

SUMMARY AND RECOMMENDATION

5. REZONING: 400 West Georgia Street

Summary: To rezone 400 West Georgia Street from Downtown District (DD) to CD-1 (Comprehensive Development) District to permit a 24-storey office building with commercial space on the ground floor. A building height of 91.8 metres (301 feet) and a floor space ratio (FSR) of 17.87 are proposed.

Applicant: Merrick Architecture

Referral: This item was referred to Public Hearing at the Regular Council Meeting of January 30, 2018.

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

- A. THAT the application by Merrick Architecture, on behalf of Homer Street Office Properties Inc. (Westbank Projects Corp.), to rezone 400 West Georgia Street [PID 030-317-304; Lot A Block 55 District Lot 541 Group 1 New Westminster District Plan EPP75095] from Downtown District (DD) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 7.00 to 17.87 to allow for the construction of a 24-storey office building with a floor area of 34,850 sq. m (375,135 sq. ft.), generally as presented in Appendix A of the Policy Report dated January 16, 2018 entitled "CD-1 Rezoning: 400 West Georgia Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Merrick Architecture, and stamped "Received City Planning Department, October 12, 2017", 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 improve the interface with the public realm at the ground floor at both Homer Street and Georgia Street, with particular regard to the floor level for the proposed patio areas. Note to Applicant: For the proposed restaurant facing Homer Street, the restaurant and outdoor patio floor level should be at approximately the same level as the adjacent sidewalk, and not sunken. The patio

space should be set back to 5.5 m from the curb to provide room for public realm improvements along Homer Street, including a wider sidewalk and double row of Tulip street trees consistent with Library Square Design Guidelines. Active uses should be provided along the Georgia Street frontage and turning the corner to the lane entry, including contiguous outdoor patio seating.

2. Design development to ensure that the planting strategy for the green walls is sustainable over time, and design consideration is given to the appearance of the screens without greenery.

Note to Applicant: Large-scale elevation and section details should be provided for the proposed perforated metal screens with 'slots' at the base to support growing medium and planting. Plant species should be selected with due consideration for solar orientation, water management and maintenance. Elevation details should illustrate the appearance of the screens without greenery.

3. Design development to the public realm consistent with the expectations of the Library Square and Georgia Street Design Guidelines.

Note to Applicant: Street trees are to be provided in accordance with the guidelines. The surface treatment should be pavers and not a poured surface. The paver dimensions and colour should reference and compliment the pavers at Library Square.

4. Design development to the penthouse elements to be more consistent with the proposed tower design.

5. Design development to ensure compliance with the intent of the City of Vancouver View Protection Guidelines.

Note to Applicant: Any change to the roof profile must not create additional protrusion into the unshadowed portion of the view corridor at the southeast corner of the building beyond the approved form of development, as illustrated in the application drawings dated October 12, 2017.

6. Provide high quality and durable exterior finishes consistent with the rezoning application.

Note to Applicant: The intent is to maintain the proposed quality in all aspects, including but not limited to appearance, durability, and performance. Consider the use of fritted glass to screen office furniture and fixtures. Further information should be provided regarding the proposed automated interior blind system intended to provide a more uniform appearance to the building at night.

Sustainability

7. Any new building in the development must meet the requirements of the preceding Green Buildings Policy for Rezoning (as amended up to January 14, 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management

and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project. Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist, must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Engineering

8. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning application, including details of both the Georgia Street public realm and Library Precinct sidewalk treatments. The proposed lane treatments are to be removed from the plans and a separate application to the City Engineer is required.
9. The following notes are to be placed on the landscape and site plans;

"The landscape plan is to be noted as 'NOT FOR CONSTRUCTION' and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive 'For Construction' approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."
10. Provision of a stormwater and rainwater management plan that meet the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course By-law. The plan shall achieve the following objectives:
 - (a) Retain or infiltrate the 6-month storm event volume (24 mm) on site;
 - (b) Treat the 2-year event (48 mm) on site; and
 - (c) Maintain the pre-development 2014 IDF-10 year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note: Legal arrangements may be required to ensure ongoing operations of certain stormwater storage, rainwater management and green infrastructure systems.

11. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.

12. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

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

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

14. Provision of additional design grades that clearly show the grades intended for the SRW setbacks such that water does not drain over the property line and grades are consistent with City building grades and typical City sidewalk grades (2-3% crossfall max.).

15. Additional design grades are required at the property line adjacent to all entries ensuring City building grades are accurately met.

16. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs for all uses and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. Note: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

17. Clarification of the need for provision of car share vehicles to meet the parking by-law and if necessary the following car share condition must be satisfied and the number of car share vehicles confirmed, prior to issuance of the development permit.

"Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of up to 7 Shared Vehicle(s) and the provision and maintenance of up to 7 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), [with such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw], on terms and conditions satisfactory to

the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (a) Provide up to 7 Shared Vehicle(s) to the development for a minimum period of [3 years].
- (b) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s).
- (c) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles.
- (d) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s).
- (e) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle.
- (f) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
- (g) A letter from a car share organization, deliverable prior to development permit, in support of the provision of shared vehicles at this location at building occupancy, as well as information from the Car Share Organization about expected use in the area by non-residential users.
- (h) Provision of vehicle use information and building occupant usage of the car share vehicles from the car share operator, and travel mode survey of building occupants including questions regarding modal shift due to the presence of shared vehicles on-site, approximately 1 year after building occupancy, the information is to be in a form acceptable to the Director of Planning in consultation with the General Manager of Engineering Services. A letter of credit securing the delivery of the requested statistics will be required.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m and the letter of commitment from the car share company must also show acceptance of the general location and configuration of the shared vehicle spaces."

- 18. Delete the knock-out panels shown on all parking levels from the drawings.
- 19. Provision of an updated Bunt Transportation Review as follows:
 - (a) Updated parking tables and analysis;

- (b) Additional information on the calculations used to support 2 Class B loading spaces;
 - (c) Suitability of a 70% occupancy rate;
 - (d) Clarification of the chances of loading demand exceeding supply; and
 - (e) Provide examples of precedent sites where 70% occupancy is shown to work effectively.
20. Provision of a Loading Management Plan.
21. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
- (a) Provision of all stalls to be numbered and labelled.
 - (b) Provision of section drawings showing elevations, vertical clearances, and security gates for the main ramp and through the loading bays.
Note to Applicant: Label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.
 - (c) Provision of additional design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bays and at all entrances.
 - (d) Modification of the parking ramp design as follows:
 - (i) The slope must not exceed 10% for the first 20 ft. from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4m in length.
 - (ii) Provision of two-way vehicle flow through the curved sections of the main ramp down to P2.
 - (e) Provision of minimum 2.3 m vertical clearance for access and manoeuvring to all disability parking and for Class A loading.
 - (f) Modification of the loading bay design as follows:
 - (i) Provision of 3 Class B loading spaces, or 2 class B loading spaces and 2 class A loading spaces to be at grade with the remaining loading to be provided on the first level of parking and designed to be easily recognizable as loading spaces.
 - (ii) The slope and crossfall of the loading bays must not exceed 5%.
 - (iii) Additional loading bay width for the second and subsequent loading spaces (each additional space must be 3.8 m wide).

22. Provision of a dedicated bicycle elevator with doors on both ends to allow bicycles to easily roll in from one end and roll out the other. The elevator to be a freight style elevator to comfortably accommodate two people with two bicycles and provide the following minimum interior dimensions (5'-6" x 6'-8").
 23. Provision of automatic door openers on the doors providing access to the bicycle room(s) and to be noted on the drawings."
 24. Clarify "fuel pump box" as noted adjacent the loading bays on the site plan.
- Note: The Development is to be serviced to the existing sewers in the lane west of Homer Street.
25. Meet the January 1, 2018 Vancouver building code plumbing fixture rates.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

1. Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site, adjacent to Georgia Street and Homer Street, to achieve a 5.5 m offset distance from the back of the existing curb to the building face. A survey plan prepared by a British Columbia Land Surveyor showing the existing dimension from the back of the City curb to the existing property line to determine the final setback and SRW width is required. The SRW will be free of any encumbrance such as structure, stairs, door swing and plantings at grade and is to accommodate the parking levels P1 to P6 and levels 5 to the roof within the SRW area.

Note to Applicant: The sunken patio, raised stage, and vent grate on Homer Street shown within the required SRW area are to be relocated out of the SRW area and the grades within the SRW are to generally meet City building grades.

2. Release of Easement & Indemnity Agreements 95531M , 520739M and extension agreement E58559 (all for commercial crossings); and Easement & Indemnity Agreement BX300224, Statutory Right of Way BX300226 and Equitable charge BX300228 (all pertaining to an existing building encroachment) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

3. Confirmation of required parking such that the applicant can identify the use of Parking Pay-in-lieu, Car Share relaxation or off-site parking agreements or a combination of the above to meet the required parking and where possible completion of such arrangements prior to zoning enactment or issuance of the related development permit. Note where off-site parking is provided a development application may be necessary for the parking donor site. If provision of Care Share vehicles is contemplated, see condition (b)16 for requirements.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (a) Provision of Library Square streetscape design elements on Homer Street including sidewalk paving, trees, tree surrounds, street and pedestrian lighting, etc.
 - (b) Provision of the Ceremonial streetscape design elements on Georgia Street including sidewalk paving, trees, tree surrounds, street lighting, etc.
 - (c) Provision of standard concrete lane crossing on the south side of 400 blk. Georgia Street at the lane west of Homer Street.
 - (d) Provision of upgraded street lighting on all site frontages to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
 - (e) Provision of updated intersection lighting to LED standard (all 4 corners of the traffic signal poles at the Homer Street /Georgia Street Intersection are to receive LED lighting).
 - (f) Confirmation that any relocated wood poles in the lane adjacent the site will not impact existing lane lighting, should any relocated pole include lighting impacts, provision of and upgrading of the lane lighting to current standard will be required.
 - (g) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design

will be required prior to the start of any associated street work. Note: as-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (h) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
- (i) Upgrade approximately 205 m of sanitary sewers as follows:
 - (i) Upgrade the existing 200 mm Sanitary Sewer on Robson Street, from the lane west of Homer to Homer Street, to a 300 mm pipe.
 - (ii) Upgrade the existing 200 mm Sanitary Sewer on Homer Street, from Robson Street to Smithe Street to a 300 mm pipe.

Note: Final pipe size to be determined through detailed sewer design process.

- 5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.

In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Public Art

- 6. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide

development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

Soils

7. If applicable:
 - (a) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (b) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (c) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Childcare Contribution

8. Pay to the City a contribution of \$3,422,820 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services. The \$3,422,820 is to be allocated toward childcare facilities in and around the Metro Core area.

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

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

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of

Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as presented in Appendix C of the Policy Report dated January 30, 2018, entitled "CD-1 Rezoning: 400 West Georgia Street", be approved.
- C. THAT subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 30, 2018, entitled "CD-1 Rezoning: 400 West Georgia Street".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 30, 2018, entitled "CD-1 Rezoning: 400 West Georgia Street".
- E. THAT A through D be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 400 West Georgia Street]