

SUMMARY AND RECOMMENDATION

4. REZONING: 1133-1155 Melville Street

Summary: To rezone 1133-1155 Melville Street from DD (Downtown) District to CD-1 (Comprehensive Development) District to permit the development of a 36-storey office building with a floor space ratio (FSR) of 21.21.

Applicant: James KM Cheng Architects Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of March 13, 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 James KM Cheng Architects Inc., on behalf of Oxford Properties Office Holdings Inc. and 2331355 Ontario Limited, to rezone 1133-1155 Melville Street [*Strata Lots 1 to 15, District Lot 185, Strata Plan VR. 1286; PIDs 006-407-781, 006-407-811, 006-407-838, 006-407-871, 006-407-889, 006-407-943, 006-407-978, 006-408-028, 006-408-044, 006-408-087, 006-408-117, 006-408-133, 006-408-176, 006-408-206 and 006-408-222 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio to 21.21 (with the proviso that these lands will not be developed to a floor space ratio greater than 20.34, as discussed in the Policy Report dated February 27, 2018 entitled "CD-1 Rezoning: 1133-1155 Melville Street") to allow for the construction of a 36-storey office building with a floor area of 57,636 sq. m (620,390 sq. ft.), generally as presented in Appendix A of the Policy Report, 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 James KM Cheng Architects, and stamped "Received City Planning Department, October 6, 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 ensure that no shadows will be cast by this development within the property lines of Harbour Green Park, during the

period of 10 am to 4 pm, between the spring and autumn equinoxes (March 21 to September 21), including on the portion of the park at the end of Bute Street.

2. Design development to further visually distinguish the four major volumetric components of the tower composition, by:
 - (i) Attributing an individuated texture and pattern for the surfaces of each volume; and
 - (ii) For the Bute Street- and Lane-facing elevations, a reduction to the perceived bulk through further volumetric and/or material articulation to distinguish the top two stacked box volumes.
3. Design development to maintain and further refine the high quality materials indicated for the office tower and surrounding publicly-accessible areas, and to maintain the level of detailing implied and necessary to accomplish and construct the proposed design aesthetic with exceptional detailing.
4. Design development to incorporate solar shading devices, with design informed by energy modelling.
5. Design development to provide continuous weather protection over the portion of publicly accessible sidewalk that is directly south of the proposed restaurant patio, from the west property line to axis 5, at a minimum depth of 1.8 m (6 ft.).
6. Design development to ensure that the predominant glazing system for the building is a triple-glazed curtain wall.

Crime Prevention through Environmental Design (CPTED)

7. Design development to respond to CPTED principles, having particular regard for:
 - (i) Theft in underground parking;
 - (ii) Encouraging natural visual surveillance;
 - (iii) Visibility at doors, lobbies, stairs and other access routes;
 - (iv) Site lighting developed with considerations for safety and security; and
 - (v) Reduced opportunities for graffiti.

Sustainability

8. All new buildings in the development will 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 1 point for stormwater or rainwater 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.

9. The applicant commits the proposed development to exceed the sustainable design and emissions improvements required by the Green Buildings Policy for Rezoning and the Rezoning Policy for Sustainable Large Developments, and to demonstrate leadership in sustainable design as required by the General Policy for Higher Buildings, through the following measures:
 - (i) Near-Zero Carbon Design: the proposed development shall achieve greenhouse gas emissions generally consistent with a highly efficient all-electric office building, with features such as heat-recovery chillers and air-source heat pumps for heating and cooling;
 - (ii) High-Performance Envelope: the proposed development shall use a high-performance thermal envelope that meets or exceed the level described in the rezoning application, which included:
 - a. Triple-pane glazing throughout the glazed portions of the building envelope;
 - b. A moderate glazing ratio, generally consistent with 60% or less;
 - c. Effective opaque wall performance of approximately R7 or better.
 - (iii) High-Efficiency Ventilation: the proposed development shall use a highly efficient ventilation system, with features such as high-efficiency heat recovery ventilators and demand-control ventilation;
 - (iv) Energy Efficiency: the proposed development shall use highly efficient mechanical and lighting systems, with features such as low-power fancoils and significant lighting power reductions secured through tenant lease agreements.

Landscape

10. Design development to the curvilinear pocket park to activate and allow for a visual sight line within and along its length, in keeping with CPTED principles, by the following:
 - (i) Adding more seating opportunities, interesting places to pause, bench nodes, artwork, etc.;
 - (ii) Providing a lower plant type next to the walkway, with taller plants forming the background; and
 - (iii) Replacing the bamboo with a sparser plant which allows visual access.
11. Design development to improve sustainability by significantly increasing amount of soft landscape on common amenity green roof terraces on upper levels.

Note to applicant: This should include edible plants, urban agriculture, additional opportunities for passive seating and gardening. Urban agriculture plots should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible. Outdoor spaces should be visually accessible from common indoor amenity rooms. As much greenery as possible should be seen from the street.
12. Design development to soften the wall next to restaurant outdoor terrace by the addition of a planting bed at the bottom of the wall and a planter at the top.
13. Design development to clearly integrate sustainable rainwater management features and strategies into the landscape plan.
14. Design development to provide an integrated public art component into the landscape plan.
15. Replacement of Bamboo with a non-invasive species which does not demand constant maintenance and does not threaten the integrity of the parkade structure.

Note to Applicant: A clumping type of Bamboo, such as Fargesia, could be supported.
16. Provision of a revised arborist report that recommends a more conservative tree removal strategy. The report should be in context of the proposed form of development and footprint. It should include a Tree Management Plan, showing scaled and dimensioned tree protection barriers. The report should include a tree relocation strategy.
17. Provision at the development permit stage of:

- (i) A full Landscape Plan that should be coordinated with the architectural Site Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, 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 and should match the architectural site plan.
- (ii) Section details at a minimum scale of 1/2"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details should show dimensioned rootballs to confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. The depth should exceed BCSLA standard. A high-efficiency automatic irrigation system is to be provided for all planted areas.
- (iii) A Landscape Lighting Plan to be provided for security purposes.

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.
- (iv) Improved graphic readability by deleting all grey tones to ensure the plan reads well in black and white, or submission of colour plans only.

Engineering

- 18. 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.
- 19. 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.
- 20. 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. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.

21. Provision of a separate application for the proposed sidewalk treatments. Please submit a copy of the landscape plan that reflects the off-site improvements sought for this application, where details are not available please provide a written representation of the improvement.
22. Please place the following note on the landscape plan; "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."
23. Show standard 4-ft. wide exposed aggregate front filler sidewalk strip and four-piece exposed aggregate tree surrounds along the Melville frontage of the site.
24. Delete the small projections shown encroaching into the lane near gridlines 2 and 3 on page A1.37b.
25. Confirmation that a glass or metal canopy or fabric awning is proposed to project over the property line and, if so, provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.
26. Clearly show the required SRW on the plans and ensure there are no encroachments into the SRW, and that it is free and clear to act as City sidewalk including the portion of the north-south ramp where it exists within the proposed 5.5 m SRW along Melville Street. The ramp grades should match the City sidewalk grades within this area.
27. Provision of an Integrated Rainwater Management Plan that addresses the following:
 - (i) The target under the 'Quantity' deliverable is to match the post-development runoff 2-yr/24-hr volume and peak to the pre-development 2-yr/24-hr volume and peak (pre-development being the immediate preceding use). 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.
 - (ii) The target under the 'Quality' deliverable is based on treating 90% of the average runoff (48 mm/24 hrs) to remove 85% total

suspended solids. Preference will be given to landscape-based treatment systems integrated within the site's overall landscaping plan. However mechanical filtration systems will be considered.

- (iii) It is strongly suggested that the mechanical filtration system, if pursued, be placed before the detention tank.

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

- 28. Parking, loading, and bicycle spaces are to be provided as per the Parking By-law in force at the time of development permit submission, together with any further provisions for this CD-1 as approved for inclusion in Schedule C of the Parking By-law.

Note to Applicant: Staff analysis of the application, with approximately 257 physical spaces plus approximately 71 credited through provisions in the Parking By-Law, finds a shortfall of approximately 70 parking spaces below the by-law requirement.

- 29. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, as follows:

Drawings:

- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances. Include lengths between all breakpoints.

Note to Applicant: This is to calculate and confirm slopes and crossfalls.

- (ii) Provision of updated drawings with all parking and loading spaces numbered, dimensioned and labelled.

- (iii) Provision of an updated plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp or elevator, if required.

Parking Ramps:

- (iv) Improve visibility for two-way vehicle movement at turns
- (v) Clarify and note on plans access controls such as overhead gates, entry/exit ticket booth(s) or ticket dispenser with lifting arm.

Note to Applicant: the placement of access controls must ensure that a vehicle is not stopped on a ramp with a slope in excess of

10% and is located to ensure that inbound vehicles do not back up in the lane waiting to enter.

Parking Spaces:

- (vi) Provide parking curbs or barriers for parking spaces facing pedestrian circulation routes and other parking spaces.
- (vii) It is recommended that disability parking spaces be located along flat sections of the parkade (five disability spaces would have to be relocated).

Note to Applicant: As recommended by Bunt & Associates Traffic Study

- (viii) Provide detailed information as to how and a design to enable members of the car sharing organization access into the building's underground parking 24 hours a day, 7 days a week.

Loading Bays:

- (ix) Provision of a Loading Management Plan to the satisfaction of the General Manager of Engineering Services, in support of the requested loading relaxation.
- (x) Two (2) of the Class A loading spaces to be provided at loading level.
- (xi) Provision of standard loading throat and additional loading bay width for the second and subsequent Class B loading spaces.
- (xii) Provision of convenient, internal access to/from Class A and Class B loading spaces from/to all site uses.
- (xiii) Provision of a Loading Management Plan, including:
 - a. How the loading facility will operate.
 - b. Management of the facility, including on-site loading manager.
 - c. Size of the largest delivery vehicle delivering to the site and the expected frequency of all of the deliveries.
 - d. Specify routing of the trucks from the arterial streets to and from the loading space.
 - e. Clarify the largest truck that the loading space(s) are designed to accommodate and provide all vehicle dimensions.
- (xiv) Provision of updated review of the parking and loading design by a qualified Transportation consultant.

Note to Applicant: This must analyse vehicle and truck turning movements, and consider vehicles parked on the opposite side of the lane.

- (xv) If possible, it is recommended that the garbage compactor be angled to allow for more efficient waste pick-up and drop-off movements.

Note to Applicant: As recommended by Bunt & Associates Traffic Study.

Bicycle spaces:

- (xvi) Provision of automatic door openers on all doors providing access into each of the bicycle rooms and on any doors located on the intended route to be used by cyclists to travel between the building exterior and the bicycle rooms.

- 30. Provide detailed information as to how the supporting bicycle amenities noted in the Green Mobility Plan will operate, including cost to use the facilities, hours of operation, if it is available for use by members of the general public.
- 31. As outlined in the Green Mobility Plan provided by Bunt & Associates, provision of a letter of commitment to the post-occupancy monitoring of the TDM measures proposed, to include:
 - (i) Comprehensive travel demand survey of the development after one year of full operation.
 - (ii) Travel mode survey for the all employers/employees with a minimum 90% response rate.
 - (iii) Current and future TDM measures being implemented and the uptake.
 - (iv) Summer and winter data for the mode split and TDM uptake.
 - (v) Submit copies of the surveys and updated TDM plans to the Parking Management Branch at the City of Vancouver for review.

Note to Applicant: A \$10,000 security deposit will be required to secure delivery of the TDM measures.

Social Policy and Projects

- 32. Provide a Sustainable Food System Plan to include a minimum of three food systems as described in the Rezoning Policy for Sustainable Large Developments, and to the satisfaction of the Director of Social Policy.

Note to Applicant: The application identifies food assets that can count towards the required three food assets that must be delivered as part of

the development. The three identified food assets are: Edible landscaping; community food market; and food composting. The following comments outline ways to strengthen the submission.

- (i) **Edible Landscaping:** Recommend demonstrating commitment to edible landscaping within the overall landscaping plans. No mention of edible plants is found in the landscaping plan. Staff recommend listing specific location and types of edibles. Food for local fauna is not considered edible landscaping.
- (ii) **Community food market:** Staff are encouraged that the lobby may be designed for hosting markets. Incorporate electrical outlets in the front plaza and direct access to Class B loading bay. Recommend that the community food markets be seasonal.
- (iii) **Food Composting:** Staff are encouraged to see that an in-vessel bio-digester could be available for use by tenants. Indicate location of proposed on-site composter on plans. Ensure that it is sufficient space is allocated, and that it is easily accessible by all tenants (particularly the restaurant/retail).

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, Urban Design and Sustainability, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Cancellation of Strata Plan VR1286 and the dissolution of the strata corporation.
2. Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site, adjacent to Melville Street, to achieve a 5.5 m metre 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, vents or grates and plantings at grade, and is to accommodate within the SRW agreement the underground parking Levels P1 to P5 and portions of building levels 1a and above.
3. Provision of a revised or replacement surface Statutory Right of Way (SRW) for public pedestrian use on the east side of the site to encompass the proposed path connecting Melville Street to the lane north and any portion of the plaza space intended as public space as required by the General Manager of Planning, Urban Design and Sustainability.

4. Release of Covenant J51825 as modified by BB400469 (provision of amenity space and 350 off-street parking spaces) prior to building occupancy. Note: The agreement stipulates that this covenant will expire upon demolition of the building.
5. Release of Easement & Indemnity Agreement 122746M, extended by L59839 (commercial crossings) 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.

6. Subject to approval of the proposed amendment to Schedule C of the Parking By-law, the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of up to 8 shared vehicles and up to 8 shared vehicle parking spaces for required parking spaces at a 1:5 ratio, or as a lesser number of shared vehicles and shared vehicle spaces in combination with Payment-in-Lieu of parking, or other measures which may be available to them to satisfy the required parking for the project.

If provision of commercial shared vehicles is supported at this site: Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of up to 8 Shared Vehicle(s) and the provision and maintenance of up to 8 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (i) Provide up to 8 Shared Vehicle(s) to the development for a minimum period of 3 years;
- (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);

Note to Applicant: Shared Vehicle Organization must be for two-way car share.

- (iii) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles;
- (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
- (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
- (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219

of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and

- (vii) Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m.

- 7. 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 that all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of 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.
 - (ii) Provision of a new 1.22 m (4 ft.) exposed aggregate front boulevard and a light broom-finish saw-cut concrete sidewalk along Melville Street and light broom-finish saw-cut concrete sidewalk for the SRW space along Melville Street.
 - (iii) Provision of upgraded street lighting adjacent to the site to current standards, including a review of the existing lighting to determine its adequacy. A lighting design is required.
 - (iv) Removal of the existing driveway crossing, and construction of standard curb and gutter on Melville Street.
 - (v) Provision of signal modifications at Melville and Bute, through provision of LED intersection lighting (all 4 corners are to receive new or upgraded LED lights).
 - (vi) Provision of signal modifications at Melville and Thurlow, through provision of LED intersection lighting (all 4 corners are to receive new or upgraded LED lights) and countdown timers.

- (vii) Provision of a raised pedestrian crossing of the lane north of 1100 Melville at the proposed SRW location.
- (viii) 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, and their final locations and depths.
- (ix) Provision of street trees adjacent the site where space permits.
- (x) Provision of the following sewer upgrades:
 - a. Upgrading of the existing 200 mm sanitary sewer along the lane north of Melville Street, between Thurlow and Bute Streets (approximately 160 m). The estimated size of the upgraded sanitary sewer is 300 mm.
 - b. Upgrading of the existing 200 mm sanitary sewer along Bute Street, between the lane north of Melville Street and Pender Street (approximately 36 m). The estimated size of the upgraded sanitary sewer is 300 mm.
 - c. Upgrading of the existing 300 mm sanitary sewer along Pender Street between Bute and Jarvis Streets at (approximately 162 m). The estimated size of the upgraded sanitary sewer is 450 mm.

Note: The final pipe size is to be determined through a detailed design process and, in all cases, be sized to the satisfaction of the General Manager of Engineering Services.

- 8. 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.

Sustainability

9. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

Public Art

10. 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.

Note to Applicant: Please contact Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

Soils

11. If applicable:
 - (a) Submit a site profile to the Environmental Services, Real Estate and Facilities Management (Environmental Contamination Team);
 - (b) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (c) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental 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.

Development Limit Covenant

12. Register a Section 219 Covenant against the lands which limits that floor space ratio to 20.34 and that the additional density authorized by the CD-1 By-law represents the density previously transferred to 1177-1189 Melville Street (formerly 550 Bute Street) and may not be used on the site at 1133-1155 Melville Street.

Non-stratification Covenant

13. Enter into a Covenant pursuant to Section 219 of the Land Title Act prohibiting both the separate sale and the strata subdivision of all commercial and office floor space.

Commercial Linkage Contribution

14. Pay to the City a contribution of \$5,586,255 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 in a form and on terms and conditions satisfactory to the Director of Legal Services. The \$5,586,255 is to be allocated toward funding of childcare facilities and/or affordable housing 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 set out in Appendix C of the Policy Report dated February 27, 2018, entitled "CD-1 Rezoning: 1133-1155 Melville Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendments to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated February 27, 2018, entitled "CD-1 Rezoning: 1133-1155 Melville Street".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendments to the Parking By-law, generally as set out in Appendix C of the Policy Report dated February 27, 2018, entitled "CD-1 Rezoning: 1133-1155 Melville 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 sole risk of the person making the expenditures 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 sole 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 – 1133-1155 Melville St]