



# P5

POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: January 4, 2011  
Contact: Brent Toderian  
Contact No.: 604.873.7698  
RTS No.: 08848  
VanRIMS No.: 08-2000-20  
Meeting Date: January 18, 2011

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)

**RECOMMENDATION**

A. THAT the application by IBI Group, on behalf of One West Holdings Ltd (“Concord”) to rezone a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288, False Creek, Plan BCP1977) which portion is shown in heavy bold outline in Map 1 (Appendix D) from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of two residential towers with two floors of commercial development, be referred to a Public Hearing, together with:

- (i) plans prepared by IBI Group received August 11, 2010;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
- (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B;

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

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

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

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

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- D. THAT Recommendations A, B, and C be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any appeal that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

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

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

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

Relevant Council Policies for this site include:

- False Creek North Official Development Plan (1990)
- View Protection Guidelines (1990)
- Bridgehead Guidelines (1997)
- Metro Core Jobs and Economy Land Use Plan: Issues and Directions (2007)
- EcoDensity Charter: Action A-1 (2008)
- Northeast False Creek Directions for the Future (2009)

#### ***PURPOSE AND SUMMARY***

This report assesses an application to rezone a portion (the "Subject Site") of the site at 10 Terry Fox Way from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District. The proposal would permit a primarily residential development of two residential towers on top of a two storey podium of office, retail, and amenity uses.

This report is provided in conjunction with three other Council reports on the topic of future development in Northeast False Creek (NEFC). The reports are inter-related and have been produced in consideration of the overall objectives and outcomes in NEFC and adjacent neighbourhoods. Together, the reports make a series of recommendations that will allow for

the development aspirations of Concord and PavCo and will ensure that the overall job space target of 1.8 million sq. ft. (167 225 m<sup>2</sup>) for NEFC, identified in the NEFC Directions remains achievable. The reports are summarized as follows:

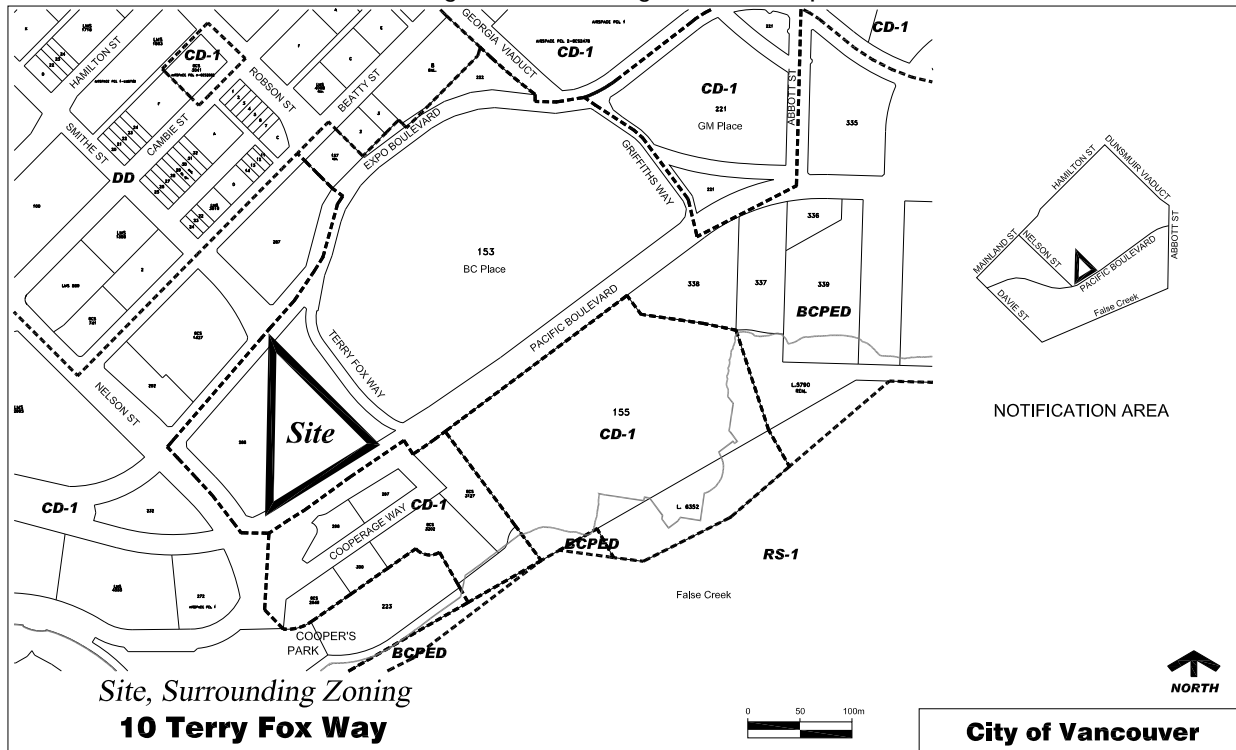
1. FCN ODP Amendments - The report recommends amendments to the False Creek North Official Development Plan (FCN ODP) that specify new requirements for district energy, local jobs and procurement, event noise mitigation and thermal comfort. These requirements will apply to all of the undeveloped sites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

### *SITE AND CONTEXT*

The Subject Site is:

- the eastern portion of 10 Terry Fox Way, as shown outlined in heavy bold on Map 1, Appendix D,
- part of a legal parcel with a civic address of 10 Terry Fox Way, which is currently one large parcel physically divided into two areas by the Cambie Street Bridge off-ramp,
- the eastern portion of the area referred to in the False Creek North Official Development Plan (FCN ODP) as Area 5b.

Figure 1 – Zoning context map



To the north of the Subject Site is office and residential development. South of the Subject Site is residential development (including two vacant sites identified for future affordable housing). East of the Subject Site is the proposed BC Place Hotel/entertainment/casino site (the PAVCO Rezoning Site).

**BACKGROUND**

1. Development Parcels in Northeast False Creek (NEFC)

Figure 2 below shows the various present and future development parcels in Northeast False Creek.

Figure 2 – NEFC Land Parcels



## 2. 777 Pacific Boulevard (Area 10a)

The Subject Site is immediately west of the proposed PAVCO Rezoning Site at 777 Pacific Boulevard (the proposed hotel/entertainment/casino complex referred to as “Area 10a” in Figure 2 above). The applications are linked in the following ways.

- a) A portion of the land included in the proposed PAVCO Rezoning Site for the development of the hotel/entertainment/casino complex is currently owned by Concord Pacific.
- b) Smithe Street extension - PAVCO (the owner of BC Place) is arranging for the dedication of the lands for the Smithe Street extension from Pacific Boulevard to Expo Boulevard as part of the rezoning of the PAVCO Rezoning Site, as the access to the underground parking for the hotel/entertainment/casino complex is proposed within the Smithe Street extension. The Subject Site utilizes the Smithe Street extension for access to the project proposed for the Subject Site. The Smithe Street extension is shown on Map 1 (Appendix D).
- c) Parking - As part of the development of False Creek North, there is a requirement for certain sites near BC Place to provide stadium parking for BC Place. This obligation is set out in an agreement with the City (known as the “Stadium Parking Agreement”). To fulfill the outstanding obligations for the Concord lands pursuant to the Stadium Parking Agreement, PAVCO has agreed that the hotel/entertainment/casino complex

will be providing the remaining 200 parking stalls required on the Area 5b (West and East) which will fulfill the requirements of Concord's agreement.

### 3. 900 Pacific Boulevard (Area 6a)

In May 2004, Council rezoned lands owned by Concord at 900 Pacific Boulevard (Area 6a in the FCN ODP) for residential development. At time of such rezoning, the discussions regarding a community amenity contribution were deferred until the broader work of the NEFC high level review could be completed (including a comprehensive public benefits package). To allow the development on Area 6a to proceed, the City registered a "no development covenant" on the entire Area 5b lands owned by Concord. This covenant states that the City will not issue a Development Permit for development on Area 5b (east or west) until the community amenity contribution negotiations were completed for Area 6a. While the covenant restricts issuance of a Development Permit and therefore prevents commencement of construction on Area 5b until the conditions for discharging the covenant have been met, Council may still approve a rezoning application for Area 5b.

## *DISCUSSION*

### 1. Policy Context

Development of the Subject Site is governed by the False Creek North Official Development Plan (FCN ODP), which calls for incremental rezonings to CD-1 for each area in the ODP. Under the current provisions for floor space in the ODP, the aggregate of Area 5b East (the Subject Site) and Area 5b West has a total remaining commercial development allowance of 81,667 sq. ft. (7 587m<sup>2</sup>), with no residential development allowance. An amendment to the ODP is required to allow residential development and decrease the amount of commercial development required, which is the subject of a separate report to Council (RTS # 8980). The decrease in commercial development on this site is supportable as the overall job space target for the area will still be achieved.

In 2009, Council approved "Northeast False Creek: Directions for the Future", which guides development of the remaining parcels of land to be developed in the FCN ODP area. The following policies apply to the proposed rezoning of the Subject Site, and have been met through the proposed design of the development proposed for Subject Site or will be secured through Conditions of Approval in Appendix B:

- a) Direction 3.1.1 "Significantly advance the environmental, economic, social and cultural sustainability in the city, exceed the achievements reached in Southeast False Creek and support the goal of becoming the Greenest City in the World by 2020."
- b) Direction 2.2.6 "Encourage distinctive and creative architecture that differentiates this waterfront from the other waterfront areas that have relied predominantly on the tower and podium building form and similar architectural expression."
- c) Direction 2.2.9 "Create a hierarchy of active streets, pedestrian and bicycle routes, open space and parks that connect a series of lively and varied experiences."
- d) Direction 3.5.1 "In consideration of the events, noise and congestion, pursue a series of measures including building design requirements, resident notification and communication and event noise standards to address the compatibility of residential use and events."

- e) Direction 3.5.4 "Require a diversity of unit sizes within each sub area rezoning in NEFC."

## 2. Land Use and Density

The proposed land use would allow development of a primarily residential development, with two floors of commercial uses. The proposed re-allocation of residential and commercial space between PavCo and Concord provides additional job space on the BC Place site (a location considered more favorable for job space by the City), and less residential floor space on the BC Place site (a location considered acceptable but challenging for residential). The job space targets of NEFC are maintained, and significant job space is achieved early in the overall build-out of NEFC.

At grade, retail and service uses are provided to animate the pedestrian realm. The second floor of the project proposes a mix of retail, restaurant, and office development. Floors 3 - 20 are proposed as two towers of residential development, with a total of 311 units proposed. The proposed development on the Subject Site is comprised of 303,209 sq. ft. (28 169 m<sup>2</sup>) of residential floor space, with an additional 45,586 sq. ft. (4 235 m<sup>2</sup>) of commercial floor space, or "job space" proposed for the first two floors above grade for the project. These figures are maximums for the site, and may decrease through the development permit process due to the view corridor affecting the site and urban design concerns. Conditions have been included in Appendix B encouraging the applicant to increase the amount of commercial floor space.

## 3. Form of Development

The proposed form of development consists of a 2 storey retail/office/amenity podium, a small floor plate 19-storey residential tower at the corner of Pacific Boulevard and Smithe Street, and a curving 18-20 storey residential slab building extending along the Cambie Bridge frontage. The height of the project is regulated by the View Corridor from the Cambie Bridge. Staff considers this overall built form to have generally accommodated the proposed density appropriately at this unique location at the bridgehead entry to the downtown. The proposal also integrates well with the surrounding existing and evolving context, including the proposed hotel/entertainment/casino complex on the PAVCO Rezoning Site. While the overall building massing and open spaces are supported, staff recommends a number of design conditions to be pursued through the Development Permit stage to achieve the following:

- a) improve the project's architecture at this prominent entrance to the downtown, recognizing the NEFC policy calling for innovative architecture;
- b) provide a high quality Public Realm interface around the entire site.

The project provides open spaces in three locations:

- a) a plaza area fronted by retail/restaurant uses along Pacific Boulevard;
- b) a setback along the Cambie Bridge frontage providing pedestrian and bicycle linkage from Expo Boulevard to Pacific Boulevard;
- c) a public plaza located within the northern portion of the proposed Smithe Street extension.

The two plazas will provide sunny, highly usable spaces for pedestrians. All spaces are to be either dedicated to the City or public access is to be secured through statutory rights of way.

Subject to these conditions in Appendix B, staff recommends approval in principle of the form of development.

#### 4. Event Noise Mitigation and Thermal Comfort

The NEFC Directions provide that, in consideration of event noise and congestion in this area, staff pursue a series of measures including building design requirements, residential notification and event noise standards to address the compatibility of residential use and events. Noise is measured for the purposes of the Noise Control By-Law in two ranges: broad spectrum (dBA) and broad spectrum plus deep bass levels (dBC).

It is recommended that the development mitigate event-related noise to below 50 dBC (measuring deep bass levels) for the interior of those apartments that have facades that will be impacted by event noise from the Civic Plaza on the Plaza of Nations site (750 Pacific Boulevard). Facades facing BC Place Stadium should primarily mitigate crowd cheering from BC Place Stadium. It is anticipated that concert noise from BC Place Stadium will be infrequent, as most concerts are held in Rogers Arena. The deep bass noise on the sound spectrum is the most challenging to mitigate but also the most intrusive and annoying for residents. Other facades not impacted by concert noise will primarily be designed to address traffic noise from the surrounding streets and the Cambie Bridge, in accordance with the provisions of the Zoning and Development By-law.

The applicant will also be required to design the buildings so that residents can shut their windows on warmer days so that they can enjoy quieter living spaces at a comfortable room temperature.

In November 2010, Council endorsed the preparation of Acoustic and Thermal Comfort Studies as part of rezoning applications in Northeast False Creek to address the unique challenges associated with event-related noise. The policy directs applicants to mitigate noise to somewhere in a range of 40 to 50 dBC (deep bass noise). The applicant has submitted an acoustic study that proposes two options:

- A building façade treatment primarily of all glass typically pursued in high rise buildings in Vancouver that is predicted to reduce dBC event noise to achieve interior noise levels of 50 dBC.
- A building façade treatment primarily of concrete where only 15% of the façade has windows and is predicted to reduce dBC event noise to achieve interior noise levels of 40 dBC.

After consulting with the City acoustic consultant, BKL Ltd., staff are confident that there is a third option that could be explored for the design of the façades impacted by event-related noise. The third option would provide an improved acoustic mitigation performance (better than 50 dBC) and would represent a balance between the all-glazed and all concrete options discussed in the applicant's acoustic report.

The applicant has also submitted a study from a mechanical engineer to address the question of thermal comfort in the context of this event area. Passive cooling design approaches will be considered as part of further work on this issue. The energy conservation performance of the options will also be assessed. The options on acoustic mitigation and thermal comfort (cooling) and a recommended approach will be presented to Council at the public hearing.



## 5. Transportation

### a) Smithe Street extension

The proposed re-allocation of residential and commercial space between PavCo and Concord facilitates the timely construction of the Smithe Street extension (which provides a key link to the seaside seawall along False Creek and facilitates the construction of the hotel/entertainment/casino complex). The design of the Smithe Street extension has vehicular access from the south at Pacific Boulevard moving northward and terminates at a plaza adjacent to Expo Boulevard at the northern end. While the design of Smithe Street does not allow for a vehicular connection across Expo Boulevard, the Smithe Street extension will provide a pedestrian and bicycle link connecting the downtown to the False Creek waterfront. Staff recommends that the applicant further explore the landscaping of the plaza, as indicated by the Conditions of Approval in Appendix B.

Dedication of the lands required for the Smithe Street extension is a condition of enactment of the rezoning for both the PAVCO Rezoning Site and the Subject Site. Two different scenarios are contemplated:

- i) If the rezoning of the PAVCO Rezoning Site proceeds to enactment prior to the enactment of the rezoning for the Subject Site, the Smithe Street extension will be dedicated to the City and constructed by PAVCO (including access to the parkade located within Smithe Street).
- ii) If the rezoning by-law for the Subject Site proceeds to enactment prior to enactment of the rezoning by-law for the PAVCO Rezoning Site, Concord will be required to dedicate the Smithe Street extension to the City; in which case the Smithe Street Extension will be constructed without access for the hotel/entertainment/casino complex.

Therefore, the conditions of approval in Appendix B require that, if PAVCO does not dedicate the Smithe Street extension, the applicant for the rezoning of the Subject Site must make arrangements for the dedication of the Smithe Street extension to the City and grant associated statutory rights of way. The applicant will also be required to remediate any contaminated soils within the Smithe Street extension consistent with other lands in the area.

### b) Bicycle Pathways

There has been considerable discussion regarding bicycle pathways for this project. In accordance with the Bridgehead Policy, a 9 metre clearance is required from bridge decks. Coincidentally, this 9 metre clearance would extend from the corner of Smithe Street and Pacific Boulevard to a proposed future streetcar station. The applicant and the City are working on proposed designs for a dedicated bicycle and pedestrian pathway along this location, all the way to the Sea Wall (the Seaside Route).

While it is anticipated bicycles shall be accommodated within the Smithe Street extension, the design will be finalized at the Development Permit stage.

c) Parking and Loading

Vehicular and loading access for this development is proposed from the northern end of the Smithe Street extension. Parking for the development is contained in two underground levels on the Subject Site. A transportation study was submitted with the application. The study analyzed the impact of the proposed development on traffic in the vicinity, especially in relation to the intersection of Smithe Street and Pacific Boulevard. It is expected to have little impact on traffic operations in the area.

d) Streetcar Alignment

As part of the application, a dedication and/or statutory right of way will be provided along the south part of the Subject Site to accommodate the future streetcar along Pacific Boulevard. It is anticipated that there will be a streetcar station underneath the Cambie Street Bridge. Conditions of Approval in Appendix B reflect the dedications required to allow for the future streetcar.

## 6. Sustainability

a) Environmental Sustainability

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

The NEFC Directions call for higher sustainability standards than previous large scale developments as an essential component of large site developments through the exploration of District Energy Feasibility, Sustainable Site Design, Green Mobility and Clean Vehicles, Rainwater Management, Solid Waste Diversion, Sustainable Housing Affordability and Housing Mix. These matters have been addressed either through the design of the development, or will be provided for through required plans or strategies, with all to be implemented through the requirements contained within the recommended Conditions of Approval set out in Appendix B.

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

showed that a renewable district energy system for NEFC would result in significant carbon reductions and that it is economically viable.

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

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

b) Social Sustainability

An Inner-City Local Employment and Procurement Agreement (in accordance with Council direction resulting from approval of the NEFC Directions) will be required to ensure that 10% of the employment is sourced from inner-city neighbourhoods where residents may experience barriers to employment. Local procurement will also be required for this proposal to ensure that a portion of the construction materials are purchased locally.

*PUBLIC INPUT*

As part of the rezoning process, an information session/open house was held on October 20, 2010. Notification was sent to over 4,000 households adjacent to the Subject Site, and notification signs were posted on the Subject Site. The City of Vancouver Rezoning Centre webpage provided notification and application information, as well as an on-line comment form. A total of 60 people attended the event. While the comments received indicated the project was supportable, there were common concerns regarding the public benefits to be provided as part of this development. The main concerns raised were:

- a) Clarity was requested regarding the Community Amenity Contribution;
- b) Traffic and access, including added traffic on Cooperage Way; and
- c) Additional pressure on Coopers Park.

The Community Amenity Contribution was unknown at time of the open house. The traffic and access concerns have been addressed through the restricted access from Smithe Street to Cooperage Way across Pacific Boulevard. The Park Board has received many ideas from members of the public about how to address the concerns regarding the use of Coopers Park which has become a popular spot for dog owners to let their dogs run freely, eroding the turf and displacing other uses from the park. Funding for upgrades to existing parks and open spaces in Northeast False Creek was included in the Public Benefits Proposal approved as part of the NEFC Directions. Improving Coopers Park is a priority for the area. When funding is secured through community amenity contributions, the Parks Board will initiate a public process to discuss the issues with all user groups, develop a consensus, and construct the improvements.

The proposed rezoning of Area 5b East was discussed at the NEFC Joint Working Group on five occasions between July and November 2010. The following is a summary of the key discussion and commentary:

- a) Any trade in land use should ensure that job space targets for NEFC remain achievable;
- b) The False Creek Residents Association (FCRA) supports a resultant decrease in residential development potential in NEFC (proposed as part of the 5b West/Area 10 density transfer); and
- c) Concerns remain about providing adequate amenities for the residents. The FCRA shares the concerns noted at the Open House regarding the provision of community amenities and would like to see tangible public benefits achieved that serve area residents.

There were also questions on who benefits from the re-allocation of residential floor space between PavCo and Concord. As noted through the report, there are varying benefits for various parties. This re-allocation of space facilitates the timely construction of the Smithe Street extension and a key link to the seawall. The re-allocation locates both residential and job space in more favourable locations. The job space targets of NEFC are maintained, and significant job space is achieved early in the overall build-out of NEFC. It was noted in these meetings that the re-allocation of residential floor space would result in a community amenity contribution (CAC) - as noted in the next section; this has since been quantified at \$6,000,000. In addition, PavCo is agreeing to the removal of the remaining residential density allowed on their site under the FCN ODP, which represents an overall decrease in FSR on their lands.

### ***PUBLIC BENEFITS***

In response to City policies which address changes in land use and density, this rezoning application offers the following public benefits.

#### **Required Public Benefits:**

**Development Cost Levies (DCLs)** – Because public amenities were secured and negotiated as part of the approval of the original FCN ODP, there are no DCL's payable on development of the Subject Site.

**Public Art Program** – The Public Art Program requires that rezonings involving a floor area of 9 290 m<sup>2</sup> (100,000 sq. ft.) or greater allocate a portion of their construction budgets (\$1.81/sq. ft.) to public art as a condition of rezoning. With 29 980 m<sup>2</sup> (322,712 sq. ft.) proposed for the Subject Site, a public art budget of approximately \$584,108 would be anticipated.

#### **Offered Public Benefits:**

**Community Amenity Contribution (CAC)** – In the context of Financing Growth Policy, the City anticipates the offer of a community amenity contribution from the owner of a rezoning site to address the impacts of rezoning. Contributions are negotiated and evaluated by staff in light of the increase in land value expected to result from rezoning approval. The developer has offered a Cash payment to the city of \$6,000,000. Staff will report back to Council prior to the Public Hearing with a recommended allocation for the CAC in consideration of the policy advice on Public Benefits contained in NEFC: Directions for the Future.

Real Estate Services staff have reviewed the offering and concluded that after factoring in the costs associated with the transfer of density, the CAC provided is appropriate. Real Estate Services staff recommends that this offer be accepted.

The negotiations for the outstanding CAC for Area 6a were not considered in the negotiation of the CAC for the Subject Site, and have been considered in the negotiations for the rezoning of Area 5B West (which is the subject of a separate report to Council). The no development covenant remains in force on the Subject Site until the Area 6a CAC negotiations are completed.

**PavCo Offered Benefits** - The following items have been offered by PavCo as a result of the upgrades to BC Place Stadium. While these items were not considered as part of the CAC discussion, they are still significant benefits for the NEFC area:

- PavCo will renovate and upgrade the existing Terry Fox Plaza at the foot of Robson Street including the Terry Fox monument, as well as surrounding Stadium Plaza areas, at an estimated cost of \$10,600,000.
- The BC Sports Hall of Fame will be included in the renovated BC Place. The value of the relocation and the 20 year rent subsidy for the Sports Hall of Fame is \$8,800,000.

#### ***FINANCIAL IMPLICATIONS***

Approval of the report recommendations will have no financial implications for the City's operating expenditures, fees or staffing.

#### ***CONCLUSION***

Staff assessment of this rezoning application has concluded that the proposed land uses, density and height are supported. The Director of Planning recommends that the application be referred to Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A and with a recommendation of the Director of Planning that, subject to the public hearing, these be approved along with the conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans attached as Appendix F.

\* \* \* \* \*

**10 TERRY FOX WAY (CONCORD AREA 5B EAST)  
DRAFT CD-1 BY-LAW PROVISIONS**

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

**1. Uses**

- Cultural and Recreational Uses, limited to Artist Studio, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall Library, Museum or Archives, Swimming Pool, or Theatre;
- Dwelling Uses;
- Institutional Uses, limited to Child Day Care Facility, Church, Community Care Facility - Class B Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre;
- Office Uses;
- Parking Uses;
- Retail Uses, limited to Grocery or Drug Store, Retail Store, Furniture or Appliance Store, Liquor Store, Pawnshop, Second-hand Store, and Small-Scale Pharmacy;
- Service uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class B Restaurant, School - Arts or Self Improvement, School - Business, School - Vocational or Trade; and
- Accessory Use customarily ancillary to any use permitted by this section.

**2. Floor area and density**

- The floor area for all residential uses must not exceed 28 169 m<sup>2</sup> [303,209 sq. ft.].
- A minimum of 4 180 m<sup>2</sup> [45,000 sq. ft.] of floor area for commercial uses shall be provided.
- Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.
- Computation of floor area must exclude:
  - (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all such exclusions must not exceed 8 percent of the residential floor area;
  - (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
  - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are

similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;

- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and
- (f) with respect to exterior:
  - i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
  - ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

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

- Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:
  - (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, except that:
    - i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8 percent of the residential floor area being provided; and
    - ii) no more than 50 percent of the excluded balcony floor area may be enclosed;
  - (b) amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20 per cent of the permitted floor area or 929 m<sup>2</sup>.
- The use of floor space excluded in the computation of floor area must not include any use other than that which justified the exclusion.

### 3. Building height

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

**4. Acoustics**

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions.

For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (dBA)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

**5. Parking, Loading and Bicycle Parking**

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law.

\* \* \* \* \*



10 TERRY FOX WAY (CONCORD AREA 5B EAST)  
PROPOSED CONDITIONS OF APPROVAL

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

PROPOSED CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

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

**Design Development**

- 1. Provide verification of compliance with height limit set by Cambie Bridge View Corridor (View E1);
- 2. design development to strengthen the project's architecture to reflect the site's unique bridgehead location as well as more appropriately incorporating Green Building exterior materials and techniques;
- 3. design development to enhance the Public Realm treatment on all frontages including:
  - a) Pacific Boulevard, taking into account the future streetcar stop and pedestrian amenity in the proposed plaza;
  - b) Smithe Street from Pacific Boulevard to Expo Boulevard, with particular emphasis to creating a special sense of place in the plaza area between the turnaround and Expo Boulevard;
  - c) Cambie Bridge edge, creating an attractive pedestrian link from Expo to Pacific Boulevard, with active building frontages and landscape (Note: incorporation of a designated bicycle route to the False Creek Bike Route should be pursued);
  - d) Underbridge area, integrating with the expected pedestrian linkage through the future Concord Area 5b West development;
- 4. design development to internalize the loading and parkade access in order to enhance pedestrian function and character of the plaza area west of the Smithe Street vehicular turnaround;

5. design development to potentially increase the amount of commercial floor area in the podium of the project;
6. Design development to the Smithe Street/Expo Boulevard plaza to create a more meaningful dynamic public space;

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

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

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged.

8. design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for:
  - a) design of the under-bridge area to reduce opportunities for mischief and vandalism,
  - b) ensuring that all pathways are clearly defined with defensible design,
  - c) reducing opportunities for graffiti and skateboarding, except where the latter may be intentionally accommodated,
  - d) providing full secure separation for residential uses and parking, and
  - e) mischief, such as graffiti;

#### Landscape Review

9. Provide a full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, 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;
10. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbours and trellises, posts and walls and water features. Planter section details must confirm depth of proposed planting on structures;

11. A high-efficiency irrigation system to be provided on all planted rooftops, in all landscape common areas and hose bibs in patio areas as needed (illustrated on the Landscape Plan);
12. All proposed trees in the Smithe Street plaza are to be planted at grade, not in raised planters;

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

13. New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Services, Streets Division regarding street tree spacing and quantity. Contact Amit Gandha (604-257-8587) of Park Board regarding tree species;
14. 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.

15. Large scale sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street;

Note to applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

16. Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm;

### **Sustainability**

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

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

Note to Applicant: The requirements of the Sustainable Rainwater Management Plan should be coordinated/integrated with the required Landscape Plan.

20. Provide a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex;

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

#### District Energy

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

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

Services, and referenced in the legal agreement regarding Sustainability required as a condition of by-law enactment.

22. The building design is to include adequate space and designs to support connection to the district energy system approved by the General Manager of Engineering Services;

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

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

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

24. Design development to the mechanical heating and domestic hot water systems to ensure a minimum supply temperature of 65 degrees Celsius and maximum return temperature of 50 degrees Celsius in order to facilitate district heating service;
25. No natural gas fireplaces are to be installed within building suites;

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

### Engineering

26. Provision of a current topographical site survey, prepared by a registered British Columbia Land Surveyor clearly showing the Cambie Street Bridge drip line and the proposed 3.0 metre offset from the drip line to the proposed property lines;
27. Clarify the location of the ultimate property line along Pacific Boulevard and ensure that no structures encroach onto proposed City road. Contact the Land Survey Branch for geometrics. Note: current geometrics have been sent to the developer's surveyor;
28. Remove portions of building that encroach onto proposed road dedication;
29. Design Development to conform to the Engineering Parking and Loading Design Supplement;

### Planning

30. Provide text to be included in the disclosure statement for the development indicating that the area is an event district and event-related noise can be anticipated;
31. Provide a report prepared by professionals in acoustic and mechanical engineering that demonstrates how using noise isolation design strategies and passive and/or mechanical cooling, the building will meet the following performance criteria:
  - a) mitigate event noise to achieve noise levels between 40 dBC and 50 dBC within the units during event periods; and
  - b) ensure summertime internal thermal comfort levels in line with ASHRAE 90.1 V. 2007 (with windows closed).

### PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the applicant shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manager of Engineering Services, the Manager of Sustainability, the Director of Real Estate Services, the Director of Cultural Services and the Approving Officer as necessary, make arrangements for the following:

Note: For the purpose of clarity, Nelson Street will be considered a north-south street while Pacific Boulevard and Expo Boulevard will be considered east-west streets.

1. Subdivision of Lot 288 to create a separate legal parcel for the Subject Site;
2. Dedication as road of the area under the Cambie Bridge and off ramp, to an extent 3 metres westerly of the westerly bridge drip-line and to an extent 3 metres easterly of the easterly bridge drip-line, south of Expo Boulevard and north of Pacific Boulevard;

Note to Applicant: A statutory right of way in favour of the City over all or a portion of the area 3 metres westerly of the westerly bridge drip-line and all or a portion of the area 3 metres easterly of the easterly bridge drip-line may be acceptable in order to reduce the dedication area. This condition may be satisfied if the area is dedicated as part of the Area 5B West rezoning application.

3. Dedication as road of the wedge shaped portion of Lot 288 north of Pacific Boulevard and east of the Cambie Street Bridge for the proposed Downtown Street Car route (Pacific Boulevard extension) widening;

Note to Applicant: A statutory right of way (which may be volumetric), over a portion of the area, in favour of the City, for transit and road purposes, to accommodate the above noted future Downtown Street Car route may be acceptable in order to reduce the dedication area subject to the review of the required street car infrastructure. The resultant dedication area is to be clear of all structures.

4. Registration of a Bridge Proximity Agreement over the whole of the Subject Site;
5. All legal notations, non-financial charges, liens and interests registered on title to the lands which may affect this application must be evaluated to determine whether they impact on the proposed development. The applicant's lawyer must submit to the City a title summary containing the following information:
  - a) copy of the Land Title Office search for all lots involved in the application;
  - b) a summary of the contents of each notation, non-financial charge, lien or interest on title containing a general description of the issues address by the document. The summary must also provide the lawyer's opinion as to whether the notation, charge, lien or interest will impact on the rezoning of the Subject Site and if so, how; and
  - c) a copy of any of the notations, non-financial charges, liens or interests which may impact the rezoning of Subject Site;

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

6. Provision of a surface Statutory Right of Way in favour of the City for road purposes to accommodate the cul-de-sac and sidewalk adjacent to the Smithe Street extension, i.e., that area not within the 66 foot dedicated area all to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
7. Provision of a surface Statutory Right of Way to replace the Cambie Bridge Pedestrian Ramp SRW R92182-184 in favour of the City, for public access including wheelchair access over the proposed walkway, ramp and steps to connect the Cambie Bridge pedestrian sidewalk with the Smithe Street extension;

8. Undergrounding of all new utility services from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switch gear (vista switches) and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely on secondary voltage from existing overhead electrical network on 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;
9. Execute a Floodplain Covenant for the Subject Site;
10. Provide a Statutory Right of Way over the following areas to provide for public access:
  - a) plaza area located adjacent to Pacific Boulevard;
  - b) setback area along the west side of the Subject Site linking Expo Boulevard to Pacific Boulevard adjacent to the Cambie Street Bridge;
  - c) pedestrian passage way from underbridge area beneath the proposed building on the Subject Site to Pacific Boulevard-fronting plaza;
11. Execute a modification to the existing Stadium Parking Agreement to require 100 built stalls on the Subject Site and 48 pay-in-lieu parking stalls linked to the Area 5b West site and 100 built and 49 pay-in-lieu parking stalls linked to the Area 5b East site, all to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Should the rezoning for the PavCo Rezoning Site proceed to enactment prior to enactment of the rezoning of the Subject Site, the built stalls will be fulfilled as part of the PavCo rezoning

12. Execute a Services Agreement to detail the delivery of all on-site and off-site works and services necessary or incidental to the servicing of the Subject Site (collectively called the "Services" ) such that they are designed, constructed and installed at no cost to the City, and that all necessary street dedications and rights-of-ways for the Services are provided. Without limiting the discretion of the General Manager of Engineering Services and the Director of Legal Services, this agreement shall include provisions that:
  - a) no Development Permit in respect of any improvements to be constructed on the Subject Site pursuant to this rezoning will be issued until the design of all of the Services is completed to the satisfaction of the General Manager of Engineering Services;
  - b) the design of all Services will be completed to the satisfaction of the General Manager of Engineering Services prior to;
  - c) tendering for the construction of any of the Services; or



- d) any construction of the Services if the Owner decides not to tender the construction;
- e) no occupancy of any building or improvements constructed pursuant to the rezoning will be permitted until all the Services are completed to the satisfaction of the General Manager of Engineering Services; and
- f) in addition to standard utilities and utility extensions, necessary services will include:
  - i) the design and installation of all storm, sanitary and water systems as required by the development,
  - ii) removal of the above-grade Cambie Bridge pedestrian connection between the BC Place Stadium concourse and the Cambie Street Bridge and the provision of alternative access,
  - iii) design and construction of public realm improvements to the under bridge area linking Expo Boulevard to Pacific Boulevard under the Cambie Bridge to a similar design treatment to that of under the Cambie Bridge between Pacific Boulevard and Cooperage Way,
  - iv) design and construction of an off-street bicycle and pedestrian route from Smithe Street and Expo Boulevard, adjacent to and under the Cambie Bridge, to the Seaside Route, and
  - v) payment to the City of 25% of the total cost of a two lane approach on Nelson Street between Pacific Boulevard and Expo Boulevard including the creation of a left-turn lane and any associated curb work and signal modifications including but not limited to a left-turn signal and any required signal upgrades to other traffic signal infrastructure at Nelson Street and Pacific Boulevard.

Should this rezoning proceed to construction prior to the enactment of the rezoning of the PAVCO Rezoning Site, the following will also be included in a Services Agreement:

- g) the design and installation of a new watermain in the proposed Smithe Street extension from Expo Boulevard to Pacific Boulevard;
- h) the design and construction of the Smithe Street extension, the proposed SRW area outside of the portion of the 66 foot wide Smithe Street to be dedicated, and the portions of Expo Boulevard and Pacific Boulevard adjacent to the Subject Site, all in keeping with the required public realm plans or streetscapes plans or guidelines issued or required by the City;
- i) the design and construction of the proposed plaza area between Expo Boulevard and the Smithe Street cul-de-sac;
- j) provision of a full traffic signal at Smithe Street and Pacific Boulevard to replace the existing pedestrian signal including any required upgrades to other traffic signal infrastructure;
- k) Any required modifications to the Smithe Street and Pacific Boulevard intersection to ensure that vehicular traffic exiting the development cannot travel south across Pacific Boulevard to Cooperage Way and that vehicular traffic from Cooperage Way cannot travel north across Pacific Boulevard to the Smithe Street extension;

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

13. Should this rezoning proceed to enactment prior to enactment of the rezoning of the PAVCO Rezoning Site, the applicant will make arrangements for the following:
  - a) Dedication as road of that portion of Lot 288 being that 66 foot (20.117 metre) wide extension of Smithe Street between Expo Boulevard and Pacific Boulevard);
  - b) Dedication as road or transfer to the City of all that portion of Lot 288 lying easterly of the easterly limit of the 66 feet wide Smithe Street extension (i.e. the dedication includes the portion of Lot 288 between the Smithe Street extension and Terry Fox Way);

Confirmations of Compliance in respect of these areas must be provided by the Ministry of Environment prior to the completion and transfer of these areas to the City;

#### Soils Remediation

14. Make arrangements to the satisfaction of the City Manager and the General Manager of Engineering Services for the remediation of contaminants on the Subject Site, including all lands within the rezoning site that are to be dedicated or transferred to the City, all in accordance with the Pacific Place Approach, including entering into of a Utility Design Agreement and such remediation agreements consistent with the Pacific Place Approach;

Note to Applicant: The Pacific Place Approach means the Provincial Government's agreement to remediate or conduct risk assessments and resultant risk management in respect of the Rezoning all on the same basis as the approach in respect of the lands within Concord Pacific Place that have been previously developed by Concord Pacific Group Inc. or its affiliates, which includes without limitation a Soils Agreement between the Provincial Government and Concord for Pacific Place, a Provincial Guarantee and Indemnity Agreement among the Provincial Government, Concord and British Columbia Enterprise Corporation, a Utility Design Agreement among the Provincial Government, Concord and the City and a Remediation Agreement between the Provincial Government and the City.

15. Obtain and submit to the City copies of all soil studies and the consequential remediation plan(s), approved by the Ministry of Environment for the Subject Site. Enter into or cause to be entered into by the Province agreements, satisfactory to the City Manager, all in accordance with the Pacific Place Approach, providing for the remediation of any contaminants on the Subject Site, in accordance with a remediation plan approved by the Province and acceptable to the City, providing security satisfactory to the City Manager for the completion of remediation and indemnifying the City and the Approving

Officer against any liability or costs which may be incurred as a result of the presence of contaminants on the Subject Site;

16. Submit to the City a remediation plan for all newly dedicated streets and other lands, utility rights-of-way required to serve the subject site, including providing utility construction plans compatible with the accepted Remediation Plan(s). Enter into or cause to be entered into by the Province any agreements deemed necessary by the General Manager of Engineering Services providing for the remediation of contaminants on the Subject Site, the construction and installation of remedial works, including monitoring systems for, among other things, water discharges and ground water flows, and other remedial works or systems, all to the satisfaction of the General Manager of Engineering Services and the City Manager, including a Utility Design Agreement and Remediation Agreement consistent with the Pacific Place Approach;
17. Execute an Indemnity Agreement, satisfactory to the City Manager, providing for security, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminants on the Subject Site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues Confirmations of Compliance, in substantially the form appended to the Certificate of Remedial Process issued by the Province (as then represented by the Ministry of Environment) on September 7, 1990, certifying that the Subject Site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in the Confirmations of Compliance;
18. Execute a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the Subject Site constructed pursuant to this rezoning, until Confirmations of Compliance have been provided to the City by the Ministry of Environment for the Subject Site and a Utility Design Agreement and a Remediation Agreement has been entered into by the Province with the City, in accordance with the Pacific Place Approach, on terms satisfactory to the General Manager of Engineering Services and the City Manager;
19. Do all things and/or enter into such agreements deemed necessary by the City to fulfill the requirements of section 571B of the *Vancouver Charter*;

#### Planning

20. Execute an Inner-City Local Employment and Procurement Agreement between the applicant and the City for the construction of the project on the Subject Site;
21. The necessary amendments to the False Creek North Official Development Plan to permit the rezoning of the Subject Site must be enacted by Council prior to enactment of the rezoning by-law for the subject site.

### Community Amenity Contribution (CAC)

22. Pay the Community Amenity Contribution of \$6,000,000 which the developer has offered to the City; the CAC shall be paid to the City 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.

### Public Art

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

### Sustainability

24. Execute appropriate agreement(s) for all buildings, to only utilize thermal energy for space heating and domestic hot water provided by a district heating system pursuant to a contract which complies with Design Condition #23 - District Energy and once available connect to the energy system holding The City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services as determined by the GMES for the provision of all space heating and domestic hot water service;

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

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 Site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

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

The timing of all required payments, if not otherwise specified in these conditions, if any, will be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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10 TERRY FOX WAY (CONCORD AREA 5B EAST)  
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510

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

[Insert assigned address for Concord Area 5b East] [CD-1#] [By-law #] B (DD)“

DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

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

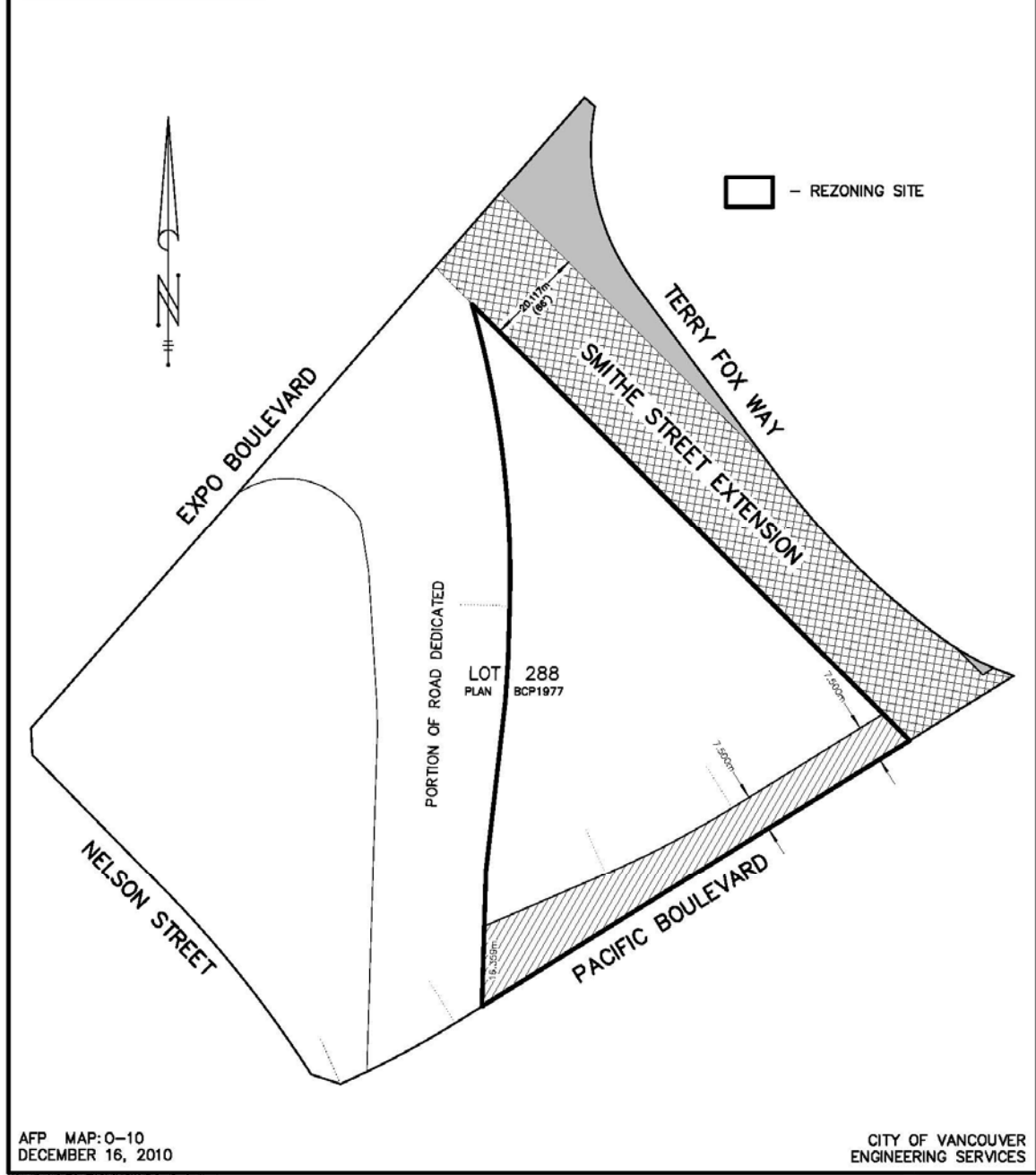
“[CD-1 #] [by-law #] [Insert assigned address for Concord Area 5b East]

\* \* \* \* \*

Map 1 - Subject Site

11917

**SKETCH PLAN SHOWING  
DEVELOPMENT AREA 5B EAST.**  
DRAWING NOT TO SCALE



AFP MAP: O-10  
DECEMBER 16, 2010

CITY OF VANCOUVER  
ENGINEERING SERVICES

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11917

10 TERRY FOX WAY  
ADDITIONAL INFORMATION

EVALUATION: SUPPORT (5-1)

**Introduction:** Dwayne Drobot, Rezoning Planner, gave a brief policy background of the project. The policy is for the Northeast False Creek Directions for the Future. There are a couple of key things in the policy. This is part of what is going to be ODP amendment because this was designated as commercial space and is now switching to a commercial podium of two storeys and then residential above. Height and density is dictated by a couple of view cones which slice across the site. As part of the vision for Northeast False Creek, there are a set of principles to support the area vision. The sixth principle talks about encouraging innovative architecture and variety in building form. It talks about differentiating this waterfront from other waterfront areas that have relied predominantly on the tower and podium building form and similar architectural expression. This is one of the key policies governing all of Northeast False Creek.

Ralph Segal, Senior Architect and Development Planner, further described the proposal. He described the context for the area noting the new Smithe Street which is a cul-de-sac and doesn't connect to the street system at the west end of the street. Bicycles and pedestrian linkages are part of the public realm network allowing Smithe Street to extend down to the waterfront walkway. This portion of Northeast False Creek with the entertainment centre and how it relates to BC Place will be part of a high energy precinct. Northeast False Creek is envisioned as a high density neighbourhood with the focus on sports, entertainment and special events as a mixed use destination area for play, work and live. The proposal is for twenty storey building stepping down into a curved elongated building form. There will be a very small floor plate tower at the corner of Smithe Street and Pacific Boulevard with a south facing plaza. A future downtown street car is planned with stops under the Cambie Bridge. A couple of other aspects of the proposal include a commercial podium consisting of retail with restaurants, a second level of office space and an attempt to meld some challenging interfaces into an enhanced public realm. There is a desire to resolve the interface with the bridge by having the east side sidewalk connect to the downtown and to have a way through to the plaza and then onto Smithe Street.

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

1. Are the proposed uses and density supportable on this site?
2. Does the proposed building massing and form, as well as its architecture as presented at this rezoning stage, achieve the desired "gateway" to the downtown at this key bridgehead location?
3. Does the proposed array of open spaces and pedestrian links, including pathways beneath and alongside the Bridge, contribute to the desired high quality, interconnected Public Realm sought for this precinct?
4. Is the proposed Streetscape along Smithe Street contributing appropriately to pedestrian interest and amenity, contributing, along with the hotel/entertainment/casino complex, to enhancing this route to the False Creek waterfront?
5. Is the proposed porte cochere/vehicular turnaround off the Smithe Street circle appropriate?



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

**Applicant's Introductory Comments:** Jim Hancock, Architect, further described the proposal noting that they are excited to design a different form of building. It is a much more curvilinear; more of a slab type building partnered to the building across the street so there is a sense of gateway to the city coming off the Cambie Street Bridge. There will be a retail frontage at grade with a drop off for the hotel/entertainment/casino complex at the front of the building. The courtyard on the south side has been created to provide an opportunity for restaurants and retail operations with room for patrons to sit. There will be an amenity on the third level that opens out to a courtyard for the residents to enjoy. The entrance to the parking will be tucked under the building with a turn around and a drop off.

Martin Bruckner, Architect, noted that the form of development was seen by the Panel about two years ago. The idea was to have a bridge head or gateway at the north end of the Cambie Bridge coming into the downtown and that is what their design followed. He noted that they have had meetings with the Planning and Engineering department to make sure the detail design for Smithe Street evolves in a way that is beneficial for the neighbourhood and has access to the seawall and the downtown for cyclists. There is a space between the bridge and the curved building and the aim is to raise the grade on the site so that a pedestrian zone can be created. Further thought will be given to providing access for disabled persons with either with a lift or ramp. Given the limited access to the site, the design strategy is fairly modest for the Porte cochere. The idea is for cars to come into the Porte cochere and do a turn to come out again or carry on to the underground parking.

Andrew Robertson, Landscape Architect, noted there is a concern regarding the potential vehicle, pedestrian and cyclist conflicting so they are planning on widening the ramp and pulling back the vegetation to create a more generous width. They are looking for a bold expression with the ground plane with regard to the paving. There is an opportunity to introduce a lot of energy into the ground plane with the entertainment complex. Mr. Robertson noted that they are envisioning a strong public art component with a series of elements and as well there is an opportunity for lighting underneath the overpass.

The applicant team took questions from the Panel.

**Panel's Consensus on Key Aspects Needing Improvement:**

- Design development to improve the civic quality of the public realm specifically the Smithe Street extension and Pacific Boulevard. Greater integration of the elements including the Porte cochere of the plaza, improve linkages to the hotel/entertainment/casino complex as well as improving the pedestrian character of the public realm in general.
- Bring design development to improving the gateway character of the project through a greater degree of articulation or definition leading to a stronger expression that are more responsive to the larger scale masses of the buildings adjacent for a more distinctive and civic presence.
- Engage in an exploration to improve breath and variety of use and look beyond the conventional retail models to enliven the precinct that is more supportive of the overall vision of the precinct.

- Other entertainment opportunities would be worth exploring and should be allowed to influence the ground plane to the greatest level possible.

**Related Commentary:** The Panel supported the proposal and thought it would bring a whole new scale to the city.

The Panel agreed that it was an important project and will clean up a massing entrance into the city from the Cambie Street Bridge as well as creating a special destination. The Panel thought the use and density was supportable and accepted the height restrictions due to the view cones. Some of the Panel thought the proposal hadn't met its potential at the ground plan although they thought the form and massing was interesting. One Panel member thought the building looked out of scale, small in the context, and suggested strengthening its presence. It doesn't need to be bigger, just more confident looking.

Another Panel member suggested using green design and passive strategies to create something distinct for the city.

One Panel member thought the architectural expression was too residential at the moment and needed to be more urban. A couple of Panel members thought the plaza area should be grander in scale as befitting an entrance to the city. Also, several Panel members suggested there be a stronger link between the hotel/entertainment/casino complex and the plaza.

The Panel acknowledged the applicant for the way they had organized the Cambie Street Bridge off ramp. The Panel for the most part liked the plans for Smithe Street however, several Panel members thought it could make a remarkable moment in the city with more than a one or two storey retail edge and residential above. One Panel member thought the project needed to respond more to the neighbourhood. They also thought Smithe Street needed to be more about pedestrians and cyclists and less about vehicles. Another Panel member stated that the space on Smithe Street as it hits Expo Boulevard felt like a left over space.

Several Panel members thought the Porte cochere needed some design development to make it more than just a drop off area. And as well they thought the pedestrian circulation should be enhanced with one Panel member suggesting there could be something of interested added along the path.

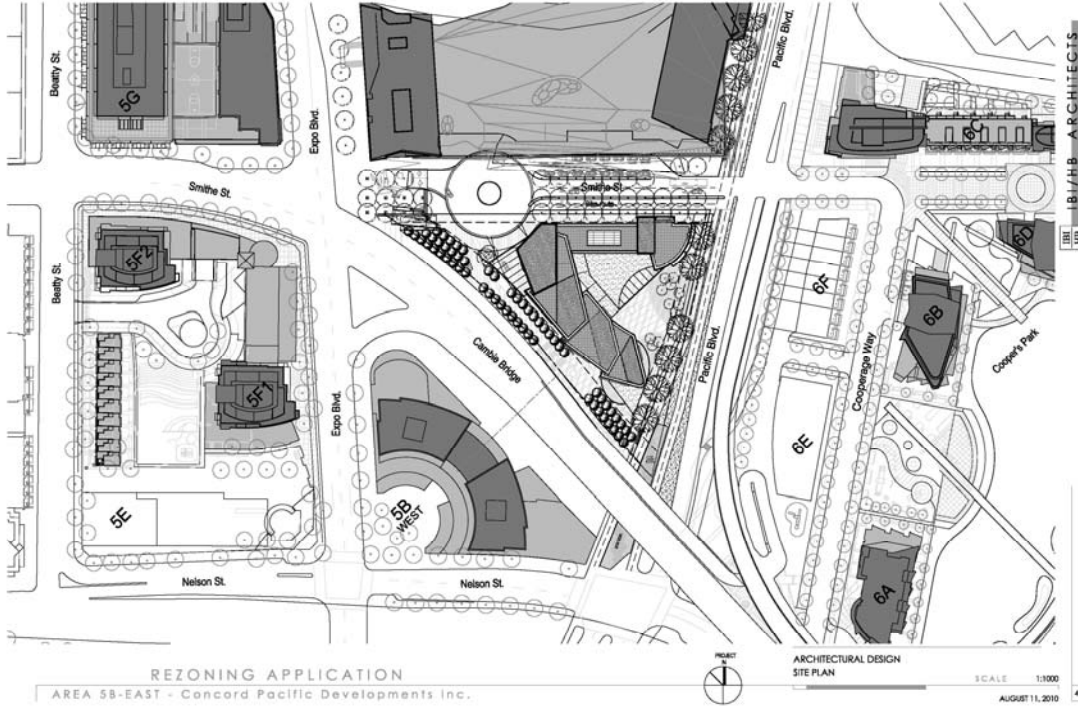
Several panel members wanted to see a higher degree of mixed-use in the project considering it is an entertainment area. One Panel member suggested teaming up with the performing arts community to see what else could be added into the project. Another Panel member suggested the applicant look for ways to reinforce play, work and live into the project and suggested talking to various groups to enliven the precinct. It was suggested that a big piece regarding entertainment was missing and encouraged the applicant to look at adding a theatre component, movie theatre and restaurants into the project.

**Applicant's Response:** Mr. Hancock noted that the proposal is a rezoning application. He said they will look at improving the entertainment component in the project. Mr. Bruckner acknowledged the Panel for their good comments.

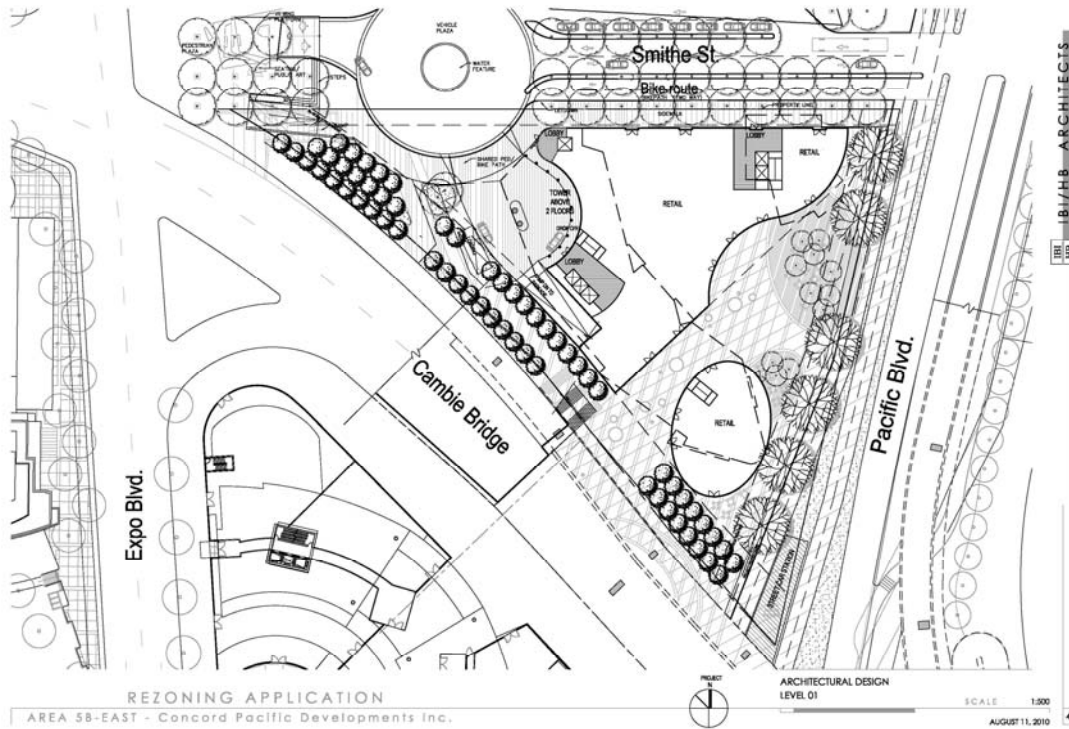
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# 10 TERRY FOX WAY FORM OF DEVELOPMENT

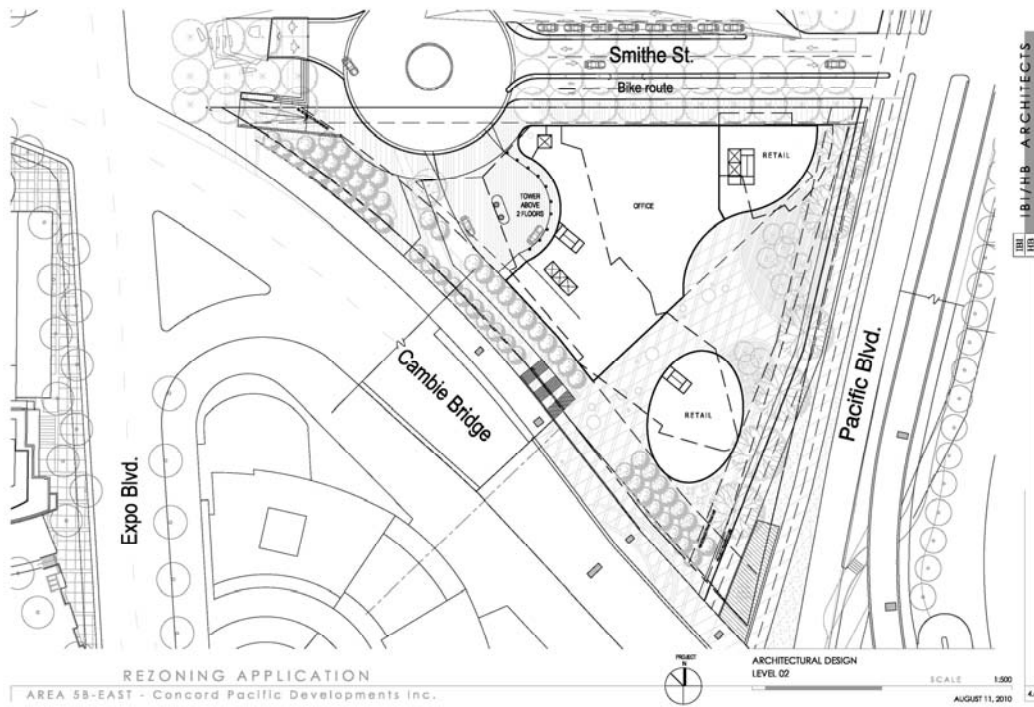
## Context Plan



## Level 1 Plan



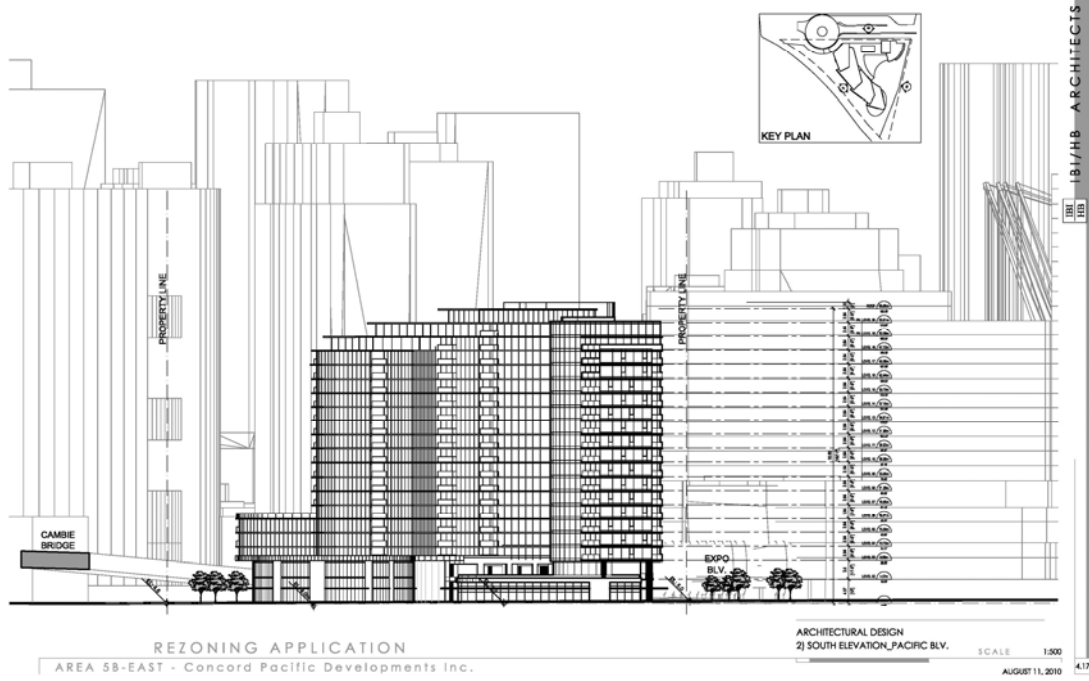
### Level 2 Plan



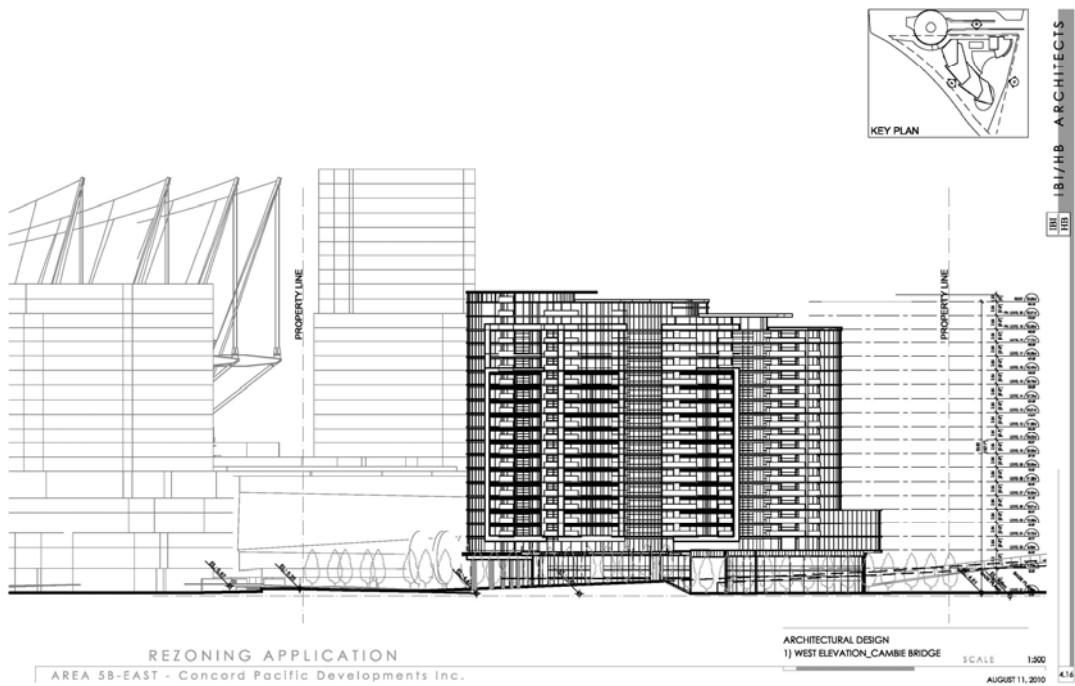
### Level 3 Plan



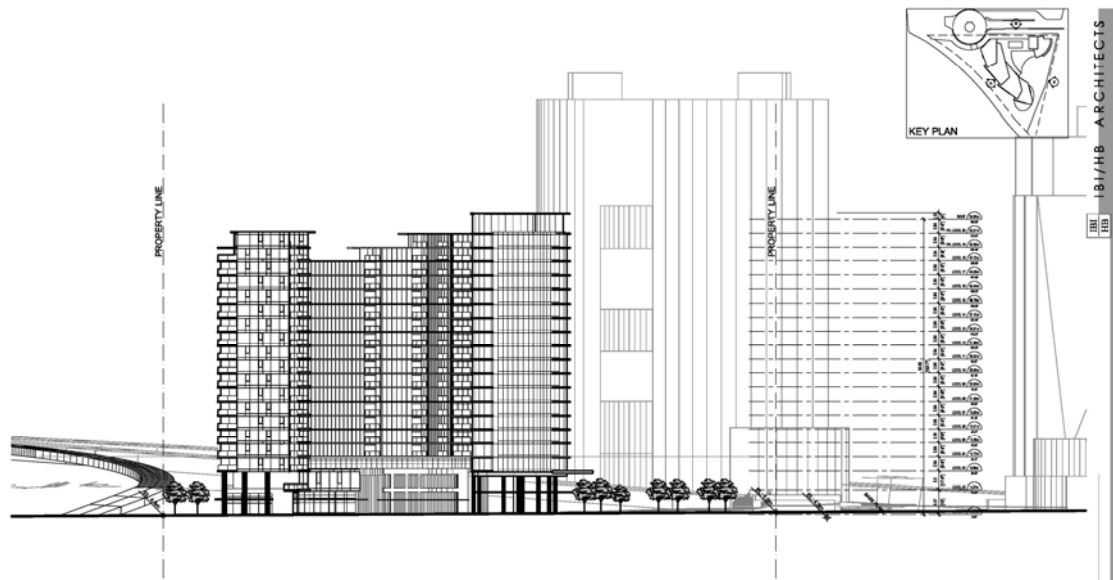
South Elevation



West Elevation



East Elevation



REZONING APPLICATION  
AREA 5B-EAST - Concord Pacific Developments Inc.

ARCHITECTURAL DESIGN  
3) EAST ELEVATION\_SMITHE STREET  
SCALE 1:500  
AUGUST 11, 2010 4.18

# 10 TERRY FOX WAY LEED® CHECKSHEET



LEED Canada-NC 1.0 Project Checklist  
Concord 5B East Development - Preliminary

Vancouver, B.C., Prepared by Jeff Christensen, LEED A.P.

Y	N	NA	Score	Prerequisite	Requirement	Request	Responsible
<b>3</b> <b>1</b> <b>0</b> <b>14</b> <b>Sustainable Sites</b> <b>14 Points</b>							
Y			1	Req#1	Erosion & Sedimentation Control	Request: Provide sedimentation control during excavation	Geotech
Y			1	Goal 1	Site Selection	Previously developed land, complies	
Y			1	Goal 2	Development Density	Meets criteria	
Y			1	Goal 3	Redevelopment of Contaminated Site	provide site profile	
Y			1	Goal 4	Alternative Transportation, Public Transportation Access	Complies, min. 2 buslines within 400m.	
Y			1	Goal 4.2	Alternative Transportation, Bicycle Storage & Changing Rooms	Bicycle storage complies with Vancouver Parking By-law	Architect
Y			1	Goal 4.4	Alternative Transportation, Alternative Fuel Vehicles	Fuel stations for 3% of parking capacity, elect. Outlets provide minimum parking required	Architect
Y			1	Goal 4.5	Alternative Transportation, Parking Capacity		
Y			1	Goal 5.1	Reduced Site Disturbance, Protection Restore Open Space		
Y			1	Goal 5.2	Reduced Site Disturbance, Development Footprint		
Y			1	Goal 6.1	Stormwater Management, Rate and Quantity	Provision of a Stormwater System at Parking Level P-3	A & M
Y			1	Goal 6.2	Stormwater Management, Treatment		
Y			1	Goal 7.1	Heat Island Effect, Non-Roof	Complies with min. 50% of parking spaces underground	Architect
Y			1	Goal 7.2	Heat Island Effect, Roof	Complies with min. 50% of the roof area to be Green roof	Architect
Y			1	Goal 8	Light Pollution Reduction	Lighting control	Architect
<b>3</b> <b>2</b> <b>0</b> <b>4</b> <b>Water Efficiency</b> <b>4 Points</b>							
Y			1	Goal 1.1	Water Efficient Landscaping, Reduce by 50%	Potable water reduced by 50% for site irrigation	Landscap
Y			1	Goal 2	Water Efficient Landscaping, No Potable Use or No Irrigation	Use of Stormwater control System for site irrigation	A, M & E
Y			1	Goal 3	In-situ Water Recycling Technology		
Y			1	Goal 9.1	Water Use Reduction, 20% Reduction	Future also use 20% less potable water	Mech.
Y			1	Goal 9.2	Water Use Reduction, 30% Reduction		
<b>4</b> <b>3</b> <b>11</b> <b>17</b> <b>Energy &amp; Atmosphere</b> <b>17 Points</b>							
Y			1	Req#1	Fundamental Building Commissioning	Request: Commissioning plan to be implemented	Mech
Y			1	Req#2	Minimum Energy Performance	Request: Building energy design to Reduce to 12% of ASHRAE	Mech
Y			1	Req#3	CO2 Reduction in HVAC/R Equipment	Request: No CO2 refrigerants use	Mech
Y			1	Req#4	Optimize Energy Performance	Request: Computer simulation relative to ASHRAE or CBQP	Mech
Y			1	Goal 1	Renewable Energy, 5%		Mech
Y			1	Goal 2.1	Renewable Energy, 10%		
Y			1	Goal 2.2	Renewable Energy, 20%		
Y			1	Goal 3	Build on the Green Commissioning	Building Commissioning required	Mech
Y			1	Goal 4	Green Protection	No HFCs refrigeration equipment use	Mech
Y			1	Goal 5	Measurement, Verification		
Y			1	Goal 6	Green Power		
<b>8</b> <b>8</b> <b>0</b> <b>14</b> <b>Materials &amp; Resources</b> <b>14 Points</b>							
Y			1	Req#1	Storage & Collection of Recyclables	Request: Provide area for collection & storage for recyclables	Architect
Y			1	Goal 1.1	Building Reuse: Maintain 75% of Existing Walls, Floors, and Roof		
Y			1	Goal 1.2	Building Reuse: Maintain 55% of Existing Walls, Floors, and Roof		
Y			1	Goal 1.3	Building Reuse: Maintain 50% of Interior Non-Structural Elements		
Y			1	Goal 2.1	Construction Waste Management: Divert 75% from Landfill	Comply with B VRD requirements during construction	contractor
Y			1	Goal 2.2	Resource Reuse: 5%	As above	
Y			1	Goal 2.3	Resource Reuse: 10%		
Y			1	Goal 4.1	Recycled Content: 7.5% (post-consumer + 1/3 post-industrial)	Provide a general LEED reference spec section	Architect
Y			1	Goal 4.2	Recycled Content: 15% (post-consumer + 1/3 post-industrial)	As above	
Y			1	Goal 5.1	Regional Material: 10% Extracted and Manufactured Regionally	As above	
Y			1	Goal 5.2	Regional Material: 20% Extracted and Manufactured Regionally		
Y			1	Goal 6	Rapidly Renewable Materials		
Y			1	Goal 7	Certified Wood		
Y			1	Goal 8	Durable Building	Comply with O.S.A.S 7045, durable buildings	Envelope
<b>10</b> <b>5</b> <b>5</b> <b>16</b> <b>Indoor Environmental Quality</b> <b>16 Points</b>							
Y			1	Req#1	Minimum IAQ Performance	Request: Meet ASHRAE 62.1 standard for building ventilation	Mech
Y			1	Req#2	Environmental Tobacco Smoke (ETS) Control	Request: Comply with BC non-smoking requirements	
Y			1	Goal 1	Carbon Dioxide (CO <sub>2</sub> ) Monitoring		
Y			1	Goal 2	Ventilation Effectiveness		
Y			1	Goal 3.1	Construction IAQ Management Plan: During Construction	Prevent indoor air quality problems during construction	Mech
Y			1	Goal 3.2	Construction IAQ Management Plan: Testing Before Occupancy	Building flushout before occupancy	Mech
Y			1	Goal 4.1	Low-Emitting Materials: Adhesives & Sealants	1 Spec.	Architect
Y			1	Goal 4.2	Low-Emitting Materials: Paints and Coatings	1 Spec.	Architect
Y			1	Goal 4.3	Low-Emitting Materials: Carpet	1 Spec.	Architect
Y			1	Goal 4.4	Low-Emitting Materials: Composite Wood and Laminate Adhesives	1 Spec.	Architect
Y			1	Goal 5	Indoor Chemical Pollution (toxic Cont.)	Capture dirt at main entry above, residue filter at Out.	A & Mech
Y			1	Goal 6.1	Controllability of System: Performance Spaces	Thermal, ventilation & lighting control, operable windows	A, M & E
Y			1	Goal 6.2	Controllability of System: Non-Performance Spaces	Thermal, ventilation & lighting control	
Y			1	Goal 7.1	Thermal Comfort: Compliance	Comply with ASHRAE 55-2004	Mech
Y			1	Goal 7.2	Thermal Comfort: Monitoring		
Y			1	Goal 8.1	Daylight & Views: Daylight 75% of Spaces	Achieve min. 2% daylight in 75% of occupied spaces	Architect
Y			1	Goal 8.2	Daylight & Views: Views 50% of Spaces	Achieve direct line of sight to sky in 50% of spaces	Architect
<b>3</b> <b>2</b> <b>0</b> <b>4</b> <b>Innovation &amp; Design Process</b> <b>4 Points</b>							
Y			1	Goal 1.1	Innovation in Design	1. site dedication for alternate transportation education	Architect
Y			1	Goal 1.2	Innovation in Design		LEED AP
Y			1	Goal 1.3	Innovation in Design		
Y			1	Goal 1.4	Innovation in Design		
Y			1	Goal 2	LEED Accredited Professional		
<b>36</b> <b>2</b> <b>11</b> <b>70</b> <b>Project Totals (pre-creditation climate)</b> <b>70 Points</b>							
<small>                 Certified 26/42 points   Silver 29/42 points   Gold 35/42 points   Platinum 52/42 points             </small>							

Note: The specifications should include a LEED reference section which states the objectives, includes a LEED score card and notes that verification of compliance will be selectively utilized.

10 TERRY FOX WAY  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	10 Terry Fox Way SW
Legal Description	Lot 288, D.L. FC NWD, Plan BCP1977 PID: 025-540-866
Applicant/Developer/Property Owner	One West Holdings (Concord Pacific)
Architect	IBI Group Ltd.

SITE STATISTICS

SITE AREA	9 557.7 m <sup>2</sup> (102,814 sq. ft.)
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	BCPED	CD-1
USES	Commercial-Institutional Uses	Dwelling Units Office Retail and Service Uses
FLOOR AREA	Not Specified	A maximum of 303,209 sq. ft. for residential development A minimum of 46,000 sq. ft. for residential development
MAXIMUM HEIGHT	Not Specified	56.87 metres to top of roof
PARKING SPACES	Not Specified	A minimum of 204 spaces required. A total of 204 spaces provided

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