



## POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: September 21, 2011  
Contact: Kent Munro/Michael Naylor  
Contact No.: 604.873.7135/604.871.6269  
RTS No.: 09347  
VanRIMS No.: 08-2000-20  
Meeting Date: October 4, 2011

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Text Amendment: 999 Seymour Street

### ***RECOMMENDATION***

THAT, subject to enactment by Council of the CD-1 By-law for 999 Seymour Street (PID: 026-186-187; Parcel B, Block 73, DL 541, Group 1, NWD Plan BCP15761), which was approved in principle on January 15, 2008, the application by Acton Ostry Architects on behalf of Townline 999 Seymour Ltd., to amend the CD-1 By-law to allow an increase in the floor area exclusion for balconies from 8 to 12 percent, to allow larger open balconies as a passive design feature in a 22-storey mixed residential-commercial building, be referred to public hearing together with:

- (i) draft by-law amendments generally as presented in Appendix A; and
- (ii) the recommendation of the Director of Planning to approve the application.

### ***GENERAL MANAGER'S COMMENTS***

The General Manager of Community Services recommends approval of the foregoing.

### ***SUMMARY AND PURPOSE***

This report assesses an application by Acton Ostry Architects on behalf of Townline 999 Seymour Ltd. to amend the floor space provisions of the CD-1 By-law for 999 Seymour Street to enable larger south-facing balconies as a passive design feature in a 62.64 m tall mixed residential and commercial tower, originally approved at a public hearing in January 2008. The applicant submitted a development permit application in 2008 but did not proceed with the project at that time and, accordingly, the CD-1 By-law approved in principle on

January 15, 2008 was not enacted. A revised development application has now been submitted which conforms to the by-law provisions approved in 2008, with the exception of the balcony exclusion. Staff support the revised development plans for the site, including the larger balconies, and recommend approval of the text amendment to the CD-1 By-law for 999 Seymour Street.

### *DISCUSSION*

The form of development originally approved for 999 Seymour Street, at a public hearing in January 2008, was for a 21-storey (62.64 m) mixed residential-office-retail building with a floor space ratio (FSR) of 9.65. Following the public hearing, a development permit application (DE411857) was made but the project was put on hold due to economic uncertainty. In May 2011 the applicants returned with a revised development application which responds to changes in the real estate market since the original approval. The project now proposes 150 dwelling units, versus 115 in 2008. Included are some smaller, more affordable units.

#### **Balcony exclusion amendments**

The 2008 form of development included a mix of open and enclosed balcony spaces on the residential floors. The balcony floor space exceeded the 8 percent exclusion allowed in the CD-1 By-law by about 5,100 sq. ft. This overage is permissible, but it is not excluded and would count in the FSR.

The revised building proposal of May 2011 reconfigures the residential floors with large open balconies along the south façade. Large balconies with a south exposure are a passive design feature because they provide shading for the dwelling units during the summer months. The new balcony configuration comprises 12 percent of the building residential floor area. The applicant has requested that the allowable balcony exclusion in the CD-1 By-law be increased from 8 to 12 percent to enable provision of this passive design feature. Staff support the use of large south-facing balconies in this building and at this location, noting that a 12 percent exclusion has been approved in other developments for the same reasons. The Rolston at 1336 Granville Street and some buildings at the Olympic Village include large south- and west-facing balconies as passive design features.

In order for deeper, larger balconies to provide a solar shading benefit, they must not be enclosed. Therefore it is further recommended that the by-law not allow enclosure of balconies. The balconies proposed in the revised application for 999 Seymour Street are all open balconies, although the applicant has proposed perforated movable screens which will provide a further shading benefit while allowing ventilation.

With a 12 percent balcony exclusion, the 5,100 sq. ft. of floor space that was previously counted in the FSR can now be relocated as additional interior space. It is proposed that the floor-to-floor dimension be reduced by about four inches on average. Cumulatively this allows for one additional floor to be added to the building. (The floor-to-ceiling dimension within the dwelling units would reduce from 8'- 4½" to 8'- 0½".) The number of storeys in the tower would change from 21 to 22. However, because of the reduction in the floor-to-floor dimension, this change would be achieved within the CD-1 By-law maximum height of 62.64 m (205.5 ft.). Likewise, the revised building would conform to the CD-1 By-law density limit of 9.65 FSR, as the additional interior space would be the previously counted balcony space.

Ultimately, the changes to the form of development are largely interior changes and will not present any additional view or shadowing impacts than that approved in 2008.

The proposed amendment to the CD-1 By-law is presented in Appendix A. It focuses solely on changing the provisions for balcony exclusions except for a housekeeping amendment to the parking section.

### **Parking amendment**

The 2008 draft CD-1 By-law contains a reference to section 4.3.9 of the Parking By-law. At the time section 4.3.9 regulated residential parking in Downtown South, however this section was subsequently removed. Residential parking for this downtown site is now regulated by section 4.3.6. Staff recommend deleting from the CD-1 By-law the obsolete reference to section 4.3.9 and replacing the parking section with up-to-date language that simply states that parking is to be in accordance with the Parking By-law. This proposed amendment is contained in Appendix A.

### **CD-1 By-law enactment**

At the time of submission of this report, the CD-1 By-law for 999 Seymour Street had not yet been enacted, however it is scheduled to be brought forward for Council's consideration later in the same meeting as this report. Enactment is required prior to posting of an amending by-law. Therefore, as referenced in the staff recommendation, referral to public hearing of the application to amend the CD-1 By-law is subject to enactment by Council of that CD-1 By-law.

### ***FINANCIAL IMPLICATIONS***

There are no financial implications.

### ***CONCLUSION***

Staff have reviewed the application to amend the balcony exclusion provisions of the CD-1 By-law for 999 Seymour Street and conclude that an increase in the exclusion from 8 to 12 percent is supportable as a passive design feature, provided that no balconies are enclosed. Staff also propose a housekeeping amendment to the parking section of the CD-1 By-law. The Director of Planning recommends that the application be referred to public hearing and, subject to the public hearing, that it be approved.

\* \* \* \* \*

999 Seymour Street  
DRAFT CD-1 BY-LAW AMENDMENTS

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

[deleted text is struck-through, added text is bold-italic]

**Floor area and density**

- In section 4.4(a), amend the floor space exclusion for balconies as follows:

“4.4 Computation of floor space ratio must exclude:

(a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:

(i) the total area of all such exclusions must not exceed ~~8%~~ **12 percent** of the residential floor area; *and*

(ii) *no enclosure of balconies is permissible for the life of the building;*”

- In section 4.5:

(a) delete (a) concerning enclosed balconies; and

(b) renumber (b) and (c) as (a) and (b) respectively.

**Parking, loading and bicycle parking**

- Strike out section 6 and substitute:

“6. Any development or use of the site requires the provision and maintenance of off-street parking spaces, loading spaces, and bicycle spaces, in accordance with the Parking By-law.”

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