

## MEMORANDUM

February 15, 2011

TO: Mayor Robertson and Councillors

COPY TO: P. Ballem, City Manager  
S.A. Johnston, Deputy City Manager  
M. Coulson, City Clerk  
M. Welman, Director of Corporate Communications  
W. Stewart Assistant Director, Corporate Communications  
D. McLellan, General Manager of Community Services  
F. Connell, Director of Legal Services  
P. Judd, General Manager of Engineering Services

FROM: B. Toderian, Director of Planning

SUBJECT: CD-1 Rezoning - 10 Terry Fox Way (Concord 5b East)

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At Council's Regular meeting of January 18, 2011, the above referenced rezoning application was referred to public hearing. As committed to at referral and in the staff report, this memorandum reports to Council on the recommendations for allocation of the Community Amenity Contribution. It also addresses changes to the proposed conditions of approval related to noise, thermal comfort, and district energy.

### Part 1 - Community Amenity Contribution

#### *DISCUSSION*

As part of the rezoning, the developer has offered a Community Amenity Contribution (CAC) of \$6,000,000 to be used for public benefits in the area. At time of referral, staff indicated they would report back to Council with a recommended allocation for the CAC.

There is an immediate need for park upgrades in the area, with Coopers Park having been identified by the community as a primary need. Coopers Park is located adjacent to the False Creek seawall, south of the rezoning site, and has been used as an off-leash dog area. While the park was never designed to be an off-leash park, it has seen substantial use by area dog owners. Upgrading the park would provide the necessary design to allow for part of the park as an off-leash area, and part for other public use. This will involve a broad public engagement process. Parks and Recreation staff have valued the required Coopers Park upgrades at \$1,500,000.

Staff recommend the remaining \$4,500,000 be left unallocated at this time. There is still work being completed on the overall public benefits strategy for the area. Allocation of the funds is premature until future rezonings have been undertaken and a more complete picture of the public benefit offerings is known. In the near future, staff will provide a report to Council regarding the Plaza of Nations site and on public benefits and amenities in Northeast False Creek.

The proposal was discussed at the Northeast False Creek Joint Working Group, where possible allocations were discussed. The Group recommended a variety of options for the allocation, including repairing existing park infrastructure including Sun Yat Sen Gardens, a Dragon Boat Facility, a dedicated dog park east of Cooper's Park, and sea wall improvements.

### ***RECOMMENDATION***

THAT Council approve the allocation of \$1,500,000 towards park upgrades in the False Creek North area, with the remaining \$4,500,000 to remain unallocated until additional work regarding public benefits in the Northeast False Creek area is completed. The \$1,500,000 park allocation would include upgrades to Coopers Park.

## **Part 2 - Revised Rezoning Conditions**

### ***DISCUSSION***

With respect to the addition to the district energy condition, staff are providing the additional note to applicant to provide some certainty to the applicant that there will be a district energy system in place to allow for timely design and construction of the buildings on Area 5b East. Staff are confident there will be a district energy system for Northeast False Creek by December 2011.

With respect to the additional conditions regarding noise and thermal comfort, staff advised in the policy report that the options for the design of the façade of the buildings, to achieve acoustic mitigation and thermal comfort targets, needed to be further explored. It was also noted that a recommended approach would be presented to Council at the public hearing, based on the analysis and recommendations of an Acoustic and Thermal Comfort Study, guided by the Council's event-related noise policies approved in November 2010.

Work is progressing on the applicant's acoustic and thermal comfort studies for 5b West and 5b East. Three options have been presented to staff providing a range of noise mitigation within the Council-approved target range of 40 and 50 dBC in the interior of an apartment. These options are:

- 1) an all glass façade with a design similar to that pursued elsewhere in False Creek and Yaletown, achieving interior noise music levels to between 48 and 51 dBC;
- 2) a façade incorporating 50% glass and 50% concrete, achieving reduced noise levels to approximately 45 dBC (representing an approximately 30% reduction in noise over a glass façade as proposed in option 1); and
- 3) a façade incorporating 15% glass and 85% concrete, achieving reduced music noise levels to approximately 40 dBC.

Staff have consulted with the City's acoustic consultant, BKL Consultants and they:

- recommend that a factor of safety be used in interior noise calculations; and
- advise that the noise reduction for Option 1 would be approximately 51 dBC based on the applicant's assumptions.

Staff are confident that it will be possible to achieve the Council-approved target for noise mitigation, and suggest that a definitive solution will be identified at the development permit stage. For example, the applicant will have a choice between a façade incorporating all windows (with enhanced noise mitigation performance) or a mixture of concrete (or other material providing equivalent acoustic performance) and windows. Lastly, there may be building facades that are not as heavily impacted by event-related noise (e.g. facades facing away from event venues) that will not need to incorporate a design that achieves the same level of noise mitigation.

### ***RECOMMENDATION***

THAT the conditions of approval of the form of development, as presented in Appendix B of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)", be amended to add the following conditions:

- a) Under "District Energy" add the following additional note to applicant at the end of condition (b) 21:

Additional Note to Applicant: The City of Vancouver will, by December 31, 2011, advise the Applicant as to the name of the party that is the holder, or the name of the party that is reasonably likely (in the opinion of the General Manager of Engineering Services) to be the holder, of the City of Vancouver's Retail Franchise for Northeast False Creek Low Carbon Renewable District Heating Services. If the City of Vancouver fulfills the foregoing requirement, then the Applicant will be required, in accordance with the above condition, to connect to the district heating system of the Retail Franchise holder. Knowing the name of the Retail Franchise holder will assist the Applicant to gain information regarding detailed design of the interface of in-building mechanical systems with the district energy system, and provide the Applicant lead-time to enter into energy supply contracts with such holder in advance of heat delivery being required to the Applicant's buildings. If the City of Vancouver does not advise the Applicant by December 31, 2011 of the name of the party that is the Retail Franchise holder or the name of the party that is reasonably likely to be the Retail Franchise holder, the Applicant will be free to enter into energy supply contracts with an alternate district energy service provider.

- b) Under "Planning" add the following new conditions after condition (b) 31:

32. Design development of the façades to achieve noise mitigation that is, with a reasonable degree of certainty as determined by the Director of Planning, within the Council-approved performance target of 40 to 50 dBC.
33. Pursue passive design strategies (such as solar shading and building façade design, and as further described in the Passive Design Toolkit - Best

Practices, City of Vancouver, November 2008) and provide operable windows (for use during non-event periods) to reduce the energy use.

Note to Applicant: Residential units may be air conditioned in cases where a thermal comfort study shows that a comfortable temperature cannot be maintained during warmer months with the windows shut, and where all available passive design measures have been employed. This will ensure that residents can enjoy a reasonable degree of quiet during the warmer months when there will be more events. The thermal comfort study should incorporate the consideration of options that emphasize passive design strategies and mechanical ventilation, with no air conditioning and options that incorporate air conditioning. Air conditioning should only be pursued when it is proven that reliance on passive design strategies and mechanical ventilation will not result in comfortable interior temperatures with the window shut during the warmer months.

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Brent Toderian  
Director of Planning

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