Class 2 use and would facilitate the relocation and expansion of the Edgewater Casino from Plaza of Nations (750 Pacific Boulevard) to the Rezoning Site. The casino gaming floor will comprise no more than 10 600 m<sup>2</sup> (114,000 sq. ft.) of floor area within the overall hotel/entertainment proposal (about 14% of the total floor area.) The current Edgewater Casino is 3 400 m<sup>2</sup> (36,600 sq. ft.). The proposal would expand the existing approvals from up to 600 slot machines and up to 75 gaming tables to up to 1,500 slot machines and up to 150 gaming tables. By comparison, the River Rock Casino in Richmond has approximately 985 slot machines and 113 gaming tables (this is the largest casino in BC). The Tulalip Resort Casino, located 200 kilometres south in Washington State, is 18 580 m<sup>2</sup> (200,000 sq. ft.). This approval would make the expanded Edgewater Casino the largest casino in Western Canada. There are significantly larger casinos located in Ontario and Quebec.

There are currently eight casinos in the Metro Vancouver area with a total of 6,242 slot machines and 399 gaming tables. This includes the existing slot machines in Vancouver at both the Edgewater Casino (520) and the Hastings Park Racecourse (596), and the 75 gaming tables at Edgewater.

The Vancouver Police Department has not had any major concerns with the existing Edgewater Casino at their present location. If the casino relocates into this larger facility, the police will have to monitor the impacts arising from increased pedestrian and vehicular traffic to the area. There will also be a need to continue to monitor potential criminal activities associated with casino gambling (i.e., money laundering, gang activity, fraud, and loan sharking).

The proposal requires a change to the definition of "Casino - Class 2," in Section 2 of the Zoning and Development By-law. The definition currently expressly prohibits "pari-mutuel betting" also known as "teletheatre" betting. In teletheatre betting, a racetrack transmits its races via satellite to designated centres where patrons can wager on races viewed on screens or televisions. When the definition of "Casino - Class 2" was created in 2004, there were restrictions in Provincial gaming legislation about additional teletheatres in the lower mainland. Additional teletheatres are now permitted by the Province, and staff have no concerns about allowing teletheatre betting at the proposed new hotel/entertainment/casino complex. While a change to the definition would be applicable throughout the city, the Edgewater Casino is the only "Casino - Class 2" facility in the city. A further amendment is recommended to the definitions of both Casino - Class 1 and Casino - Class 2 to remove the references to "non-player-operated video lottery terminals" as this type of terminal is no longer applicable to British Columbia.

Appendix C sets out the recommended change to the definition of "Casino - Class 2" to allow teletheatre betting, changes the name of the Provincial legislation referenced in the definitions of "Casino - Class 1" and "Casino - Class 2" and deletes an outdated reference to "non-player-operated lottery terminals".

There is currently a Memorandum of Understanding with respect to the Edgewater Casino between the Community Gaming Management Association (CGMA) (Planet Bingo) and Paragon Holdings (Smithe Street) ULC (Paragon) (operators of Edgewater Casino) whereby Paragon has committed to support Planet Bingo for the development of a new facility. Planet Bingo entered into this MOU in 2003 with the previous owners of the Edgewater Casino, and Paragon assumed the obligations of the previous owner under the MOU when they purchased the Edgewater Casino. As the development of a new bingo facility is highly unlikely in the present business climate, Paragon has proposed a combination of direct and indirect benefits to the CGMA, including an annuity to be paid to the charities for the next four consecutive years. The two parties are still in discussion, with more information to be provided at time of Public Hearing.

#### **4. Form of Development**

The Form of Development consists of a 4-storey podium topped by two hotel towers — a 21-storey component fronting Pacific Boulevard and a 12-storey component fronting Expo Boulevard. This building form is consistent with the Form of Development approved in principle by Council in 2008 as part of the amendments to the ODP applicable to Area 10, and is, from an urban design perspective, an improvement on the form illustrated in 2008 in that

the subject building form has only two higher elements (hotels) rather than three as shown in 2008. This allows for more openness and separation between the two towers and less morning shadowing on the adjacent public realm as well as greater exposure of the Stadium's dynamic new roof and its supporting spires (now under construction). The overall built form has been configured to respect the view corridors passing over the site.

One of the key principles in NEFC is to "encourage distinctive and creative architecture that differentiates this waterfront from other waterfront areas". Staff consider the architecture of this project, as illustrated at this preliminary design stage, to be pursuing a distinctive and novel direction, with a unique architectural presence conveyed both day and night. This is appropriate and well aligned with NEFC's role as a hub for entertainment, sports, special events and associated activities. Staff note that as anticipated by the policy, a number of these architectural innovations derive directly from sustainable principles to do with choice of materials, response to solar orientation and control, and green roof treatment. As well, the design illustrates a strong urban performance, enhancing its context and the public realm around it. This reflects a key consideration of successful architecture in Vancouver. The three themes of architectural success (urban, green, and architectural expression/distinctiveness) have been the basis of staff's design negotiations with the applicant. Recommended design development conditions in Appendix B seek to advance the promise exhibited at this preliminary stage.

The application was reviewed by the Urban Design Panel on July 28, 2010, and was supported. (See Appendix E) Staff believe that the Form of Development will meet or exceed expectations at this rezoning stage and, subject to the recommended Conditions of Approval in Appendix B, support the proposal's urban design and architecture.

## 5. Public Realm

The overall built form achieves the public realm objective of strongly defining and animating the extensive street frontages, including Pacific Boulevard, Expo Boulevard and the future Smithe Street Extension (see 7. Smithe Street Extension, below). While most casinos and related entertainment complexes feature many internalized spaces which can detract from the pedestrian experience at grade, staff have worked with the applicant to create a different form that fits into the Vancouver context of good public realm and active uses at grade. To this end, the podium proposes an array of retail, restaurant and hotel lobbies at sidewalk level all around the site edges. Above the ground floor are casino and related uses at Levels 2 and 3 and hotel ballrooms at Level 4, with rooftop amenities above. At this stage in the evolution of the design, staff are satisfied that the proposal meets the objectives of a robustly defined, active public realm interface on all fronting streets. Recommended Conditions of Approval in Appendix B to be pursued at the Development Permit stage call for design development to further enhance sidewalk animation (i.e., maximizing transparency, providing for outdoor restaurant patios, etc.) and pedestrian amenity (i.e., weather protection).

To accommodate and integrate the facilities' programme and functions with BC Place Stadium, the Stadium's existing perimeter open concourse at this interface is proposed to be closed off to public access. Two sets of open stairs are planned to link the remaining concourse levels to both Expo Boulevard and Pacific Boulevard. Recommended Conditions of Approval in Appendix B call for improvements in the design of these stairs to ensure that

pedestrian movement is accommodated in an inviting, safe manner and, further, that full accessibility is provided.

Between Expo Boulevard and the proposed Smithe Street cul-de-sac, a public plaza (the "Plaza") is proposed in the Smithe Street Extension. The Plaza will provide a sunny, highly usable space for pedestrians. Recommended Conditions of Approval in Appendix B seek improvements to the treatment of this space with the objective of achieving a fully integrated, vibrant and engaging public realm design (to be complemented by the future adjacent development of Concord's Area 5B East lands). In summary, staff support the proposed public realm components contained in the submission, with further design development to occur through the Development Permit stage.

## 6. Smithe Street Extension

The rezoning of this site will provide for the extension of Smithe Street (the "Smithe Street Extension") from Pacific Boulevard to Expo Boulevard.

The design of the Smithe Street Extension has vehicular access from the south at Pacific Boulevard moving northward and terminating with a cul-de-sac abutting the Plaza adjacent to Expo Boulevard at the north end. Although this does not allow for a vehicular connection across Expo Boulevard, the Smithe Street Extension will provide a pedestrian and bicycle link connecting the downtown to the False Creek waterfront. The Plaza will be a beneficial addition to the public realm and provides a vital link to the new stairway to be provided along the Expo Boulevard edge of the hotel/entertainment complex connecting to the BC Place Stadium concourse Level 2. Staff recommend that the applicant further explore the landscaping of the Plaza.

Parking for the development is contained in four underground levels. The primary vehicular access to the parkade is proposed from the Smithe Street Extension. As well, portions of underground parking are proposed below the surface of the Smithe Street Extension. Prior to enactment of the rezoning by-law, the applicant will be required to arrange for the dedication of the Smithe Street Extension to the City and grant associated statutory rights of way. Prior to occupancy of the development a further report to Council will be required to obtain Council authority to stop-up, close and lease to the owner of the BC Place Site a volumetric portion of the Smithe Street Extension to contain the underground parking structure. Prior to occupancy, the applicant will enter into an agreement with respect to the applicant's use of the area below the Smithe Street Extension for underground parking. Recommendation H addresses the applicant's proposed use of the Smithe Street Extension for underground parking.

## 7. Parking and Loading

Proposed in the four levels of underground parking are 1,236 parking spaces. Of those stalls, 736 are proposed to meet by-law requirements (based on application of the current downtown standards extended to this site). There is an existing agreement (the "Stadium Parking Agreement") for various sites in False Creek North to require these sites, upon redevelopment, to provide public parking during weekday daytime hours for BC Place Stadium (the "Stadium Parking Spaces"). This agreement requires that 1,000 Stadium Parking Spaces be provided on various False Creek North sites within 600 m of BC Place Stadium. To date,

700 spaces have been provided through development of GM Place (now Rogers Arena), and International Village, and existing stalls on the Area 10.

The applicant is proposing that the City amend the Stadium Parking Agreement to transfer the requirement for the remaining 300 physical parking stalls from the remaining False Creek North sites obligated to provide this parking, to the Rezoning Site (200 stalls from the neighbouring Concord Area 5B site and 100 stalls from the City-owned site under the Georgia and Dunsmuir Viaducts). Staff supports this amendment to the Stadium Parking Agreement as the Rezoning Site is an ideal location for Stadium parking. By providing the remaining 300 Stadium Parking Spaces on the Rezoning Site, the requirement to provide a total of 1,000 Stadium Parking Spaces would be fulfilled. The following table breaks down the total allocation of parking spaces:

Table 1: Allocation of Public Parking Spaces

By-law Required for the Hotel/Entertainment uses	736 spaces
Replacement of existing on-site BC Place parking	200 spaces
Stadium Parking Spaces to fulfill Stadium Parking Agreement	300 spaces
<b>TOTAL</b>	<b>1,236 spaces</b>

Parking is accessed from the Smithe Street Extension. There is also a secondary entrance located in the rear (private) service lane adjacent to BC Place.

The Parking By-law requires the provision of 14 goods loading spaces and 3 passenger loading spaces to serve this development. Due to site constraints, the applicant has requested a significant relaxation of the provisions of the By-law to 5 goods loading spaces and 1 passenger loading space. In ongoing discussions with the applicant, staff have expressed concerns about the number, design, and functionality of both passenger drop-off and loading on Smithe Street and the loading facilities on the private lane. Staff will continue to work with the applicant's consultants to address these concerns including requiring a detailed review of the anticipated goods and passenger loading demands and proposals to manage those demands. Recommended Conditions of Approval in Appendix B have been provided to allow for revisions to the loading at the Development Permit stage. A detailed Loading Management Plan will accompany the Development Permit application.

A Transportation Study was submitted with the application. The study analyzed the impact of the proposed development on traffic in the vicinity, especially in relation to the intersection of Smithe Street and Pacific Boulevard. The study concluded that the traffic generated by the development will require the applicant to make various improvements to the road network, including improvements to a portion of Nelson Street. This will be detailed as part of the recommended Services Agreement. A revised Transportation Study is requested in the recommended conditions of approval.

## 8. Environmental Sustainability

It is anticipated that the development will comply with the approved *EcoDensity* (now referred to as *EcoCity*) *Revised Charter and Initial Actions* A-1 and A-2. Action A-1, Council's Green Building Policy requires that rezoning applications received between June 10, 2008 and July 30, 2010 achieve a minimum of LEED® Silver, with target points for energy performance, water efficiency, and stormwater management. This application was made in June 2010, before the requirements changed for meeting the LEED® Gold standard. However, the rezoning application included a preliminary commentary on sustainability issues and a preliminary LEED® Scorecard (see Appendix G), which nonetheless proposes to meet the LEED® Gold Standard. The City's Green Building Policy also requires the applicant to register the project with the Canada Green Building Council.

Initial Action A-2 establishes a rezoning policy to achieve higher sustainability standards as an essential component of large site developments through the exploration of District Energy Feasibility, Sustainable Site Design, Green Mobility and Clean Vehicles, Rainwater Management, and Solid Waste Diversion. These matters have been addressed either through the design of the development, or will be provided for through required plans or strategies, with all to be implemented through the requirements contained within the recommended Conditions of Approval set out in Appendix B. Provisions regarding housing have not been addressed as residential use is not contemplated within the proposed development.

The NEFC Directions require that local energy planning assessments be completed for NEFC, with a view to implementing feasible campus or district energy systems that reduce carbon dependency. A district energy approach enables significant GHG reductions for entire neighbourhoods that could not be cost effectively achieved by individual buildings. As this approach is dependent upon economies of scale, it is important that all buildings in the neighbourhood connect to the district system. A screening level assessment of the feasibility of a renewable district energy system in NEFC was completed in the spring of 2010 with involvement of the five property owners in NEFC and BC Hydro. The results of this assessment showed that a renewable district energy system for NEFC would result in significant carbon reductions and that it is economically viable.

A subsequent detailed feasibility study completed late in 2010 confirms the cost competitiveness and environmental benefits of renewable district energy for NEFC, and provides an approach to implementation of measures resulting in neighbourhood GHG reductions of 65% over business as usual.

This project shall be required to connect to the future district energy system for heating and hot water, as set out in the Conditions of Approval in Appendix B.

This rezoning application also presents a unique energy challenge in that casinos are typically high consumers of electricity due to the slot machines, associated lighting, and other computerized equipment. In addition to consuming electrical energy, the gaming floor operations (equipment, lighting and patrons) generate heat at levels that will require year-round mechanical cooling (air conditioning) – another energy intense activity.

The applicant is proposing to recover as much waste heat as possible from the mechanical cooling of the gaming floor for reuse in other aspects of the entertainment complex. Staff are working with the applicant, BC Lotteries Corporation, and BC Hydro to ensure that the

slot machines and gaming floor lighting are the most energy-efficient possible at initial installation. Work on this will continue as the building design evolves and greater certainty is provided on the specifications of the equipment that will be used in this facility.

## 9. Social Sustainability

Two existing agreements with respect to the Edgewater Casino will be amended to be applicable to the Edgewater Casino at the Rezoning Site:

- (a) The Social Responsibility Fund Agreement provides \$200,000 annually to the City to mitigate the possible negative impacts of gaming. It is proposed that this amount be augmented in proportion to the increase in gaming realized in the expanded facility to \$300,000 annually; and
- (b) A Local Hiring Agreement ensures that 10% of the employment is sourced from inner-city neighbourhoods where residents may experience barriers to employment. The Edgewater Casino has an existing agreement that covers the casino operations. This agreement will be amended to cover the construction period of the hotel/entertainment complex as well as the casino operations, and the boundary expanded to include Strathcona and Mount Pleasant. In accordance with the proposed amendments to the FCN ODP, local procurement will be required for this proposal to ensure that a portion of the construction materials are purchased locally. This revised agreement will be termed an "Inner-City Local Employment and Procurement Agreement".

Present research suggests problem gambling affects 4.6 percent of the population. It is recognized that a larger casino will result in expanded opportunities for those affected by problem gambling to engage in their addiction. The City will continue to work with the Provincial government and casino operators to implement responsible gambling practices.

## 10. Public Benefits

In October 2008, Council approved amendments to the False Creek North ODP allowing consideration of up to 130 060 m<sup>2</sup> (1.4 million sq. ft.) of new floor area for Area 10 (BC Place Site). Council concluded that the Stadium Upgrade, including the replacement of the roof with a retractable roof, would be viewed as the public benefit associated with the new development. The BC Place Upgrade Commitment Agreement (UCA) establishes the City's expectations with respect to the Stadium Upgrade and provides that no further amenity contributions would be required as part of this rezoning application.

Most of False Creek North was developed by a single-owner (Concord Pacific) and the public benefits and amenities required in conjunction with development were established through the ODP. Accordingly, False Creek North including the BC Place Site is not subject to Development Cost Levies.

However, this project is required to participate in the Public Art Program. The applicant has committed to providing public art on site as part of this development. A legal agreement to secure compliance with the City's Public Art Policies and Guidelines is included as a Recommended Condition of Approval in Appendix B. Using the current value of \$1.81 per square foot, the value of public art provided would be approximately \$1,448,000.

## *PUBLIC INPUT*

### 1. Rezoning Application

As part of the rezoning process, two open house events were held on June 24 and 26, 2010. Notification was sent to over 4,000 households adjacent to the proposed Rezoning Site, and notification signs were posted on site. The City of Vancouver Rezoning Centre webpage provided notification and application information, as well as an on-line comment form. The applicant also placed advertisements in the Vancouver Sun and the Georgia Straight. The notifications, advertisements, and signs on site gave notice of the rezoning application, the proposed relocation of the Edgewater Casino, and the proposed expansion of the Edgewater Casino on the Rezoning Site.

A total of 300 people attended the two events and 98 comment forms were received. 74 of those comment forms indicated support for the mix of uses located on the site, and specific support for a casino in this location. Those not in support were concerned about tower height and blockage of views. Of those that attended, about half reside within a 2-block radius of the proposal, with the other half residing outside the notification area.

The proposed rezoning for the hotel/entertainment/casino complex was discussed in detail at the NEFC Joint Working Group twice between April and December 2010. The following is a summary of the key discussion and commentary:

- Local residents expressed concerns regarding the staging/loading of event trucks and potential impacts on congestion, air quality and noise,
- Concerns were expressed by the group that the density transfer between Area 10 and 5b East contribute adequate Community Amenity Contributions, and
- Residents and local organization have concerns regarding the provision of amenities to meet the needs of the growing surrounding population and that future developments should aim to provide these.

The False Creek Residents' Association provided a letter indicating that they were not going to participate in the public process for the hotel/entertainment complex. Their letter identifies similar concerns as the Joint Working Group. Their comments are contained in Appendix E, page 5 of 6.

The community's concern about trucks idling off city streets has partially been mitigated through the redesign of BC Place, as the removal of the air locks allows trucks to drive into the stadium without having to wait for the air lock to activate. Some of the concerns regarding amenities have been dealt with through the items PavCo has provided through the redevelopment of the BC Place Stadium, which is described in detail in the Concord Area 5b East Rezoning (RTS # 8848). In addition, a portion of Creekside Park extension is being provided through the Concord Area 5b West rezoning (RTS #7567).



## 2. Casino Relocation/Expansion

The *Gaming Control Act* requires that the approval process for the relocation and expansion of a gaming facility provide “adequate community input” and must include consultation with potentially affected local governments. The public process designed for consideration of this rezoning application has included two Open House events. The Public Hearing itself will provide further opportunity for community input. BC Lotteries Corporation has indicated this will satisfy the requirements of the Gaming Control Act.

To satisfy the Gaming Control Act and Regulation requirement that the host local government consult with each potentially affected local government, a letter will be sent to potentially affected local governments and First Nations communities, and to Metro Vancouver. The letter will outline the proposal under consideration and invites comments on the limited subject matters of: a) infrastructure and policing costs; and b) traffic and highway use. This notification will be sent immediately after referral to provide 30 days for response from potentially affected local governments prior to a Public Hearing. Staff have reviewed this public process with BCLC and have been advised that it will satisfy the requirements of the Gaming Control Regulation.

### *FINANCIAL IMPLICATIONS*

Each year, the City of Vancouver receives 10% of the net revenue from gambling operations within the city, under the terms of the Host Local Government Agreement signed with the Province. The current amount of revenue received by the City from the Edgewater Casino is \$7 million a year. Approval of the proposed casino expansion component of the hotel/entertainment/casino complex will generate an estimated \$17 million in revenue to the City annually. Further, an additional portion of casino revenues will be paid to the City as provided in a revised Social Responsibility Fund Agreement.

### *CONCLUSION*

Staff have reviewed the application to rezone the Rezoning Site from BCPED to CD-1 to allow the hotel/entertainment complex. The project is consistent with the existing policies contained in the North East False Creek: Directions for the Future, which supports the hotel/entertainment/casino complex on this site.

The amendment to the Zoning and Development By-law to allow pari-mutuel betting at the casino, as proposed for this Rezoning Site, brings the City by-law in line with Provincial legislation.

The Director of Planning recommends that the rezoning application be referred to a Public Hearing, together with the draft CD-1 (Comprehensive Development) by-law contained in Appendix A and the draft Zoning and Development By-law amendments and BCPED (BC Place/Expo District) amendments contained in Appendix C, with a recommendation of the Director of Planning that subject to the public hearing, these be approved subject to the recommended Conditions of Approval set out in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix F.

Further, the Director of Planning recommends that, subject to approval of the rezoning after Public Hearing, Council approve the relocation of the casino operated at the Plaza of Nations, by Paragon Holdings (Smithe Street) ULC, to the Rezoning Site on the terms set out in this report and, as part of that relocation, the expansion of the casino also as set out in this report.

\* \* \* \* \*

777 Pacific Boulevard  
DRAFT CD-1 BY-LAW PROVISIONS

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

This By-law does not apply to any existing Stadium Improvements, or to any future Stadium Improvements associated with the installation of a retractable roof and completed no later than November 1, 2011.

1. Definitions

Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

- **Gaming Activity** means the use of slot machines and gaming tables and teletheatre betting and other forms of betting for which authority has been given under the BC Gaming Control Act;
- **Rezoning Site** means the 1.57 ha area shown within heavy bold outline on the plan attached as Schedule A, and does not include existing Stadium Improvements, or any future Stadium Improvements associated with the installation of a retractable roof and completed no later than November 1, 2011;
- **Stadium Improvements** means the portions of BC Place Stadium building including ingress and egress facilities within the Rezoning Site.

2. Uses

- Cultural and Recreational Uses, limited to Arcade, Billiard Hall, Bingo Hall, Casino - Class 2, Club, Fitness Centre, Hall, Stadium or Arena, Swimming Pool, or Theatre;
- Institutional Uses, limited to Public Authority Use;
- Office Uses;
- Parking Uses;
- Retail Uses, limited to Liquor Store, Grocery or Drug Store, and Retail Store;
- Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Hotel, Neighbourhood Public House, Print Shop, Restaurant;
- Accessory Use customarily ancillary to any use permitted by this section.

**3. Conditions of Use**

- For a Casino - Class 2 use, the number of slot machines must not exceed 1,500 and the number of gaming tables must not exceed 150.

**4. Floor area and density**

The total floor area for all permitted uses, except for Stadium or Arena uses existing as of October 16, 2008, must not exceed 85 700 m<sup>2</sup>, except that the Director of Planning or Development Permit Board may permit an increase in the floor area for hotels provided that:

- the increase in no case exceeds a maximum of 15% of the floor area of that portion of the building having floor to floor dimensions of less than 10 feet and used for guest accommodation and ancillary corridors, service and access areas;
- it first considers the impact of additional density on built form, neighbouring sites and buildings, livability, views, shadowing and local pedestrian and vehicular circulation; and
- it first considers all applicable policies and guidelines adopted by Council.

The total floor area for gaming activity must not exceed 10 600 m<sup>2</sup>.

Computation of floor space ratio must include all floors having a minimum ceiling height of 1.2 m, both above and below ground level, measured to the extreme outer limits of the building.

Computation of floor area must exclude:

- Patios, roof decks and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
- where floors or portions of floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length and the maximum exclusion for a tandem parking space must not exceed 12 m in length;
- where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause is not to apply to walls in existence before March 14, 2000; and
- with respect to exterior:
  - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or

- (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

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

- where floors or portions of floors are used for heating and mechanical equipment, or uses which, in the opinion of the Director of Planning are similar to the foregoing, those floors or portions of floors thereof so used, if he first considers the impact of additional density on built form, neighbouring sites and buildings, livability, views and shadowing.

## 5. Building height

The building height, measured above base surface and to the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed 91.0 m, except that the building must not protrude into the Cambie Street and Cambie Bridge view corridors approved by Council in the City of Vancouver View Protection Guidelines.

## 6. Parking, loading, bicycle storage, and passenger spaces

Any development or use of the site requires the provision, development, and maintenance of off-street parking, loading, bicycle storage and passenger spaces, in accordance with the requirements of, and relaxations, exemptions and mixed-use reductions in, the Parking By-law, except that for the following uses the following parking requirements apply:

- Hotels uses shall provide a:
  - minimum of 0.3 parking space and a maximum of 0.5 parking space for every sleeping or housekeeping unit; and
  - a minimum of 1.0 parking space and a maximum of 1.1 parking space for each 40 m<sup>2</sup> of floor area used for meeting room or ballroom assembly purposes.
- All other uses shall provide a:
  - minimum of one parking space for each 145 m<sup>2</sup> of gross floor area and a maximum of one parking space for each 115 m<sup>2</sup> of gross floor area.

\* \* \* \* \*

777 Pacific Boulevard  
PROPOSED CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the public hearing.

**PROPOSED CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received City Planning Department, August 9, 2010, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

**Urban Design**

1. Design development to allow for better programming of uses and spaces to emphasize the entertainment component of the project with functions such as cabaret/dinner/performance provided;
2. Design development to ensure appropriate ground floor retail and restaurant uses that support destination entertainment and contribute to activating the sidewalks around the entire perimeter of the site;

Note to Applicant: Orienting retail uses to the streets rather than inwardly is required, including maximizing the number of tenancies and entrances into shops from the street in order to enhance interaction with pedestrians. Outdoor seating for restaurants is encouraged (refer to #3 below).

3. Design development to the ground level treatment and character of the sidewalk frontages around the entire perimeter of the site maximizing transparency into interesting shops, lobbies, restaurants etc., accentuating street level/storefront variety and providing continuous weather protection;
4. Design development along Pacific Boulevard to extend store frontage as much as possible to the east with a view to reducing the visual obtrusiveness of the vehicular exit/loading area and integrating the stair from the Concourse;
5. Design development along Smithe Street to allow for integration of ground floor levels with the changing sidewalk elevation;

Note to Applicant: Outdoor seating should be as close to sidewalk grade as possible to avoid a "barrier" feel from the pedestrians' perspective.

6. Design development along Expo Boulevard to allow for integration of the stair to the Concourse to provide an inviting, animated, gracious link to Terry Fox Plaza;

Note to Applicant: The applicant shall ensure that the cantilever of the hotel over the stair does not result in a dark, overbearing feel to the stair space.

7. Design development to the Smithe Street/Expo Boulevard plaza to create a more meaningful dynamic public space;

Note to Applicant: A rethink of this space is needed taking into account its generous sun access, movement patterns, evolving design direction of Area 5b-East Public Realm and how this space can positively engage the Cambie Bridge edge, as well as the comments of the Urban Design Panel.

8. Design development to the exterior treatment of the podium to build on the promising notions presented at this conceptual stage;

Note to Applicant: The intent should be to advance the details of the design to convey an authenticity of architectural expression, rather than an appliqué, while maintaining the spontaneity and exuberance portrayed in the drawings and images.

9. Design development to the exterior treatment of the Expo Boulevard hotel tower to advance the detailing of the façade design to capture the articulation conveyed in the drawings;

10. Design development to the exterior character of the Pacific Boulevard hotel tower to better reflect its dynamic massing as well as the high degree of visual interest exhibited in the other components of the complex;

Note to Applicant: There is a concern that the treatment of the exterior façades of this major component of the complex diminish rather than enhance its interesting overall massing.

11. Design development to the interface between the hotel/entertainment/casino complex and BC Place Stadium to better integrate the various exterior and interior spaces while ensuring their functionality;

Note to Applicant: There is a concern that this area feels like the "back door" of the complex that fails to respond to the exciting forms (new roof and spires) of the renovated BC Place Stadium.

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving a minimum LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point, and one storm water point;

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above noted points have been

achieved. Both checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than LEED® Silver is encouraged.

### Landscape Design

13. Clarification of the treatment of the Level 6 roof deck as a green roof, as seen in the colour graphic shown in the rezoning application;

Note to applicant: Page A3.15 still refers to the roof as a Stone/Green Roof. The greatest visual amenity for any views overlooking this roof would be provided by a green roof, not a stone covered roof.

14. All proposed trees in the Smithe Street plaza are to be planted at grade, not in raised planters;

Note to applicant: This can be achieved if adequate soil depth is provided between the upper slab of the parkade and the plaza surface. A continuous trench measuring a minimum of 1.5 meters wide and 1 meter deep is required for trees planted on slab.

15. The sections drawings should illustrate both the location and extent of the parkade structure under Smithe Street, as well as the width and depth of the trenches;

Note to Applicant: See Drawing A4.07 with regard to the cross-section Smithe Street plaza tree planting trenches. See the Note to Applicant to condition #14 for dimensions for tree trenches.

16. Illustration on the plans of the planters, trees and shrubs proposed for the Level 2 pedestrian connection to BC Place Stadium, shown on page A3.07;

Note to Applicant: The plans should show details in section of the planting depths.

17. Provision of a full Landscape Plan at the time of Development Permit application;

Note to Applicant: The Landscape Plan should consider but not be limited to paving, lighting, planting, driveway crossings, pedestrian entrances, seating as well as proposed plant materials (with common and botanical names, plant sizes and quantities), walls, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

18. Provision of a Lighting Plan for the Smithe Street plaza at the time of Development Permit application;



## Engineering

19. Provision of a final Transportation Study to the satisfaction of the General Manager of Engineering Services, addressing all concerns about the significantly reduced proposed goods and passenger loading and servicing on this site;
20. Submission of a detailed Traffic Management Plan including a Goods Loading Management Plan, a Passenger Loading Management Plan, and an Area Event Management Plan, completed to the satisfaction of the General Manager of Engineering Services and prior to Development Permit issuance the completion of any agreements required by these studies on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;

Note to Applicant: Traffic management plans for the operation of the facility for both day-to-day activity and for each threshold scale event are required. These traffic management plans should address the activities of: limousines; taxis; private vehicles; buses (tour, shuttle and event); couriers; entertainment destination complex loading vehicles; and BC Place Stadium loading vehicles.

21. Confirmation on the drawings submitted for Development Permit application that the parking layout adheres to the City of Vancouver Parking By-law, Zoning and Development By-law and Parking and Loading Design Supplement;
22. Parkade vents appear to be within the streetcar alignment and may conflict with the streetcar (A3.05);
23. Modify the design of the parking entry off the service lane to ensure the entry is more perpendicular so that traffic must slow before entering;
24. Provide information as to the length of trucks which will be accommodated in BC Place and which will be exiting the Stadium into the service lane and show turning swaths demonstrating that this largest vehicle can be accommodated out of the west exit of BC Place;

## Sustainability

### Greener Larger Sites

25. An approach to Sustainable Site Design shall be taken and, where appropriate, incorporate layout and orientation approaches that reduce energy needs, facilitate passive energy solutions, and replicate natural systems where feasible;
26. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services;

Note to Applicant: The Green Mobility and Clean Vehicles Strategy should be coordinated with the Transportation Study and Traffic Management Plan (see conditions #19 and #20).

27. Provision of a Sustainable Rainwater Management plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site;

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan (see condition #17).

28. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex;

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

#### District Energy

29. The building(s) shall connect to a district heating system approved by the General Manager of Engineering Services to service new development in North East False Creek for provision of all building heating and domestic hot water service; except where the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building is approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the district heating system;

Note to Applicant: Unless and until Central Heat or an alternate energy supplier is the holder of a The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services, the Applicant will be prohibited from entering into any energy supply contract (other than for electricity, or natural gas required for processes not including space heating and domestic hot water provision) that does not give the Applicant and all future owners of the property the right to cancel such contract in whole or in part without cause or liability upon the occurrence of the Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services containing performance criteria for the Maximum Carbon Intensity of Delivered Heat and in any event no such energy supply contract will be entered into without the prior written approval of the General Manager of Engineering Services. The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services shall be to the satisfaction of the GMES and secured by the legal agreement required as a condition of by-law enactment. Maximum Carbon Intensity of Delivered Heat means that maximum amount of Co<sub>2e</sub> produced through the provision of space heating and hot water service as

described in The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services, and referenced in the legal agreement.

30. Space heating and ventilation make-up air shall be provided by hydronic systems, without electric resistance heat, distributed heat generating equipment gas fired make-up air heaters, etc.;

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of electric resistance heaters, or other distributed heat generating equipment to heat difficult to access parts the complex such as remote mechanical rooms or crawlspaces.

31. Design development to the mechanical heating and domestic hot water systems to ensure a minimum supply temperature of 65 degrees Celsius and maximum return temperature of 50 degrees Celsius in order to facilitate district heating service;
32. The building and parkade design is to include adequate space and designs to support connection to the district energy system approved by the General Manager of Engineering Services;

Note to applicant: 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, sleeve details, and servicing needs. Provide suitable space for the installation of the district energy system equipment, with adequate provision for connection to outside district energy system distribution piping and communications conduit. District energy equipment may include but is not limited to energy transfer stations (ETS), a steam to hot water converter station, or boiler equipment. The developer shall make available use of sewer and potable water piping. The space provided for district energy system equipment shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15°C. As required, the developer must provide dedicated electrical services required to service the district energy system equipment, to the satisfaction of the General Manager of Engineering Services.

33. No natural gas fireplaces are to be installed within building(s) or hotel rooms.

Note to Applicant: On a case by case basis, the General Manager of Engineering Services may approve limited use of natural gas fireplaces for ornamental purposes. A letter from a Professional Engineer outlining any provision for ornamental fireplaces is to be submitted at the time of application for Building Permit to state that the fireplaces installed are not heat producing.

#### PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the applicant shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manager of Engineering Services, the Manager of

Sustainability, the Director of Real Estate Services, the Director of Cultural Services and the Approving Officer as necessary, make arrangements for the following:

### Engineering

NOTE: For items 1, 2, 3, 4, 7 and 8, below, reference is made to the Upgrade Commitment Agreement Dated October 14, 2008 (the "UCA")

#### Create the Rezoning Site:

1. Acquisition from the registered owner of that portion of Lot 288 [PID 025-540-866] (10 Terry Fox Way) being that 66 foot (20.117 metre) wide extension of Smithe Street between Expo Boulevard and Pacific Boulevard as shown generally cross-hatched on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4) (the "Smithe Street Extension");
2. Make arrangements, subject to Council approval, for the closure and acquisition of a portion of Terry Fox Way, in accordance with the UCA, as shown generally dotted on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4) (the 'Surplus Road Area'). Once closed a temporary right of way over the Surplus Road Area in favour of the City for road and all public utility purposes is required until all utilities have been abandoned or relocated and the road is no longer required for public access. Also make arrangements for the closure of the portion of Terry Fox Way (the "Old Road Portion") to be retained as road and dedicated back to the City, as shown generally shaded on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4);

#### Note to Applicant:

- a) An application to the City Surveyor is required.
  - b) Pursuant to Section 291A of the Vancouver Charter a Waiver of Right to purchase the Surplus Road Area may be required from the Lot 288 owner.
3. Acquisition from the registered owner of portions of Lot 288 (10 Terry Fox Way) located westerly of the Surplus Road Area and easterly of the Smithe Street Extension, and shown generally hatched on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4) and marked as the "Triangle Site";
  4. 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 on the proposed development. The applicant's lawyer must submit to the City a title summary containing the following information:
    - a) copy of the Land Title Office search for all lots involved in the application;
    - b) a summary of the contents of each notation, non-financial charge, lien or interest on title containing a general description of the issues address by the document. The summary must also provide the lawyer's opinion as to whether the notation, charge, lien or interest will impact on the application and if so, how; and

- c) a copy of any of the notations, non-financial charges, liens or interests which may impact on the application.

Note to Applicant: The letter enclosing the title summary must be addressed to the City of Vancouver.

**Subdivision:**

- 5. Subdivision to consolidate Lot 153 [PID 008-332-614], the Triangle Site, and Surplus Road Area; and to dedicate as road the Smithe Street Extension, and to dedicate a 1 metre wide portion of Lot 153 for the widening of the north side of Pacific Boulevard between Smithe Street and Griffiths Way as shown generally on the sketch attached hereto as Map 2 (Appendix D, page 2 of 4);

Note to Applicant:

- a) The Old Road Portion, see 2. above, is to be dedicated back to the City as part of this subdivision.
  - b) Proposed property lines and Street Car SRW limits are not shown correctly on the drawings that accompany the application (notably at the north and south ends of Terry Fox Way, and along Pacific Boulevard). Portions of the proposed building from Level 2 thru Level 25 encroach onto Pacific Boulevard and must be deleted. Also, portions of the building within the 1 metre Pacific Boulevard widening are to be deleted (on page A3.06 an "L" shaped object adjacent to the service road exit is within the 1 metre road dedication). Contact the Land Survey Branch for a detailed road dedication geometric drawing.
  - c) As part of the subdivision all charges now on title must be reviewed and modified as necessary to reflect the subdivision, and additional agreements or replacement agreements may be required prior to subdivision approval, in particular reference is made to the Pedestrian Overpasses Volumetric Lease.
- 6. Make arrangements prior to occupancy and subject to Council approval, to raise title to a portion of Smithe Street between Expo Boulevard and Pacific Boulevard, and to close, stop up and lease from the City a volumetric portion thereof to contain that portion of the development located therein;

Note to Applicant: The lease is to be for the life of the proposed underground parking structure. The volumetric lease parcel configuration must respect public utility requirements. An application to the City Surveyor is required.

**Statutory Rights of Way:**

- 7. Provision of a Statutory Right of Way over both a portion of the Rezoning Site and a portion of Lot 288 owned by Condord in favour of the City for road purposes to accommodate the cul-de-sac and sidewalk adjacent to the Smithe Street Extension, i.e., those areas generally shown dashed on the sketch attached hereto as Map 3 (Appendix D, page 3 of 4);

8. Provision of a Statutory Right of Way over a portion of the Rezoning Site, in favour of the City, for a surface Right of Way to enable use by the public of the proposed Plaza, walkways, and steps to connect the Stadium concourse with the Smithe Street Extension and subsequent discharge of the Cambie Bridge Pedestrian Ramp SRW, registered in the Land Title Office under R92182-184;
9. Provision of a volumetric Statutory Right of Way over a portion of the Rezoning Site, in favour of the City, for transit, road and utility purposes to accommodate the future Street Car Route along the north side of Pacific Boulevard shown generally on the sketch attached hereto as Map 4 (Appendix D, page 4 of 4);

Note to Applicant: The volumetric SRW area must provide for adequate height and grade requirements and ensure provision of support from the development.

**Parking:**

10. Enter into a Stadium Parking Agreement with the City, charging the Rezoning Site for the design, construction, operation and maintenance of 300 Stadium Parking Spaces on the Rezoning Site;

Note to Applicant: Stadium parking stalls under this Agreement must be designated for short-term (hourly and daily parking) public parking during daytime hours.

11. Obtain from the registered owner of Lot 288 and from the City amendments to the existing Stadium Parking Letter Agreement to allow for the transfer to the Rezoning Site of the obligation of the owner of Lot 288 and the obligation of the City to provide 300 Stadium Parking Spaces;

**Servicing:**

12. Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the subject site (collectively called "the Services") such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. The services shall include:
  - a) the design and installation of all Storm, Sanitary and Water systems as required by the development;
  - b) the decommissioning, abandonment or relocation of any utilities within Terry Fox Way including the reconnection of the storm sewer from BC Place and the reworking of any water services coming off the existing watermain within Terry Fox Way to be sourced off Expo Boulevard or Pacific Boulevard;

Note to Applicant: There is one active water service sourced off Terry Fox Way which services BC Place.

- c) the design and installation of a new watermain in the proposed Smithe Street Extension from Expo Boulevard to Pacific Boulevard;
- d) the design and construction of the Smithe Street Extension, the Old Road Portion (see 2. above), proposed SRW area outside of the portion of the 66 foot wide Smithe Street to be dedicated, and the portions of Expo Boulevard and Pacific Boulevard adjacent this site, all in keeping with the required public realm plan or streetscape plans issued or required by the City and any other guidelines issued by the City;
- e) the design and construction of the proposed Plaza area between Expo Boulevard and the Smithe Street cul-de-sac;
- f) provision of a full traffic signal at Smithe Street and Pacific Boulevard to replace the existing pedestrian signal including any required upgrades to other traffic signal infrastructure;
- g) any required modifications to the Smithe Street and Pacific Boulevard intersection to ensure that vehicular traffic exiting the development cannot travel south across Pacific Boulevard to Cooperage Way and that vehicular traffic from Cooperage Way cannot travel north across Pacific Boulevard to the Smithe Street Extension;

Note to Applicant: Full access must be provided for bicycles and pedestrians through this intersection.

- h) removal of the above-grade Cambie Bridge pedestrian connection between the Stadium concourse and Cambie Street Bridge and the provision of alternative access. Reference is made to Section 3.5 of the BC Place UCA; and
  - i) payment to the City of 75% of the total cost of a two-lane approach on Nelson Street between Pacific Boulevard and Expo Boulevard including the creation of a left-turn lane and any associated curb work and signal modifications including but not limited to, a left-turn traffic signal and any required upgrades to other traffic signal infrastructure at Nelson Street and Pacific Boulevard;
13. Undergrounding of all new utility services from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switchgear (vista switches), and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely 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. In particular, the applicant will be required to confirm that the Smithe Street Extension as proposed with parking at the P2 level and the parkade entrance at the north end of the cul-de-sac adequately provides for the servicing needs for the Rezoning Site and for the adjacent site (10 Terry Fox Way). Early contact with the Utilities Management Branch is encouraged;

14. Execute a floodplain covenant for the Rezoning Site;

#### Sustainability

15. Execute appropriate agreement(s) for all buildings, to only utilize thermal energy for space heating and domestic hot water provided by a district heating system pursuant to an agreement which complies with condition #29 in section (b) of Appendix B - District Energy and once available connect to the energy system holding The City of Vancouver's Retail Franchise for North East False Creek Low Carbon Renewable District Heating Services as determined by the General Manager of Engineering Services for the provision of all space heating and domestic hot water service;

Note to Applicant: On a case by case basis the use of equipment to capture waste heat energy from the refrigeration or cooling system of a building may be approved by the General Manager of Engineering Services for the purpose of supplementing the heat energy provided by the renewable district heating system; and, the agreement identified in this condition is also to provide for easements and access by the operator of the system to, and operation of, any district heating system components within the development.

16. Grant an option to purchase in favour of the City (with the right to assign the option to purchase to a utility operator) a minimum 93 m<sup>2</sup> suitable site to be utilized for energy system operations equipment which may include but is not limited to energy transfer stations, steam to hot water converter station, or a boiler equipment.

Note to applicant: The site is proposed to be within the Smithe Street parkade development parcel, or a location to the satisfaction of the General Manager of Engineering Services.

#### Soils

17. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of contaminants on:
  - (a) the Rezoning Site;
  - (b) any soils located within the Stadium Site disturbed by the development and construction of the project proposed for the Rezoning Site or if the Ministry of Environment requires any soils investigation or remediation of contaminants on or within the Stadium Site (the "Affected Stadium Soils");
  - (c) any additional lands not within the Rezoning Site which are dedicated or transferred to the City for roads, sidewalks, utility corridors or for public passage which are part of or related to the rezoning of the Rezoning Site, except for the portion of the Pacific Boulevard Dedication which is not within the Rezoning Site(the "Dedicated Lands"); and



- (d) if and to the extent so required by the Ministry of Environment or pursuant to any relevant Utility Design Agreement or Remediation Agreement all existing roads, street, sidewalks, lanes or other City property adjacent to or onto which Contaminants have migrated or could hereafter migrate from the Rezoning Site including the portion of the Pacific Boulevard Dedication not within the Rezoning Site (the “Existing Roads”),

(the Rezoning Site, the Affected Stadium Soils, the Dedicated Lands, and the Existing Roads are collectively called the “UCA Development Site 10A Remediation Lands”).

all in accordance with the Pacific Place Equivalent Approach as defined in the BC Place Upgrade Commitment Agreement: (Refer to Sections 3.2, 3.6, 3.7, 5.8(a) and (b), 6.1(b) and 6.4(c) of the BC Place Upgrade Commitment Agreement (the “UCA”). Capitalized terms in sections 17 to 23 unless otherwise defined herein shall have the meaning set out in the UCA);

Note to Applicant: The Pacific Place Equivalent Approach means:

- (i) the Provincial Government’s agreement to remediate or to conduct risk assessments and resultant risk management in respect of UCA Development Site 10A Remediation Lands on a basis equivalent to the approach applicable to the area in the City of Vancouver as previously developed or which is still to be developed by Concord and its affiliates (the “Pacific Place Approach”), which equivalent approach will require a Soils Agreement between the Provincial Government and PavCo (on terms substantively similar to the Soils Agreement between the Provincial Government and Concord for Pacific Place), a Provincial Guarantee and Indemnity Agreement between the Provincial Government and PavCo (on terms substantively similar to the Provincial Guarantee and Indemnity Agreement among Concord, the Provincial Government and British Columbia Enterprise Corporation), a Utility Design Agreement among the Provincial Government, PavCo and the City (on terms substantively similar to the Utility Design Agreements amongst the Provincial Government, Concord and the City for portions of Pacific Place) and a Remediation Agreement between the Provincial Government and the City (on terms substantively similar to the other remediation agreements for portions of Pacific Place) whereby the Provincial Government could elect to leave certain contamination within road areas, including the portions of the Rezoning Site being transferred or dedicated to the City, the Dedicated Lands and Existing Roads, unless and until (and then only to the extent) remediation is required in connection with utility works ; or
- (ii) if the Provincial Government does not so agree to remediate the UCA Development Site 10A Remediation Lands, or any portion thereof, based on the above described equivalent to the Pacific Place Approach or to enter into any of the agreements described above, then such equivalent

approach will apply to the UCA Development Site 10A Remediation Lands, or any portion thereof, as between the City and PavCo on the basis that PavCo will be substantively responsible for what would otherwise be the Provincial Government's responsibility in connection with the UCA Development Site 10A Remediation Lands and PavCo will covenant with the City to fulfill, perform and indemnify the City for what would otherwise be the Provincial Government's responsibility and obligations to Concord or the City, respectively, in accordance with the Pacific Place Approach, and such required agreements (as described in Section 14 (i) above) shall be entered into by PavCo and the City without including the Provincial Government;

18. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of the Rezoning Site, Dedicated Lands, and the Affected Stadium Soils and shall, prior to the occupancy of any new permanent buildings constructed pursuant to the Rezoning, provide confirmation that the Rezoning Site and Dedicated Lands and the Affected Stadium Soils are covered by Certificates of Compliance under the Environmental Management Act or Confirmations of Compliance under the Pacific Place Equivalent Approach and are the subject of a Utilities Design Agreement and a Remediation Agreement as herein described;
19. Obtain and submit to the City copies of all soil studies and the consequential remediation plans, approved by the Ministry of Environment (or any certified professional in accordance with the BC Environmental Management Act or regulation thereto), in respect of the UCA Development Site 10A Remediation Lands;
20. Enter into (or cause to be entered into by the Provincial Government) agreements satisfactory to the City Manager, providing for the remediation of any contaminated soils or groundwater on the UCA Development Site 10A Remediation Lands, (on terms substantively similar to the Remediation Agreements between the Provincial Government and the City and the Utility Design Agreements for Pacific Place), in accordance with a remediation plan approved by the Ministry of Environment and acceptable to the City, including without limitation PavCo or the Provincial Government, as applicable, providing for the completion of remediation and executing an indemnity agreement satisfactory to the City Manager, which indemnifies the City and the Subdivision Approving Officer against all liability, damage or costs which may be incurred as a result of the presence of any contamination on the UCA Development Site 10A Remediation Lands, or any portion thereof;
21. Submit to the City a remediation plan(s) for the portions of the Rezoning Site being transferred or dedicated to the City, for the Dedicated Lands and for the Existing Roads (if any utilities are being installed therein), including utility construction plans compatible with the accepted remediation plan, and enter into such agreements deemed necessary by the General Manager of Engineering Services providing for the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and

ground water flows, and other remedial works or systems if and as required by the Ministry of Environment or by the General Manager of Engineering Services (or any certified professional in accordance with the Environmental Management Act or the regulations thereto), including a Utility Design Agreement and Remediation Agreement in accordance with the Pacific Place Equivalent Approach, all to the satisfaction of the General Manager of Engineering Services and the City Manager;

22. 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 Manager of Environmental Protection and the City Manager;
23. Execute a Section 219 Covenant satisfactory to the City Manager, covenanting that there will be no occupancy of any new buildings or improvements on the Rezoning Site until Certificates of Compliance or Confirmations of Compliance, acceptable to the City, have been provided to the City by the Ministry of Environment for the Rezoning Site and Dedicated Lands respectively, and a Utilities Design Agreement and a Remediation Agreement have been entered into to the satisfaction of the General Manager of Engineering Services, in accordance with the Pacific Place Equivalent Approach, for the portions of the Rezoning Site being transferred or dedicated to the City, for the Dedicated Lands and for the Existing Roads;

#### **Social Policy**

24. Obtain amendments to the Social Responsibility Fund Agreement between Paragon Gaming (Paragon Holdings [Smithe Street] ULC) as the operator of the Edgewater Casino and the City to increase the proportion of gaming revenue paid to the City annually from \$200,000 to \$300,000 as a result of the expanded casino;
25. Execution of an Inner-City Local Employment and Procurement Agreement between the applicant, the operator of the Edgewater Casino, and the City for the construction and operation of the project on the Rezoning Site; and

#### **Public Art**

26. Execute an agreement for the provision of public art in accordance with the City's Public Art Policies and Guidelines, and provide development details to the satisfaction of the Public Art Program Manager.

Note to Applicant: To discuss your public art application and fulfillment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act. The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the Rezoning 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.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit, or cash deposits, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if not otherwise specified in these conditions, 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.

\* \* \* \* \*

777 Pacific Boulevard  
DRAFT CONSEQUENTIAL AMENDMENTS

1. DRAFT AMENDMENTS TO THE ZONING AND DEVELOPMENT BY-LAW NO. 3575

[All additions are shown in *bold italics*. Deletions are shown in ~~strikeout~~.]

Amend Section 2, Definitions as follows:

Cultural and Recreational Uses

**Casino - Class 1**, which means the use of premises for the purpose of playing or operating games of chance or mixed chance and skill on which money may be wagered and for which authority has been given under the authority of the ~~Gambling~~ **Gaming** Control Act of British Columbia or successor Act, but does not include player-operated video lottery terminals, slot machines, bingo halls, pari-mutuel betting, ~~non-player-oriented video lottery terminals~~ or Casino - Class 2;

**Casino - Class 2**, which means the use of premises for the purpose of playing or operating games of chance or mixed chance and skill on which money may be wagered and for which authority has been given under the authority of the ~~Gambling~~ **Gaming** Control Act of British Columbia or successor Act, and may include player-operated video lottery terminals, *pari-mutuel betting*, or slot machines, but does not include bingo halls, ~~pari-mutuel betting, and non-player-operated video lottery terminals;~~

2. DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

777 Pacific Boulevard                      [CD-1#] [By-law #]                      B (DD)"

3. DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

"[CD-1 #]    [by-law #]    777 Pacific Boulevard

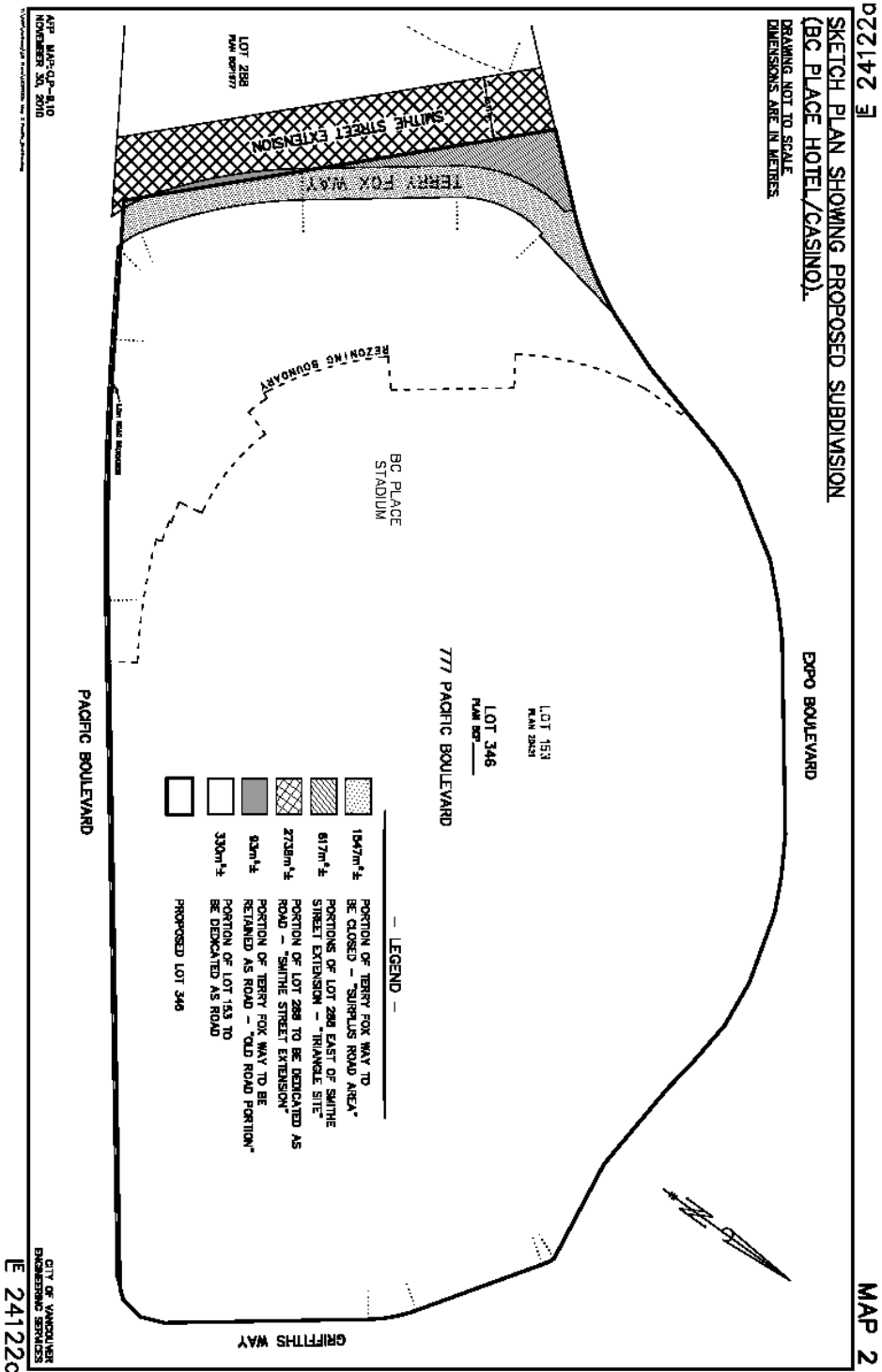
4. DRAFT AMENDMENTS TO THE BCPED (BC PLACE/EXPO DISTRICT) BY-LAW

Amend "Figure 1 - False Creek North Sub-Areas" and "Figure 2 - Area 6(c): Retail and Service Areas" to delete reference to Sub-Area 10.

\* \* \* \* \*



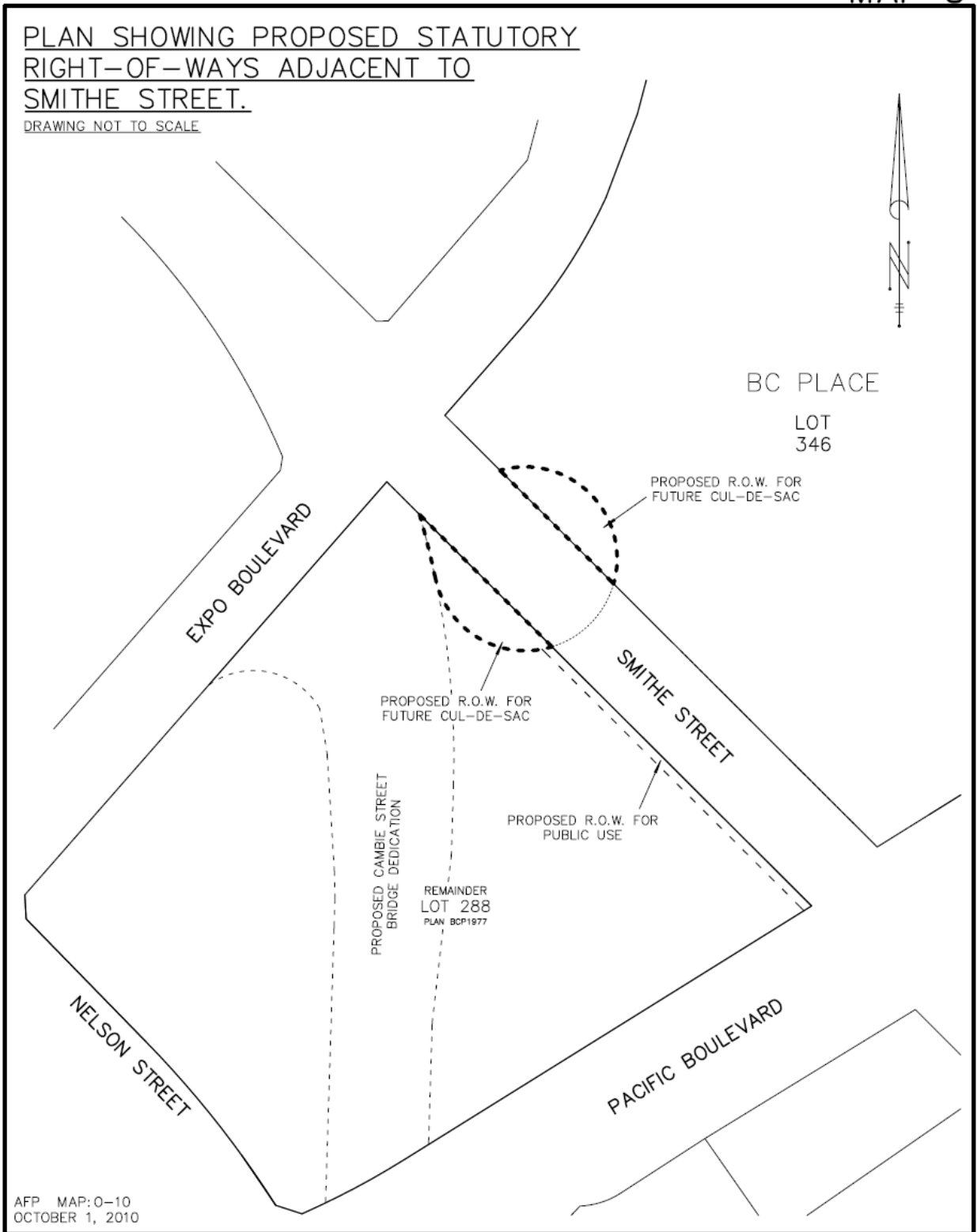
Map 2



MAP 3

PLAN SHOWING PROPOSED STATUTORY  
RIGHT-OF-WAYS ADJACENT TO  
SMITHE STREET.

DRAWING NOT TO SCALE



AFP MAP:0-10  
OCTOBER 1, 2010

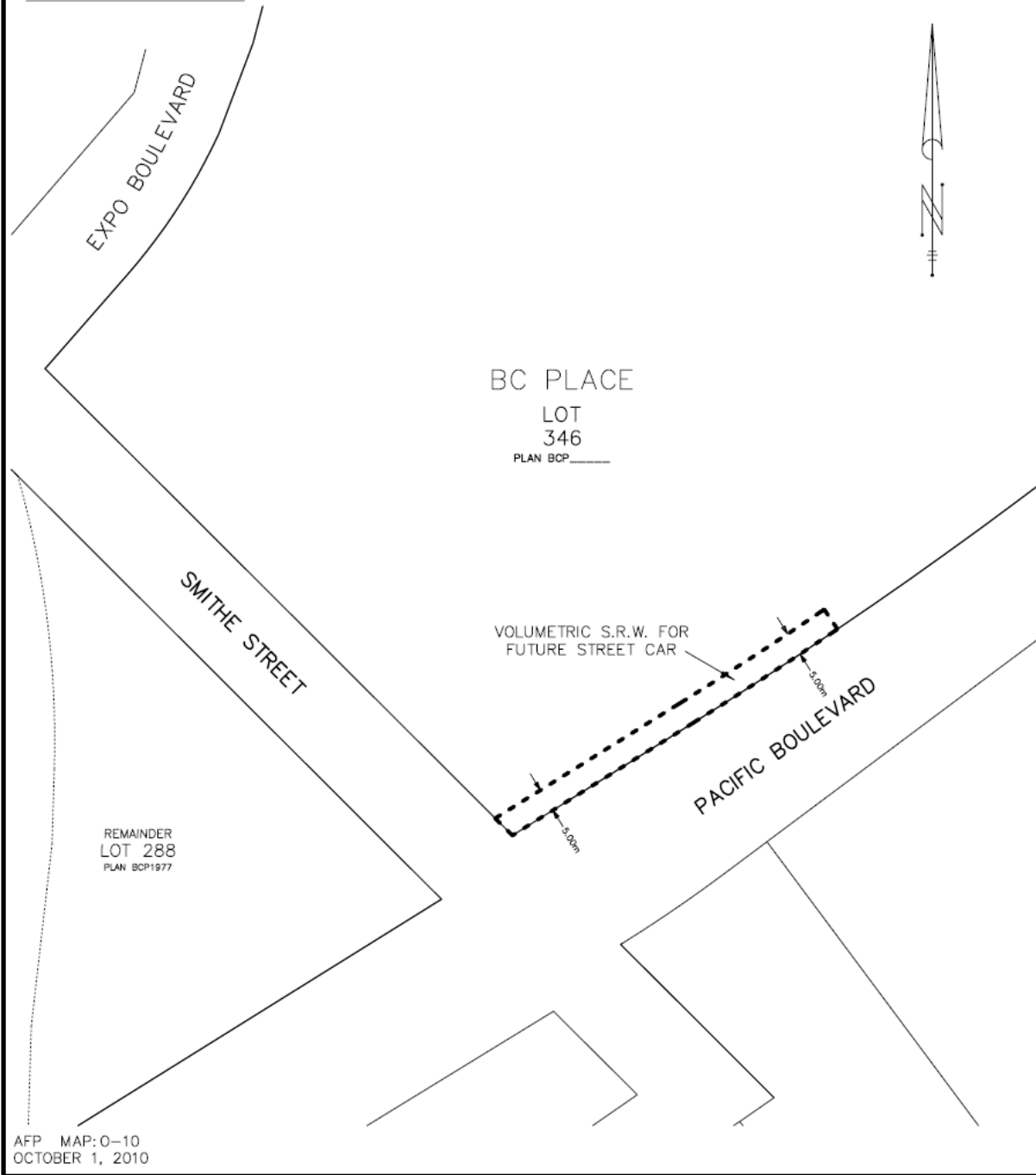
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MAP 4

PLAN SHOWING PROPOSED STATUTORY RIGHT-OF-WAY  
OVER LOT 346 FALSE CREEK GROUP 1  
NEW WESTMINSTER DISTRICT PLAN BCP

DRAWING NOT TO SCALE  
DIMENSIONS ARE IN METRES



777 Pacific Boulevard  
ADDITIONAL INFORMATION

Urban Design Panel Comments

- **Introduction:** Dwayne Drobot, Rezoning Planner, introduced the project for a mixed-use entertainment complex. The policy supporting this application is the North East False Creek (NEFC) - Direction for the Future, and was approved by Council in November 2009. The proposal meets the policies contained in the document. The project will provide a significant amount of job space in NEFC and will contribute to over 700,000 sq. ft. towards achieving the target of 1.4 million square feet.

In addition, the proposed hotel/entertainment/casino complex is in agreement with the Direction to "Enhance NEFC as a vibrant city and regional focus of sports, entertainment, community and cultural events and facilities." The policy also states that "*The proximity of the Stadium, GM Place, and Science World, and their ready access to public transit, reinforces the role of the area as a centre for entertainment, sports, and cultural and public events, serving the city and region.*" To enhance this role, Council may allow sub-area zonings to include other cultural and recreational facilities, including a major art gallery and a major casino that will also serve the city and region.

The development of this site (in conjunction with the site adjacent) will allow for the development of the Smithe Street extension. The design of the extension features a cul-de-sac abutting Expo Boulevard and will not allow for vehicle connections across Expo Boulevard. However, the extension will provide an important pedestrian and bicycle route connecting the downtown to the waterfront and features a plaza at the north end adjacent to Expo Boulevard. This will be a beneficial addition to the public realm and provides a vital link to the proposed new stairway along the Expo edge of the hotel/entertainment/casino complex connecting to the stadium concourse level two.

Ralph Segal, Development Planner, further described the proposal noting that there is an official development plan for the BC Place Site and sits within the context of North East False Creek. The site has a couple of view cones running across the site which resulted in the proposal contains two massing elements above a podium. Mr. Segal described the context for the surrounding area noting that the plan is for North East False Creek to have up to 4 million square feet of development with 1.4 million of which can occur around BC Place. It will become a very high density neighbourhood with intensive uses which will focus on sports, entertainment, cultural events and residential. Mr. Segal noted that there will be a new Smithe Street which carries on the alignment and is expected to complete a very strong connection from the downtown straight through to the water although a vehicular connection to Expo Boulevard is not possible. There are plans for a future downtown streetcar and the City is negotiating with land owners for dedication in order to accommodate the streetcar. The streetcar will travel along Pacific Boulevard with a stop to occur near the Cambie Bridge. Mr. Segal reminded the Panel that the form of development and massing is an evolution from the original ODP and he added that staff are supportive of the direction that has been taken with the proposal. Mr. Segal added that the entire ground floor in the proposal is taken up by retail, restaurant and hotel lobbies. He also noted that LEED® Gold is proposed.

Advice from the Panel on this application is sought on the following:

1. Is the proposed overall massing appropriate, taking into account the illustrative Form of Development presented in the BC Place ODP?
2. Does the proposed Public Realm interface on the three streets (Pacific Blvd, Expo Blvd and new Smithe Street) respond appropriately on these frontages?
3. Does the open space and streetscape design for the new Smithe Street right-of-way contribute positively to the Public Realm?
4. Does the proposed architectural expression respond to this site's high visibility and contribute to NEFC's desired image as a sports, entertainment, special cultural events and residential neighbourhood?

Mr. Drobot and Mr. Segal took questions from the Panel.

- **Applicant's Introductory Comments:** Peter Wreglesworth noted that when the site went through the ODP it was quite specific in terms of uses, density and the form of development was very generic. The site is constrained by the view cone heights and although they were hoping for some relaxation Council has decided to not review the view cone heights at this time. Mr. Wreglesworth described further the changes that have been made since the original ODP. He noted the site will add to the existing entertainment district while completing the pedestrian grid.

Martin Bruckner, Architect, noted that it was an ideal site for the uses particularly the casino and conference facility for the hotel. The building and its massing will offer a good transition from the large scale of BC Place to the smaller scale surrounding the stadium. Each of the hotels addresses the street wall on both Pacific and Expo Boulevards. There are some constraints on the site particularly the view cones which limit the height of the massing. However they have been able to break down the massing on what would have been a very long building. Mr. Bruckner noted that they are planning to have public meetings in the late fall and to break ground in the spring of next year. He described some of the sustainability strategies noting that they plan to achieve LEED® Gold equivalent with the focus on energy reduction.

Chris Philips, Landscape Architects, described the plans for the public realm which included three key objectives. They plan to reconnect the city to the waterfront and allow for more pedestrian circulation. They are also trying to develop a character precinct that relates more to the entertainment district. As well from a sustainability point of view there is a whole series of initiatives but the big one is the addition of green roofs with both intense and extensive green roofs with some being accessible. He added that one of the restaurants is planning a kitchen garden on one of the roofs.

Daniel Soleski, Sustainability Consultant, further described the plans for sustainability noting their plans were to use the natural environment to influence the architecture. The southern facades are treated either by balcony overhangs or sun shading devices. They have tried to activate the edges of the site and added a lot of indoor and out door spaces including a large operable glass roof. Mr. Soleski also described the rationale for the material choices.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
  - Design development to the ground plane and building façade along the Smithe Street public space to reduce the cul-de-sac affect and support a vibrant and comfortable pedestrian realm. This should include consideration of relocating the parking access. Design consideration should be given as well to the interface with the Concorde Parcel.
  - Design development to Pacific Boulevard to enhance the pedestrian realm particularly in terms of use.
  - Design development to the Gate G entry to enhance its spatial and architectural quality. This should include consideration of improvements to both the BC Place façade and project adjoining façade.
  - Design development to the south tower to enhance the architectural expression. This should include consideration of the façade enhancing sustainability and expressing the façade's role in enhancing sustainability.
  - Consider an overall design simplification and application of rigor to enhance the authenticity of the architectural expression.
- **Related Commentary:** The Panel supported the proposal and thought the massing and configuration was a significant improvement over the original ODP massing.

The Panel liked the excitement of the architecture and the general uniqueness of the buildings but felt some work was needed on how the buildings met the ground. They felt the architecture created a positive relationship between the buildings on the site and commended the applicant for creating an interesting group of buildings. The Panel noted that they were not familiar and predictable and with good detailing they could become a piece of public art. They also felt the architectural expression on the hotel/entertainment/casino complex facing Expo Boulevard was bold and was a major move forward for Vancouver.

The Panel felt the BC Place entry had to be thought of as an anteroom to the building and as well be thought of in terms of all of its four sides with a couple of Panel members suggesting the addition of a ground level entrance into the stadium.

Several Panel members noted that the view cones were hampering the design somewhat, especially on the south tower, and as well the east side tower seemed too close to the new BC place roof support structures.

A couple of Panel members thought there was a piece missing in the complex. They would like to see more entertainment venues such as a show theatre which would appeal to people who aren't interested in gambling. This would help to broaden the breath of the clientele.

The Panel thought the public realm was more successful on the Expo Boulevard and Smithe Street sides but needed more attention on Pacific Boulevard as there wasn't enough animation. It was suggested that Pacific Boulevard could be made a walkable street. One Panel member noted that there could be some improvement at the Cambie Street on ramp too. Also, the turnaround to Expo Boulevard could be improved to make it feel more like a street. They were also unsure of the degree of permeability at the hotel lobby and what the experience will be for pedestrians at the entrance.

Several Panel members noted that there was a lack of commercial or retail and didn't make for a successful streetscape. The Panel appreciated that there won't be a connection to the new Smithe Street as they felt it would not have been successful and agreed that the cul-de-sac was preferable.

A couple of Panel members thought the pedestrian and bike lane could go further especially at the corner of Expo Boulevard and Smithe Street.

A couple of Panel members thought another row of trees could be added along Smithe Street to give a tree lined boulevard to help break up the surface of the plaza. They felt it should not be treated as a left over space as a result of the turning circle as it could be made a space that people would use.

Regarding sustainability, several panel members noted the use of green roofs but wanted to see them added to both of the hotels. It was also noted that the south tower overhang and the size of the glazing would not be affective for passive design. The applicant was acknowledged for their sustainability objectives but was encouraged to go for LEED® Gold and six energy points.

- **Applicant's Response:** Mr. Wreglesworth thanked the Panel for their comments and noted that they are looking at making some changes to the gates around BC Place but will depend on the availability of funding. The Province has given all the money they are going to give to the project. He added that there is a potential for an entrance to BC Place from Pacific Boulevard but he wasn't able to make a commitment that will be done at this stage.

## False Creek Residents' Association Comments

Dear Mayor and Council:

We write in response to the notification of the public "consultation" process announced in respect of the application for rezoning of 777 Pacific Boulevard. We join other neighbourhood associations in lamenting the efficacy of the city's community consultation process, including the "surveys" collected through the Open House process.

This letter, rather than attendance at the Open House is intended to serve as input into the formal process.

As you know, the False Creek Residents Association (FCRA) is focussed on ensuring that further development in our community supports Vancouver's commitment to a livable city. The proposed development by PavCo brings NOTHING in the way of community amenities; it contributes NOTHING to the livability of the neighbourhood.

### **Community Amenities:**

There are many examples worldwide of large arenas providing for community benefits. For example, the exterior of BC Place could incorporate a climbing wall for youth; a skateboarding area; regular access to community for neighbourhood activities when not in use for commercial purposes. Further BC Place could develop an agreement with Bladerunners or other community organizations that provide for employment and training of marginalized youth. There are endless possibilities -- none of which have been explored, notwithstanding our request that Planning Staff examine the Community Benefits Agreement developed at the Staples Centre in LA.

### **Livability:**

BC Place should agree to take their idling trucks off city streets during event set-up. There should be no relaxation of the noise by-laws. The developer should ensure that noise mitigation technologies eliminate any need for covenants on new properties.

These are very minimal requests that were rebuffed by the BC Place management. They know that the city expects nothing, and that is exactly what they intend to deliver to the community. This was made clear when representatives from PavCo and Paragon attended the Joint Working Group mandated by Council.

We urge the Council to demand some community amenity from PavCo. We urge council to maintain its concern for the health and safety of our community.

### **FCRA Commitment to Quality of Life in North East False Creek:**

At the Joint Working Group meeting, Brent McGregor, now working for PavCo, indicated that the development will require soil remediation. We urge City Council to insist that any soil remediation done for this luxury resort development include all required soil remediation for NEFC.

Rather than undertaking a piecemeal remediation process, we urge Council to take a holistic approach. Soil remediation is the responsibility of the Provincial Government. There is a long-standing agreement to this effect. Remediation of soils on site 6C should be undertaken at the same time as remediation of soils for this casino development.

We understand that a previous City Council decided that PavCo would not be required to make any contribution to the community amenity fund. But surely this does not mean that PavCo can proceed without any expectation that it be a good citizen.

Soil remediation would make significant progress toward delivery of Creekside Park. Council has asked that Staff explore ways to expedite the park. A holistic approach to soil remediation will enable everyone to enjoy a park, even though they may not be able to afford to visit the luxury resort. We urge Council to insist on remediating soils from the neighbouring site - specifically 6C.

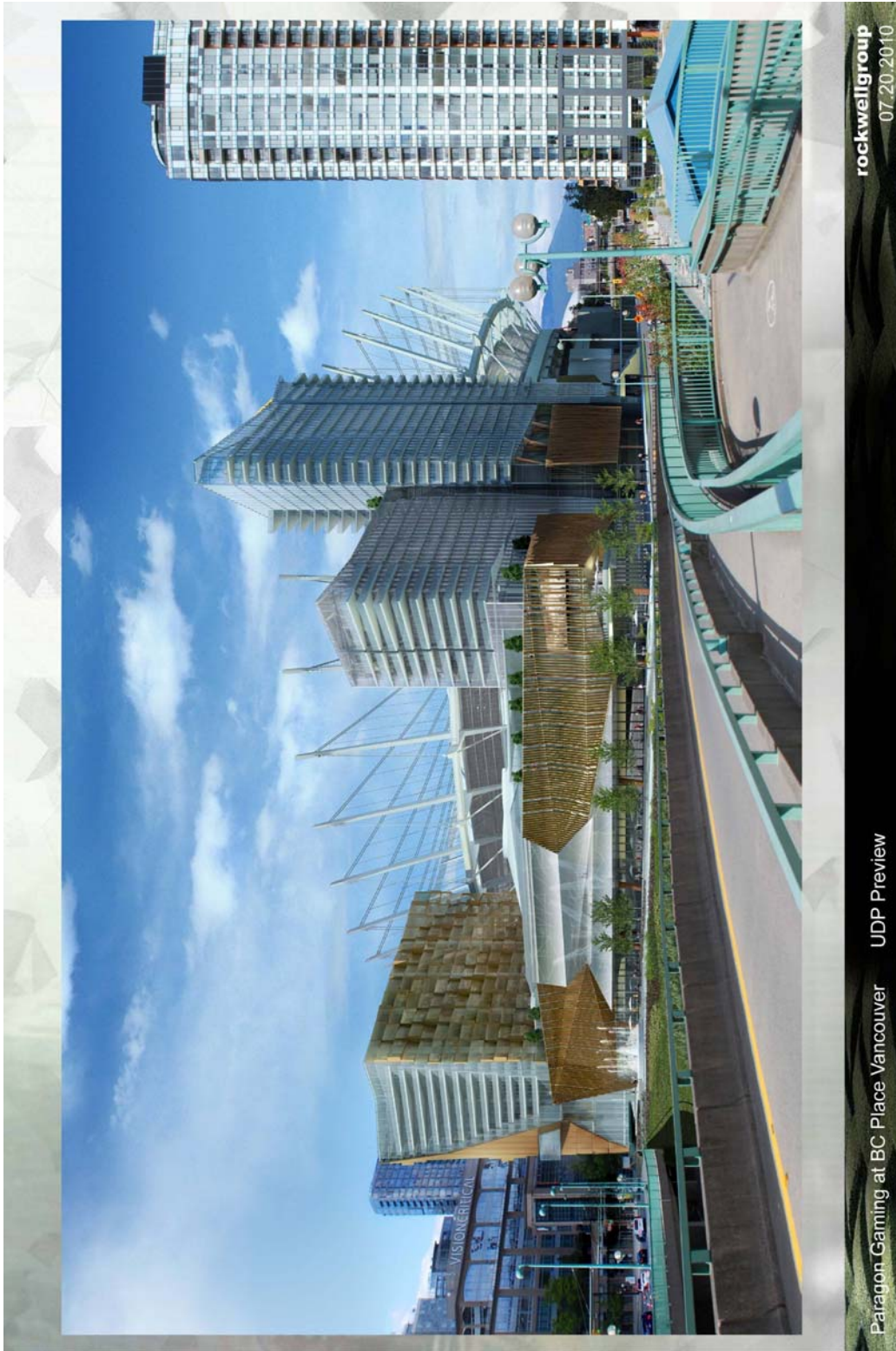
The FCRA will be pleased to support this resort development if there is significant movement in these areas:

- Community Amenities
- Livability
- Soil Remediation.

This development application submitted by PavCo /Paragon presents you with a unique opportunity to support community -- to establish a high standard of livability for our city, to green our neighbourhood. Please don't disappoint.

\* \* \* \* \*

777 Pacific Boulevard  
FORM OF DEVELOPMENT



rockwellgroup  
07.20.2010

Paragon Gaming at BC Place Vancouver    UDP Preview

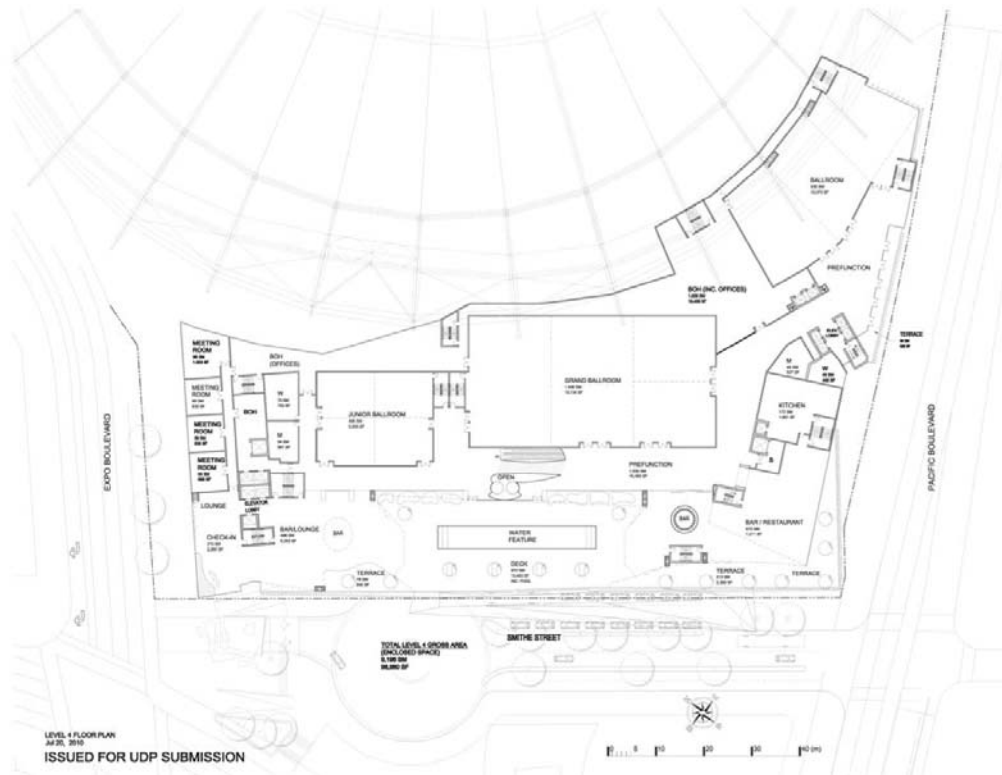




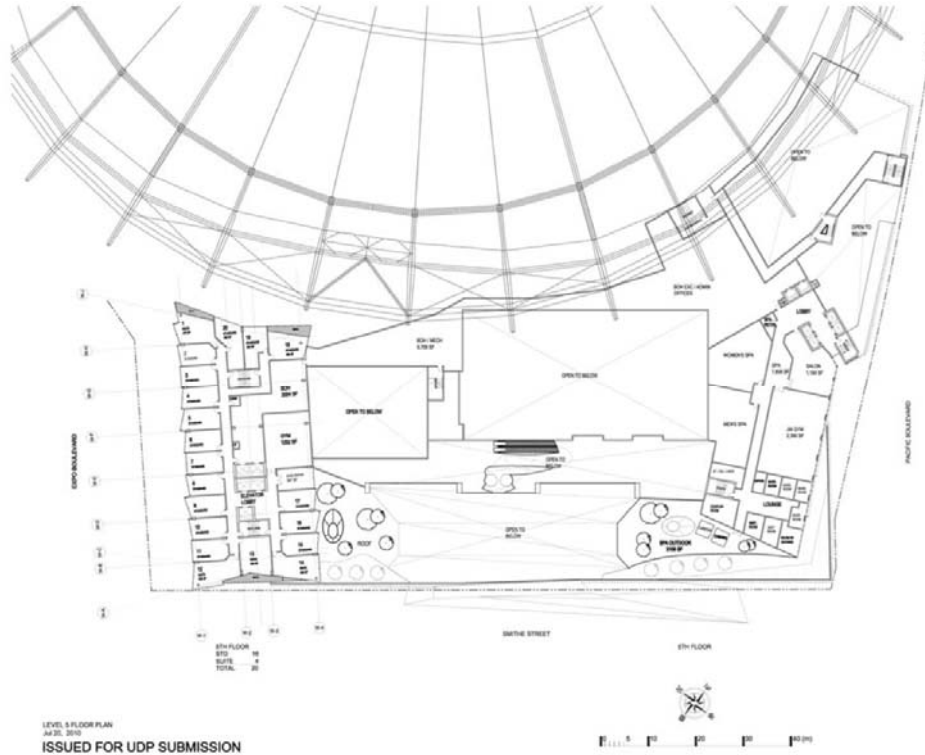
### Third Floor Plan



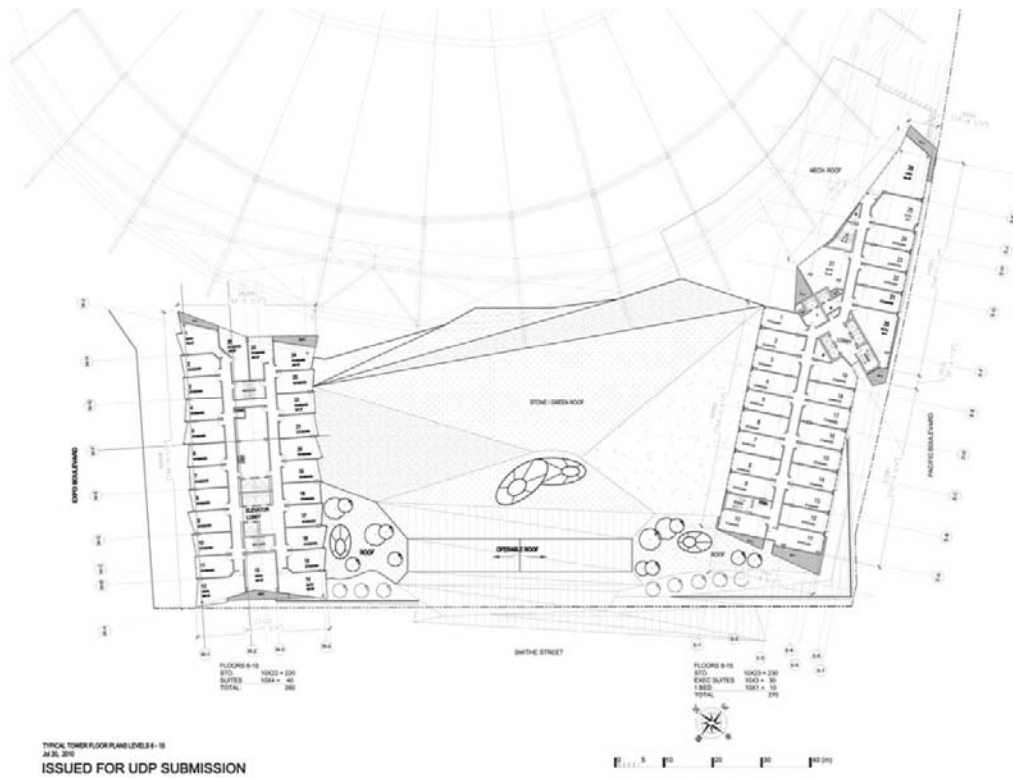
### Fourth Floor Plan



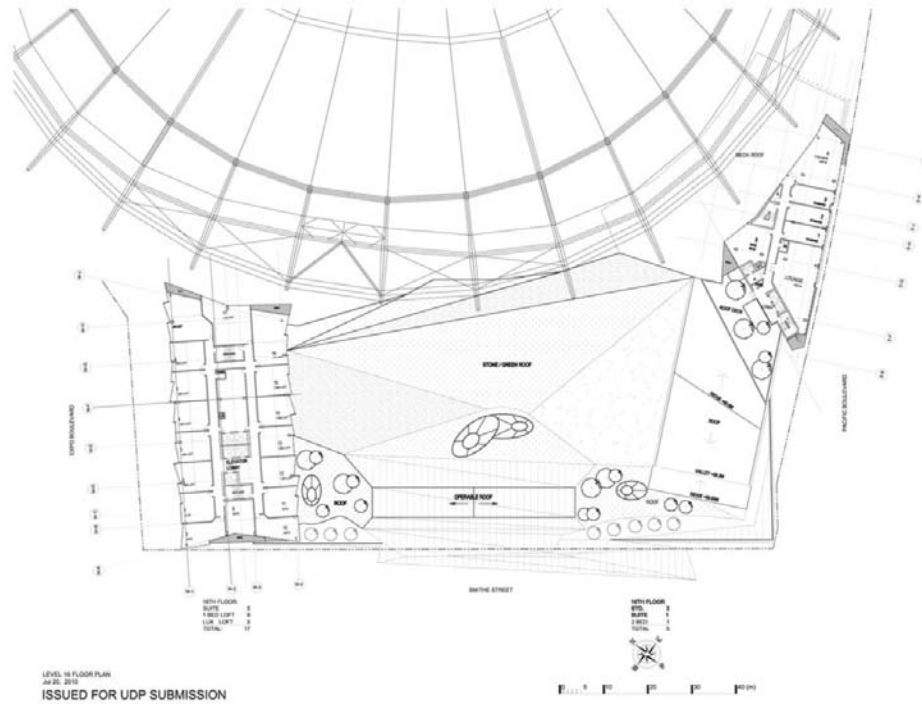
Level Five Floor Plan



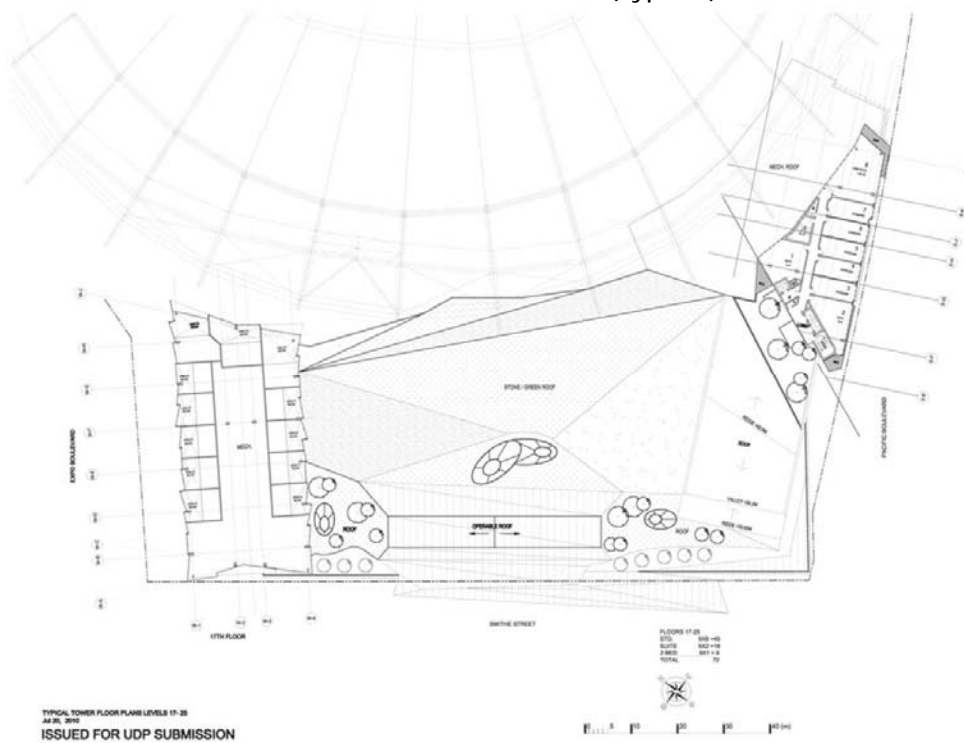
Levels 6 - 15 Floor Plan (Typical)



### Level 16 Floor Plan



### Levels 17 - 25 Floor Plan (Typical)





**Outline of Major Components of the “Upgrade Commitment Agreement” with PavCo \***

1. “Upgrade” is defined and includes proposed major rehabilitation work to B.C. Place including a new roof.
2. Reference to the proposed Upgrade amounting to a significant community amenity.
3. Agreement includes that it will not fetter Council’s discretion, regarding consideration of False Creek North Official Development Plan (FCN ODP), rezonings and other related decisions within the City’s jurisdiction.
4. Condition that the Agreement will terminate if the FCN ODP amendments are not enacted within a specific timeframe (this condition was met).
5. PavCo agrees to complete the Upgrade by December 31, 2012.
6. PavCo, or their successors, to be responsible for the costs of servicing of B.C. Place, together with adjacent sites within Area 10 (B.C. Place site).
7. In light of item (2) above, no DCLs or CACs would be applicable to new development in Area 10.
8. Arrangements related to the securing and construction of the Smithe St. Extension.
9. Arrangements related to the securing of grants, rights of way and transfers to the City of various required areas, passage route(s) through the site, street car route setbacks and encroachments.
10. Other terms and conditions as required by the City Manager in consultation with Engineering and Legal Services.

The purpose of the UCA is to clarify expectations and commitments, on the part of the City and PavCo, regarding public benefits, servicing, timing and related matters with respect to the future development of Area 10 (BC Place Stadium site).

**\* Note: this is an outline summary - please refer to the full “Upgrade Commitment Agreement” document for details of provisions.**

**777 Pacific Boulevard  
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

Street Address	777 Pacific Boulevard 10 Terry Fox Way
Legal Description	Lot 153 Plan 20421 District Lot FC New Westminster BC Place, PID: 008-332-614 Lot 288, Plan BCP1977 District Lot FC NWD PID: 025-540-866
Applicant/Architect	IBI/HB Architects
Developer	BC PavCo

**SITE STATISTICS**

SITE AREA	7 960.77 m <sup>2</sup> (85,689 sq. ft.)
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**DEVELOPMENT STATISTICS**

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	BCPED	CD-1	
USES	Commercial-Institutional Uses	Hotel Casino Retail/service/office	
FLOOR SPACE RATIO & FLOOR AREA	Not Specified	9.62 FSR Max Area of 10 600m <sup>2</sup> for Casino Gaming Floor	
MAXIMUM HEIGHT	Not Specified	93 metres to top of roof	
PARKING SPACES	Not Specified	A minimum of 545 required A maximum of 736 permitted An additional 600 required for BC Place parking A total of 1238 provided	
FLOOR SPACE RATIO	Not Specified	9.62 FSR	