

SUMMARY AND RECOMMENDATION

3. REZONING: 999 Seymour Street

Summary: To rezone from DD (Downtown) District to CD-1 (Comprehensive Development) District to allow the development of a mixed-use 21-storey building in the form of a residential tower above a commercial podium, with maximum height of 61.42 m (201.5 ft.). Rezoning is requested to increase the maximum floor space ratio (FSR) from 5.0 (5.5 with heritage density transfer) to 9.65. 112 dwelling units are proposed, and 2.0 FSR in commercial uses as required by City policy.

Applicant: Mark Ostry, Acton Ostry Architects

Recommended Approval: By the Director of Planning

- A. THAT the application by Acton Ostry Architects to rezone 999 Seymour Street (PID: 026-186-187; Parcel B, Block 73, DL 541, Group 1, NWD Plan BCP15761) from DD (Downtown District) to CD-1 (Comprehensive Development District), generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 999 Seymour Street" dated November 27, 2007, be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Acton Ostry Architects, and stamped "Received Planning Department, November 26, 2007", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Design Development

- (i) design development to the solar shading screens on the Nelson Street façade to ensure their long-term operation;

Note to Applicant: As a principal façade component, the longevity and operational aspects of the proposed movable screens need to be confirmed.

- (ii) design development to the architectural treatment of the tower's north wall to enhance articulation and material quality;
- (iii) design development to the treatment of the northerly interface of the proposed commercial podium with the podium of the Seymour-fronting "The Spot" at 933 Seymour Street to enhance the visual quality of blank walls;

- (iv) confirmation that absolute building height to top of all elements meets view corridor limit established in the View Protection Guidelines;

Crime Prevention Through Environmental Design (CPTED)

- (v) design development to take into consideration the principles of CPTED, having particular regard to:
 - reducing opportunities for theft in the underground parking; and
 - reducing opportunities for break and enter and vandalism;

Urban Agriculture

- (vi) design development to utilize edible landscaping materials, with particular attention being given to the use of edible shrub plantings that provide all season interest, for use in the planters bordering the amenity patio on level 3;

Landscape

- (vii) design development to the enhancement of the public realm at the street level on Seymour and Nelson Streets to provide more interest for the pedestrian;

Note to Applicant: This may include the provision of bike racks, benches and other street furnishings. The landscape elements in the streetscape should be consistent with and complement the existing Seymour and Nelson Streets (south of Seymour Street) streetscape.

- (viii) design development to ensure that potential canopy conflicts with street trees do not occur;

Note to Applicant: Adjustments may be needed to the south elevation building canopy bordering Nelson Street to provide adequate crown clearance for the proposed inside row of the double row of trees. All new awnings and canopies must be able to accommodate the maturing crowns of existing and future trees as per the COV Guidelines for Awning and Canopy Setbacks from Trees.

- (ix) design development to ensure all season interest within the plantings proposed for planters around the building edge;

Note to Applicant: This can be achieved by adding evergreen shrubs to the proposed long grasses.

- (x) design development to the green roof to consider providing an extensive green roof planting area;

- (xi) provide a legal survey illustrating the following information:

1. existing trees 20 cm calliper or greater on the development site, and

2. the public realm (property line to curb) including existing street trees and street utilities such as lamp posts and fire hydrants adjacent to the development site;
- (xii) provide a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include notation to confirm all existing trees to be removed and an outline of the proposed underground parking garage;
 - (xiii) provide section details at a minimum scale of ¼" = 1" scale to illustrate proposed landscape elements including planters on building structures including green wall, fireplace/barbeque, benches and water features. Planter section details should confirm depth of proposed planting on structures;
 - (xiv) notation on the Landscape Plan to read:
 1. For new street tree planting: "Final species, quantity and spacing to the approval of the General Manager of Engineering Services and Park Board. Contact Eileen Curran, ph: 604.871.6131, Engineering Services about street tree spacing and quantity. Contact Bill Stephen, ph: 604.257.8587, Park Board about tree species"; and
 2. For City tree removal: "City tree removal with permission of the General Manager of Engineering Services";
 - (xv) provision of a high-efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas (illustrated on the Landscape Plan);
 - (xvi) confirm the location of the parking exhaust vent on the Landscape Plan; and

Sustainability

- (xvii) a preliminary LEED score card should be submitted with development (DE) application showing proposed strategies for attainment of at least LEED Silver or equivalent.

Note to Applicant: Registration and certification with CAGBC (Canada Green Building Council) to achieve LEED Silver certification is encouraged but not required. Best effort to pursue equivalency to the satisfaction of the Director of Planning will be accepted.

AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, complete the following on terms and conditions satisfactory to the Director of Legal Services:

ENGINEERING

- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 - (1) discharge of easement and indemnity agreement #36222H (gasoline tank Encroachment onto Nelson Street), including tank removal and any related environmental clean up;
 - (2) undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers and vista switches to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch.
 - (3) provision of Downtown South public realm sidewalk treatments adjacent to the site;

Note to Applicant: The standard treatment includes lawn in the boulevard adjacent to residential developments and paved boulevards adjacent to commercial developments. Contact Streets Engineering to confirm paving details, tree grates and boulevard edge treatments.
 - (4) provision of standard concrete lane entry at the Nelson Street entry to the lane;
 - (5) removal or relocation of the wood "H" poles at the lane entry to improve access and provide adequate 2-way traffic flow;

SOILS

- (ii) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion;
- (iii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment;

HERITAGE DENSITY TRANSFER

- (iv) secure the purchase and transfer of 557.4 m² (6,000 sq. ft.) heritage density from a suitable donor site(s);

Note to Applicant: Letter B in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase(s), including the amount, sale price, and total cost of the heritage density.

COMMUNITY AMENITY CONTRIBUTION

- (v) secure the purchase and transfer of amenity bonus density with value of \$1,409,112 from the Woodwards site (101 West Hastings Street); and
- (vi) payment of the community amenity contribution of \$2,818,224 which has been offered to the City.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, 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, 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 consequential amendment to the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E [assigned Schedule "B" (DD)], generally as presented in Appendix C to Policy Report "CD-1 Rezoning - 999 Seymour Street" dated November 27, 2007, be approved; and
- C. THAT, subject to approval of the rezoning at a Public Hearing, the Noise Control By-law be amended to include this Comprehensive Development District in Schedule B, generally as presented in Appendix C to Policy Report "CD-1 Rezoning - 999 Seymour Street" dated November 27, 2007; and
- D. THAT Recommendations A to C 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 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.

(CD-1 RZ. - 999 Seymour Street)