

## SUMMARY AND RECOMMENDATION

**4. REZONING: 118-150 Robson Street and Heritage Designation of the Facades of the Northern Electric Company Building**

**Summary:** To rezone the 118-150 Robson Street from DD (Downtown) District to a CD-1 (Comprehensive Development) District to construct a 29-storey mixed-use development that includes strata residential units, a hotel, and retail and service uses at grade. Heritage façades of the existing Northern Electric Company building will be retained and rehabilitated and designated as protected heritage property. A height of 87.2 m (286 ft.) and a floor space ratio (FSR) of 10.07 are proposed.

**Applicant:** GBL Architects Inc.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of June 5, 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 GBL Architects Inc., on behalf of Amacon Development (Robson) Corp., to rezone 118 Robson Street [PID 003-374-688; Lot C, Block 68, District Lot 541, Plan 14094] and 150 Robson Street [Lots 1 to 7, Block 68, District Lot 541, Plan 2565; PIDs 013-639-374, 013-639-421, 013-639-447, 013-639-463, 013-639-471, 013-639-501 and 013-639-528 respectively] and an approximate 143.8 sq. m (1,548 sq. ft.) adjacent portion of road, to be stopped up, closed and conveyed to the registered owner of 118-150 Robson Street, all from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 5.00 to 10.07 to allow for the construction of a 29-storey mixed-use building, comprised of market residential, hotel, and ground-floor retail and services uses, generally as presented in Appendix A of the Policy Report dated May 22, 2018 entitled "CD-1 Rezoning at 118-150 Robson Street and Heritage Designation of the Facades of the Northern Electric Company Building", 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 GBL Architects Inc., and stamped "Received City Planning Department, February 28, 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 of open balconies to comply with 12% of residential floor area.

Note to Applicant: The area proposed for open balconies is approximately 16% and exceeds the maximum 12% allowable exclusion. 16% of balcony area can be considered only if the surplus amount, i.e. the 4% in excess of the exclusion is counted in the proposed FSR. Given the Applicant wishes to include no additional balcony floor area in the calculation of FSR, the maximum exclusion for open balconies will be 12%. Consideration, in any event, should be given to simplifying the balcony pattern and to better relate them to the heritage building by aligning them to the patterns and openings of the retained heritage facade.

2. Design development to refine building massing of the Hotel use as follows:
  - (i) simplify corner massing (offset cubes) on Beatty Street with consideration to straighten and align them; and
  - (ii) improve and make legible the glass connector between the heritage building and hotel massing.

Note to Applicant: The shifted cubes do not appreciably improve solar performance on open space. The disposition of the floors, openings, and the glass connector, serve well to distinguish new construction from the heritage building. The above adjustments will strengthen the design in terms of how it relates to the heritage façade.

3. Design development to improve the interface along Beatty Street by providing landscape solutions in addition to providing active uses at grade.

Note to Applicant: Please also refer to relevant conditions under Landscape.

4. Design development to simplify the use of materials on the hotel massing with consideration for the use of brick instead of metal panel, light coloured material.

Note to Applicant: Consideration for a well-chosen brick, and its tone would relate well to the heritage form. This would represent a sophisticated contrast to the traditional composition of the façade. Further, the overall podium, with this material change, would contrast well against the tower massing.

## Landscape

5. Further coordination with City staff and the project arborist at the development permit stage to protect street tree roots and canopy associated with public realm improvements and/or building face clearance requirements.

Note to Applicant: This will require further attention by the landscape architect and project arborist to anticipate and reduce unnecessary root disturbances, wherever possible. Retention of the existing public sidewalk/boulevard in the critical root zone may be necessary. Coordination will be needed with Engineering, Planning and Park Board (Urban Forestry) for the final public realm landscape design submitted for development permit and construction phase.

6. Design development to the six storey hotel building to ensure a pedestrian friendly experience at the interface of the ground plans and the vertical facades of the structure.

Note to Applicant: Options should be explored to utilize landscape planting that is viable and a pedestrian edge that may include a seating wall in combination with trees. Avoid tall planter walls by lowering the slab below grade at the edges.

7. Design development to the child play space located on Level 5 to include landscape features with natural materials such as sand, balancing logs, boulders that provide a range of creative and motor-skills developing play activities.

Note to Applicant: While play equipment is neither required nor encouraged, natural materials are preferred to stimulate creativity and exposure to nature.

8. Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

9. Provision of large scale architectural and landscape sections (typical) through planted areas, including the slab-patio-planter relationship.

Note to Applicant: The sections should include the planter materials, tree stems, canopy and root ball (where applicable).

10. Provision of high efficiency irrigation for all planted areas.

Note to Applicant: Illustrate symbols (irrigation stub locations), written specifications and notations on the landscape plans in this regard. The green roof will have special irrigation requirements during the establishment phase.

11. Provision of a detailed arborist report.

Note to Applicant: The expanded report should inform public realm design and methods for street tree retention. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements.

12. Provision of an arborist supervision assurance letter.

Note to Applicant: The letter should outline the important construction milestones where the arborist will need to be notified in advance to attend the site and provide services. The letter should and be signed by the applicant/owner, the arborist and the contractor.

13. Incorporate the principles of the City of Vancouver, *Bird-Friendly Design Guidelines* for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to birds in the City.

Note to Applicant: refer to  
<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>  
<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

## **Sustainability**

14. 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.

## **Crime Prevention through Environmental Design (CPTED)**

15. Design development to respond to CPTED principles, having particular regards for:
- (i) theft in the underground parking;
  - (ii) residential break and enter;
  - (iii) mail theft; and
  - (iv) mischief in alcove and vandalism, such as graffiti.

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

## **Engineering**

16. Provision of a revised landscape plan with the existing trees along the Robson Street frontage located as per the survey plan. Note that the existing trees are located approximately 4-5 feet closer to the building than indicated on LRZ 1.01. and provision of the following notes on the landscape plans:

“All plant material within the same continuous planting area which is located on street right-of-way within 10 m (32.8 ft.), measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m (2.0 ft.), measured from the sidewalk.

All plant material within the street right-of-way which is located outside of the areas described in the paragraph above shall not exceed 1 m (3.3 ft.) in height, measured from the sidewalk.

Plants shall be planted in such a way as to not encroach on the sidewalk, street, lane, and/or bike lane.”

17. Provide tree and planting selection Landscape drawings.
18. Clarification of how the existing elevations of the heritage building will respond to the proposed City building grades which are higher than the current entries and elevations. The current proposal shows a reversed grade on the sidewalk and no provision for drainage of the public sidewalk. If the reversed grades are accepted then a storm spur may be necessary to drain the area with costs for the storm spur at the applicant's expense.
19. Design development to the Robson Street sidewalk to generally remove benches, etc. from beyond the line of the correctly located existing street

trees to provide an uninterrupted sidewalk as wide as possible for the Robson Street frontage with treatments consistent with the public realm plan for this location.

20. 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.
21. 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.

22. 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 (GMES) 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 to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

23. 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.
24. Provision of Class B bike parking requirements to be located on site.  
  
Note to Applicant: City of Vancouver bike racks on City property do not count towards required Class B bike parking.
25. Clearly show the Statutory Right-of-Way (SRW) on the Site Plan, Level 1 Plan and the Landscape drawings.
26. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provision of section drawings showing elevations, vertical clearances, and security gates for the main ramp, through the loading bay and the parking levels.
- (ii) Minimum 2.3 m clearance is required for Class A loading and disability spaces.
- (iii) Minimum 3.8 m clearance is required for Class B loading

Note to Applicant: Label the minimum clearances on the drawings, including overhead gate and mechanical projections.

- (iv) Provision of design elevations on both sides of the parking ramp and sloped sections in the parking levels at all breakpoints, both sides of the loading bays, and at all entrances.

Note to Applicant: The slope and length of the ramp sections must be shown on the submitted drawings.

27. Modification of the parking ramp design as follows:

- (i) Provide a 10 ft. x 10 ft. corner cut through the inside radius at the bottom of the main parking ramp (left side of ramp) to enable two vehicles to pass each other unobstructed.
- (ii) Provide measures to address conflicts between vehicles on the ramp. Parabolic mirrors are recommended.
- (iii) Dimension all columns encroaching into parking stalls.
- (iv) Provide additional parking stall width for stalls adjacent to walls, for single module stalls and for stalls with reduced aisle width.
- (v) Provision of minimum 7 ft. 6 in. stall width for small car stalls

28. Modification of the loading bay design as follows:

- (i) Provide a double throat for the Class B loading spaces.
- (ii) Additional loading bay width for the second and subsequent loading spaces (each additional space must be 3.8 m wide)
- (iii) Provision of internal stair free loading routes from the Class B loading bays to all uses including to the different uses within the hotel.

Note to Applicant: Show the load routes on the submitted drawings.

- (iv) Relocate the two Class A loading bays for the residential use in front of the residential overhead gate in close proximity to the residential elevators.

Note to Applicant: This is to ensure that the spaces are accessible to service providers for the residential units.

- (v) 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, if required.

29. Modify access to the bicycle parking as follows:

- (i) Provide automatic door openers on the doors providing access to the bicycle room(s).
- (ii) Provide alcoves for bike room access off the vehicle maneuvering aisle.

## **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, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### **Engineering**

1. The closing of, stopping up and conveying to the owner the required portion of Robson Street west of Beatty Street, subsequent to Council approval; and the relocation or decommissioning of any utilities within this area.
2. Consolidation of Lots 1 to 7, Plan 2565, and Lot C, Plan 14094; all of Block 68, DL 541 and the portion of closed road to create a single development parcel.
3. Registration of a temporary Statutory Right of Way (SRW) agreement in favour of the City over the portion of road to be closed for public utility purposes, to be discharged once all utilities impacted by the road closure have been abandoned, relocated or otherwise protected, as necessary, and any associated street reconstruction works have been completed to the satisfaction of the General Manager of Engineering Services.
4. Confirmation of any existing building encroachments onto city streets and lanes from the Northern Electric Building. Should encroachments exist,

arrangements (legal agreements) must be made for all building elements which encroach onto City property. Upon completion of the exterior restoration work, a new BC Land Surveyor's Location Certificate will be required to confirm the extent of all building encroachments at that time.

Note to Applicant: An application to the City Surveyor is required. To enable permit issuance a letter of commitment, to enter into a City standard encroachment agreement, is required.

5. The applicant is advised that building encroachments onto City street may cause problems when strata titling a property due to Section 244(1)(f) of the Strata Property Act. The City of Vancouver may not necessarily support the provision of easements for any parts of the building on City Street. If strata titling is being proposed, the applicant is advised to seek independent legal advice on the matter and to also contact the City Surveyor.
6. Release of Easement & Indemnity Agreement 524445M (commercial crossing) 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.

7. Provision of a building setback and a surface Statutory Right of Way (SRW) on Beatty Street to achieve a 5.5 m (18 ft.) sidewalk from the back of the existing City curb to the building face. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrance such as structure, stairs, door swing, landscape and bicycle parking at grade but the encroaching building portions shown below grade and at the second and third storey and above will be accommodated within the SRW agreement.
8. 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 is 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 General Manager of Engineering Services and the Director of Legal

Services will be required to secure payment for the upgrading. The applicant is responsible for 100% of any water system upgrading that may be required.

- (iii) Provision of a stormwater and rainwater management plan that meets 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 infiltration the 6-month storm event volume (24 mm) onsite;
  - b. Treat the 2-year event (48 mm) onsite; and
  - c. Maintain the pre-development 10-year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.
- (iv) Provision of a frost-free public water fountain to be located adjacent the site. The fountain is to be served by a separate water connection. The preferred location is near the Robson Street and Beatty Street intersection.
- (v) Provision of the following street improvements adjacent to the site:
  - a. Provision of the Library Square – Robson Street streetscape treatment including tree surrounds, granite street name markers, pedestrian lighting and sidewalk finishes and patterns on Robson Street.
  - b. Provision of a 1.53 m (5 ft.) exposed aggregate front boulevard and a minimum 3.96 m (13 ft.) Cast In Place (CIP) light broom finish sidewalk with saw cut joints on Robson Street.
  - c. Provision of new CIP light broom finish sidewalk with saw cut joints and exposed aggregate front filler sidewalk on Beatty Street and Cambie Street with standard four piece tree surrounds.
  - 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, including the relocation of existing street lighting on Robson Street to the typical back of curb location.
  - e. Provision of an upgraded traffic signal at Cambie and Robson intersection (including upgraded signal pole and arm at the south east corner to current standards, traffic

signal kiosk controller and associated equipment and LED lighting).

- f. Relocation/replacement of BC Hydro kiosk to the edge of the new sidewalk on Robson Street.
  - g. Provision of intersection lighting upgrade (LED lighting on each corner pole is required).
  - h. Provision of commercial concrete lane crossings on the east side of Cambie Street and the west side of Beatty Street at the lane south of Robson Street including replacement of curb returns and curb ramps where necessary.
  - i. Undergrounding or removal of all existing overhead utilities and removal of all wood poles from adjacent the site. Confirmation from all utilities who make use of the wood poles is required confirming arrangements are in place to the satisfaction of GMES.
- (vi) Provision of uninterrupted space on the Robson Street sidewalk for a future 19 m x 4 m public bike share station. The following conditions apply:
- a. Size: At a minimum a 19 m x 4 m sized station shall be accommodated.
  - b. Location: The full length of the space is to be continuous and located on the Robson St frontage, south of the 3.96 m sidewalk on public property adjacent to the proposed 'Hotel – Lounge Patio'.
  - c. Access: Consideration for placement of building elements (e.g. fire department connections, HVAC vents, etc.) and landscaping that require frequent access and maintenance directly adjacent to the PBS space. These elements shall not be in conflict or cause frequent disruption to the PBS station.
  - d. Surface treatment: A hard surface is required with no utility access points (no manholes or junction boxes etc.), landscaping, and street furniture within the PBS station footprint. Any utility access point within 1m of the PBS space is to be identified and shown in detail on the drawing submission.
  - e. Grades: The surface must be consistent in grade with a maximum cross slope of 3% along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.

- f. Sun exposure: There must be a minimum of 5 m vertical clearance above the PBS space in order to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
9. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers 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. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

### **Shelter Relocation**

10. Prior to enactment of the rezoning by-law, the applicant will enter into a Section 219 Covenant, to be registered against title to the rezoning site, to secure the relocation of the shelter space currently located on the rezoning site under the following terms:
- (i) No demolition permits for the rezoning site will be issued until:
    - a. the applicant can demonstrate that it has secured or has facilitated the securing of a replacement shelter space that is, at a minimum, an operational 102-bed, 10,000 sq. ft. space that is located within the Downtown District Zoning Boundary or such other location in the Downtown Core as may be acceptable to the General Manager of Arts, Culture and Community Services;
    - b. if the new replacement shelter space is leased space, a copy of the new lease is provided to the City for the review of and confirmation by the Directors of Legal Services and Real Estate Services and the General Manager of Arts, Culture and Community Services that such lease provides for, at a minimum, a 102 bed, 10,000 sq. ft. space that is located as required in subsection (i)(a) , and such lease will be for a minimum of a 10 year term at rents that allow the shelter to be sustainable for the duration of the lease term; and
    - c. the new replacement shelter space has been renovated to meet funder requirements and BC Housing's standards for shelters, an Occupancy Permit has been obtained, and all

operations have been relocated from the rezoning site to the new shelter by the Catholic Charities,

provided that the requirement for the Section 219 Covenant may be dispensed with and demolition permits issued or, if the Section 219 Covenant has been registered, it may be discharged and demolition permits issued, if in either case the General Manager of Arts, Culture and Community Services is satisfied that the replacement shelter space will be operational within a suitable period of time and any security that may be required by the General Manager of Arts, Culture and Community Services to secure the delivery of the replacement shelter has been provided to the City in the form required by the Director of Legal Services; and

- (ii) The new replacement shelter space will be for the use of the operation of a homeless shelter by Catholic Charities or, if Catholic Charities determines not to continue to operate a homeless shelter or if Catholic Charities defaults in its obligations to the applicant, another non-profit shelter operator to be approved by the General Manager of Arts, Culture and Community Services in consultation with BC Housing.

#### **Heritage (Northern Electric Company Building)**

- 11. Council approves a Heritage Designation By-law for the heritage building's four exterior facades and that the by-law is enacted and notice of this is registered in the Land Titles Office pursuant to Section 594(9) of the Vancouver Charter.

Note to Applicant: Section 594(8) of the Vancouver Charter requires that a notice of the designation be registered in Land Titles within 30 days of the by-law's enactment. In this regard it is important that the legal description on the by-law matches the records in the Land Title Office, and as such it is recommended that any subdivision/ dedication of the lands or consolidations be done after the designation by-law is registered, or well in advance such that the by-law had the up to date legal description.

- 12. The owner enters into a Heritage Restoration Covenant (Section 219 Covenant) for the conservation of the heritage facades to the satisfaction of the Director of Planning and the Director of Legal Services, and that the agreement is completed and registered on title to the lands to the satisfaction of the Director of Legal Services.

Note to Applicant: Please contact the heritage planner, James Boldt, at james.boldt@vancouver.ca in this regard.

- 13. Submission of a stabilization/retention plan, signed and sealed by the structural engineer, showing in detail how the three full facades of the heritage building which are to be retained, stabilized, and protected

during the construction process, to the satisfaction of the Director of Planning.

#### **Community Amenity Contribution (CAC) — In-kind Offerings**

14. Fee Simple Title Transfer of the Applicant's Property on Hamilton Street to the City – Transfer to the City for a nominal amount (\$1.00) the fee simple title to those lands and improvements at 877 Hamilton Street, Vancouver, BC [*Lots 22 and 23, both of Block 66, District Lot 541, Plan 210, PIDs: 015-458-873 and 015-458-857 respectively*] (the "Subject Property", see Figure 8 of the Policy Report dated May 22, 2018, entitled "CD-1 Rezoning at 118-150 Robson Street and Heritage Designation of the Facades of the Northern Electric Company Building") prior to enactment of the rezoning by-law for 118-150 Robson Street (the "Rezoning Lands"), which transfer will be in accordance with the City's standard "Contract of Purchase and Sale", which contract will provide, among other things, that:
  - (i) title to the Subject Property will not be subject to any liens, mortgages or other charges, other than the "permitted charges" expressly approved by the City's Director of Legal Services;
  - (ii) the Applicant (owner of the Subject Property) will assign all leases to the City if a tenant(s) is (are) presently occupying the lands and/or improvement(s) located within the Subject Property. The Applicant (owner of the Subject Property) will not enter into any new leases hereafter of all or any part of the Subject Property without the prior written consent of the City. Please note that final acceptance of this offering is subject to the City's review and approval of all the current leases for the Subject Property, copies of which are to be provided to the City's Director of Real Estate Services; and
  - (iii) the Applicant (owner of the Subject Property) will represent and warrant that the Subject Property is and has been free from Contaminants (as defined in applicable environmental legislation) and no Contaminants have migrated from the Subject Property or to the Subject Property from other lands, and such other additional representations and warranties as are required by the City with respect to Contaminants. Further that the Applicant (owner) will indemnify the City if the City incurs any costs, claims, etc., in connection with any inaccuracy or untruth of any such representations and warranties.

#### **Community Amenity Contribution (CAC) — Cash Payments**

15. Pay to the City the cash Community Amenity Contribution of \$13,557,060 (cash CAC offering) which the applicant has offered to the City. Allocation of this cash to be as follows:

- (i) \$5,000,000 towards the Affordable Housing Reserve to help secure social housing and services to meet resident's needs, as set out in Housing Vancouver, in and around downtown area.
- (ii) \$4,000,000 towards public realm improvements in and around downtown area such as along 800 Robson Street and Granville Street.
- (iii) \$1,557,060 towards park upgrades in and around downtown area such as Yaletown Park.
- (iv) \$2,000,000 towards delivery of other City serving amenities such as the relocation of the City Archives to the Central Library.
- (iv) \$1,000,000 towards the City's cultural and social capital grant program.

16. Conditions of the City's acceptance of the cash CAC offering:

- (i) Replacement Shelter: The relocation of the shelter space currently on the Rezoning Lands must be secured based on the terms outlined in condition (c) 10, under the heading Shelter Relocation.
- (ii) Local Buyers First: The Applicant's voluntary commitment to support residents who live or work in Metro Vancouver by giving them the first opportunity to purchase new pre-sale homes in the new development on the Rezoning Lands, which includes the following:
  - a. For the first 30 calendar days after the launch of the "pre-sales marketing campaign" for this development (the "Exclusive Local Buyer Period"), only those who live or work in Metro Vancouver will be eligible to purchase homes in this development, and all such buyers will be required by the Applicant to sign a statutory declaration attesting that they live or work in Metro Vancouver and intend to occupy the unit they are purchasing.
  - b. The text of the statutory declaration will be agreed upon in advance of the rezoning enactment by the Applicant and the City's Director of Legal Services.
  - c. There shall be no foreign marketing during this Exclusive Local Buyer Period.
  - d. No buyer shall be allowed to purchase more than one (1) unit within this Exclusive Local Buyer Period.

## **Public Art**

17. 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 311 to be directed to the Public Art Program Manager to discuss your application.

## **Environmental Contamination**

18. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);
  - (ii) As required by the Manager of Environmental Protection 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
  - (iii) If required by the Manager of Environmental Protection 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 Protection, City Engineer and 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.

Note to Applicant: 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 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 heritage designation of all four exterior facades (the “heritage facades”) of the Northern Electric Company (NEC) Building (the “heritage building”) at 150 Robson Street [*Lots 1 to 7, Block 68, District Lot 541, Plan 2565, PIDs 013-639-374, 013-639-421, 013-639-447, 013-639-463, 013-639-471, 013-639-501 and 013-639-528 respectively*], which is listed in the “B” evaluation category on the Vancouver Heritage Register, as protected heritage property, be approved.
- C. 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 May 22, 2018, entitled “CD-1 Rezoning at 118-150 Robson Street and Heritage Designation of the Facades of the Northern Electric Company Building”, be approved.
- 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 amendment to the Noise Control By-law generally as set out in Appendix C of the Policy Report dated May 22, 2018, entitled “CD-1 Rezoning at 118-150 Robson Street and Heritage Designation of the Facades of the Northern Electric Company Building”.
- E. THAT Council authorize the Director of Real Estate Services to enter into a contract of purchase and sale for property having a civic address of 877 Hamilton Street [*Lots 22 and 23, both of Block 66, District Lot 541, Plan 210, PIDs: 015-458-873 and 015-458-857 respectively*] for a nominal purchase price of \$1.00 as further set out in Appendix B of the Policy Report dated May 22, 2018, entitled “CD-1 Rezoning at 118-150 Robson Street and Heritage Designation of the Facades of the Northern Electric Company Building”.
- F. THAT A through E 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

**[RZ – 118-150 Robson Street]**