

REPORT TO COUNCIL  
SPECIAL COUNCIL MEETING MINUTES

DECEMBER 8, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, December 8, 2009, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning By-law.

**PRESENT:** Mayor Gregor Robertson  
Councillor Suzanne Anton  
Councillor George Chow  
Councillor Heather Deal  
Councillor Kerry Jang  
Councillor Raymond Louie  
Councillor Geoff Meggs  
Councillor Andrea Reimer  
Councillor Tim Stevenson  
Councillor Ellen Woodsworth

**ABSENT:** Councillor David Cadman (Leave of Absence - Civic Business)

**CITY MANAGER'S OFFICE:** Sadhu Johnston, Deputy City Manager

**CITY CLERK'S OFFICE:** Lori Isfeld, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Woodsworth  
SECONDED by Councillor Louie

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Zoning By-law.

CARRIED UNANIMOUSLY

**1. CD-1 TEXT AMENDMENT: 1133 West Georgia Street (Vancouver's Turn)**

An application by Dane Jansen, dysarchitecture, was considered as follows:

**Summary:** To amend the CD-1 (Comprehensive Development) By-law to increase the maximum density from 17.74 FSR (floor space ratio) and the maximum height from 600 ft. to 616 ft. for this mixed-use hotel, commercial and residential building.

The Director of Planning recommended approval, subject to the conditions as set out in the Public Hearing agenda.

Also before Council was a Memorandum dated December 7, 2009 from the Rezoning Planner, which referred to the "Applicant's Comments" section on page 5 of the Policy Report dated November 3, 2009, entitled CD-1 Text Amendment: 1133 West Georgia Street (Vancouver's Turn), and noted that the Applicant had since withdrawn their objection to the car share provisions and are now in agreement with the recommendations and conditions as set out in the report, and that no action by Council is required on the matter.

### Staff Opening Comments

Current Planning staff provided an overview of the application, and with the Applicant, responded to questions.

### Summary of Correspondence

Council received the following correspondence since the application was referred to Public Hearing:

- 19 letters and emails in opposition
- 85 form letters in opposition
- 1 other email

### Speakers

The Mayor called for speakers for and against the application.

The following delegations spoke in support of the application:

Pastor David Koop, Coastal Church

The following spoke in opposition to the application or noted concerns about the transfer of density, form of the tower, loss of views, parking, or the zoning by-law amendments.

Keith Lambert  
Amos Michelson  
Margaret Wallace  
Andrew Terrett, Canadian Properties Inc.  
Nick Bedford  
Oscar Olvera  
Chuck Brook, Brook + Associates

During the hearing of speakers, Current Planning staff and the Applicant responded to questions.

## Council Decision

REFERRAL MOVED by Councillor Louie

THAT discussion and decision on the application by Holborn Development (West Georgia) Ltd. to amend CD-1 #446 (By-law No. 9195) for 1133 West Georgia Street to increase the maximum allowable floor space ratio and building height, generally as presented in Appendix A of the Policy Report, "*CD-1 Text Amendment - 1133 West Georgia Street*", dated November 17, 2009, be referred to the Regular Council meeting on December 15, 2009, as Unfinished Business.

CARRIED UNANIMOUSLY

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*At this point in the proceedings it was*

*MOVED by Councillor Deal*

*THAT, under Section 2.3(e) of the Procedure By-law, Council extend the meeting end time by one hour or less.*

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY*

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## 2. REZONING: 1372 Seymour Street

An application by Beau Jarvis, Onni Group of Companies, was considered as follows:

Summary: To rezone from DD (Downtown) to CD-1 (Comprehensive Development) District to permit the construction of a 41-storey tower with a podium of 5 and 7 storeys. The maximum height would be 119.7 m (392 ft.) and the maximum FSR would be 7.82. 255 dwelling units are proposed, including 7 townhouses at grade with a residential amenity space and a 37 space childcare centre. An office/multi-use space for the Vancouver Society of Childcare Centre would also be provided.

The Director of Planning recommended approval, subject to the conditions as set out in the Public Hearing agenda.

## Summary of Correspondence

Council received the following correspondence since the application was referred to Public Hearing:

- 4 emails in opposition

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application, noting concerns about loss of views, increasing density, and the zoning by-law amendments.

Nizar Sayani  
Barry Promislow  
Brenda Lea Brown  
Christine Thorson

Current Planning and Social Development staff responded to questions.

## Council Decision

MOVED by Councillor Louie

- A. THAT the application by Onni Development (555 Pacific) Corp. to rezone 1340, 1358, 1364, 1372, and 1376 Seymour Street and 555 Pacific Street - known as 1372 Seymour Street (PID: 015-495-281, 015-495-299, 015-495-639, 014-661-730, 015-495-264, 003-153-606, 003-153-649, 003-153-711, 015-495-213, 015-495-256, 015-495-230): NWD District Lot 541, Plan 210, Block 114 Lots 8 thru 19) from DD (Downtown District) to CD-1 (Comprehensive Development District), generally as set out in Appendix A, to the Policy Report, "*CD-1 Rezoning - 1372 Seymour Street*", dated November 17, 2009, be approved subject to the following conditions:

### PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Hotson Bakker Boniface Haden Architects and Urbanistes, and stamped "Received City Planning Department, July 24, 2009", 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

- (i) design development to further refine the exterior facade components of the tower to more clearly articulate the elements contributing to the high quality design as well as the building's sustainability performance in achieving LEED gold equivalency provided there are at least 3 optimize energy performance points, 1 water efficiency point and 1 storm water point;

Note to applicant: Consideration of judicious use of colour is suggested. Detailed large scale (1:50) typical wall sections and elevations for tower and podium, illustrating components of the external features such as movable screens and sun shades are required.

- (ii) design development to the podium courtyard facades to improve their overall visual quality with enhanced material treatments and articulation;
- (iii) design development to the podium lane elevation to reduce its blank wall appearance, through the introduction of glazing, high quality material treatment and setting back or further sculpting of the zero setback portions at the uppermost floor;
- (iv) design development to further refine the public realm interface along the Seymour Street frontage to improve privacy between townhouse units by adjusting the individual townhouse entries/stairs, and landscaping, including minimizing the heights of walls;

Note to applicant: Provision of large scale (1:50) detailed architectural drawings including elevations of a typical townhouse unit and the daycare frontage illustrating the public realm interface and the proposed material treatments, heights of walls, railings, lighting, etc.

- (v) consideration to simplifying and strengthening the architectural expression of extended curtain wall and roof canopy as skyline elements;

Note to applicant: These two elements appear to compete with each other. Consider one of the elements as the more dominant feature;

- (vi) provide details of curtain wall glazing and solar panels that project into the view cone;
- (vii) design development to locate, integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impact on the building's open space and the Public Realm;
- (viii) provision of written confirmation on the drawings that:
  - 1) the acoustical measures will be incorporated into the final design, based on the consultant's recommendations,
  - 2) effective acoustic separation will be provided between the commercial/office and residential portions of the building; and,

- 3) mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise impact on the neighbourhood and to comply with Noise By-law #6555;
- (ix) clarification of the material treatment and heights of the various walls proposed within the porte-cochere and loading area;

Note to applicant: Provision of detailed large scale (1:50) sections and elevations are required. Further design development may be required to reduce the height and length of some of the proposed walls taking into consideration CPTED principles. The loading zone also appears to be compromised by the height of adjacent walls;

- (x) design development to reduce the green wall's length to respect the required rear yard setback of 3.05 m while maintaining security between the play area and the adjacent development;
- (xi) provision of confirmation that the in-suite mechanical spaces (maximum area of 4 sq. ft. per dwelling unit) are for the purposes of accommodating mechanical equipment as part of the building's enhanced energy system;

Note to applicant: Consideration of additional floor area within the suites is for the purposes of accommodating mechanical equipment such as heat pumps associated with a geothermal heating system or another alternate system that provides equal or better energy performance.

### Landscape Design

- (xii) provision of a fully labeled Landscape Plan, Sections and Details;

Note to Applicant: The Landscape Plan submission is not complete. Plant List to identify proposed plantings, and keyed to the Landscape Plan, is missing. Labels and grading information are missing from the landscape drawings. The graphic symbols used to identify soft and hard landscape areas on L1.1 are confusing and should be clarified. Suggest enlarging the Site Plan to 1/8' = 1'-0" scale. Ramp walls at the Daycare entry need to be more clearly labeled, with grading information indicated on the plans.

- (xiii) further design development to the landscaping of the public realm interface of the residential townhouse units on Seymour Street:
  - 1) improve visual connections to the street;
  - 2) reduce the amount of proposed paving within the garden setback;
  - 3) improve livability of the front units;

Note to Applicant: This may require some adjustment to the inner row of street trees (see also Condition 1.4, page 2 of report). Consult with Eileen Curran, Street Trees, phone: 604.871.6131, about tree locations.

- (xiv) improve landscape separation between front patios facing Seymour Street (from PDA Condition A.1.17 prior to letter September 25, 2009) by providing greenery in the form of evergreen hedging or vines on durable trellises within planters and illustrated on the Landscape Plan;

- (xv) provision of lawn between the inner row of trees;

Note to Applicant: Provide lawn within the inner row of trees to wrap the corner of Seymour Street and Pacific Street and extend to meet the east edge of the second street tree on Pacific Street;

- (xvi) illustration to confirm the location and root ball circumference of proposed trees located above or immediately beside underground parking structures on the Architectural and the Landscape Plans;

Note to Applicant: Provide dashed lines on the P1 plan with note saying "proposed tree above: refer to Ground Floor Plan and Landscape Plan and Section drawings". This is to ensure that trees planted (or retained) above or immediately beside underground parkades will survive and thrive. The section should detail how the parkade roof slab is depressed/angled back to accommodate 3-4' of tree soil depth;

- (xvii) label the tool storage location for the 8th Floor Landscaped common amenity deck on the landscape drawings;
- (xviii) provision of dimensioned illustration details at ¼"=1'-0" scale of proposed landscape feature areas and elements including planters, trellising, privacy screens, gates, benches, water features;
- (xix) design consideration of the street tree selection for Seymour Street to provide trees at the north end of Seymour Street with a more transparent canopy in response to Urban Design Panel comments and to the satisfaction of the Park Board Arborist;

Note to Applicant: 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. Consult with Amit Gandha, Park Board, phone: 604.257.8587.

- (xx) provision of a written landscape design rationale including description of proposed landscape elements and their sustainability features;
- (xxi) design development to retain healthy trees located outside the building envelope;
- (xxii) provision of vine pockets on the wall on the lane;

### **Social Planning**

- (xxiii) design development required to improve the functional layout of the childcare space on level one and to demonstrate that the ancillary space program requirements can be met on level two;

Note to Applicant: As per the e-mail of March 19, 2009 and annotated drawings, particular attention must be given to the toddler side of the childcare space and that stroller storage for both parent and program must be accommodated on site.

- (xxiv) design development of the daycare landscape concept required;

Note to Applicant: show on the landscape concept the location of trike paths, surface materials to be used, how play structure will fit into slope, and a plant list.

- (xxv) confirmation that Community Care Facilities Licensing has reviewed the drawings and have approved to licensing specifications;

### **Engineering**

- (xxvi) arrangements shall be made to the satisfaction of the General Manager of Engineering Services for the provision of:

- 1) new curb, sidewalk, street trees along the Pacific Street and Seymour Street frontage; and
- 2) relocation of curb, sidewalk, paint lines, signage and any effected utilities (including poles, signals and hydrants) along the eastern side of Seymour Street from and including the curb returns at Pacific Street to points approximately 50 m north of Pacific;

Note to applicant: A separate application shall be made for any work on City Street, please contact Kevin Cavell at 604.873.7773 for more information.

- (xxvii) deletion of the small corner-cut at the southwest corner of the site indicated on the applicant's drawings, shown running from the existing Seymour Street property line to the ultimate Pacific Street property line;



Note to Applicant: As a result of the 5 ft. (1.524 m) dedication along Seymour Street, the corner cut is no longer required.

- (xxviii) arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the registration of a Bridge Proximity Agreement over the entire development site;

Note to Applicant: Contact Dane Doleman, Structures Engineer, at 604.871.6930 for details.

- (xxix) provision of additional parking stall width, as per the Parking By-Law, for parking spaces adjacent walls or adjacent to columns which are set back greater than 4 ft. from the end of the space;

Note to Applicant: Examples of some spaces requiring additional width are daycare drop off space 3, small car spaces 19/20, 22/23, 25/26, and 28/29.

- (xxx) provision of corner cuts through the inside radius at all corners on P1 to P3 to provide adequate radii for continuous two way traffic flow where 200 or more vehicles are being served;

Note to Applicant: Refer to parking design supplement under "Ramp Widths" for details. Relocation of columns may be necessary.

- (xxxi) provision on drawings of design elevations on both sides of all parking ramps at all breakpoints, and the length of each ramp at the specified slope;

Note to Applicant: Provide elevations on plans and section drawings.

- (xxxii) provision of correct design grades on plans;

- (xxxiii) provision of Downtown South public realm treatment adjacent the site;

Note to applicant: The landscape plans appear to show only tree grate treatments as per the Downtown South Public Realm. Sidewalk leaf stamping pattern should also be referenced on the landscape plans. Pacific Street frontage is to reflect the North False Creek/Concord treatments. Forward a separate copy of the landscape plan directly to Engineering Services for review. Note a demarcation by way of a full construction joint is to be provided in the public sidewalk at the property lines.

- (xxxiv) modify location of Class B bicycle parking spaces to either the front entrance on Seymour Street or inside the courtyard beyond

the security gate near the rear building entrance. Current location is not accessible when a vehicle is in the loading bay;

Note to applicant: L 1.2 shows bike rack in different location (item 12).

(xxxv) confirmation and notation on drawings that a remote control device will be used for access into parking;

(xxxvi) clarify if a wall or only a low curb is adjacent the loading bay. If a wall is planned then consider the provision of additional loading bay width to improve access into and out of the loading space;

Note: The single loading bay design does not appear to provide any room for a driver to walk beside the truck to get to rear for loading.

(xxxvii) provision of improved wheelchair access from handicapped parking spaces to elevators.

Note to Applicant: Proposed design shows stairs and no wheelchair ramp.

#### **Landscape Comments for Public Property**

(xxxviii) structural growing medium shall be installed under all sidewalks on both Seymour Street and Pacific Street;

(xxxix) a continuous street trench shall be provided for street tree plantings in the grass boulevards;

(xl) all property lines on the landscape drawing L1.1 should be labeled;

(xli) a construction joint or separation should be provided along the property lines clearly allowing for a separation of the sidewalk between public and private property.

#### **PROPOSED CONDITIONS OF BY-LAW ENACTMENT**

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

##### **Engineering**

(i) site consolidation of Lots 8 to 19;

- (ii) dedication of the West 5 ft. (1.524 m) of the site for road purposes (not the width of 1.525 m as indicated on the applicant's drawings;
  - (iii) dedication of a southerly portion of the site along Pacific Street, measured 1.3 metres north of and parallel to the original south property line of Lot 19 (according to Plan 210), to intersect with the current, curved south property line of that Lot. (including the provisions set out in a letter dated May 6/2009 to Onni Group of Companies);
  - (iv) release of Easement & Indemnity Agreement 119307M (commercial crossing agreement) prior to building occupancy;
  - (v) upgrading of the existing 375 mm sanitary sewer on Pacific from Seymour to the lane east of Seymour and upgrading of the existing 300 mm sanitary sewer on Pacific from the lane east of Seymour to Richards, fully at the applicants expense;
  - (vi) provision of street improvements on both sides of Seymour Street as noted:
    - 1) West side of Seymour Street from Pacific north approximately 50 meters.
    - 2) East side of Seymour Street adjacent the site.
- Street work on both sides of Seymour to include new or adjusted curb and gutter, pavement, utility relocations, sidewalks, landscaping, signage and other related works all necessary to allow for the curb relocations including the provision of new landscaping on the west side of Seymour in the enlarged boulevard area.
- (vii) provision of car-share automobiles as prescribed in the parking standards for this CD-1 by-law and Car-sharing vehicles must be managed by a professional carsharing organization and must be located in area accessible to all members of that car-sharing organization 24 hours a day, 7 days a week, who do not reside in the development;
  - (viii) undergrounding of all new utility services from the closest existing suitable service point. All services and in particular electrical transformers 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. Early contact with the Utilities Management Branch is encouraged;

### Heritage Density Transfer

- (ix) secure the purchase and transfer of 17,730 sq. ft. of heritage density to the site at 1372 Seymour Street from a suitable donor site or sites, on terms and conditions suitable to the Director of Legal Services;

Note: This reflects the density bonus provision of DE412219.

- (x) secure the purchase and transfer \$2,340,000 of heritage density to the site at 1372 Seymour Street from a suitable donor site or sites, on terms and conditions suitable to the Director of Legal Services;

Note to applicant: Letter B in the City's standard format is also 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 the receipt(s) of heritage density purchase(s), including the amount, sale price and total cost of the amenity bonus density.

### Community Amenity Contribution

- (xi) design, construct, fit, finish, equip, furnish and supply a 37 space childcare facility of not less than 4,800 sq. ft. of at grade indoor space with adjacent 4,850 sq. ft. of outdoor play space and 7 dedicated parking stalls;
- (xii) design and construct not less than 5,165 sq. ft. of shell space for a family development centre and offices and, at a cost of at least \$738,000, fit and finish the shell space. This space shall be located immediately above the childcare facility and shall have 5 dedicated parking stalls;
- (xiii) at completion the childcare facility and the family development centre and offices will be leased to the City at nominal rent for the life of the building;
- (xiv) construction and completion of the childcare facility and the family development centre and offices will be secured by a section 219 covenant and the City's lease will be secured by an option to lease;
- (xv) provide the City a cash contribution of \$2,055,315. This contribution shall be set off against the City's payment to the Owner of \$2,082,500 from the Downtown South Development Cost Levy Reserve Fund. The City's payment to the Owner shall be applied to the childcare facility construction costs. The set off shall take effect upon registration of the lease to the City of the childcare facility, family development centre and offices with the City paying the difference of \$27,185;

All the work for, furnishing and supplying of the childcare space will meet the requirements of the City of Vancouver Childcare Design Guidelines and Childcare Technical Guidelines and will be to the satisfaction of the City's Managing Director of Social Development, the City's Director of Facilities Design and Management and the Regional Manager of Community Care Facilities Licensing.

All work for the family development centre and offices will be to the satisfaction of the Managing Director of Social Development and the Director of Facilities Design and Management.

The agreements will be drawn to the satisfaction of the City's Director of Legal Services in consultation with the Managing Director of Social Development and the Director of Facilities Design and Management.

The 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 content satisfactory to, the Director of Legal Services.

The agreements are to be registered in the 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 to the Director of Legal Services prior to enactment of the by-law.

### Soils

- (xvi) 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; and
- (xvii) 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.

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; provided however the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office,

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 Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law to establish regulations for this CD-1 in accordance with Schedule B as set out in Appendix C, to the Policy Report, "*CD-1 Rezoning - 1372 Seymour Street*", dated November 17, 2009, for enactment by Council following approval and enactment of the CD-1 By-law.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

SECONDED by Councillor Woodsworth

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:50 pm

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