

## SUMMARY AND RECOMMENDATION

**3. REZONING: 1107 Seymour Street**

**Summary:** To rezone 1107 Seymour Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposal is for a 15-storey building providing 81 units of social housing and social service centre space. A floor space ratio (FSR) of 9.22, total floor area of 7,711 m<sup>2</sup> (83,000 sq. ft.), and maximum height of 50.3 m (165 ft.) are proposed.

**Applicant:** Malcolm Elliot, Endall Elliot Associates

**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 Endall Elliot Associates, on behalf of 0920346 B.C. Ltd. (Wall Financial Corporation), to rezone 1107 Seymour Street [*Lots 36, 37 and 38, Block 93, District Lot 541, Plan 210, PIDs: 015-482-839, 015-482-855 and 015-482-880 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor area from 5.00 FSR to 9.22 FSR and the height from 36.6 m (120 ft.) to 50.3 m (165 ft.) to allow for a 15-storey building providing 81 units of social housing and social service centre space, generally as presented in Appendix A of the Policy Report dated April 15, 2013, entitled "CD-1 Rezoning - 1107 Seymour 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 Endall Elliott Associates, and stamped "Received City Planning Department, August 10, 2012", 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 the building's architectural material treatment along the interior property line is required. Provision of detailed sections and elevations of typical building components is required.

2. Design development to improve the livability of the north facing units (levels 5 and 6) through increased windows.
3. Design development to provide weather protection for commercial frontages, amenity and primary residential entrances.

### **Sustainability**

4. 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)**

5. 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**

6. Design development to the enhancements of the public realm treatment to provide high-quality landscaped open spaces with substantial greenery and amenities to enhance the pedestrian experience and to encourage positive social interaction.
7. Provision of a diversity of high-quality landscape types incorporating all season greenery to create vibrant interior and exterior environments to improve the livability of building occupants.
8. Provision of opportunities and infrastructure for urban agriculture on roof decks.
9. Provision of hose bibs for all patios greater than 9.29 m<sup>2</sup> (100 sq. ft.) in area, including green roof.
10. Provision of maximum plant growing medium depth (to exceed BCLNA standards) for all planted areas on structures.
11. Provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including

drought-tolerant plant selection and mulching (illustrated on the Landscape Plan).

Note to Applicant: Where the deletion of irrigation for all slab planters is a strategy to earn a LEED point, provide a written rationale for the choice of plants, the amount of sun exposure, and the soil volumes. In addition, a maintenance schedule for watering the plantings during the first year following installation to ensure proper establishment; this may be hand watering. Proposed plantings should be consistent with the City of Vancouver Waterwise Planting Guidelines.

12. Provision of a fully labelled landscape plan, sections and details at the Complete Development Permit submission stage.

### Engineering

13. 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:

- (a) Provision of a maximum ramp slope to the satisfaction of the General Manager of Engineering Services in consultation with the Director of Planning.

Note to Applicant: Provision of a 10 percent ramp grade for the first 6.1 m (20 ft.) of the parkade ramp measured from the property line and an intermediate ramp grade that minimizes the ramps slope to below 20 percent where possible. Transition ramps will be required to land the parkade ramp at the internal maneuvering aisles, the grades of which are to be acceptable to the General Manager of Engineering Services and the Director of Planning. The design is to be supplied by the applicant's traffic consultant.

- (b) Provision of a traffic warning light system for this proposed narrow ramp design.

Note to Applicant: A qualified transportation engineer whose engineering firm specializes in signal design should provide details of the warning system and note the location of all lights and detection devices on the plans.

- (c) Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints and within the parking and loading areas to be able to calculate slopes and cross falls.
- (d) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bays.

Note to Applicant: Please ensure the required overhead clearances are provided for all disability parking spaces and associated manoeuvring areas and for all loading areas.

- (e) Modify the Class B loading space to permit loading access and egress without trucks needing to cross the mouth of the lane on Helmcken Street.

Note to Applicant: Ensure that 8.5 m (28 ft.) of length for the Class B loading space is being provided.

- (f) Modify the slope of the residential loading space to a maximum of 5% slope and crossfall.
- (g) Stair connections between the residential loading and the elevator lobby should be removed and replaced with ramps.
- (h) Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

- 14. Please provide the following note on the landscape plan.

"This plan is Not for Construction of any public property facilities. Prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services and be issued as "For Construction"; 8 weeks' notice is requested. No work on public property may begin until plans receive "for construction" approval and related permits are issued. Please contact Frank Battista at 604873.7317 or Kevin Cavell at 604.873.7773 for details."

#### 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, 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, the Director of Facility Design and Management and the 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 36, 37 and 38, Block 93, DL 541, Plan 210 to create a single parcel.
2. Provision of a Statutory Right of Way along the Seymour Street and Helmcken Street frontages to achieve a 5.5 m (18 ft.) public sidewalk dimension (curb to building face). The Statutory Right of Way is to be free and clear of obstructions.

3. 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 improved sidewalks on Helmcken Street adjacent the site to greenways standards.
  - (b) Provision of pedestrian scale lighting on Helmcken Street adjacent the site.
  - (c) Provision of downtown south sidewalk treatments on Seymour Street adjacent the site.
  - (d) Provision of standard concrete lane crossing on the south side of Helmcken Street at the lane entry adjacent the site.
4. 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.
5. 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 applicant's 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.

#### **Housing and Social Service Centre**

6. 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 of Appendix B, section of the rezoning report for the Richards Street Site, cash the \$23,643,750.00 Letter of Credit the provisions of this section 6 shall terminate and this Option to Purchase the Seymour Street Site shall expire.

#### Soils Agreement

- 7. 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 - 1107 Seymour 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 - 1107 Seymour 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 - 1107 Seymour 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 - 1107 Seymour Street]