
CITY OF VANCOUVER
PLANNING & DEVELOPMENT SERVICES

DEVELOPMENT PERMIT STAFF COMMITTEE
MEETING
September 18, 2019

FOR THE DEVELOPMENT PERMIT BOARD
October 15, 2019

1289 Nicola St (COMPLETE APPLICATION)
DP-2018-00038 - RM-5A

SC/PF/SF/JF

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

M. So (Chair), Development Services
C. Chant, Engineering Services

Also Present:

S. Chang, Urban Design & Development Planning
P. Fouladianpour, Development Services
S. Farmand, Landscape Planning
J. Freeman, Development Services

APPLICANT:

Scott Kennedy
Cornerstone Architects
611 Alexander St #307
Vancouver BC
V6A 1E1

PROPERTY OWNER:

Dimex Group
610-1155 West Pender Street
Vancouver, BC
V6E 2P4

EXECUTIVE SUMMARY

● **Proposal:** To develop this site with a 6-storey Passive House residential building with 13 dwelling units over one level of underground parking accessed from Harwood Street and also requesting an increase in Floor Space Ratio using Heritage Density Transfer from a donor site at 40 Powell St. (providing 1,108 square ft.).

See: Appendix A Standard Conditions
Appendix B Standard Notes and Conditions of Development Permit
Appendix C Plans and Elevations
Appendix D Applicant's Design Rationale
Appendix E Presentation from neighbours

● **Issues:**

1. Minimize neighbour impacts
2. Architectural expression
3. Street interface and outdoor spaces

● **Urban Design Panel:** Support with Recommendations

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. **DP-2019-00038** submitted, the plans and information forming a part thereof, thereby permitting the development of develop a 6-storey Passive House residential building with 13 dwelling units; over one level of underground parking accessed from Harwood Street and also requesting an increase in Floor Space Ratio using Heritage Density Transfer from a donor site at 40 Powell St, 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 design development to minimize impacts to the neighbouring northern property (courtyard condition and living spaces) by the following:

i. Minimize or relocate the double height space at the upper storey;

Note to Applicant: Impacts created by portions of buildings associated with extra height should be limited. A higher ceiling with a clerestory expression up to 12ft. can be considered if it can be demonstrated impacts to the neighbouring property is minimized. Alternatively, the double height space can be relocated and integrated with an enhanced corner expression.

ii. Revise sloped roof form to minimize massing;

Note to Applicant: revised submission with lowered spring height and dormers can be supported.

iii. Provision to include a more detailed footprint and window locations of neighbouring building and Horizontal Angle of Daylight (HAD) analysis to applicable floor plans.

Note to Applicant: Living Room window locations of the neighbouring building should be noted on relevant floor plans along with related HAD analysis. Additional conditions may apply upon review. See Standard Condition A.1.11

iv. Explore reducing building width to offer more light and open space to the neighbouring property.

Note to Applicant: options such as allocating massing above the lobby or above common outdoor space to align with neighbouring building height can be considered.

1.2 design development of the building elevations by the following:

i. Maintain proposed brick as a high quality and authentic cladding material per application submission;

Note to Applicant: As noted in the Guidelines, architectural detailing should stand up well to Vancouver's climate and express a sense of solidity and permanence. Revised submission noting styrofoam type face detailing with cementitious finish is not supported.

ii. North elevation: Enhance architectural treatment including detailing, additional windows, to receive comparable detailing as other facades in addition to proposed landscaping;

- iii. East elevation: Blank wall condition above entry, although setback should be developed and detailed as part of the street facing façade; and
- iv. South elevation: Enhance variety and visual interest.

Note to applicant: Revised submission to address this condition.

1.3 design development to enhance the use of common outdoor space and the quality of the public realm, by providing the following;

- i. Revise amenity room location to be co-located with common outdoor space.

Note to applicant: this improves the use of the outdoor space and allows for a more usable children's play area. See also Standard Condition A.1.19

- ii. Improve potential CPTED conditions in the north side yard.

Note to Applicant: delete exterior alcove beside elevator and provide more windows facing the exterior corridor at the ground level.

- iii. Terrace new retaining walls exceeding 30" in height at the street interface.

Note to applicant: existing retaining wall for tree retentions to remain. Refer to Standard Condition A.1.21

- iv. Enhance the roof-scape to include more planted area or green roof.

Note to Applicant: given the existing taller building stock in the West End, attractiveness of the roofs as viewed from above is encouraged in addition to the environmental benefits.

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.

• Technical Analysis:

Technical Review For: 1289 Nicola St.		Zone: RM-5A		DP-2018-00038	
Permitted/Required		Proposed			
Site Area	N/A		7,392		ft ²
Uses	Multiple Dwelling (Subject to 1 for 1 rental replacement)		Multiple dwelling (Secured Market Rental Housing)		
Setbacks ¹	Front Yard - East	12.14	ft.	Front Yard - East	9.71 ft.
	Rear Yard - West	6.89	ft.	Rear Yard - West	6.89 ft.
	Side Yard - South	11.2	ft.	Side Yard - South	11.2 ft.
	Side Yard - North	6.89	ft.	Side Yard - North	6.89 ft.
Height ²	190.29 ft.		Int. BG		61.91 ft.
FSR ³	Outright	1.00	FSR	Conditional	1.50 FSR
	Conditional	1.50	FSR	Heritage density transfer (10%)	0.15 FSR
	Heritage density transfer (10%)	0.15	FSR	Low Operational Cost Housing (5%)	0.08 FSR
	Low Operational Cost Housing (5%)	0.08	FSR	Total:	1.73 FSR
Floor Area ⁴	Outright	7,392	ft ²	Level 1	1,815 ft ²
	Conditional	11,088	ft ²	Level 2	2,748 ft ²
	Heritage density transfer	1,109	ft ²	Level 3	2,762 ft ²
	Low Operational Cost Housing	591	ft ²	Level 4	2,762 ft ²
	Total Allowed Per Dist. Schedule:	11,088	ft ²	Level 5	2,435 ft ²
	Total+ Bonus Density + Passive:	12,788	ft ²	Level 6	299 ft ²
			Total:	12,821.00	ft ²
Balcony	12% of provided residential floor area				9.7%
	Total:	1,535	ft ²	Total:	1,244 ft ²
Thermal Exclusion	Passive House		Level 1:	144	
			Level 2:	202	
			Level 3:	219	
			Level 4:	219	
			Level 5:	187	
			Level 6:	39	
			Total:	1,010 ft ²	
Storage	Up to 40 ft ² per unit				
	Total:	520	ft ²	Total:	482 ft ²
Amenity	Lesser of 10% or 1,076 ft ²				6.94%
	Total:	1,076	ft ²	Total:	890 ft ²
Dwelling Unit Type	Minimum 35% provide 2 or more bedrooms		Type	%	No.
			Studio	15%	2
			One Bedroom	23%	3
			Two Bedroom	54%	7
			Three Bedroom	8%	1
			Total:	100%	13
Site Coverage	3,696 ft ²				2,931 ft ²
	Total:	50%	Total:	40%	
Horizontal Angle of Daylight ⁵	Minimum 78.74 ft. relaxable to minimum 20 ft.		To be confirmed		

Technical Review For: 1289 Nicola St.		Zone: RM-5A		DP-2018-00038		
Parking ⁶	Dwelling:			Dwelling:	0	
	Standard:		12	Standard:	7	
	Small Car (max.):	25%	3	Small Car:	2	
	Accessible:		1	Accessible:	1	
	Total Standard:		12	Total Standard:	7	
	Permitted S/C:	25%	3	Total Small Car:	2	
Total Accessible:		1	Total Accessible:	1		
				Overall Total:	11	
Bicycle ⁷		Use	Class A	Class B		
		Dwelling:	16	0	Class A	Class B
		Total:	<u>16</u>	<u>0</u>	<u>26</u>	<u>0</u>
	O/S (min.)	5%	1		Horizontal:	19
	Lockers (min.)	20%	3		Over Sized:	1 4%
	Vertical (max.)	30%	5		Locker:	5 19%
	Electrical Outlet (min.)	1 per 2	8		Vertical:	7 27%
					Electrical Outlet	0 0%

Review Notes:

¹ **Note on Yards/Setbacks:** The RM-5A District Schedule requires a minimum front yard depth of 12.14 ft. providing discretion to the Director of Planning or the Development Permit Board to vary this width. The applicant is proposing a 9.7 ft. front yard setback to align with the building face of the adjacent property to the north. The RM-5A District Schedule also allows supported canopies to project up to 5.9 ft. into the required front yard. The applicant is proposing an entrance canopy that projects 10 ft. into the required front yard. Standard condition A.1.8 seeks compliance with Section 4.4 – Front Yard, of the RM-5A District Schedule.

² **Note on Height:** The height of the building as proposed, based on interpolated building grades, is 61.91 ft. The outright maximum allowable height for a building is 60 ft. subject to a prescribed envelope as illustrated in Figure 1 under Section 4.3.1 – Height, of the RM-5A District Schedule. Section 4.3.2 – Height, of the RM-5A District Schedule provides discretion to the Director of Planning or the Development Permit Board to increase building height to a maximum of 190.3 ft. In addition, Section 10.18.4(e), Height of Building and Relaxation, of the Zoning and Development By-law allows the Director of Planning or the Development Permit Board to relax building height up to an additional 4 ft. to accommodate building features designed to reduce energy consumption in a passive house.

³ **Note on FSR:** The maximum permitted FSR for this site is 1.5. The applicant is proposing to add an additional 10% or 0.15 FSR through Heritage Density Transfer. The applicant is also adding an additional 5% or 0.08 FSR per Section 10.16.1 – Floor Area Increase for Low Operational Cost Housing, of the Zoning and Development By-law for a combined FSR of 1.73.

⁴ **Note on Floor Area:** Based on the proposed FSR, the maximum allowable floor area is 12,788 ft², whereas according to the provided Project Statistics sheet, the total proposed floor area is 12,821 ft². There are two rental studio units proposed on Level 1. The applicant has not demonstrated that the size of these dwelling units meets the minimum as required under Section 11.10.2 of the Zoning and Development By-Law. Standard condition A.1.9 seeks compliance with Section 11.10 – Dwelling Units, of the Zoning and Development By-law.

⁵ **Note on Horizontal Angle of Daylight:** The applicant has not demonstrated that all units meet the minimum horizontal angle of daylight requirements affecting this site. Standard condition A.1.3 seeks compliance with Section 4.10 – Horizontal Angle of Daylight, of the RM-5A District Schedule.

⁶ **Note on Parking:** The parking requirements for this site are based on Section 4 – Off-Street Parking Space Regulations, in effect for development applications submitted prior to January 1, 2019. There are

10 proposed strata units and 3 secured market rental housing units. Strata unit parking is based on Section 4.2.1.13 of the By-law, while rental unit parking was based on Section 4.5.B1. The applicant is providing 11 of the required 12 spaces located on one level of underground parking.

⁷ **Note on Bicycle:** The bicycle space requirements for this site are based on Section 6 – Off-Street Bicycle Space Regulations, in effect for development applications submitted prior to January 1, 2019. The applicant is providing more than the required number of Class A bicycle parking spaces. The configuration of the proposed bicycle spaces meets requirements; however, dimensions and required electrical outlets are not denoted on plans. Standard condition A.1.4 seeks compliance with Section 6 – Off-Street Bicycle Space Regulations.

• **Legal Description**

Strata Plan: VR152
Block: 51
District Lot: 185

• **History of Application:**

Jan 15, 2018	Complete DP submitted
Aug 21, 2019	Urban Design Panel
Sept 18, 2019	DP Staff Committee

• **Site:**

The site is located at the north corner of Nicola Street and Harwood Street intersection within the Beach neighbourhood of the West End. The lot measures approximately 56 ft. along Nicola and 131 ft. across Harwood St. with an approximate 10 ft. crossfall from the east to the west corner of the site. The existing building is a one storey hipped roof form built in 1974. North of the subject site is a predominantly 4-storey building with partial 5th floor that is impacted by this development given the courtyard configuration, orientation of the existing dwelling units and roof decks. The neighbouring site is approximately 75'x132' with the existing building built in 1981. Due to the sloped topography, the parking structure protrudes approximately a storey at the shared property line with the courtyard above.

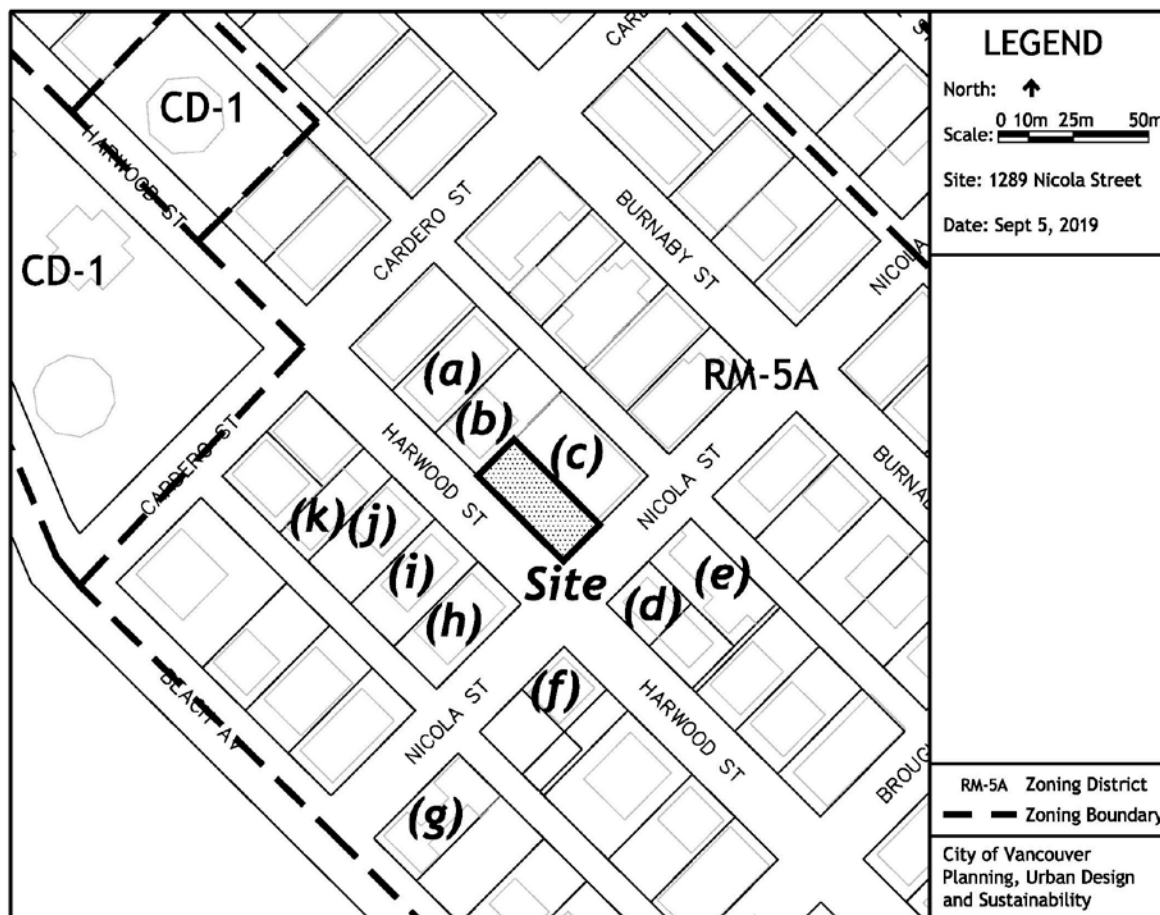


• **Context:**

Significant adjacent development includes:

- 1565 Harwood Street, 3-storey residential building, Heritage Site: B, (c.1930)
- Kathleen Court, 1555 Harwood Street, 9-storey residential building, (c.1964)

- c) 1279 Nicola Street, 4-storey residential building, (c.1981)
- d) Bay Tower, 1461 Harwood Street, 10-storey residential building, (c.1962)
- e) 1280 Nicola Street, 4-storey residential building, (c.1986)
- f) Curzon House, 1498 Harwood Street, 14-storey residential building, (c.1965)
- g) Kensington Place, 1386 Nicola Street, 6-storey residential building, Heritage Site: A, (c.1912)
- h) 1347 Nicola Street, 7-storey residential building, (c.1957)
- i) 1520 Harwood Street, 8-storey residential building, (c.1992)
- j) 1534 Harwood Street, 11-storey residential building, (c.1965)
- k) Blair House, 1550 Harwood Street, 2-storey residential building, Heritage Site: B, (c.1922)



• Background:

A development application was submitted on January 15, 2018. Due to changes to zoning regulations that came into effect in September 2018 and in response to neighbour notification, the application was revised and resubmitted in May 2019. The revisions include a one storey height reduction, replacement of existing 3 rental units, and number of proposed dwelling units increased from 5 to 13 units. Along with the increase in unit count, the proposal is seeking 5% floor area above the permitted as application is seeking Passive House standard.

The proposal was reviewed by the Urban Design Panel on August 21, 2019, and received the Panel's support with recommendations. It should be noted the Panel reviewed a more developed proposal than the submitted application. The refinements include a lowered spring height of the sloped roof form and

dormers, window composition, materiality and incremental layout changes. Floor plans, height, and overall form generally remain unchanged. The recommendations and conditions refer to the drawings reviewed by Urban Design Panel as revised submission.

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

- 1) West End Community Plan (WECP)
- 2) RM-5, RM-5A, RM-5B, RM-5C, and RM-5D District Schedule
- 3) West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines
- 4) Zero Emissions Building Catalyst Policy
- 5) High Density Housing Guidelines for Families with Children
- 6) Rental Housing Stock Official Development Plan (ODP)
- 7) Tenant Relocation and Protection Policy & Tenant Relocation and Protection Guidelines

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

1. West End Community Plan

The West End Community Plan provides a clear direction for positive urban development and public benefits in the West End over the next 30 years. The Plan did not anticipate substantial change to the RM neighbourhoods. The existing RM zoning regulations were largely maintained.

2. RM-5, RM-5A, RM-5B, RM-5C, and RM-5D District Schedule

The intent of the RM-5A Schedule is to permit a variety of residential developments. Emphasis is placed on achieving development which is compatible with neighbouring development with respect to streetscape, character, open spaces, view retention, sunlight access and privacy.

Floor Area:

The District Schedule permits an “outright” maximum floor space ratio of 1.00 FSR. The Director of Planning or Development Permit Board, as the case may be, may permit an increase in the maximum floor space ratio to 1.5 FSR in the RM-5A District which are 20.2m (66.2 ft.) or less in width. Further, the Development Permit Board may permit an increase in floor space ratio to a maximum of 10 percent over the total permitted floor space ratio where the increase results from a transfer of heritage floor space.

Height:

The District Schedule permits an “outright” maximum height of 18.3m (60 ft.). The Director of Planning or the Development Permit Board, as the case may be, may permit an increase in the maximum height of a building to a height not exceeding 58.0 m (190 ft.)

The predominant height conforms to the outright 60 ft. with the exception of the partial 6th floor which exceeds the outright height by approximately 2 ft. This level offers access to the roof deck. A condition to lower the double height space or relocate it to minimize impacts to the neighbouring courtyard has been applied, although a height increase can be considered up to 190 ft. It should be noted height has been reduced significantly since the first iteration of this application by approximately one storey. Overall floor to floor heights were reduced to minimize shadowing to the courtyard and roof decks of the neighbouring property.

Yards:

The front yard is proposed at 9.71 ft. which aligns with the neighbouring building but is less than the required 12.1 ft.

Side yard and rear yard setbacks above the parking level exceed the required to allow open space and daylight access to the neighbouring north courtyard space and improve building

separation. Side yards provided are 7.7 ft and 11 ft. The distance from the neighbouring building (south façade facing the courtyard) and proposed building will be approximately 40 ft. Rear yard is proposed at approximately 30 ft above the parking level to provide a view slot and to propose a near attractive view given the existing distant view of the neighbouring property is impacted. Required rear and side yard setback is 6.9 ft.

3. West End RM-5, RM-5A, RM-5B, RM-5C and RM-5D Guidelines

The West End guidelines offers more detailed evaluation of projects seeking discretionary density and height. The guidelines emphasize compatibility with adjacent development and note in particular streetscape character, open space, view retention, sunlight access and privacy while acknowledging that a balancing of objectives will occur for every site and that it is not possible to achieve all objectives of the document.

Streetscape character:

The streetscape and neighbourhood character is maintained with height and built form consistent with the neighbourhood development. Recommended Condition 1.2 will ensure high quality cladding consistent with the sense of solidity and permanence to reinforce neighbourhood character as noted in the Guidelines.

Massing:

The application locates the massing towards the east end of the site while predominantly conforming to the outright height regulation. This allows an outdoor open space at the west end of the site to extend partial views and allow daylight access for the neighbouring northern property. Side and rear yards exceed the required setbacks to further respond to the existing courtyard condition of the neighbouring property. Windows have been minimized to address potential privacy / overlook concerns.

The neighbouring property, given the existing building and site configuration, will be affected by this development. However, staff are satisfied that the application has developed a built form which responds to and minimizes impacts as much as is possible and that opportunities for further improvements can be achieved as per Recommended Conditions 1.1 i-iv.

4. Zero Emissions Building Catalyst Policy (2018)

This Policy is intended to encourage and support greenhouse gas reduction goals. The Zero Emissions Building (ZEB) Tools allow multi-unit buildings with 6 or more residential units that pursue zero emissions up to 5% floor space ratio increase above the permitted floor area. The intent and structure is to help offset the modest additional construction costs as leading builders test barriers, stimulate ZEB building supply chains, and spark design innovation.

This application proposes Passive House standard and an increase in floor area of 5%, as permitted in the policy.

5. High Density Housing Guidelines for Families with Children

These guidelines address key issues of site, building and unit design to provide for improved residential livability for families with children. Some quantitative standards are provided to assist applicants in their design as well as City staff in their evaluation.

The application includes private open spaces for individual units and outdoor common amenity spaces. Recommended Condition 1.3 i seeks to collocate the outdoor space as an extension of the amenity room in addition to improving potential CPTED conditions.

6. Rental Housing Stock Official Development Plan (ODP)

There was an amendment to the Rental Housing Stock Official Development Plan that took effect September 1, 2018 with the requirement for new redevelopment projects of 3 or more units that all existing rental units on the site be replaced.

The initial development permit application was submitted with 5 dwelling units and rental replacement was not required. Due to the amendments to the ODP in June 2018, the application was revised to include the replacement of 3 rental units which includes a family unit.

7. Tenant Relocation and Protection Policy & Tenant Relocation and Protection Guidelines

The Policy and Guidelines are applied to assess rezoning and development permit application where tenants will be impacted or displaced due to major renovation or redevelopment.

- **Conclusion:**

The development application demonstrates general approvability under the prevailing applicable by-laws and guidelines and maintains the existing rental housing stock in the West End. Staff support the form of development subject to the conditions noted.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on October 8, 2016, and provided the following comments:

EVALUATION: Support with Recommendations (5/2)

- **Introduction:**

Development Planner, Susan Chang, began by noting this is a development permit application that will proceed to the Development Permit Board. The proposal is predominantly 5 storey with a partial 6th floor residential building in RM-5a district in the Beach Neighborhood of the West End. FSR Proposed is 1.73 which includes a 10% heritage density transfer and 5% for zero-emissions buildings (in this case, Passive House) in addition to the allowable 1.5 FSR. There are 13 units proposed including 3 rental units per the one to one replacement of existing rental housing units required in this district.

The site is located at the southeast corner of Nicola and Harwood measuring approximately 56 ft.x132 ft. with no lane. Tree retention is proposed at the corner and parking accessed from Harwood St. The area slopes to the north so that the neighbouring site is approximately a storey higher. The context is comprised of a range of 7-10 storey buildings and to the north is a 4 storey residential building with a courtyard configuration.

West end guidelines seek the siting and massing of new development to ensure livability and compatibility with adjacent development with respect to streetscape, open space, view, sunlight access and privacy. At the same time, acknowledging this is a challenged site given the site configuration, location, and existing development to the north. In terms of building character, a wide range of building types has been built in the West End. A common design theme for development has been to emphasize a simple building massing, as exemplified by the early mansions, and masonry apartments.

The building has been massed to conform to the building envelope and outright 60' height with the exception of the partial upper storey in order to minimize shadowing to the outdoor spaces of the neighbouring property. Shadow studies, HAD and view analysis have been provided. Massing is located towards the east side of the site with outdoor space located at the west. The proposal is seeking a relaxation to the front yard that aligns with the neighbouring building. The amenity room is located at the corner on level 1 and entry is at the north end of Nicola Street. Cladding materials are noted as cementitious finish and metal roof.

Advice from the Panel is sought on the following:

1. Please comment on the massing strategy and compatibility with the adjacent building.
2. Architectural expression and materiality.
3. Street interface, outdoor space and landscaping.

The planning team then took questions from the panel.

- **Applicant's Introductory Comments:**

The challenge on this project is the neighboring site. The neighbouring building configuration has most of their living spaces looking across the site and the courtyard. It is an unusual building that could not be approved today but is charming with vaulted spaces, courtyards and very livable. It has made the placement of this building difficult. We tried our best initially to locate as much of our building to the corner and had proposed 5 units. The zoning changed during the application process and the project

was revised to replace the existing 3 rental units and take advantage of 5% FSR for Passive House. A story was dropped and spread longer which helped with the massing and increased the number of units. The intent is to keep the building in the corner as much as possible and improve privacy for the courtyard next door and some views. We met with the neighbours a couple of times but it's difficult to get an agreement when you are interfering with their view. Another concern of the neighbours is for privacy to their courtyard so we have only one window facing the courtyard and will plant a green wall to add character. The aesthetic comes from the client who wanted a European feel. We will build using an ICF forming with concrete in the middle and styrofoam type face to sculpt the detailing. The finish will be very durable. Tree is retained at the corner and retaining wall maintained. There will be a series semi private patio spaces and private patio where the building steps back. There is a common amenity area trying to get solar exposure. The planters on the upper roof are metal planters. Intention is to get some vines going up the back side to soften that face of the building. There were some challenges with overheating. There will be a low window ratio with thick walls.

The applicant team then took questions from the panel.

Panel's Consensus on Key Aspects Needing Improvement:

Having reviewed the project it was moved by Mr. Sharma and seconded by Mr. Wen and was the decision of the Urban Design Panel:

THAT the Panel SUPPORT of the project with the following recommendation to be reviewed by City Staff:

- Consider any additional building forms or massing elements that will help neighboring properties;
- Further consideration of viability of the green wall system versus putting in more windows;
- Consider the roof form and how it impacts the neighbors to the north and overall architectural expression of building.

Related Commentary:

The panel supported the concept of the passive house and concrete building a positive. The massing strategy is handled well. It is a challenging site because of its adjacencies. The elevation change and 4 sides of the building are well handled. The architecture expression was the main concern. The style is not consistent with the rest of the buildings in the area. The style appears to be creating unnecessary bulk and massing. A panelist noted this is an imposing building and concerned that the architectural expression and materiality will start precedence and the essence and character of the west end will be lost. The architectural expression and materiality is reading more like a movie set. The north façade expression should be more pleasing with compatibility to the neighbours. Look at making the building less aggressive towards the courtyard. The entry appears tacked on and the columns detract from the overall design. The panel recommended a common roof deck space.

The panel noted the landscape was simple and successful. If going forward with the green wall approach, talk with neighbours and consider maintenance. The parkade entry is unusual however if it works the panel found acceptable. The curve wall to the parkade is quite high at the street edge, might benefit from stepping back a bit.

Applicant's Response: The applicant team thanked the panel for their comments.

ENGINEERING SERVICES

The recommendations of Engineering Services are contained in the prior-to conditions noted in Appendix A attached to this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The recommendations for CPTED measures are contained in the prior-to conditions noted in Appendix A attached to this report.

LANDSCAPE

The recommendations of Landscape are contained in the prior-to conditions noted in Appendix A attached to this report.

HERITAGE PLANNING

The recommendations of Heritage Planning are contained in the prior-to conditions noted in Appendix A attached to this report.

HOUSING POLICY & PROJECTS

The recommendations of Housing Policy are contained in the prior-to conditions noted in Appendix A attached to this report.

BUILDING REVIEW BRANCH

This Development Application submission has not been fully reviewed for compliance with the Building By-law. The applicant is responsible for ensuring that the design of the building meets the Building By-law requirements. The options available to assure Building By-law compliance at an early stage of development should be considered by the applicant in consultation with Building Review Branch staff.

To ensure that the project does not conflict in any substantial manner with the Building By-law, the designer should know and take into account, at the Development Application stage, the Building By-law requirements which may affect the building design and internal layout. These would generally include: spatial separation, fire separation, exiting, access for physically disabled persons, type of construction materials used, firefighting access and energy utilization requirements.

Further comments regarding Building By-law requirements are contained in Appendix C attached to this report.

NOTIFICATION

On 19th of June 2019, 422 notification postcards were sent to neighbouring property owners advising them of the application, and offering additional information on the city's website. The website posting contained updated drawings and rationale for the revised proposal. Two site signs were also posted and confirmed on 4th of July 2019.

20 residents of the area responded during the notification period. All of these were in opposition to the proposed application. All the responses were regarding the impact the proposal will have on the neighbouring building to the north on the adjacent lot. Two responses were from residents outside of the notification area. A letter was received on behalf of the residents of 1279 Nicola St, a 4-storey residential building to the north of the proposal, outlining the objections residents have to the proposal.

The objections range from concerns for a lack of privacy created by the adjacency of low rise developments to shadow impact on the neighbour to the north as well as loss of views to the south with the proposed development. Some residents of 1279 Nicola attended the Urban Design Panel to listen in on the presentations and discussion at the Panel. The residents were not happy with what they saw as the lack of action on their immediate concerns.

City staff met twice with representatives of the residents of 1279 Nicola during the DP process. The developer engaged several times including meetings at 1279 Nicola to hear the issues. Neighbours also attended the Urban Design Panel meeting on August 21st.

The main themes of neighbourhood comments are summarized below:

Livability

Neighbours to the north of the proposal are concerned that the proximity of the new building to their existing courtyard will reduce the livability of their suites.

Staff Response: Set-backs between the proposed building and 1279 Nicola are between 7.7 and 11 ft. The Zoning and Development Bylaw requirement is 6.89 ft. The additional space will allow for more open space and daylight access. Further, staff have asked for a vine planting on the north facing wall to mitigate the blank face. Elimination of as many windows as possible from living spaces toward the courtyard to the north in order to reduce overlook opportunities between neighbours. Please see Recommended Condition 1.1 iv which asks the design team to explore further ways to mitigate impacts to livability.

Shadowing

Neighbours to the north of the proposal are concerned about the change in access to sunlight to their properties if the application is approved. Additionally the neighbours are concerned that their building would no longer meet City policies related to "Horizontal Angle of Daylight" (HAD) requirements.

Staff Response: Studies were requested from the design team to clarify impacts on the neighbouring properties. Drawings of 1279 Nicola were made available to the design team by Planning to better understand the challenges. Efforts were made by the design team, at the direction of City staff, to reduce the height of the original proposal move density to the east and to mitigate shadowing to the neighbouring property. Please see Recommended Condition 1.1.

Height and Density

Neighbours have expressed concerns about the overall height and density of the proposed development. Concerns over relaxations being granted by the City have been strongly expressed.

Staff response: The design team have worked at reducing the height to minimize the impact on neighbouring courtyard. Significant floor to floor reductions and adjustments to the massing have been made by the design team. Planning asked the Urban Design Panel to consider height and shadowing in their comments. Staff have directed the design team to pull density of the top floor to the eastward in order to reduce impact to neighbouring properties. Density of the lower west end of the development was also pulled to the eastward in order to open the western side yard and allow more light to penetrate to the north. Please see Recommended Condition 1.1.

Housing and Affordability

Neighbours wrote in to comment about the lack of affordability and choices in the area.

Staff response: As per City policy "Rental Housing Stock Official Development Plan" a change from 5 market residential units to 13 units including 3 purpose built rentals was implemented by the design team. City Staff feel that the current proposal presents more available units and choices for residents.

Trees

Protection of existing trees was raised as an issue by some residents writing in about the proposal. Specifically residents commented that the tree in the courtyard of 1279 Nicola may be adversely affected by the proposal; reducing the access to sunlight for much of the growing year.

Staff response: Please see Standard Condition A1.20 regarding retention of the tree # 8 in front of the proposed development. The Landscape Planner has also asked that the garage slab be altered to accommodate better soil volumes for trees along Harwood St and subsequently improve opportunities for new trees on the site. See Standard Condition A.1.17 iii. The tree in the neighbouring courtyard may be adversely affected by this or any proposal at this site under an outright permit. Measures will be taken to investigate this situation by the Arborist. Please see Recommended Condition 1.1 and Standard Condition A.1. 23.

Privacy, Noise and Views

Issues of overlook, acoustics and views to of the sky and trees on the adjacent street have been highlighted by neighbours as an issue.

Staff response: The opening along the western end of the proposal allows for some limited views from the courtyard, windows and rooftop decks of 1279 Nicola through to the south. Private view are not protected by City By-Laws but consideration of how to maintain some limited views have been implemented by the design team. Elimination of windows from living spaces toward the courtyard to the north to reduce overlook opportunities between neighbours has also been prioritized. Applicants are required to comply with City By-laws with regards to mitigation of noise and acoustic performance of the proposed building. Efforts to reduce impacts to neighbours have been made. Please see Recommended Condition 1.1 iv.

West End Community Plan (WECP)

The neighbours to the north feel that some aspects of the WECP are not being followed such as for ventilation, height density and streetscape.

Staff response: The application locates the massing towards the east end of the site while predominantly conforming to the outright height regulation. This allows an outdoor open space at the west end of the site to extend partial views and allow daylight access for the neighbouring property to the north. The design considers aspects of the WECP including massing and streetscape. Please see Recommended Conditions 1.1 and 1.2. Improvements in the quality of the roof-scape have been recommended by City Staff. Please see Recommended Condition 1.3 iv.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law it requires decisions by both the Development Permit Board and the Director of Planning.

With respect to the decision by the Development Permit Board, the application requires the Development Permit Board to exercise discretionary authority as delegated to the Board by Council.

It also requires the Board to consider a Zoning and Development By-law relaxation, per Section 10.18.4 e of the Zoning and Development By-law and in consideration of the "Zero Emissions Building Catalyst Policy (2018)". The Staff Committee supports the relaxations proposed, as outlined in the proposed conditions of approval.

With respect to the Parking By-law, the Staff Committee has considered the approval sought by this application and concluded that it seeks a relaxation of one parking stall specifically under Section 4.2.1.13 of the By-Law. The Staff Committee supports the relaxations proposed, as outlined in the proposed conditions of approval.



M. So

Acting Chair, Development Permit Staff Committee



S. Chang

Development Planner



P. Fouladianpour

Project Coordinator

Project Facilitator: J. Freeman

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

Urban Design

A.1.1 Submission of a revised Letter A for intent of purchase of heritage Density from a qualified seller.

Note to Applicant: Letter A is out of date. The City received another Letter B for transfer from 40 Powell to 600 Robson and 809 Seymour, dated July 5, 2019. The Letter A for this one is dated June 28. Donor site is incorrect.

A.1.2 submission of "Letter B" confirming final purchase of heritage density from a qualified seller in accordance with the intent expressed in the Letter A already submitted as part of the permit application, and confirmation from City staff that the Letter B is to an acceptable standard. Alternatively, in accordance with City policy, to provide a letter confirming that all efforts have been made to find a seller of heritage density, and that in lieu of such a purchase, that the applicant proposes to acquire Heritage Amenity Shares, and City staff acceptance of that letter.

Note to Applicant: Letter B template may be found at <https://vancouver.ca/home-property-development/density-incentives-for-developers.aspx>

A.1.3 design development to ensure access from parking level to all dwelling units within the site.

A.1.4 identification of any built features on the architectural drawings intended to create a bird friendly design;

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.)

A.1.5 design development of the architectural detailing and materials, as follows:

- i. Parapet and roof guard detail;
- ii. Building entry;
- iii. Guardrails, fences, and trellises;
- iv. Balcony details;
- v. Trims and fascia; and
- vi. Retaining walls

Note to applicant: consideration to reuse and maintain existing stone retaining wall at street interface.

A.1.6 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.1.7 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;

Development Review

A.1.8 written confirmation shall be submitted by the applicant that:

- i. the acoustical measures will be incorporated into the final design and construction, based on the consultant's recommendations;
- ii. adequate and effective acoustic separation will be provided between the commercial and residential portions of the building; and
- iii. 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.1.9 compliance with Section 4.4 – Front Yard, of the RM-5A District Schedule;

Note to Applicant: Section 4.4.3 of this By-law allows supported canopies to project up to a maximum 5.9 ft. into the required front yard. The proposed entrance canopy must be reduced to this depth as measured from the building face into the front yard.

A.1.10 compliance with Section 11.10 – Dwelling Units, of the Zoning and Development By-law;

Note to Applicant: The minimum permitted size for dwelling units is 320 ft². This minimum area must be measured from the inside of all outer walls and cannot include storage area. Provision of dimensioned overlay drawings is required to confirm that the proposed studio units at Level 1 meet the requirements of this section of the By-law.

A.1.11 compliance with Section 4.10 – Horizontal Angle of Daylight, of the RM-5A District Schedule;

Note to Applicant: Confirmation that all units meet the minimum distance requirements for Horizontal Angle of Daylight (HAD). See Recommended Condition 1.1 iii.

A.1.12 compliance with Section 6 – Off-Street Bicycle Parking Space Regulations;

Note to Applicant: Electrical outlets must be provided – 1 for every 2 bicycle spaces.

A.1.13 revision of floor plans including:

- i. Note the correct scale for the corresponding drawings;
- ii. Dimension all proposed parking;
- iii. Dimension and identify all bicycle spaces; and
- iv. Include standard details for all parking spaces and horizontal, vertical and bicycle locker spaces;

A.1.14 confirmation that 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.

A.1.15 provision of the following notations on the submitted plans:

- i. *"The acoustical measures will be incorporated into the final design and construction, based on the consultant's recommendations";*
- ii. *"Adequate and effective acoustical separation will be provided between the residential and non-residential portions of the building";*
- iii. *"The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law";*
- iv. *"The design of the bicycle spaces (including bicycles rooms, compounds, lockers and/or racks) regarding safety and security measures shall be in accordance with the relevant provisions of Section 6 of the Parking By-law";*
- v. *"Mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise impacts on the neighbourhood and comply with Noise By-law No. 6555"; and*
- vi. *"All proposed yards, setbacks and building dimensions are measured to the outside of cladding";*

A.1.16 demonstrate compliance with the Zero Emissions Building Catalyst Policy (2018) for a Passive House application;

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the Passive House standard at each permit stage. For more detail on the requirements and what must be submitted at each stage, refer to the most recent version of Passive House Relaxations - Guidelines for Larger Projects.

Landscape Conditions

A.1.17 design development to improve the streetscape to help create visual interest along the street edge by:

- i. Deleting the proposed hedges located along the property lines at Harwood and Nicola, respectively;

Note to Applicant: Hedges to increase privacy for the private patios are supportable, but should not be positioned directly along the property lines.

- ii. Reducing the area of paving at the parkade entry to the minimum required for vehicular maneuvering; and

Note to Applicant: Wherever paving on private property can be reduced, it is to be replaced with soft landscaping, wherever paving is reduced on public property, it is to be replaced with sod.

- iii. Providing small trees for each private patio;

Note to Applicant: Chamfer the parkade ceiling wherever possible in order to maximize available soil volume for trees being proposed on slab. All trees planted on slab must meet minimum soil depth requirements per the BC Landscape Standard.

A.1.18 revision of the Site Plan and Landscape Plan to include a dashed line that indicates the outline of the parkade structure;

Note to Applicant: This is to confirm which trees are planted on slab versus planted on grade.

A.1.19 design development to improve programming of the outdoor common area and better integrate its space and programming with the interior amenity room. See also Recommended Condition 1.3;

Note to Applicant: The common outdoor space should be designed to relate to the proposed interior amenity room's location and programming. Consider urban agriculture or informal children's play elements.

A.1.20 design development and coordination with arborist to ensure successful retention of existing tree(s);

Note to Applicant: Tree #8, which is being retained, requires an increase in its tree protection zone; Any proposed planting within the tree protection zones shall not exceed #1 pot size; Any proposed work inside tree protection zones is to be discussed in the Arborist's Letter of Assurance (see Standard Condition A.1.22 below).

A.1.21 provision of landscape features intended to create bird friendly design;

Note to Applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. Refer to the Bird Friendly Design Guidelines for examples of landscape features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at:

<https://guidelines.vancouver.ca/B021.pdf> .

A.1.22 provision of a Letter of Assurance for Arborist Supervision; and

Note to Applicant: Arborist supervision is typically necessary when any work is required within a minimum root protection zone of a retained tree. The arborist should discuss the details of any supervision requirements within the arborist report, particularly if the plans depict any work that encroaches into a minimum root protection zone. The assurance letter is to outline the critical construction points where the arborist shall be contacted to attend the site. The Letter must be signed and dated by owner, arborist and contractor.

A.1.23 clarification of Arborist Report regarding existing off-site trees;

Note to applicant: the Magnolia tree in the courtyard of 1279 Nicola St is not included in the report. It may receive less sunlight if this application is approved. Outline long term impacts that may occur as a result in reduction of exposure to sunlight for this tree.

Crime Prevention Through Environmental Design (CPTED)

A.1.24 design development to incorporate CPTED principles, as follows:

- i. ensure natural surveillance throughout pedestrian realm including underground parking, with;
 - ii. glazing into publicly accessible areas such as elevator lobbies, stairs , and storage rooms;
-

- iii. pedestrian-scaled lighting to improve safety and security around the building;
- iv. underground parking to have 24 hour lighting and walls painted white;
- v. deter nuisance behavior by avoiding hidden alcoves and concealed spaces along the streets and underground, and using lighting and natural surveillance where unavoidable;
- vi. reduce opportunities for graffiti around the building, alcoves, use graffiti deterrent paint, and lighten colour of blank facades along base;
- vii. address residential break and enter; and
- viii. address mail theft;

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators is recommended, and should be included in the response to this condition.

Housing Policy & Projects / Social Policy & Projects / Cultural Services

A.1.25 arrangements to be made to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing three of the dwelling units in the building as secured market rental housing units for the longer of 60 years and life of the building, subject to the following additional conditions:

- i. no separate-sales covenant;
- ii. A no stratification covenant;
- iii. That none of such units will be rented for less than one month at a time; and
- iv. Such other terms and conditions as the General Manager of Arts, Culture, and Community Services and the Director of Legal Services may in their sole discretion require;

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter prior to issuance of the Development Permit

A.1.26 provision of the completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the Tenant Relocation and Protection Guidelines;

A.1.27 provision of a Tenant Relocation Plan to the satisfaction of the General Manager of Arts, Culture and Community Services as per the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application;

A.1.28 provision of a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants; and

A.1.29 provision of a notarized declaration to be submitted prior to issuance of a development permit;

Note to Applicant: Demonstrate that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

A.2 Standard Engineering Conditions

A.2.1 submission of a current title search for each parcel of land involved in the development site;

Note to Applicant: The title search must be dated within one week of the intake date. Also, copies of all non-financial charges and legal notations listed on each title search for the development site must be submitted. Examples of common non-financial charges include Statutory Right of Way, Right of Way, Covenant, Easement, Option to Purchase, and Easement and Indemnity. Examples of financial charges, which are not required, include Mortgage, Assignment of Rents, and Builders Liens. This information may be obtained from the Land Title Office in New Westminster. An applicant may require advice or assistance from a Solicitor, Notary, Realtor, BC Land Surveyor, or Land Agent to obtain this information. We reserve the right to ask for an updated title search and charges prior to issuance of the permit.

A.2.2 written confirmation of a resolution passed by unanimous vote for the cancellation of Strata Plan VR152 and the dissolution of the strata corporation as noted in Section 272 of the Strata Property Act prior to the issuance of the development permit;

A.2.3 arrangements to be made to the satisfaction of the General manager of Engineering Services & the Director of Legal services for the existing stone fence wall that encroach onto City Street. Application to the City Surveyor is required. For general information, see the Encroachment Guide at: http://vancouver.ca/files/cov/building_encroachment_guide.pdf;

Note to Applicant: A fee of \$1060 will be charged for the preparation of the encroachment agreement as noted in the Encroachment By-law. The applicant will also be responsible for the preparation of Survey plans and all Land Title Office registration fees.

A.2.4 provision of a City standard driveway crossing that is perpendicular to the proposed parkade ramp;

Note to Applicant: Engineering recommends positioning the driveway access to facilitate straight access from Harwood Street into the ramp. This will improve maneuvering, visibility and public realm. Please contact Parks (PBDevelopment.Trees@vancouver.ca) if changes to the tree retention plan are anticipated.

A.2.5 submission of a crossing application;

A.2.6 arrangements to be made for the following off-site improvements are required to the satisfaction of the General Manager of Engineering Services including the following:

- i. Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current COV standards and IESNA recommendations;
 - ii. Nicola/Harwood entire intersection lighting upgrade to current COV standards and IESNA recommendations;
-

- iii. Provision of new or replacement duct banks adjacent to the development site that meet current City standards;

Note to Applicant: Duct banks are to consist of electrical and communication ducts and cables, and connected to existing electrical and communications infrastructure;

- iv. Provision of new pad mounted service cabinet/kiosk if voltage drop on the existing SL circuits does not comply with CEC;
- v. Provision of new curb ramps on the corner of Nicola and Harwood Street adjacent the site;
- vi. Provision of a 2.14 m (7'-0") broom finish saw cut concrete sidewalk on the Nicola and Harwood Street frontages; and
- vii. Indication of the following on the landscape plan:

This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."

A.2.7 compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- i. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings;
- ii. Provision of design elevations on both sides of the parking ramp at all breakpoints, and at all entrances.

Note to Applicant: Dimension the lengths and widths of all ramp sections from the property line down into the parkade on the drawings. Transition slopes of 7%-10% required between sections of ramp that are 15% around the turn;

- iii. Provision of additional information on the drawings showing the driveway crossing on Harwood Street and access route into the parkade entrance;
 - iv. Dimension the maneuvering aisle widths on the drawings;
 - v. Dimension the pedestrian access aisle widths in the parkade;
 - vi. Provide additional design elevation in the parkade and show the slopes within the parkade on the drawings;
 - vii. Dimension the column lengths, widths, and setbacks on the drawings. Remove column from parking space number 6 and show all columns on Level P1 drawing;
 - viii. Provision of vehicle turning swaths showing vehicles entering/exiting parking spaces number 1, 2, and 10, 11.
-

Note to Applicant: Turning swaths must show that vehicles have adequate maneuvering space without excessive turning movements being required. Standard passenger vehicle (TAC-P) to be used;

- ix. Provide information describing/showing how the parking ramp warning system will operate for bicycle users using the parking ramp and how bicycle users will activate the overhead gate.
- x. 2.3m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on the drawings;
- xi. Provision of a section drawing showing the entire length of the parking ramp from Harwood Street down into Level P1.

Note to Applicant: Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services. Minimum vertical clearance dimensions to be shown on the drawings;

- xii. Show the overhead security gate and minimum clearance dimensions on the drawings; and
- xiii. Dimension the access aisle widths in the bicycle room(s) and dimension and label the size and type of the bicycle spaces.

Note to Applicant: Show and label the bicycle access route to reach the outside for the bicycle storage room on the main floor.

A.2.8 clarification of garbage pick-up operations;

Note to Applicant: Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the street for extended bin storage.

A.2.9 the General Manager of Engineering Services will require all utility services to be underground for this "conditional" development.

Note to Applicant: All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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;

A.2.10 written confirmation of that required electrical plant is provided for on-site;

Note to Applicant: 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 approval by the Utilities Management Branch. It is presumed with your consultation so far with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

A.2.11 provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way;

- A.2.12 provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site;

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

- A.2.13 the owner or representative is advised to contact Engineering to acquire the project's permissible street use; and

Note to Applicant: Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions;

- A.2.14 construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial Approval or License.

- A.2.15 **Note to Applicant:** Applications for provincial Approvals or Licenses can be completed online. The application will be received and accepted into the province's online system, and the provincial authorizations team strives for 140 days to get the approval to the applicant. The approval holder must be able to produce their approval on site so that it may be shown to a government official upon request. Dewatering before this approval is granted is not in compliance with the provincial Water Sustainability Act. Provide a letter confirming acknowledgement of the condition.

A.3 Standard Licenses & Inspections (Environmental Protection Branch) Conditions:

- A.3.1 A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media of suspect quality which may be encountered during any subsurface work.
- A.3.2 In the event, contamination of any environmental media are encountered, a Notice of Commencement of Independent Remediation must be submitted to the Ministry of Environment and a copy to the City of Vancouver.
- A.3.3 Upon completion of remediation, a Notification of Completion of Independent Remediation must be submitted to the Ministry of Environment and a copy to the City of Vancouver.
- A.3.4 Dewatering activities during remediation may require a Waste Discharge Permit.
- A.3.5 Submit a copy of the completion of remediation report signed by an Approved Professional stating the lands have been remediated to the applicable land use prior to occupancy permit issuance.
-

B.1 Standard Notes to Applicant

- B.1.1 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **April 15 2020**, 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 Bylaw 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 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.1.4 A new development application will be required for any significant changes other than those required by the above-noted conditions.
- B.1.5 Details of swimming pools/hot tubs to be submitted to the Environmental Health Division and Provincial Health Engineer prior to construction;

B.2 Conditions of Development Permit:

- B.2.1 Provide an Interim Tenant Relocation Report prior to issuance of the Demolition Permit. The Report must outline the names of any tenants who have ended their tenancy; the reason for its end (e.g. Tenant Decision or Mutual Agreement to End Tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.
- B.2.2 Provide a final Tenant Relocation Report prior to issuance of the Occupancy Permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and, include a summary of all communication provided to the tenants.
- B.2.3 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.2.4 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.
- B.2.5 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.2.6 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.2.7 The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that substantial lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
- B.2.8 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.**
-