

SUMMARY AND RECOMMENDATION

2. REZONING: 601 West Hastings Street

Summary: To rezone 601 West Hastings Street from the existing CD-1 (Comprehensive Development) District #164 (By-law No. 5810) to a new CD-1 (Comprehensive Development) District, to permit the development of a 25-storey office building, with retail uses and a public plaza at grade. A floor space ratio (FSR) of 24.34 is proposed.

Applicant: B+H Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of July 22, 2014.

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by B+H Architects, on behalf of 675158 British Columbia Ltd. (Morguard), to rezone 601 West Hastings Street [*PID: 006-979-530, Lot B, Block 14, District Lot 541, Plan 20200*] from CD-1 (Comprehensive Development) District (164), By-law No. 5810, to a new CD-1 to increase the floor space ratio from 0.09 to 24.34, to allow for the construction of a 25-storey office tower, with retail uses and a public plaza at grade, generally as presented in Appendix A of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by B+H Architects, and stamped "Received City Planning Department, September 6, 2013", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Provision of a statutory right of way to preserve the plaza for public access and use.

Note to applicant: The public plaza must be at least 14 m by 26 m on the private property and accessible from both streets. Sun exposure must be maintained with a clear vertical dimension of at least 9 m. Existing legal agreements including other rights of way or covenants may require modification, replacement or discharge. Agreements must

be to the satisfaction of the General Manager of Planning and Development Services and the Director of Legal Services.

2. Improvement in the sunlight and sky access to the plaza surface by raising the soffit and building edge.

Note to applicant: This can be accomplished by pulling back or raising the decorative ceiling at the east and south edges to increase morning and early afternoon sun infiltration to the rear corners of the plaza (see shade diagram, L04, Rezoning booklet). Raising the ceiling above the centre of the plaza and reducing the floor area by a modest amount may be required.

3. Design development to ensure a notably public character to the plaza.

Note to applicant: The detailed design of the plaza must signify to the first time visitor the public use and access of the space, without reliance on previous knowledge. Visual motifs should tie the floor, walls and ceiling of the plaza together in a unified expression that is separate from the office portion. Lobby entries facing Seymour must be visually minimized to avoid competing with the public purpose of the plaza, and the lobby wall facing Seymour Street should be entirely integral with the plaza design rather than the office portion. Commentary offered by the Urban Design Panel should be addressed.

4. Design development to better integrate the visual elements of the proposed plaza ceiling, walls, and ground plane to create a unified public space that is distinct and separate from the private sides of the development.

5. Provision of a signage strategy, integrated into the landscape and architectural design, to announce the public nature of the space.

6. Design development to preserve views from Hastings Street through the plaza to the north and of the historic Waterfront Station beyond.

Note to applicant: The proposed commercial space on the north edge of the plaza, if properly designed and tenanted, will help to provide activity and animation to the public plaza. However, care will be needed to ensure that this volume is highly transparent to pedestrians. Consideration should be given to low-iron glass, and to tilted panels that reduce reflection.

7. Design development of the more distinctive tower elements, especially the curved walls and parapet.

Note to applicant: Consider the comments of the Urban Design Panel in this regard.

8. Provision of generously sized weather protection over the office entry.

9. Provision of high quality, durable exterior materials that will improve on the existing public plaza.

10. Provision of a lighting design to ensure an attractive, safe and well-lit plaza space while avoiding light trespass from the property.
11. Provision of enlarged drawings in plan, section and elevation to demonstrate an enhanced standard of quality of finish for the public space.

Note to applicant: Given the reduced quantity of public space from the existing 760 m² plaza to 400 m², careful attention to detail will be required to achieve a proportionately higher quality.

Crime Prevention Through Environmental Design (CPTED)

12. Design development to respond to CPTED principles, having particular regards for:
 - (a) theft in the underground parking;
 - (b) mail theft; and
 - (c) mischief in alcoves and vandalism, such as graffiti.

Note to applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

Landscape

13. Further development of the landscape plan for the public plaza to improve circulation and accessibility.

Note to applicant: Currently there is an easy flow for people walking across the corner of the site at Hastings and Seymour. This easy pedestrian flow should be maintained and expanded wherever possible. The following recommendations should be addressed:

- Open up the corner to allow pedestrians to walk diagonally through the plaza between Hastings and Seymour Streets, especially where there is minimal grade change from public to private realm;
- Simplify the landscape elements along Seymour Street to create a more open expression;
- Remove the bench at the top of the stairs into the plaza from the center stair on Seymour Street, and pull the landscape back in line with the north edge of the stairs to provide a straight line of travel;
- Pull the landscape back in line with the south edge of the stairs into the plaza from the stair on Seymour Street near the lane to provide a straight line of travel;
- Move the east doors of the office lobby to the north and reduce their size to reduce their impact on the public plaza;
- Move the free standing columns out of the level plaza area and incorporate them into the sloped edge along Seymour Street;

- Develop a design to accommodate restaurant patio seating without taking over the public plaza;
- Delete some of the smaller islands of landscaping to improve interior circulation;
- Increase the length of contiguous stairs along the Seymour Street to all for more casual seating opportunities, especially on the south end where sun access is best; and
- Delete planting that blocks the diagonal route past the corner of the lobby.

14. Exploration of the feasibility of adding new street trees along Seymour Street.

Note to applicant: Where feasible in the evaluation of the General Manager of Engineering Services and the Director of Planning, these trees should be provided.

Sustainability

15. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point.

Note to applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project is also required under the policy.

Engineering

16. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

17. Clarification of the extent of the proposed canopy and whether it encroaches over public property.

18. Compliance with the *Parking and Loading Design Supplement* to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (a) Provision of direct access to grade from the Class A bicycle spaces on P1.

Note to applicant: As a parking ramp to grade is not being provided to the P1 level, provide a bicycle ramp to grade or a bicycle elevator with direct access to the outside.

- (b) Revise the parking layout to provide a minimum 6.1 m (20 ft.) maneuvering aisle as 5.7 m is shown on drawing A201.

Note to applicant: Standard stalls require 2.7 m (9 ft.) stall width with a reduced maneuvering aisle.

- (c) Provision of a section drawing through the loading area showing the overhead gate and a minimum 3.8 m (12.5 ft.) of vertical clearance.

- (d) Provision of an improved plan showing the design elevations on both sides of all parkade ramps at all breakpoints and within the parking areas to be able to calculate slopes and cross falls. Provide elevations on sections drawings.

Note to applicant: Include design elevations for the new ramps on the P2-P4 levels on the 333 Seymour Street site.

- (e) Modify the loading area to provide a minimum of three Class B loading spaces with the required stall widths and throats, plus four Class A loading spaces.

Note to applicant: Refer to the Parking and Loading Design Guidelines at the following link for design standards:
<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- (f) Provision of additional information regarding the operation of the signal system for the single ramp on P4.

Note to applicant: Provision of additional details of the warning system to be supplied by a qualified transportation engineer. Please provide and note the location of all lights, signs and detection devices on the plans.

- (g) Provision of an improved plan showing the maneuvering for vehicles to enter and exit using the single ramp on P4 and P5.

- (h) Provision of an improved plan showing the vehicle access route through 333 Seymour Street to enter/exit onto the street.

Note to Applicant: Tandem spaces are not approvable in the Parking Bylaw and do not count towards the parking total.

- 19. Please add the following note to the landscape plan and submit a copy directly to engineering for review.

"A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details."

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Arrangements to the satisfaction of the Director of Planning and the Director of Legal Services for the following:
 - (a) The closure, stopping up, and lease of a volumetric, below-grade portion of City lane south of Cordova Street, west from Seymour Street.

Note to applicant: A separate report to Council is required for the lane closure to be approved.
 - (b) Clarification of the intended dimension for the lane closure is required. A 78-foot length (the entire Lot B lane frontage) was previously indicated, however the current application drawings are indicating a shorter length scaling at about 60 feet.
 - (c) Written confirmation from all outside utility companies (including BC Hydro, Fortis, Telus, Rogers, Shaw Cable and Teraspan) that arrangements have been made to accommodate their existing services in the lane and that they have no objection to the proposed lease of the lane.
 - (d) Clarification of the need to retain existing off-site parking agreements on Lot A and Lot B and modification, replacement or discharge of the existing parking agreements to reflect the final parking arrangement for the development.
 - (e) Provision of appropriate legal arrangements for vehicular, pedestrian and bicycle access from Lot A, Block 14, DL 541, Plan 20201 for access to all vehicular, pedestrian and bicycle parking on Lot B.
 - (f) Release of Easement & Indemnity Agreement M36030, extension M80047, and Indemnity Agreement M80045 (relating to current bridge encroachment over lane) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

2. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS) to the satisfaction of the General Manager of Engineering Services.

Size: At minimum, the smallest sized station at 16 m x 4 m must be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m. The 2 m maneuvering space may be shared with pedestrian space.

Location: The station must be located on private property while still clearly visible to the public with 24/7 public access and allowing easy access to the street. The proposed location at Seymour Street, north of the lane is acceptable.

Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.

Grades: The surface must be leveled with a maximum cross slope of three per cent and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of five per cent. At minimum, spot elevations at the four corners of the station must be provided.

Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive five hours of direct sunlight a day.

Power: Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.

3. Provision of building setback and a surface statutory right of way to achieve a 5.5 m distance from the back of the City curb to the building face for sidewalk purposes on Hastings Street and on Seymour Street adjacent the new building for a height of 9 m above grade. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No

development permit for the site will be issued until the security for the services are provided.

- (a) Provision of improved sidewalks adjacent the site to meet current commercial sidewalk standards for the area.
 - (b) Provision of standard concrete lane crossing at the lane north of Hastings Street on the west side of Seymour Street.
 - (c) Provision of improved curb ramp at the southwest corner of Seymour and Cordova Streets.
5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.
6. Arrangements to the satisfaction of the Director of Planning and Director of Legal services in consultation with the General Manager of Engineering Services for the provision of a statutory right of way over the plaza area for public access and use of the space.
7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:
 - (a) require buildings within the development to connect to the City-designated NES prior to occupancy, if connection is deemed available and appropriate at the time of development permit issuance, or post-occupancy through a deferred services agreement, or otherwise, at such time that a system becomes available;
 - (b) grant the operator of the City-designated Neighbourhood Energy System access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the applicant; and
 - (c) provide for adequate and appropriate dedicated space to be used for an energy transfer station connecting the building(s) to the City-designated NES.

Note to applicant: Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any energy supply contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.

Public Art

8. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application

Soils

9. If applicable:
 - (a) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (b) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (c) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Other Public Benefits Offered

10. Prior to enactment of the rezoning by-law, pay to the City the offered cash contribution of \$4,000,000, to be used by the City to fund a childcare facility or facilities within the downtown area.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to approval of the rezoning of 601 West Hastings Street, the amendment to CD-1 (164) By-law No. 5810 to remove provisions that apply to 601 West Hastings Street, generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street", be approved.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street" be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street".
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated June 13, 2014, entitled "CD-1 Rezoning - 601 West Hastings Street".
- F. THAT Recommendations A through E be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 601 West Hastings Street]