

## SUMMARY AND RECOMMENDATION

**3. REZONING: 650 West Georgia Street (753 Seymour Street)**

**Summary:** To rezone 650 West Georgia Street (753 Seymour Street) from CD-1 (Comprehensive Development) District (155) By-law No. 5683 and Downtown District (DD) to a new CD-1 District, to allow for the construction on the site of a second office building at 33 storeys with a floor area of 44,817 m<sup>2</sup> (482,423 sq. ft.).

**Applicant:** Musson Cattell Mackey (MCM) Partnership

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of April 19, 2016.

**Recommended Approval:** By the Acting 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 Musson Cattell Mackey (MCM) Partnership, on behalf of HOOPP Realty Inc., London Life Insurance Company Inc. and The Great-West Life Assurance Company Inc., to rezone 650 West Georgia Street (753 Seymour Street) [*Lots C and D, Block 53, District Lot 541 Group 1 New Westminster District, Plan 15551, PIDs 007-666-896 and 007-666-900 respectively*] from CD-1 (Comprehensive Development) District (155) By-law No. 5683 and Downtown District (DD), to a new CD-1 District, to allow for the construction of a 33-storey office building with a floor area of 44,817 m<sup>2</sup> (482,423 sq. ft.) on the portion of the site currently zoned CD-1, generally as presented in Appendix A of the Policy Report dated, April 6, 2016, entitled "CD-1 Rezoning - 650 West Georgia Street (753 Seymour Street)", be approved subject to the following conditions:

**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 Musson Cattell Mackey Partnership, and stamped "Received City Planning Department, October 1, 2015", 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

**Urban Design**

1. Significant design development to reduce the encroachment of the proposed Seymour Street fritted-glass and curtain wall system from

approximately 2.4 m (8 ft.) to no more than a maximum of 0.9 m (3 ft.) over City property. Further, demonstrate with large-scale detailed drawings that the portion which encroaches over City property is fully demountable without the need to close City roads or sidewalks during the demounting, and that the space located behind the glass and the property line will remain non-habitable. This condition should be read in conjunction with Engineering condition (c)5.

Note to applicant: A separate, more conventional weather protection canopy should be provided over the public sidewalk and right of way, extending no more than 2 m (6.6 ft.) from the existing curb.

2. Significant design development to render the proposed public plaza more useable, with added primary and secondary public seating opportunities.
3. Design development to the proposed canopy located over the public plaza, with special attention to resolving the visual relationship of the canopy with the existing Scotiabank tower.
4. Confirmation that there are no encroachments into any Council-adopted view cones, including any produced by the proposed trees on the roof terrace on Level 27.
5. Consideration to create visually interesting, large-scale graphics through the concerted use of the fritted-glass treatment on all or some of the elevations.

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

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

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

#### **Landscape**

7. Provision of intensive and extensive green planters at the roof and podium levels incorporating high-quality all-season greenery to enhance the sustainability of the building and create vibrant interior and exterior environments to improve the liveability of the building.
8. Design development to the enhancements of the public realm interface to provide safe high-quality landscaped open spaces with substantial greenery and visual interest to benefit the pedestrian environment at the street level.

9. Provision of infill street trees to complete the existing pattern of tree planting on Seymour Street.
10. Provision of a high-efficiency (drip) irrigation system for all green planters on slab, at all building locations.
11. Proposed plantings for green planters to be consistent with the City of Vancouver Water-wise Planting Guidelines and designed to minimize potable water use.
12. Provision of maximized growing medium for tree and shrub planters to ensure long term health and sustainable growth for landscape plantings on slab condition.

Note to applicant: Structures such as underground parking slabs may need to be altered to provide adequate depth and continuous soil volumes. Growing medium should be better than BCSLNA standards. Trees planted on structures and with pavement surrounds should be consolidated within a trench to maximize soil volume. Individual trees should have approximately 30 cubic metres of soil, if not consolidated.

13. Utilities to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.
14. Provision of a legal survey.
15. Provision of a fully labelled landscape plan, sections and details at the complete development permit submission stage.
16. Illustration of all trees with their root ball circumference located with dashed lines on the lower-level floor with note to read, "Proposed tree above: refer to Floor Plan and Landscape Plan and Section". The section should detail how the floor or parkade slab is depressed or angled back to accommodate 0.9 to 1.2 m (3 to 4 ft.) of tree soil depth. The information must be on the architectural drawings as well as the landscape drawings.
17. New street trees to be provided adjacent to the development site and illustrated on the Landscape Plan, to be confirmed prior to issuance of the BU and to the satisfaction of the City Engineer and Park Board.

### **Sustainability**

18. 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*.

Note to applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the LEED® 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

19. Provision of a *Loading Management Plan* to the satisfaction of the General Manager of Engineering Services is required for all existing on-site retail and for office tenancies in the new office building, and also for the loading needs of the Vancouver Block at 736 Granville Street, and for the manoeuvring needs of the Future Shop loading at 798 Granville Street, prior to the issuance of a development permit.

Note to applicant: A complete and integrated loading management strategy is required that:

- (i) Does not involve the movement of goods across the entrance to the upper-level parking entry ramp nor within the City lane;
  - (ii) Identifies the names of persons or the staff positions, from all sites, who will coordinate loading activity;
  - (iii) Manages and schedules delivery times and truck sizes, particularly during peak periods of passenger vehicle movement into and out from the parkade, or when peak loading demand typically occurs;
  - (iv) Clarifies the largest size of truck, including dimensions that the loading spaces are intended to accommodate; and
  - (v) Ensures deliveries must be by trucks no greater than an MSU.
20. Provision of required parking for the entire site under the existing Parking By-Law including current disability requirements, bicycle parking, and end-of-trip facilities.
21. Provision of all class A bicycle parking on either parking level 02, one level above the street or parking level P1, one level below the street.

Note to applicant: Use of the lobby by cyclists is not supported.

22. Provision of an interim parking plan to supply parking for the Scotiabank Tower during the construction period.
23. Doors are not to swing over the property line. The new stairwell exit door swinging over the Seymour Street sidewalk from the Scotiabank Tower should be eliminated.
24. Confirmation that the garbage and recycling provision is adequate for the building. Please refer to the City of Vancouver's garbage and recycling guidelines.
25. Clarification of intentions to replace sidewalks north of the building site on Seymour Street and onto West Georgia Street. If so, the replacement sidewalks are to meet current City sidewalk standards.

26. 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:

- (i) Provision of additional parking stall width as required in the Parking and Loading Design Supplement for spaces adjacent any wall, columns or structure which is located more than 1.2 m (4 ft.) from either end of the parking stall.

Note to Applicant: Many stalls adjacent structural columns have insufficient width.

- (ii) Provision of the length of ramp at a specified slope and design elevations located on both sides of the parking ramp at all break points, as well as located 0.6 m (2 ft.) off the wall through all curved sections of parking ramp is required.

Notes to applicant: The proposed glass treatments within the plaza area should meet or exceed slip resistance standards.

Building encroachments onto City street will cause problems if strata titling a property, due to Section 244 (1) (f) of the Strata Property Act. In such cases the City may not necessarily support the provision of easements for any part of the building on City street. If strata titling is proposed, the applicant is advised to seek independent legal advice on the matter.

#### **Neighbourhood Energy System:**

27. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.

28. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

29. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat

pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

30. Provide for 21 m<sup>2</sup> (226 sq. ft.) of adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines, at development permit.
31. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services

#### 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. Consolidation of Lots C and D, Block 53, DL 541, Plan 15551 to create a single parcel.
2. Release of Covenant F22759 from the consolidated parcel prior to issuance of an occupancy permit for any new building on the lands.
3. Discharge of statutory rights of way C63001 and C72540 and for the removal and/or relocation of all utilities within these rights of way. This is to facilitate the relocation of this right of way to the south end of the lot for lane/access purposes. Letters of consent from all impacted utility companies are required.

Note to applicant: City records indicate that Telus and BC Hydro infrastructure is located within this statutory right of way area.

4. Provision of a 6.1 m (20 ft.) wide volumetric statutory right of way at the southerly end of the site for public access, with or without vehicles as if dedicated lane. The statutory right of way is to be located a sufficient distance from the south property line to allow the westerly end of the volumetric statutory right of way to be flared with standard 3.1 m x 3.1 m (10 ft. x10 ft.) lane corner-cuts on both sides.
5. Delete all portions of the fritted curtain wall/vertical steel structure proposed beyond the 0.9 m (3 ft.) maximum allowable building encroachment over City street permitted by the encroachment by-law and enter into encroachment agreements for the fritted curtain wall/vertical steel structure encroaching over City street to a maximum of 0.9 m (3 ft.) onto Seymour Street. Any encroaching elements are to be lightweight and visibly and readily demountable, and the applicant

must provide a rationale (i.e. that they are necessary in order to meet LEED® standards).

Note to applicant: An application to the City Surveyor is required to initiate these arrangements.

6. Provision of a 5.5 m (18 ft.) dimension from the back of the existing curb on Seymour Street to the building face. A statutory right of way for pedestrian purposes is required over a portion of the eastern edge of the site to provide for the 5.5 m (18 ft.) dimension.

Note to applicant: A legal survey that provides the existing curb to property line dimension is required to confirm the dimension of the proposed statutory right of way. Should the legal survey determine the existing curb to property line dimension provides for the 5.5 m (18 ft.) dimension, this proposed right of way will not be necessary.

7. Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for appropriate legal agreements between the owners of the development site at 753 Seymour Street and the owners of 736 and 798 Granville Street to ensure right of access and use of an on-site Class B loading space on 753 Seymour Street by the Vancouver Block building at 736 Granville Street and for on-site manoeuvring by trucks loading into 798 Granville Street (the Future Shop/Winners site).
8. Arrangements to be made to the satisfaction of the General Manager of Planning and Development Services in consultation with the General Manager of Engineering Services and the Director of Legal Services for a statutory right of way agreement for public access purposes and use over the public plaza located off the Seymour Street sidewalk.
9. 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.
  - (i) Provision of improved sidewalks adjacent the site. Sidewalks that meet City standards with exposed aggregate front utility strip and broom-finished sidewalk with saw-cut expansion joints are to be provided between curb and property line for the length of the site.
  - (ii) Provision of a standard concrete lane crossing at the lane entry west of Seymour Street on the north side of Robson Street including curb return renewal.
  - (iii) Provision of a new lane entry at the proposed relocated lane and elimination of the existing lane entry at the north end of the site

including all utility relocations and adjustments to accommodate the street changes.

- (iv) Provision of street trees adjacent the site where space permits.
  - (v) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
10. 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.

### **Neighbourhood Energy**

11. 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), if and when the opportunity is available and in accordance with the City's Neighbourhood Energy Strategy that may include but are not limited to agreements which:
- (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;
  - (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation; and
  - (iii) grant use of and access to suitable space required for the purposes of an energy transfer station as established in the Neighbourhood Energy Connectivity Standards Design Guidelines, to the satisfaction of the General Manager of Engineering Services.



Note to Applicant:

- a) Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.
- b) The Development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available at that time, the agreement will provide for future connection.
- c) 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 and technical information.

**Public Art**

12. 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**

13. If applicable:
  - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - (ii) 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
  - (iii) 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.

#### Community Amenity Contribution (CAC)

14. Deliver, prior to enactment of the rezoning by-law, the Community Amenity Contribution of \$2,500,000, to be used by the City to fund a childcare facility or facilities in the downtown.

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, the Director of Legal Services be instructed to bring forward, at the time of enactment of the new CD-1 By-law, a By-law to repeal CD-1 (155) By-law No. 5683 for 650 West Georgia Street, generally as set out in Appendix A of the Policy Report dated April 6, 2016, entitled "CD-1 Rezoning: 650 West Georgia Street (753 Seymour Street)".
- C. THAT, the application to amend Schedule E of the Sign By-law to:
  - (i) establish regulations for the new CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" DD], and
  - (ii) consequentially, delete CD-1 (155) By-law No. 5683 from Schedule E,generally as set out in Appendix C of the Policy Report dated April 6, 2016, entitled "CD-1 Rezoning: 650 West Georgia Street (753 Seymour Street)", be approved.
- D. THAT, subject to enactment of the new 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 April 6, 2016, entitled "CD-1 Rezoning: 650 West Georgia Street (753 Seymour 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 April 6, 2016, entitled "CD-1 Rezoning: 650 West Georgia Street (753 Seymour 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 - 650 West Georgia Street (753 Seymour Street)]