

## SUMMARY AND RECOMMENDATION

**2. REZONING: 1300-1320 Richards Street**

**Summary:** To rezone 1300-1320 Richards Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposal is for a 43-storey residential tower containing 258 units, and commercial uses at grade. A floor space ratio (FSR) of 12.32, total floor area of 20,009 m<sup>2</sup> (215,375 sq. ft.), and maximum height of 126.5 m (415 ft.) are proposed.

**Applicant:** Norm Hotson, DIALOG

**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 DIALOG, on behalf of 0888189 B.C. Ltd. (Wall Financial Corporation), to rezone 1300-1320 Richards Street [*Lots A and B, Block 115, District Lot 541, Plan 5210, PIDs: 011-207-931 and 008-236-267 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor area from 3.0 FSR to 12.32 FSR to allow for a 43-storey residential tower with commercial uses at grade, generally as presented in Appendix A of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards 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 DIALOG, and stamped "Received City Planning Department, December 8, 2011", 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. Provision of high quality architectural material treatments that will contribute to the character and quality of the building and local area.

Note to Applicant: Provision of detailed sections and elevations of typical building components is required.

2. Design development to provide weather protection for commercial frontages, amenity and primary residential entrances.

## Sustainability

3. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

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 certification of the project is also required under the policy.

## Crime Prevention Through Environmental Design (CPTED)

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

## Landscape

5. Design development to expand opportunities for pedestrian engagement and project identity at grade.

Note to Applicant: This could be achieved by providing more pedestrian scale articulation at street level, including soft landscape elements. This would promote the "green" image of the project, as well as enhance connectivity between public and private realm, and between indoor and outdoor spaces at grade.

6. Design development to showcase the principles of sustainability by the allowing the upper terraces to provide more visual impact from the street.

Note to Applicant: It is not apparent from the elevations provided, whether and how much green landscape will be seen.

7. Design development to ensure there is adequate depth of soil available to carry out proposed design intent of planting over structures.

Note to Applicant: Provision of a section through the planted areas at the time of development permit application, to show adequate depth of soil for the type of trees proposed, in order to allow for better root development and therefore healthier trees in the future.

8. Provision requirements at the time of Development Permit application:
- (a) A full Landscape Plan to be submitted. It should include grading, layout, materials and planting. The Planting Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities). Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. Paving, walls, railings, light fixtures, site grading and other landscape features to be keyed and referenced. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
  - (b) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures.
  - (c) A high-efficiency automatic irrigation system to be provided on all planted rooftops (illustrated on the Landscape Plan).
  - (d) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Amit Gandha (604-257-8587) of Park Board regarding tree species.
  - (e) A Landscape Lighting Plan to be provided for security purposes.  
  
Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.
  - (f) Any emergency generators, transformers, and gas meters 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.

### Engineering

- 9. Delete the portions of exterior stairway landings shown beyond the southerly building face, on the southeast and northwest elevations, which would place them over the neighbouring property. Note: These encroachments do not exist on the plan views.
- 10. Provision of automatic door openers on all bike storage areas.
- 11. Updating of the landscape plan to reflect the downtown south sidewalk treatments, improved curb ramp at the corner of Richards and Drake and the concrete lane entry.

### 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 Manger of Planning and Development Services, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facilities Design and Management 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 A and B, Block 115, DL 541, Plan 5210 to create a single parcel.
2. Release of Easement and Indemnity Agreement GC17607 (canopy agreement) prior to building occupancy. Note: a letter of undertaking will be required at rezoning enactment with discharge prior to building occupancy.
3. Provision of a public right of way (SRW) over the 3.7 m (12 ft.) setback along the Drake Street frontage of the site. Drake Street is a proposed route for the downtown streetcar, securing the 3.7 m (12 ft.) setback with a public right of way ensures that adequate pedestrian/sidewalk space will be available should the streetcar project proceed.
4. Provision of a services agreement to detail the on 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 a sanitary sewer main extension to serve the site. The existing Richards Street sewer is at capacity. The site is to be served off the sewer main located in the lane east of Richards Street; the existing 200 mm sanitary sewer main is to be extended approximately 50 meters to serve the site.

Note to Applicant: The sewer connections will be to the lane east of Richards and will have depth restrictions (elevation to be determined). Please contact Sewer Design branch directly to discuss sewer connection locations.

- (b) Provision of an on-street cycling facility for people of all ages and abilities (separated cycling facility) on Drake Street between Richards Street and the lane east of Richards Street. In addition the cycle facility improvements are to include upgrades to a maximum of \$300,000.00, to the traffic signal at Richards and Drake to accommodate cycle movements for the separated bike lane, countdown timers and improved intersection lighting.
- (c) Provision of Downtown South sidewalk treatments adjacent the site on Drake Street and Richards Street, including additional greenways treatments adjacent the Richards Street frontage of the site. Greenways treatments are to include improved street lighting, additional pedestrian level lighting and post top acorn lighting where space permits, seating, a public drinking fountain,

air pump to serve cyclists, and structural soil in sidewalk and paved boulevard areas.

- (d) Provision of a standard concrete lane entry at the lane east of Richards Street on the south side of Drake Street.
  - (e) Provision of street trees adjacent the site where space permits.
  - (f) Provision of improved curb ramps at the south east corner of Drake and Richards 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.

#### Heritage Density Transfer

6. Secure the purchase and transfer of 487.7 m<sup>2</sup> (5,250 sq. ft.) of heritage density (which has a value of \$341,250) from a suitable donor site.

Note to Applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

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, including the amount, sale price, and total cost of the heritage density.

#### Housing and Social Service Centre (at 1107 Seymour Street)

7. Grant an Option to Purchase in favour of the City for 1107 Seymour Street (the "Seymour Street Site") including a stand-alone building comprised of eleven storeys containing 81 units of social housing and four storeys of social service space, for a total floor area of 7,711 m<sup>2</sup> (83,000 sq. ft.) and two levels of below grade parking, all to be designed, constructed and finished by the applicant in turn key condition, which Option to Purchase will provide for, among other things, the following:

- (a) payment by the City of \$4,640,250 on the completion of the purchase of the Seymour Street Site;
- (b) to ensure that construction of the building at the Seymour Street Site proceeds concurrently with the construction of the building at this rezoning site (the "Richards Street Site"), the applicant will agree and covenant that:
  - (i) no permit for the Richards Street Site will be issued until such time as the same permit has been issued for work on the Seymour Street Site, including but not limited to permits for excavation, foundation and completion of shell; and
  - (ii) no permit for the Richards Street Site will be issued subsequent to completion of the shell until such time as a final occupancy permit has been issued for the Seymour Street Site and the title to the Seymour Street Site has been transferred to the City upon payment by the City of the consideration set out in paragraph (a) above.

If the City should in any of the circumstances in section 9 cash the \$23,643,750.00 Letter of Credit the provisions of this section 8 shall terminate and the applicant may develop the Richard Street Site and the Seymour Street Site without these restrictions and the City's option to purchase the Seymour Street Site shall expire.

#### **Community Amenity Contribution**

- 8. Make arrangements prior to enactment of the CD-1 By-law to provide a letter of credit to the City to secure the payment by the applicant of the value of the in-kind Community Amenity Contribution in the amount of \$23,643,750 which the applicant has offered to the City, which payment must be made on the earlier of (i) the day before the date of expiry of the Option to Purchase provided for in condition #8 of this Appendix B, section (c), and (ii) five years from the date of enactment of the rezoning by-law for the Richards Street Site, provided that:
  - (a) the Community Amenity Contribution and therefore the value of the Letter of Credit will be adjusted according to inflation as per the Statistics Canada non-residential construction price index for Vancouver on an annual basis;
  - (b) the City may forthwith cash the Letter of Credit five years from the date of enactment of the rezoning by-law for the Richards Street Site or in the event of the following:
    - (i) if, after public hearing for the rezoning of the Seymour Street Site, Council does not approve in principle the rezoning of the Seymour Street Site; or
    - (ii) if, after Council approves in principle the rezoning of the Seymour Street Site, the applicant does not proceed to satisfy the conditions for enactment of the rezoning by-law

within five years of the anniversary of the date of approval in principle by Council of the rezoning of the Seymour Street Site.

- (c) on the completion by the parties of the purchase and sale of the land and improvements at the Seymour Street Site constructed by the applicant as provided for in condition #8 of this Appendix B, section (c), the City will return such letter of credit to the applicant and no further amount will be owed by the applicant towards such Community Amenity Contribution.

#### **Public Art**

- 9. 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 Agreement**

- 10. If applicable:
  - (a) Submit a site profile to the Environmental Protection Branch (EPB).
  - (b) The property owner shall, as required by the Manager of Environmental Protection 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.
  - (c) Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any of the new buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Water, Land and Air Protection, has been provided to the City.

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 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 April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street", be approved.
- C. 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 April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street".
- 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 Parking By-law, generally as set out in Appendix C of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1300-1320 Richards Street".
- E. THAT Recommendations A through D 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 - 1300-1320 Richards Street]