



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: January 4, 2011
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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 West)

RECOMMENDATION

- A. THAT the application by Pacific Place Development Corp. ("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 James KM Cheng Architects, received December 11, 2007;
 - (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:

ADD BRIDGEHEAD POLICIES AND REFERENCE IN BICYCLE PATHWAYS

- 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 m²) for NEFC, identified in the NEFC Directions remains achievable. The reports are summarized as follows:

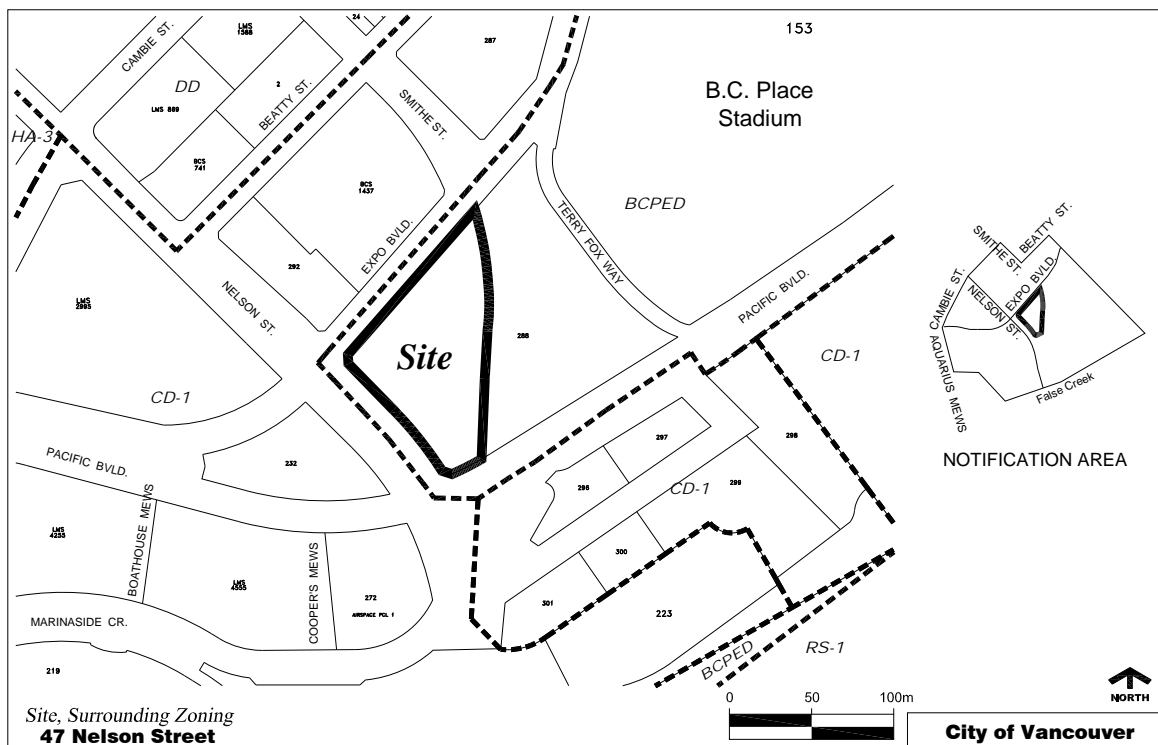
1. FCN ODP Amendments - The report recommends amendments to the False Creek North Official Development Plan (FCN ODP) that specify new requirements for district energy, local jobs and procurement, event noise mitigation and thermal comfort. These requirements will apply to all of the undeveloped sites 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 western 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 western portion of the area referred to in the False Creek North Official Development Plan (FCN ODP) as Area 5b.

Figure 1 – Site and Surrounding Zoning



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 Cambie Bridge off-ramp, and West of the Subject Site is residential development, including a vacant site for affordable housing.

BACKGROUND

1. Development Parcels in Northeast False Creek (NEFC)

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

Figure 2 – NEFC Land Parcels



2. 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 587m²), 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 is predominantly residential development with two floors of commercial uses. Street fronting retail and service uses are provided adjacent to Expo Boulevard and Nelson Street to animate the pedestrian realm. An urban square is also proposed at the corner of Nelson Street and Pacific Boulevard. The residential component of the project is comprised of:

- two market residential towers of 28 and 30 storeys which include podiums of 2 and 5 storeys,
- a total of 543 dwelling units.

The two residential towers would be linked with three bridge structures at various heights, also containing residential units, with ground floor retail/service uses. The variation of podiums as well as the linkages with the bridge structures provides the distinctive architecture called for in the NEFC Directions. The current application proposes a total of 36 923 m² (397,435 sq. ft.) of residential and 1 859 m² (20,008 sq. ft.) of commercial floor area.

3. Form of Development

From an urban design perspective, both halves of Area 5b form an important gateway into the downtown from the Cambie Bridge. Strengthening this urban design role through appropriately shaped building mass and height that addresses the sequence of views from the bridge is warranted. The proposed two curving tower forms with linking bridge elements, provides a unique and evocative form at this prominent location, and will create a memorable entry into the Downtown. While the proposed tower heights of 28 and 30-storeys are supported, design development is needed to finalize the exact shape of the curving form to better respond to the Cambie Bridge and to offset the westerly tower's Expo Boulevard façade from the neighbouring tower across this street. The strong podium of three storeys provides positive street and open space definition along Expo Boulevard, Nelson Street and beside the Cambie Bridge ramp. The application was reviewed by Urban Design Panel on June 18, 2008 and was unanimously supported.

a) Height and Liveability

The height proposed for the taller North Tower is 87.25 m to the top of the mechanical penthouse. Design review by staff and the Urban Design Panel concluded that the height and building form proposed responded well to the policy direction to create a gateway at this location. View Corridor guidelines apply to the towers on this site. In order to retain all protected views from Cambie Street, the maximum heights of the towers including the mechanical penthouses must be reduced slightly.

The adequate separation of buildings and windows of living areas in apartment towers is an important consideration of the City's review of residential liveability. While no standard exists in the False Creek North ODP, the Downtown ODP Guideline of an 80 ft. minimum separation above a 70 ft. height, has been widely used and accepted as a sound measure of this aspect of liveability. All proposed buildings are more than 80 ft. from any existing buildings and meet this guideline.

b) Public Realm

The proposed plaza at the intersection of Nelson Street and Expo Boulevard connects with the pedestrian link next to the Cambie Bridge and various street interfaces. The plaza provides a positive, enhanced public realm around and through the site. The commercial storefronts around the perimeter and through the breezeway passage will help activate the streets and under-bridge areas, as well as provide high quality pedestrian spaces. Further design development is needed at the Development Permit stage to enhance and clarify the public realm treatment to ensure a high quality, safe pedestrian environment.

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. Parking, Loading, and Transportation

Vehicular and loading access for the Subject Site is proposed from Nelson Street. The location of the underground parkade access shall be finalized at time of Development Permit. Parking for this development is contained in four underground levels. A transportation study is required prior to enactment of the rezoning by-law to determine loading requirements.

To ensure a sufficient transportation network adjacent to the Subject Site, land is to be dedicated to the City to secure road allowances for sidewalks, streets, bike lanes and the future streetcar route on 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 and A-2. 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 prior to June 10, 2008, before Council adopted the requirements for meeting the LEED® Silver standard. However, the rezoning application included a preliminary commentary on sustainability issues and a preliminary LEED® Scorecard (see Appendix G), which indicates the applicant's intention to meet the LEED® Silver Standard.

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 also 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 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 per 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 open house was held on February 20, 2008. 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. In total, 48 emails and letters were received from the public - 31 in favour, 12 opposed and 5 not directly supporting or opposing this particular application. Staff has also received a petition signed by 44 people in support of the rezoning. While the majority of the comments were positive, the following concerns were raised:

- Development is premature without public benefits being offered and built,
- There will be parking spilling over into existing residential areas,
- Density is too high,
- More development will make traffic worse,
- Too much pressure on use of park space, not enough park space,
- Extra height, especially in residential use will create undesirable conditions regarding privacy, overlook and views to and from apartments in existing residential towers.

Staff have reviewed the community concerns, and support the density and height which are appropriate for this location in False Creek North. The development of this site in the manner proposed will greatly enhance the public realm and complete sections of public sidewalk and the public space network. As indicated elsewhere, there are adequate separation distances from other buildings. The Community Amenity Contribution was not

known at the time of open house; however, the details of the CAC help address the concerns regarding park space and public benefits. Staff also conclude that the proposal does address parking concerns.

The NEFC Joint Working Group was made aware of the re-activation of the 5b West rezoning application in May 2010. Details of the application were not discussed but it was noted that staff would be re-evaluating the proposal in light of the NEFC Directions, as well as the previous issues of public benefits, views and built form identified in the 2008 application. The evaluation has been done and is represented in this report.

In December 2010 Concord updated the group that they were in discussions with the City. In January 2011 a presentation was made to the group by the project architect with detailed illustrations of the new proposal. The group had general commentary and questions regarding urban design and pedestrian and bike movement through and around the proposal. Residents reiterated the expectation that there would be public benefits associated with the development.

Because the open house was held almost three years ago, staff is proposing to hold another open house to update the community (in addition to the Joint Working Group) about the project prior to Public Hearing.

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 then development of the Subject Site.

Public Art Program – The Public Art Program requires that rezonings involving a floor area of 9 290 m² (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 39 779 m² (428,177 sq. ft.) proposed for the Subject Site, a public art budget of approximately \$775,000 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 following table provides a breakdown of the CAC eligible public benefits for this proposal:

Public Benefit Offering	Details	Value
Non Market Housing Site	Applicant to transfer title to 58 West Hastings to the City	\$11,468,800
Non-Market Housing Site	Applicant to transfer title to 117 East Hastings to the City	\$1,711,050
Carrall Greenway Completion	Cash Contribution to providing bicycle infrastructure along greenway	\$1,214,882
Hard Surface Recreation Space under the Cambie Bridge	Improvements to land beneath the Cambie Street Bridge	\$808,850
Creekside Park Extention	Lease to city of two acres of land for a 15 year term for Creekside Park extension	\$3,893,309
Creekside Park Improvements	Cash Contribution to Temporary park improvements for Creekside Park Extension	\$500,000
TOTAL BENEFITS		\$19,544,891

Real Estate has evaluated the proposed offering and concluded the CAC provided is appropriate after factoring in the following:

- Approximately 2.1 acres of land being dedicated from Area 5b to the City for road and right-of-way purposes (including land for the future streetcar and the existing Cambie Bridge off-ramp);
- the financial value of converting existing allocated commercial floor space from Area 6c to residential floor space for 5b West from both Area 6a and the existing allocation for 5b; and
- the 2005 financial value of converting existing allocated commercial floor space to residential floor space as part of the outstanding CAC discussion of Concord Area 6a.

The benefits offered generally reflect the policy advice on Public Benefits contained in NEFC: Directions for the Future, with the following exceptions:

- \$4.3 Million of the CAC for this site is for the advancement of Creekside Park, or the "opportunity cost" of temporarily constructing some park improvements now instead of waiting for the ultimate dedication and development of the full park. The extension of Creekside Park has long been an expectation of the False Creek North community, and the timing of park delivery has been raised frequently as a key issue. Staff, as directed by Council, together with representatives of the community and Concord has been making progress in exploring long term permanent site options for Creekside Park. Council have also indicated an interest in pursuing an interim delivery of some useable park space;
- The two affordable housing sites proposed as part of the CAC are outside the NEFC area and outside of the False Creek North ODP area. Staff note that accepting the two proposed future housing sites on Hastings Street requires adjustments to current policy. A full discussion of this issue is included in the accompanying report on the FCN ODP amendments (RTS #8980). The City still expects that other non-market housing sites can be achieved in NEFC. Notwithstanding this offering in this specific

context, the city will continue to target the 20% non-market housing policy commitment in major projects. Staff note there have been frequent DTES community comments regarding the need for continued acquisition of sites for affordable housing. 58 West Hastings is a site that has been frequently raised in this context; and

- The land under the Cambie Street Bridge is not specifically mentioned in the NEFC: Directions for the Future. While the bridge deck poses clearance issues which will limit how the space can be used, it does meet Council's intent of finding new and innovative opportunities for open space in the area.

Real Estate Services recommends that this offer be accepted.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications for the City's fees or staffing. There will be increased operating expenditures required based on the hard surface recreation space under the Cambie Bridge, as well as maintenance costs on the Creekside Park extension.

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 E.

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10 TERRY FOX WAY (CONCORD AREA 5b WEST)
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, Secondhand 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.
- Accessory Use customarily ancillary to any use permitted by this section.

2. **Floor area and density**

- The floor area for all uses must not exceed 38 782 m² [417,443 sq. ft.].
- The maximum floor area for residential development shall not exceed 36 923 m² [397,435 sq. ft.].
- 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 sun decks 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 m² 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 sun deck 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 m².

- The use of floor space excluded 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 WEST)
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 James KM Cheng Architects, in revised plans stamped, and stamped "Received City Planning Department, December 11, 2007, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

1. Provide verification of compliance with height limit set by Cambie Bridge View Corridor (View 3.2.1 and 3.2.2);
2. Delete the references to live-work from the drawings as this space shall be considered residential;
3. design development to the tower's shape to create a less rigid curving form that responds better to the Cambie Bridge and provides a greater offset for the neighbouring residential tower across Expo Boulevard;
4. design development to the treatment of the public realm around and through the site to enhance pedestrian interest and amenity;
5. design development to the various ground level storefronts, residential entries and other frontages to provide an active public realm interface with "eyes on the street";
6. 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.

7. 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;

Engineering

8. Parking, loading, and bicycle spaces shall be provided and maintained according to the requirements and provisions of the Parking By-law including provisions for exemption, and relaxation, and mixed-use reduction;

Notes to Applicant: The parking standard shown on the tech table is no longer available and the applicant should recalculate parking.

9. The application appears deficient for the number of Class B loading spaces required;

Note: The applicant must formally request relaxation and provide a detailed analysis of the expected loading demand and an explanation of how loading demand will be managed and accommodated on-site.
10. Provision of good connectivity from loading to all retail spaces is required and should be carefully reviewed;
11. Design development to relocate the driveway crossing on Nelson Street to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
12. Provide a study by an Engineering Transportation Consultant. The study shall include the following:
 - a) Provide design recommendations to resolve any inadequacies of the proposed loading facility,
 - b) Analyze and determine the adequacy of the proposed loading facility to accommodate all required loading,
 - c) Analyze and determine the adequacy of the proposed loading facility for independent access and egress to and from all loading spaces by the largest truck which the facility is being designed to accommodate,

Note that a more commonly sized delivery truck is an SU-9 (9 m or 30 ft. overall length) or MSUTAC (10 m or 33 foot overall length) and our Class B loading spaces are intended to allow access by a 24-25 ft. truck.

- d) Review and make recommended changes to the design of the parking ramps and the overall parking layout to ensure a safe and functional design;
13. provide a current topographical site survey, prepared by a registered British Columbia Land Surveyor clearly showing the Cambie Bridge drip line and the proposed 3.0 m offset from the drip line to the proposed property line;

Note to Applicant: Corrections to the existing site survey in the Final Rezoning submission - December 2007 are required regarding the incorrect labelling of existing Statutory Right of Ways.

14. 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;
15. The application currently does not include enough details to determine the need for upgrading of existing water mains. Please provide expected fire flow rates to determine the need for system upgrading;
16. The application currently does not include enough detail to determine the need for upgrading of existing sewer mains. Please provide unit and fixture counts as well as expected flow rates to determine the need for system upgrading;

Note: flow monitoring of the adjacent sewer lines is required and should be undertaken as soon as possible and prior to by-law enactment.

17. The location of the driveway access further from either of Nelson's intersections with Expo or Pacific Boulevard is desired;
18. Design and construction of the portions of Expo Boulevard, Pacific Boulevard, and Nelson Street adjacent to the site are to be in keeping with the public realm plan or streetscape plan issued or required by the City or any other guidelines issued by the City;

Planning

19. Provide draft 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;
20. 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);

Sustainability

21. 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;
22. 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;
23. 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.

24. 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

25. 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_{2e} 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.

26. 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.

27. 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;
28. 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;

Notes 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.

29. 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.

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.

Planning

1. 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;
2. 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)

3. Enter into a lease with the City providing approximately two acres of land for the Creekside Park Extension. Terms, park location, configuration, and design are to be to the satisfaction of the Manager, Park Board, Director of Planning, and the Director of Legal Services;
4. Transfer title to the City for the following sites:
 - a) 58 West Hastings (Plan BCP39144, Block 29, Lot 1 PID: 027-736-032);

- b) 117 East Hastings (Plan 184, District Lot 196, Block 9, Lots 20 - 22);
5. Pay the Community Amenity Contribution of \$2,523,732 which the developer has offered to the City, to be allocated as follows:
- \$1,214,882 to advance the bicycle infrastructure along the Carrall Street Greenway;
 - \$808,850 to provide the hard surface recreation improvements to the City land under the Cambie Bridge; and
 - \$500,000 to provide temporary park improvements to the Creekside Park Extension;

Engineering

6. Subdivide Lot 288 to create a separate legal parcel for the Subject Site;
7. Dedicate as road 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 East rezoning application.

8. Dedicate as road the wedge shaped portion of Lot 288 north of Pacific Boulevard and west of the Cambie Street Bridge for the proposed Downtown Street Car (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.

9. Dedicate as road along the west side of Lot 288 adjacent Nelson Street to allow for the new design and construction of Nelson Street from Expo Boulevard to Pacific Boulevard as follows:
- a) Provision of a dedication of 2.4 metres at Expo Boulevard tapering to 1.5 metres along Nelson Street to Pacific Boulevard;
 - b) Further, provision of a corner cut property dedication of 8.5 metres length along Nelson Street and 2.5 metres along Pacific Boulevard as measured from the new property line at Pacific Boulevard;

Note: A statutory right-of-way over all or part of this area in favour of the City may be acceptable.

10. Register a Bridge Proximity Agreement over the whole of the Subject Site;
11. 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 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 Subject Site;

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

12. Register a Statutory Right of Way agreement to secure public access over the east side of the site linking Expo Boulevard to Pacific Boulevard adjacent the Cambie Bridge;
13. Provide a Statutory Right of Way agreement to secure public access over the plaza at the intersection of Nelson Street and Expo Boulevard;
14. Provide a Statutory Right of Way agreement to secure public access connecting the plaza to under the Cambie Bridge;
15. 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 construction prior to enactment of the rezoning of the Subject Site, the built stalls will be fulfilled as part of the PavCo rezoning.

16. Execute a Floodplain Covenant to the satisfaction of the Director of Legal Services and the Chief Building Official;
17. 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 shall 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 the Services will be completed to the satisfaction of the General Manager of Engineering Services prior to:
 - i) tendering for the construction of any of the Services, or
 - ii) any construction of the services if the Property owner decides not to tender the construction;
- c) no occupancy of any buildings or improvements constructed pursuant to the rezoning, (except for those building sites to be transferred to the City), shall be permitted until all Services are completed to the satisfaction of the General Manager of Engineering Services; and
- d) In addition to standard utilities and utility extensions, necessary service will include:
 - i) design and construction of public realm improvements to the under bridge and under ramp open space areas 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 to Cooperage Way,
 - ii) the upgrading of the storm and sanitary sewer mains to serve the site,
 - iii) the provision of adequate water service to the site,
 - iv) design and reconstruction of Nelson Street between Expo Boulevard and Pacific Boulevard including all infrastructure changes made necessary by the proposed changes,
 - v) modifications on Nelson Street between Beatty Street and Expo Boulevard as deemed necessary to align the street segment with the new configuration of the block south of Expo Boulevard,
 - vi) provision of a minimum 4.5 m sidewalk on the eastern side of Nelson Street,
 - vii) upgrading of and other modifications to the traffic signal at the Expo/Nelson and Pacific/Nelson intersections, as required,
 - viii) provision of cycling facilities on Pacific Boulevard to connect the Nelson Street bike lanes with the Pacific Boulevard bike lanes, including but not limited to bike boxes, paint lines, signage, or other modifications,
 - ix) provision of a raised median, left turn bay, and/or other mitigation measures on Nelson Street, should, in the opinion of the General Manager of Engineering Services, turning movements into and out of the site become problematic, all within 5 years of occupancy of the building, and
 - x) design and construction of changes to the island, the left turn channelization, and the site interface at the Cambie/Expo Boulevard intersection;

- xi) design and construction of the portions of Expo Boulevard, Pacific Boulevard, and Nelson Street adjacent the site according to the public realm plan or streetscape plan issued or required by the City;

Note: All sidewalk widths on dedicated streets and SRWs are to be to the satisfaction of the General Manager of Engineering Services.

- 18. Undergrounding of all new utility services are 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;

Soils Remediation

- 19. 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, 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.

- 20. 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 Rezoning Site;

21. 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;
22. 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;
23. 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;
24. 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*;

Public Art

25. 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

26. Execute appropriate agreement(s) for all buildings, to only utilize for space heating and domestic hot water provided by a district heating system pursuant to a contract which complies with Design Condition #24 - 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 shall 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, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

* * * * *

10 TERRY FOX WAY (CONCORD AREA 5b West)
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 West] [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 West]

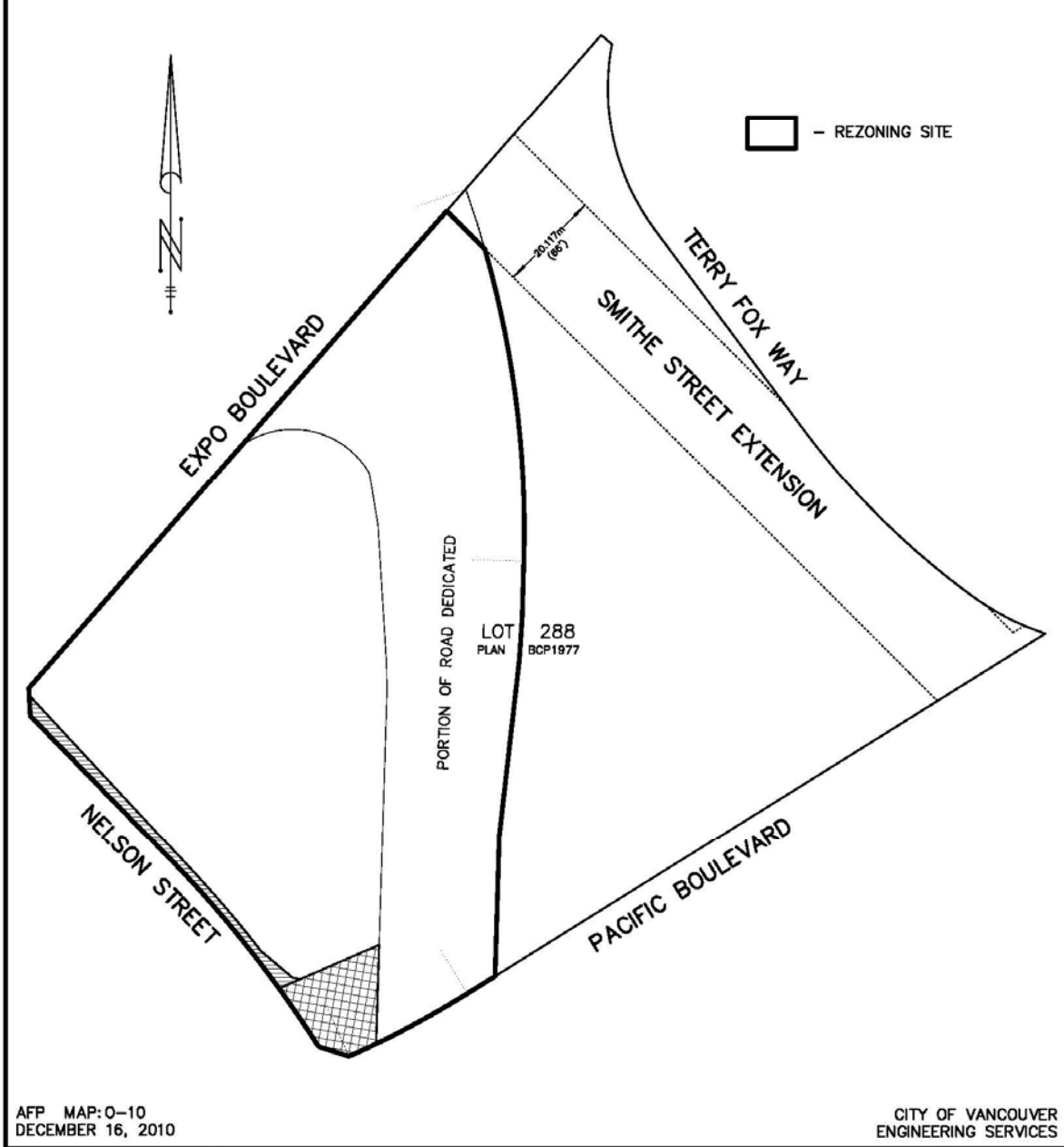
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MAP 1 - REZONING SITE

61611 1

SKETCH PLAN SHOWING
DEVELOPMENT AREA 5B WEST.

DRAWING NOT TO SCALE



AFP MAP: O-10
DECEMBER 16, 2010

CITY OF VANCOUVER
ENGINEERING SERVICES

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11919

**Additional Information
Urban Design Panel**

The Urban Design Panel reviewed the application on June 18, 2008. The minutes are as follows:

EVALUATION: SUPPORT (7-0)

Introduction: Phil Mondor, Rezoning Planner, introduced the proposal for a rezoning on Nelson Street in Area 5b West in False Creek North. Mr. Mondor noted that the Panel had reviewed the project in March 2005. He emphasized the policy and guidelines that staff will be utilizing in their review of the application. Mr. Mondor gave the Panel a Statistical Chart regarding the rezoning from BCPED to CD-1 and an overview of the False Creek North Official Development Plan approved in 1990. It was initially contemplated in 1990 that the Cambie Bridgehead Precinct would be an office district and the height contemplated was low-rise. In 2001 the area was reviewed again and although it was still seen as a commercial precinct, it was decided as a result of the successful area to the west, with a more pedestrian character, a public plaza would be required in this precinct with retail and commercial uses around the plaza. The application is different from what was originally contemplated being that the proposal is predominately residential. Mr. Mondor noted that there is new urban design plan for the northeast side of False Creek which contemplates a mixed-use of residential and commercial.

Mr. Segal, Senior Architect/Development Planner described the proposal using the context model. He referenced the area from the Northeast False Creek Review which includes the space between the BC Place and GM Place through to Quebec Street. Mr. Segal noted that at the rezoning stage they are looking at use, density and form of development. There has been a shift in the massing from one that pulls away from the bridge and creates open space around the ramping of the bridge deck and also under the bridge to one that faces the bridge and creates open spaces on the sides. Mr. Segal noted that the Panel was looking at an application for the west side of the bridge only. The landscape plans show the approach to how the grade level treatment and under bridge area is to be treated. Mr. Segal added the site is envisioned to be a strong gateway into the downtown area.

Advice from the Panel on this application is sought on the following:
Rezoning reviews focus on Use, Density and Form of Development.

1. Use:

The appropriateness of the proposed mix of uses at this location.

2. Density:

Whether the amount of density has been successfully accommodated on this site.

3. Form of Development:

- Whether the overall built form creates an appropriate "fit" with the surrounding context;

- Whether the proposed massing and form reads as a “gateway” to the Downtown as seen from the Cambie Bridge;
- Whether the proposal contributes to the enhancement of the Public Realm and pedestrian experience in the area, including the under-bridge area.

4. Sustainability:

Has there been a satisfactory response to sustainability.

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

Applicant’s Introductory Comments: Joyce Drohan, Architect further described the rezoning proposal. She noted that they believe in the ODP comment about making the site a gateway to the city. They wanted a unique building form to have a landmark quality different than other tower forms in the general area. They have chosen to go to a purer form that might be iconic in terms of its read in coming over the bridge. There is significant public realm in both schemes. The huge difference between the two schemes is that the 2005 scheme embraced the public space in the centre with the bridge running through it. They felt it was more important to embrace the public space at the corners of the site where it could benefit the neighbourhoods. One other aspect of the form in terms of liveability was that the original scheme put a lot of units facing towards the bridge and they felt this wasn’t reasonable for such a dramatic site. The new scheme puts many more units on the site that will enjoy spectacular views. Ms. Drohan described the unit layouts noting there are a number of live/work units planned as well as some retail around the ground floor. In terms of amenity spaces, they are trying to consolidate them on the third floor with a swimming pool, changing rooms and party rooms. From a sustainability point of view, they are targeting LEED® Silver for the building and would like to take it further. They are attempting to create moveable screens for all of the units to temper the solar gain. They are also investigating the use of photovoltaic glass, as well as some photovoltaic panels on the roof.

Chris Phillips, Landscape Architects noted that it is a unique site and they are looking at making it more of a social space by making the site permeable and including public art as a way to invite people to the site.

James Cheng, Architect added that hopefully this was the new generation of Concord’s buildings.

The applicant team took questions from the Panel.

Panel’s Consensus on Key Aspects Needing Improvement:

- Consider a less formal response for the massing and form of development of the building.
- Consider less massive bridging elements between the towers.

Related Commentary: The Panel supported the proposal and thought there was an improvement over the 2005 scheme.

The Panel appreciated some of the changes to the scheme including the use of the plazas and thought the site would be a good example of a complete community for living, working and playing. They also liked the use of office space being included. The Panel agreed that the site could read as a gateway to downtown but that they didn't see that at this time. One Panel member noted that the gateway condition was dependent on what happens on the east site. The Panel also agreed that flipping the plaza was the right thing to do. One Panel member was concerned about moving so much commercial space away from the site and suggested adding a destination retail space as well as a grocery store, restaurant or liquor store. Another Panel suggested that the character of the retail would be important and that the applicant needed to make sure the right mix was there to ensure that the space is under the bridge is attractive to the public and well used.

One Panel member thanked the applicant for providing such a high level of information for a rezoning as it gave a good feeling as to where the project was going.

The Panel thought the density worked and that the form of development fit into the neighbourhood. One Panel member noted that the location calls for a dramatic response to the building form. The strongest element is the bridge and on-ramps and that the building form should respond to the sculptural nature of the bridge. A couple of Panel members were excited by the curved form and encouraged the applicant to consider relaxing the curve to create a more responsive solution that relates to the site context. Most of the Panel liked the idea of the sliding screens but one Panel member suggested looking for alternatives.

Most of the Panel thought the public realm was going in the right direction. One Panel member thought the swimming pool was not in the best location.

The Panel thought the sustainability concerns were important to deal with at the beginning of the design and encouraged the applicant to try something remarkable.

Applicant's Response: Mr. Cheng thought the Panel was perceptive and had offered some good suggestions. He said he was looking forward to the next.

* * * * *

Form of Development Drawings

Drawing - 1 Building Massing - view from West



FINAL REZONING SUBMISSION - JUNE 2008
AREA 5B WEST - Concord Pacific Group Inc.

V2 VIEW FROM WEST

JAMES KH CHENG ARCHITECTS

Drawing 2 - Site Plan



Drawing 3 - Parking Plan - first level below grade

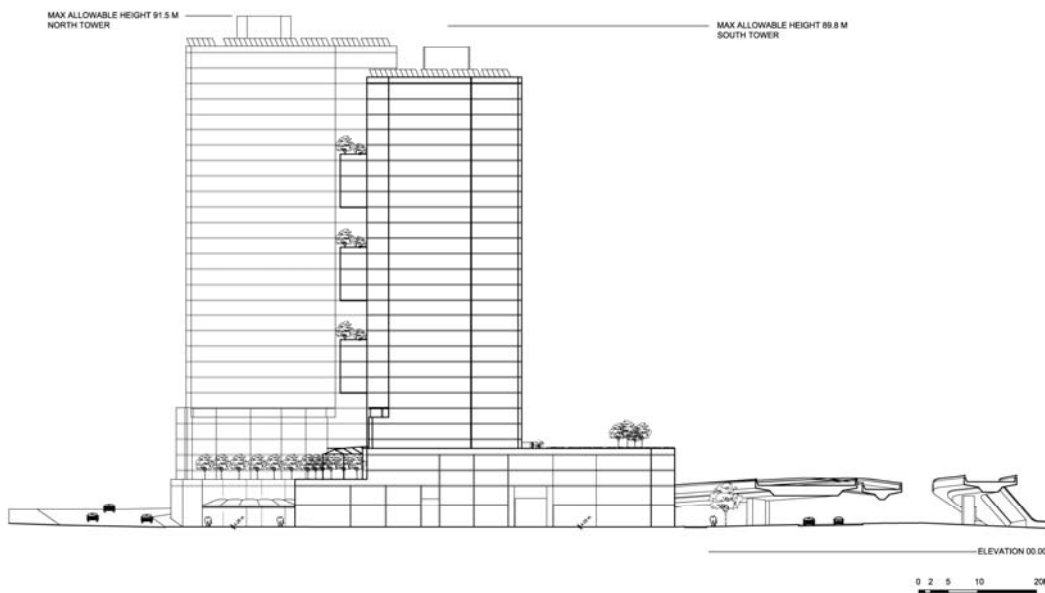


FINAL REZONING SUBMISSION - JUNE 2008
AREA 5B WEST - Concord Pacific Group Inc.

PARKING -1
PLAN
SCALE 1:500

JAMES KH CHENG ARCHITECTS

Drawing 4 - Southeast Elevation



FINAL REZONING SUBMISSION - JUNE 2008
AREA 5B WEST - Concord Pacific Group Inc.

SOUTHEAST ELEVATION
SCALE 1:500

JAMES KH CHENG ARCHITECTS

LEED SCORECARD



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

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

Sustainable Sites		14 Points		Action required	Responsible
1	1	1	1	Provide sedimentation control during excavation	Geotech
1	1	1	1	Previously developed areas/complexes	
1	1	1	1	Meets criteria	
1	1	1	1	Provide site profile	
1	1	1	1	Complies, min. 2 buildings within 800m	
1	1	1	1	Bicycle storage complies with Vancouver Parking Bylaw	Architect
1	1	1	1	Fuel stations for 3% of parking capacity, elect. Outlets	Architect
1	1	1	1	Provide minimum parking required	Architect
1	1	1	1		
1	1	1	1	Provision of a Stormwater System at Parking Level P-3	A.S.M.
1	1	1	1		
1	1	1	1	Complies within min. 80% of parking spaces underground	Architect
1	1	1	1	Complies with min. 50% of the roof area to be Green roof	Architect
1	1	1	1	Lighting control	Architect
Water Efficiency		4 Points			
1	1	1	1	Potable water reduced by 50% for Site Irrigation	Landscaper
1	1	1	1	Use of Stormwater control System for Site Irrigation	A, M & E
1	1	1	1		
1	1	1	1	Future site use 20% less potable water	Mech.
Energy & Atmosphere		17 Points			
1	1	1	1	Commissioning plan to be implemented	Mech.
1	1	1	1	Building energy design to Reduce to 12% of ASHRAE	Mech.
1	1	1	1	No CFC refrigerant use	Mech.
1	1	1	1	Computer simulation relative to ASHRAE or CBEP	Mech.
1	1	1	1		
1	1	1	1		
1	1	1	1		
1	1	1	1	Building Commissioning required	Mech.
1	1	1	1	No HFCs refrigeration equipment use	Mech.
1	1	1	1		
Materials & Resources		14 Points			
1	1	1	1	Provide area for collection & storage for recyclables	Architect
1	1	1	1		
1	1	1	1		
1	1	1	1	Comply with WRO requirements during construction	contractor
1	1	1	1	As above	
1	1	1	1		
1	1	1	1	Provide a general LEED reference spec section	Architect
1	1	1	1	As above	
1	1	1	1	As above	
1	1	1	1		
1	1	1	1		
1	1	1	1	Comply with C.S.A.S4 709.6, durable buildings	Envelope
Indoor Environmental Quality		16 Points			
1	1	1	1	Meet ASHRAE 62.1's standard for building ventilation	Mech.
1	1	1	1	Comply with BC non-smoking requirements	
1	1	1	1		
1	1	1	1	Prevent indoor air quality problems during construction	Mech.
1	1	1	1	Building flush-out before occupancy	Mech.
1	1	1	1		Architect
1	1	1	1		Architect
1	1	1	1		Architect
1	1	1	1		Architect
1	1	1	1		A & Mech
1	1	1	1		A, M & E
1	1	1	1		Mech.
1	1	1	1		Architect
1	1	1	1		Architect
Innovation & Design Process		4 Points			
1	1	1	1	Site circulation to alternate transportation	Architect
1	1	1	1	education	LEED AP
1	1	1	1		
1	1	1	1		
Project Totals (per certification criteria)		70 Points			
Certified 59/62 points / Silver 59/62 points / Gold 59/62 points / Platinum 59/70 points					

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 PROPOSAL INFORMATION

APPLICANT AND PROPERTY AND INFORMATION

Street Address	10 Terry Fox Way (West half of 10 Terry Fox Way)
Legal Description	westerly portion of Lot 288, Plan BCP1977, District Lot FC, New Westminster District; P.I.D. 025-540-866
Site Area	Gross: 9 269 m ² (99,770 sq. ft.); net after land dedications: 5 681 m ² (61,150 sq. ft.)
Property Owner	Pacific Place Development Corp. (Applicant)
Architect	James KM Cheng Architects Inc.

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 397,435 sq. ft. for residential development A minimum of 20,008 sq. ft. for residential development
MAXIMUM HEIGHT	Not Specified	87.25 metres to top of roof
PARKING SPACES	Not Specified	A total of 543 spaces provided