

December 14, 2011

Bing Thom Architects
Attention: Michael Heeney
1430 Burrard Street
Vancouver, BC
V6Z 2H2

Dear Mr. Heeney:

RE: 1241 HARWOOD STREET
Development Application Number DE415100

Your application was considered by the Development Permit Board at its meeting of April 4, 2011, and it was resolved THAT the Board APPROVE Development Application No. DE415100 as submitted, the plans and information forming a part thereof, subject to City Council approval of a Housing Agreement, thereby permitting the development of a new 17 storey Multiple Dwelling (containing 36 dwelling units) over one level of underground parking having vehicular access from Harwood Street and two detached parking garages having access from the rear lane, subject to the following conditions:

- 1.0 **Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating:**
 - 1.1 the relocation of all new development to be outside of the root zone of the tulip tree;
Note to Applicant: The intent is to maximize the retention of the tree. A minimum radius of 31.2 ft. (9.5 m) from the tree trunk should be provided. Relocation of the building to the west by approximately 3.3 ft. (1 m) will likely be required, along with revision of the landscape design to move the exterior stairs.
 - 1.2 design development to the front yard landscaping, especially to the new portions around the driveway area;
 - 1.3 **Note to Applicant:** This can be accomplished by increasing the amount of planted area, wrapping the stone walls into the opening, using landscaping to soften retaining walls, screening the view into parking, the use of indirect lighting, and the careful design of doors and other features using high quality materials. Materials and finishes should be specified on plans, sections and elevations, and meet the advice of the West End RM-5, RM-5A, RM-5B and RM-5C Guidelines. Consideration of additional approaches that would improve the "publicness" of the green space around the tree should be undertaken.
 - 1.4 provision of a plan to relocate, salvage, deconstruct or re-use the Legg Residence in part or in whole, to reduce building waste and support broader heritage conservation activities in the city;
Note to Applicant: The applicant should provide a plan to the satisfaction of the Director of Planning for the following options in order of preference: re-use of materials on the site, the offer of the Residence for re-location, or the deconstruction of the remaining components of the house, the offer of salvage to interested parties. For the last option, the applicant is encouraged to contact the Vancouver Heritage Foundation, a registered charity dedicated to supporting the conservation of the city's heritage buildings through education, public awareness and granting activities.

- 1.5 additional arrangements be made to preserve and protect the tulip tree to the satisfaction of the Director of Planning and Director of Legal Services;
- 1.6 that further review be given to the affects of the amenity space on the floor plate size.
- 2.0 That the conditions set out in Appendix A be met prior to the issuance of the Development Permit.
- 3.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.

Appendix C - Processing Centre - Building Comments is also attached for your information.

IMPORTANT!!! HOW TO SUBMIT YOUR REVISIONS

We are making improvements to the way we process responses to "prior-to" conditions so that we can serve you better. Our objective is to increase efficiency and to reduce process time. As a first step, we have changed our method of receiving "prior-to" responses. We will now meet with you when you submit your response. The purpose of our meeting will be to complete a preliminary review of your submission and to schedule the review process. As in the past, your submission must include your revised drawings and a written explanation describing how you have addressed each of the conditions. To arrange a meeting, please contact Scott Barker at 604-873-7166 from 9:00 a.m. to 4:00 p.m., Monday to Friday. Please do not mail, drop off or courier your response because this will delay the processing of your application. Thank you for your cooperation in helping us help you.

This letter is based on the minutes of the Development Permit Board meeting of December 12, 2011, which have not yet been adopted by the Board. If any amendments to this approval are made by the Board at its next meeting, you will be advised immediately.

Yours truly,



Tony Chen
Project Coordinator
Development Services
Community Services
tony.chen@vancouver.ca
Phone: 604.873.7783

TC\lmh

cc: Central Property File
City Building Inspector
Development Planner, S. Black
Project Facilitator, S. Barker
Project Assistant, A. Kwan
Engineering Services, P. Pinsker
Engineering Services, K. Cavell

**APPENDIX A
STANDARD CONDITIONS**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

The following is a list of conditions that must also be met prior to issuance of the Development Permit.

A.1 Standard Conditions

A.1.1 design development to improve the performance of the development in terms of reducing:

(i) privacy and overlook from the lower levels to adjacent neighbours; and

(ii) potential glare or reflection from the exterior cladding;

Note to Applicant: Item (i) may be addressed by providing reflected elevations including the location of nearby windows, fences and grades, and refining the finishes and detailing of the exterior. For example, translucent or fritted glazing may be used to reduce direct overlook while admitting natural light into the new units. See also external design regulations regarding lane windows.

A.1.2 consideration to provide public seating at the sidewalk level;

A.1.3 notation on the elevation drawings of all finishes, materials and colours, including landscape walls and other features;

A.1.4 provision of enlarged details (at a minimum 1'-0" to 1" scale) for all significant exterior features, including the moveable sun screens;

A.1.5 notation on the plans and elevations of any sustainable design features noted in the design rationale submitted with the application or described during the review process;

A.1.6 reduction of either the total floor area or the amount of open balcony space, to be in compliance with Section 4.7 of the RM-5A District Schedule;

Note to Applicant: The amount of balcony space permitted as an exclusion from be excluded from the calculation of floor area is based on the proposed net floor area after allowable deductions rather than the gross floor area. Consequently, the overage in permitted excludable balcony area is currently included in the computation of overall floor area.

A.1.7 provision of the minimum required number of disability parking spaces, and confirmation of a minimum 2.3 m (7'-7") vertical clearance in accordance with Section 4 of the Parking By-law;

A.1.8 provision of a minimum 8'-10" parking space width for parking space 14 in accordance with Section 4.8.1 of the Parking By-law;

A.1.9 provision of elevations for the top of rooftop architectural screen parapet feature;

A.1.10 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 impacts on the building's open space and the Public Realm;

A.1.11 an acoustical consultant's report shall be submitted which assesses noise impacts on the site and recommends noise mitigation measures in order to achieve noise criteria;

A.1.12 written confirmation shall be submitted by the applicant that:

- the acoustical measures will be incorporated into the final design and construction, based on the consultant's recommendations; and

- 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;

A.1.13 details of bicycle rooms, in accordance with Section 6 of the Parking By-law, that demonstrate the following:

- a minimum of 20 percent of the bicycle spaces to be secured via lockers;
- a maximum of 30 percent of the bicycle spaces to be vertical spaces;
- a provision of one electrical receptacle per two bicycle spaces for the charging of electric bicycles; and,
- notation (on the plans) that “construction of the bicycle rooms to be in accordance with Section 6.3 of the Parking By-law”

A.1.14 confirmation that at least 20 percent of all off-street parking spaces will be available for charging of electric vehicles;

Note to Applicant: Although this is a Building By-law requirement under Part 13 of the Vancouver Building By-law, the Director of Planning is seeking acknowledgement that this condition can be met during the Building review of this development. For more information, refer to the website link: <http://vancouver.ca/sustainability/EVcharging.htm>

Standard Landscape Conditions

A.1.15 design development to the front yard terraces to:

- provide a suitable setback of any built form to ensure the retention of the tree on city property at the south east edge of the site, to the satisfaction of the project arborist and Engineering Services, Street Tree Division (Bill Stephen: 604.257.8580);
- follow the natural grade stepping down in increments of 0.66 m, not exceeding 1.0 m for any walls outside of the tree protection zone;
- employ methods and materials that respect existing grades, tree roots and soil resources;

Note to Applicant: this requirement is subject to further arborist and staff review. The objective is to avoid, wherever possible, any disturbance within a critical root zone of retained trees, avoid tall walls at the public realm and blend to the existing grade.

A.1.16 revision of the exterior stairway from street level up to the tulip tree to avoid excavation within the root zone;

Note to Applicant: Staff recognize the opportunity to provide pedestrian access to the tulip tree garden. Consider an elevated stair not requiring below grade structure, or use of the existing exterior stair(s) to avoid soil disturbance.

A.1.17 provision of a letter of undertaking that the arborist will be engaged to carry out, manage and supervise any necessary tree preservation work;

Note to Applicant: Include a summary of project timeline “triggers” so that the site manager can contact the arborist with advanced notice. The letter should be signed by the applicant and the arborist. There should also be notations on the Tree Protection Plan in this regard.

A.1.18 provision of a large scale Tree Protection Plan;

Note to Applicant: The arborist and design team should coordinate to create an amalgamated plan. Special consideration should be given, but not limited to, site access, utilities, “phased” tree protection barriers, root zone encroachment recommendations, re-landscaping, machinery.

A.1.19 provision of a detailed landscape/ planting plan;

Note to Applicant: Provide details of all hard and soft landscaping.

A.1.20 provision of typical large scale sections;

Note to Applicant: Sections should be provided through the site from property line to property line on both directions, and through planted areas on and around buildings. For planting on slabs, detailed sections should include the soil profile, root ball and slab/ retaining walls.

A.1.21 provision of layered planting on the inside boulevard;

Note to Applicant: Refer to *Engineering guidelines for planting on boulevards*.

Social Development

A.1.22 arrangements shall be made, to the satisfaction of the Director of Planning, the Managing Director of Social Development, and the Director of Legal Services, to secure a minimum of eight rental units as residential rental accommodation for 60 years or life of the building, whichever is longer;

A.1.23 provision of a Tenant Relocation Plan, to the satisfaction of the Director of Planning, in consultation with the Managing Director of Social Development;

Note to Applicant: The Tenant Relocation Plan should be consistent with the Rate of Change Guidelines for RM, FM, and CD-1 Zoning Districts.

A.2 Standard Engineering Conditions

A.2.1 arrangements shall be made to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services for the consolidation of Lots 22 and 23, Block 39, District Lot 185, Plan 92;

A.2.2 reduction to the proposed stairwell door-swing over the lane to a maximum of 1 ft;

A.2.3 provision of a crossing application to the General Manager of Engineering Services;

A.2.4 written confirmation that all utilities will be underground and within private property;

Note to Applicant: The General Manager of Engineering Services will require all utility services to be underground for “conditional” developments. All electrical services to the site must be primary with all electrical plant, including, but not limited to, junction boxes, switchgear, and pad-mounted transformers located on private property. There is to 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 review and approval by the Utilities Management Branch. The applicant is required to show details of how the site will be provided with all services being underground. Bill Moloney of the Utilities Management Branch should be contacted at 604.873.7373 for further information.

APPENDIX B

B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated November 16, 2011. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **June 12, 2012**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the by-law or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

B.2 Conditions of Development Permit:

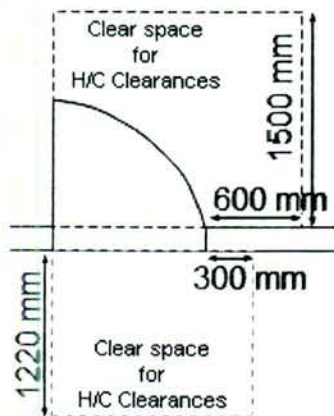
- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition. Any future consideration to remove the existing tulip tree from the site would require the approval of the Director of Planning.
- B.2.3 Any phasing of the development, other than that specifically approved, that results in an interruption of continuous construction to completion of the development, will require application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning.
- B.2.4 The issuance of this permit does not warrant compliance with the relevant provisions of the Provincial Health and Community Care and Assisted Living Acts. The owner is responsible for obtaining any approvals required under the Health Acts. For more information on required approvals and how to obtain these, please contact Vancouver Coastal Health at 604-675-3800 or visit their offices located on the 12th floor of 601 West Broadway. Should compliance with the health Acts necessitate changes to this permit and/or approved plans, the owner is responsible for obtaining approval for the changes prior to commencement of any work under this permit. Additional fees may be required to change the plans.
- B.2.5 **This site is affected by a Development Cost Levy By-law and levies will be required to be paid prior to issuance of Building Permits.**

APPENDIX C

Processing Centre - Building comments

The following comments have been provided by Processing Centre - Building and are based on the architectural drawings received on September 1, 2011 for this Development Application. This is a preliminary review intended to identify areas in which the proposal may conflict with requirements of the Vancouver Building By-law (VBBL).

1. An accepted Alternative Solution for the Roof Covering Class rating is required for green roofs.
2. The following diagram shall be used for handicap clearances for doors into bicycle rooms, corridor doors on Level 2 to access the storage rooms, office on Level 3, etc.



- 3.* A maximum of 15 m is permitted from the street's curb to the front entrance.
4. A continuous 2 m wide path of travel is required to the front entrance.
5. Scissor stairs require two points of exiting to the street which are remote from each other (and doors are to swing in the direction of exit travel).
6. Level 15: Provide cross-over floors.
7. Provide two exits from the roof.
8. Demonstration of compliance with ASHRAE 90.1 - 2007 will be required at the Building Permit stage. Indicate which of the three options (Prescriptive, BE Trade-Off, or Energy Cost Budget) is anticipated to be used to ensure compliance with ASHRAE 90.1 - 2007, as required by code (VBBL, Div A, Part 1, 1.3.3.7.1)."

*Items marked with an asterisk have been identified as potentially serious non-conforming Building By-law issues. Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response.

The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardize the ability to obtain a Building Permit or delay the issuance of a Building Permit for the proposal.