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609 - 1238 SEYMOUR STREET (COMPLETE APPLICATION)  
DE413730- ZONE DD

RRS/BAB/CH/LH

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**APPLICANT:**

Everett Thomas Allan Fulton  
609 - 1238 Seymour Street  
Vancouver, BC  
V6B 6J3

**PROPERTY OWNER:**

Everett Thomas Allan Fulton  
609 - 1238 Seymour Street  
Vancouver, BC  
V6B 6J3

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**EXECUTIVE SUMMARY**

- **Proposal:** Addition of approximately 115.0 sq. ft. by converting the existing enclosed balcony to floor area and expanding the existing mezzanine in Unit No. 609 through the purchase of heritage density.

See Appendix A - Standard Conditions

Appendix B - Standard Notes and Conditions of Development Permit

Appendix C - Plans

Appendix D - Letter "A" from the receiver and donor regarding the purchase of heritage density

- **Issues:** None

**STAFF RECOMMENDATION: APPROVE**

THAT the Board APPROVE the Heritage Density Transfer request contained in Development Application No. DE413730 as submitted, the plans and information forming a part thereof, thereby permitting interior alterations to add approximately 115.0 sq. ft. by converting the enclosed balcony to floor area and expanding the mezzanine in Suite No. 609, in the existing Multiple Dwelling/ Residential Unit with Artist Studio - Class A building on this site, using a Heritage Density Transfer of 115.0 sq. ft., subject to the following conditions:

- 1.0 That the condition set out in Appendix A be met prior to the issuance of the Development Permit.
  - 2.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.
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• **Technical Analysis:**

	PERMITTED (MAXIMUM)	EXISTING	PROPOSED
Site Size		250.0 ft. x 120.0 ft.	
Site Area		30,000.0 sq. ft.	
Floor Area <sup>1</sup>	150,000.0 sq. ft. (total)	162,472.0 sq. ft.	162,587.0 sq. ft.
FSR <sup>2</sup>	5.00 (total)	5.42 (total)	5.42 (total)
Parking	108 (minimum) 211 (maximum)	178	178

<sup>1</sup> **Floor Area:** Under Section 3.14 of the DODP, an additional 10 percent heritage density transfer (maximum 5.5 FSR or 165,000.0 sq. ft.) may be considered by the DP Board.

<sup>2</sup> **FSR:** The existing building has previously obtained additional FSR through heritage density transfers. See further discussion under **Background**, page 4.

• **Legal Description**

Strata Lot: 80  
 Strata Plan: LMS2446  
 District Lot: 541

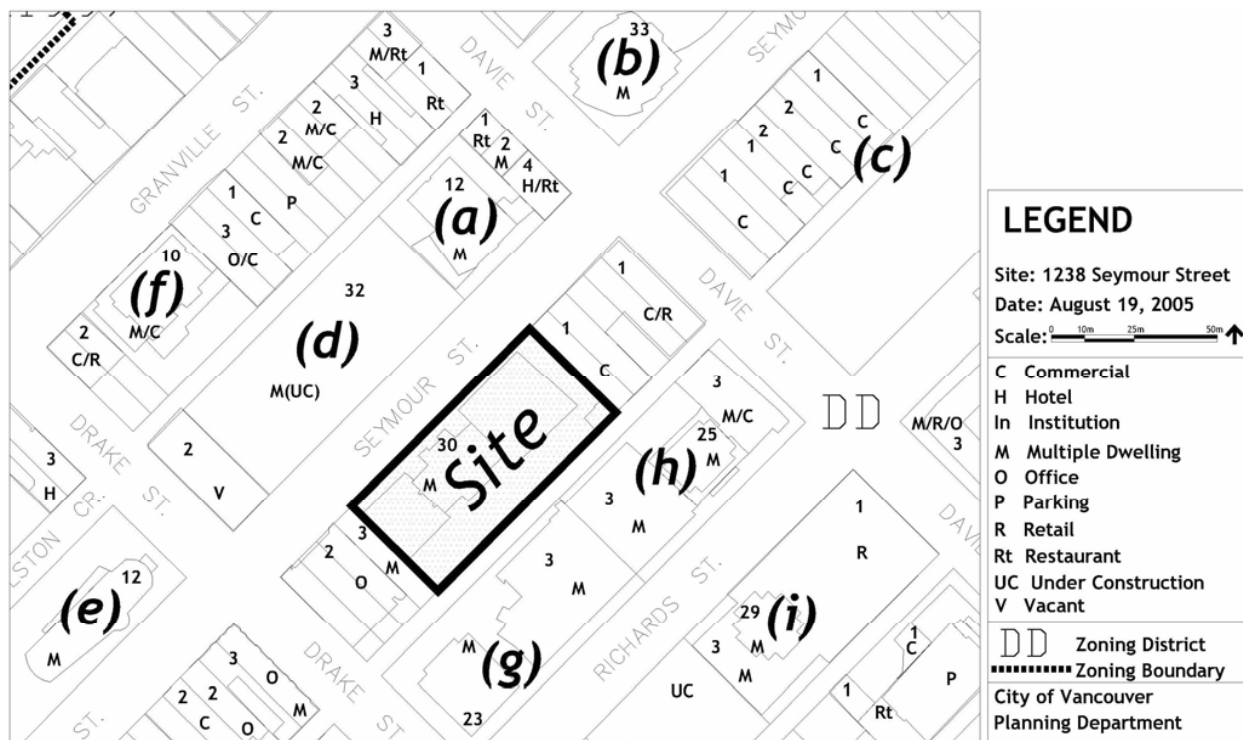
• **History of Application:**

10 03 12 Complete DE submitted  
 10 06 14 Development Permit Board Meeting

• **Site:** The site is located mid-block, on the east side of Seymour Street between Davie and Drake Streets.

• **Context:** Significant adjacent development includes:

- a) 1221/1225 Seymour – ‘Seymour Place’ – 12 storey social housing tower and Coast Mental Health Resource Centre – social service centre
- b) 1133 Seymour – ‘Brava’ – two residential towers (32 storeys and 24 storeys) with cultural amenity facility (VIFF) – under construction
- c) Downtown South Park – ‘Emery Barnes Park’ (Phase 1 – open)
- d) 1299 Seymour - ‘Elan’ – 32 storey residential tower under construction
- e) 600 Drake Street – 12 storey residential tower
- f) 1278 Granville – 10 storey residential tower
- g) 1295 Richards – ‘Oscar’ – 23 storey residential tower
- h) 1225 Richards – ‘Eden’ – 25 storey residential tower
- i) 1238 Richards – ‘Metropolis’ – 29 storey residential tower



- **Background:** DE215997, issued September 7, 1994, approved the construction of a 20-storey Multiple Dwelling building containing 219 dwelling units and 128 parking spaces. DE217485, issued March 16, 1995, pursuant to incorporation into the development site of an additional small lot, approved additions of 15,306.0 sq. ft., increase of the number of dwelling units from 219 to 223, and increase of the number of parking spaces from 128 to 178, thereby maximizing permitted FSR. In 1996, BU323680 permitted the reduction of the number of dwelling units to 211.

According to our Building Inspection Branch, a total of 22 units in the building were being pursued for infractions due to construction of additional floor area without permits. Between 1996 and 2009, a series of Development Permits approved the addition of a total of 12,362.0 sq. ft. to provide 56 loft mezzanines, and expand 18 out of the 22 dwelling units with infractions through Heritage Density Transfers, as permitted by Section 3.14 of the Downtown Official Development Plan.

The current Development Application seeks a total of an additional 115.0 sq. ft. out of the 2,426.0 sq. ft. still remaining in the total of 15,000.0 sq. ft. of heritage density eligible for this site. Noting that this application is not affected by an infraction, staff believe that a sufficient amount of heritage density would still be available for units 205 and 701, the 2 remaining units with infractions.

The applicant has indicated the purchase of heritage density is from 1155 West Pender Street. See Appendix D. Standard Condition A.1.1 requires that the documentation necessary to confirm the purchase of qualifying density be submitted.

- **Applicable By-laws and Guidelines:**

1. Downtown Official Development Plan (DODP)

The site is within area L1 of the Downtown District. Section 3.1 of the DODP states, in part:

*In the areas denoted by the letter 'L1', 'L2', the maximum density for all uses shall be floor space ratio 3.00, except that:*

- *The maximum density for all uses on an interior site with a minimum frontage of 200 feet and a minimum site area of 24,000 square feet shall be floor space ratio 5.00.*

Section 3.14 of the DODP states, in part, the following:

*Notwithstanding subsections 1, 3 and 4, the Development Permit Board may permit an increase in floor space ratio for any use where the increase results from a transfer of heritage floor space to a maximum of 10 percent over the total permitted floor space ratio, except that this increase shall not apply to hotels where the floor space has already been increased pursuant to subsection 2.*

2. Downtown South Guidelines (excluding Granville Street)

- **Response to Applicable By-laws and Guidelines:**

1. Downtown Official Development Plan

**FSR:** The By-law allows up to a maximum of 5.00 FSR for all permitted uses, plus up to 10 percent additional heritage density transfer allowed under Section 3.14.

The proposed floor space addition under this application is 115.0 sq. ft. thereby increasing density transfers for this site from 12,574.0 sq. ft. to 12,689.0 sq. ft. or 0.42 FSR, which equates to 8.5

percent of the maximum 10 percent heritage density transfer eligible for this site. The proposal meets the density and FSR provisions of the DODP.

2. Downtown South Guidelines (excluding Granville Street)

No exterior alterations to this existing development are proposed. The livability of the units affected will be improved. The intent of the Guidelines is maintained.

- **Conclusion:** Staff support this proposal for a small heritage density transfer with the conditions attached.

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B. Boons  
Chair, Development Permit Staff Committee

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R. Segal, MAIBC  
Senior Architect/Development Planner

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B. Balantzyan  
Project Coordinator

A.1 Standard Conditions

- A.1.1 Provision of Letter "B" (sample copy attached) which includes confirmation from the owner of the "donor" site that the agreement has been finalized, and confirming the new "balance" of transferable density remaining on the donor site.
  - A.1.2 Clarification of the uses of all rooms/spaces is required, to be noted on the plans.
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**B.1 Standard Notes to Applicant**

- B.1.1 It should be noted that if condition 1.0 has not been complied with on, or before **December 13, 2010**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.2 This approval is subject to any change in the Official Development Plan and the Zoning and Development By-law or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.3 A new development application will be required for any significant changes other than those required by the above-noted conditions.
- B.1.4 A letter of approval from the Strata Council regarding the proposed alterations will be required at the Building Permit application stage. The applicant is advised to obtain this letter and submit a copy prior to issuance of the Development Permit.

**B.2 Condition of Development Permit:**

- B.2.1 This site is affected by the Development Cost Levy By-law No. 6924. Levies will be required to be paid prior to issuance of Building Permits.
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