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CITY OF VANCOUVER  
PLANNING & DEVELOPMENT SERVICES

DEVELOPMENT PERMIT STAFF COMMITTEE  
MEETING  
June 12, 2019

FOR THE DEVELOPMENT PERMIT BOARD  
July 8, 2019

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41 W Pender St (COMPLETE APPLICATION)  
DP-2019-00084 – DD

JTP/VK/DY/JF

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**DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS**

**Present:**

J. Greer (Chair), Development Services  
C. Chant, Engineering Services

**Also Present:**

J.T. Park, Urban Design & Development Planning  
V. Kopy, Development Services  
D. Yu, Landscape Planning  
J. Freeman, Development Services

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**APPLICANT:**

Metric Architecture  
671 b Market Hill  
Vancouver BC  
Canada V5Z 4B5

**PROPERTY OWNER:**

5926753  
41 West Pender Holdings Ltd.

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**EXECUTIVE SUMMARY**

- **Proposal:** To change of use of existing 4 storey warehouse building to retail, office and a 2-storey addition (approx. 18,515 sq.ft.) of secured market rental dwelling units.

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

● **Issues:**

1. Design development of existing façade to better reflect the Victory Square Guidelines;
2. Design development to improve unit livability;
3. Design development of landscape to improve common amenity

- **Urban Design Panel:** SUPPORT with Recommendations
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**DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE**

THAT the Board APPROVE Development Application No. DP-2019-00084 submitted, the plans and information forming a part thereof, thereby permitting the development to change of use of existing 4 storey warehouse building to retail, office and a 2-storey addition (approx. 18,515 sq.ft.) of secured market rental dwelling units, 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 the front façade to be more compatible with the *Victory Square* historic character, as follows:

- i. design development of ground floor retail storefront;

**Note to Applicant:** A strong definition of ground floor is required to reinforce the strong pedestrian scale and interest in keeping with the Victory Square character as defined in the Victory Square Guidelines. Consider defined base element to ground the storefront, and a storefront cornice element to cap the main level.

- ii. provision of large scale elevation detail of ground floor retail storefront;

- iii. provision of simple cornice-like upper cap detail; and

**Note to Applicant:** It should be noted that existing façade contains an upper cap element (similar to historic cornice) to further reinforce the existing heritage street wall and context of West Pender Street.

- iv. design consideration of further refinement of new window openings and frame details;

**1.2** design development to improve the unit livability by:

- i. confirmation to ensure that all dwelling units meet the minimum unit size requirement of 320 sq.ft. Also see Standard Condition A1.14;

- ii. reconfiguration of unit layout for Unit 604 & 605 by relocating the non-habitable rooms (kitchen, bathroom, & storage) to the flex area, and maximizing the habitable rooms;

**Note to Applicant:** Revised unit layout shown in the UDP package is supportable. Provide revised unit layout as part of Prior-To Response package to fulfill this condition.

- iii. design consideration of unit layout for Unit 504 & 505 to relocate the storage closer to the unit entry, deleting the nook, and thus increasing the living area; and

- iv. design consideration to provide operable glazing unit facing the inner courtyard at each unit entry;

**Note to Applicant:** Intent is to provide maximum access to natural light and ventilation for each unit, taking advantage of the open inner courtyard. Consider

use of sidelights and/or transoms with entry door. In addition, consider use of light colours within the courtyard to maximize the impact of natural light.

- 1.3 Design development of landscape to improve the common outdoor amenity space on Level 6, and roof deck; including:

- i. enhancement of the livability of the courtyard and amenity roof patio by increasing green covers;

**Note to Applicant:** permanent planters with small trees and shrubs would be recommended.

- ii. Design consideration to provide a green roof;

**Note to Applicant:** Also see Standard Condition A.1.15

- 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:				41 West Pender St.							
	Permitted/Required Per DD:				Proposed:							
<sup>1</sup> Site Size					50 x 120							
<sup>1</sup> Site Area	6,002.00 ft²				6,002.00 ft²							
Use	Sec. Mkt Rental Dwelling/ Retail / Office				Sec. Mkt Rental Dwelling/ Retail / Office							
<sup>2</sup> FSR	5				5.72							
Floor Area Less Exclusions	Permitted Floor Area	30,010.00	ft²		Dwelling Area	18,514.50	ft²					
	At discretion of DP Board (6.0 FSR)	36,012.00	ft²		Office	9,939.50	ft²					
					Retail	5,872.00	ft²					
					Total	34,326.00	ft²					
Exclusions	Max open balcony (8% FSR)	1,481.16	ft²		Open balcony	433.50	ft²					
	Amenity (20% FSR)	6,002.00	ft²		Amenity	2,902.50	ft²					
<sup>3</sup> Height	Max. Height	75.13	ft		Height	89.50	ft					
	At discretion of DP Board	105.00	ft		# of Storeys	6						
<sup>4</sup> Parking	Sec. Mkt. Rental: Min.	0			Sec. Mkt. Rental: Std.	0						
	Disability	1			Disability	0						
	Max. Small car (25%)	0			Small	0						
	visitor 0.05 spaces per unit	0			visitor	0						
	Min. Required:	1			Proposed:	0						
	Retail / Office: Min.	20			Retail/ Office: Std.	0						
	Disability	2			Disability	2						
	Max. Small car (25%)	5			Small	0						
	Min. Required:	20			Proposed:	2						
	Car Share :	0			Car Share:	0						
	Total:	21			Total:	2						
<sup>5</sup> Bicycle	Class	B	A			Tot.	Class	B	A			Tot.
			Min. Hor.	Max. Vert.	Min. Locker				Hor.	Vert.	Locker	
	Sec.Mkt:	0	12	7	5	24	Sec. Mkt:	0	17	4	3	24
	Retail:	0	1	1	0	2	Retail:	0	2	0	0	2
	Office:	0	5	3	2	10	Office:	0	5	4	0	9
	Total:	0	18	11	7	36	Total	0	24	8	3	35
<sup>6</sup> Loading	Class	A	B		C		Class	A	B		C	
	Sec. Mkt:	0	0				Sec. Mkt :	0	0		0	
	Retail:		2				Retail:	0	1		0	
	Office:	1	1				Office:	0	0		0	
	Total:	1	3		0		Total:	0	1		0	
<sup>7</sup> Unit Mix						Unit Type		Social		Market		
						Studio		0		16	100%	
						1 bedroom		0		0	0%	
						2 bedroom		0		0	0%	
						3 bedroom +		0		0	0%	
						Total:		0		16		

**Notes:**

**<sup>1</sup> Note on Site Size and Site Area:** This site is approximately 50.00 feet x 120.00 feet and is 6,002.0 ft<sup>2</sup>. The site is situated with Pender Street to the South and a lane at the rear.

**<sup>2</sup> Note on FSR and Floor Area:** The floor area is calculated per C2 of the DD Official Development Plan (DDODP) which permits a 5.00 FSR. As per Section 4(b) of the DDODP, the DP Board may permit an FSR up to 6.00 if Social Housing comprises 2/3rd of the proposed FSR or Secured Market Rental comprises all of the residential units. The Applicant is proposing 5.72 FSR with all residential units being 100% secured market rental. Standard Condition A.1.8 requires floor area located at roof top for access be included in FSR.

**<sup>3</sup> Note on Height:** The building height is calculated per C2 of the DD Official Development Plan which permits a height up to 75.13 feet. The DP Board may permit a Building Height up to 105.0 feet as per Section 4, Table 1, area 1 of the DDODP. The proposed height taken at the upper most roof (above elevator overrun, stair and amenity bathroom) is 89.5 feet. Standard Condition A.1.13 requires provision of a height calculation and clarification of all parapet elevations.

**<sup>4</sup> Note on Parking:** Parking is calculated per Section 4 of the newly amended Parking By-law. Only 2 disability spaces are proposed. 20 Spaces, including 2 disability spaces, are required for Commercial Parking and, 1 Disability space is required for residential parking. Pending review of the Traffic Demand Management report, non-disability parking spaces may be reduced. A relaxation of 1 disability space is sought.

**<sup>5</sup> Note on Bicycles:** Bicycle parking is calculated per Section 6 of the newly amended Parking By-law. Some minor modifications to bike space sizes and to end of trip facilities are required. Standard Conditions A.1.11 and A.1.12 seek compliance with Parking By-law.

**<sup>6</sup> Note on Loading:** This development requires 1 "Class A" and 1 "Class B" loading spaces for Office use and 2 "Class B" for Retail use. Only 1 "Class B" loading space has been provided; thus, relaxation of 1 "Class A" and 2 "Class B" loading spaces is required.

**<sup>7</sup> Note on Unit Type:** A total of 16 Secured Market Rental dwelling units are proposed. 12 units are less than 400 ft<sup>2</sup>. Standard Condition A.1.9 requires compliance with Section 10.21 of the Zoning and Development By-law; however, under Section 10.21.2 of the Zoning and Development By-law, the Director of Planning may permit a dwelling unit to be no less than 320 ft<sup>2</sup>.

• **Legal Description**

Lot: 35 & 36  
 Block: 29  
 District Lot: 541  
 Plan: 210

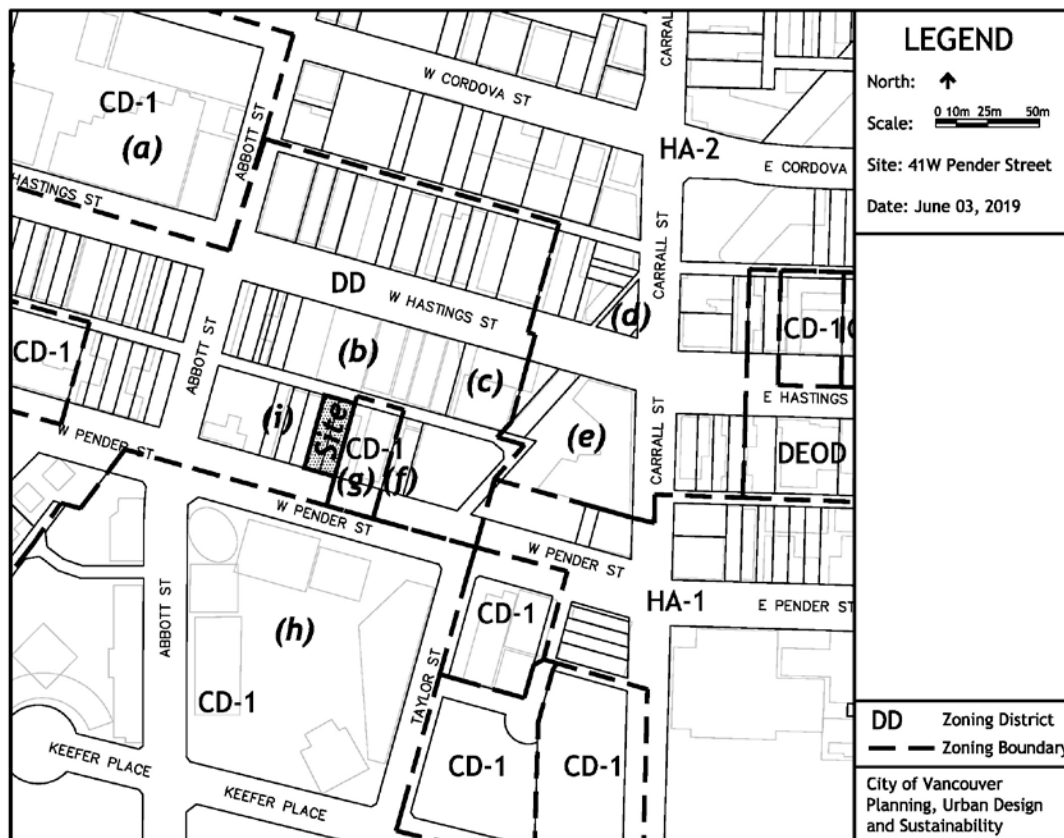
• **History of Application:**

Feb 05, 2019	Complete DP submitted
May 9, 2019	Urban Design Panel
Jun 12 2019	DP Staff Committee

• **Site:** The site is located mid-block on the north side of West Pender Street, between Abbott and Carrall Streets. This 557.6 m<sup>2</sup> (6,002 sq. ft.) site has a frontage of 50 ft. on W Pender Street and a depth of 120 ft. The site is comprised of two legal lots and is currently occupied by a 4 storey commercial warehouse building. Site is within the Victory Square Policy Area.

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

- a) 103 Cordova Street ("Woodward's Building"): Mixed-use development with a 32-storey market strata tower and social housing c. 2009;
- b) 58 W Hastings Street: Approved DP application for a 10-storey mixed-use building with 230 social housing units;
- c) 20 W Hastings Street ("Portland Hotel"): 10-storey building with 88 supportive housing units;
- d) 399 Carrall Street ("Pioneer Place - Pigeon Park"): Popular Downtown Eastside gathering place;
- e) 425 Carrall Street ("BC Electric Building");
- f) 31 W Pender Street ("Skwachàys Lodge"): 4-storey heritage Class "B" building;
- g) 33 W Pender Street ("Loft 33"): 9-storey market strata residential building c. 2009;
- h) 88 W Pender Street ("International Village"): Retail, cinema and residential complex;
- i) 83 W Pender Street: 6-storey heritage Class "B" building.



• **Background:**

A development application for a 6-storey mixed use building was submitted on February 5, 2019 to determine the acceptable form of development under the existing DD (subarea C2) ODP, the *Downtown Eastside Plan (DTES Plan)*, the *Victory Square Policy Plan*, and *Victory Square Guidelines*. This proposal was reviewed by the Urban Design Panel on May 29, 2019 at which time it received support, with recommendations.

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

- *Downtown Eastside Plan* (2014)
- *Downtown Official Development Plan* (1975, last amended 2015)
- *Victory Square Policy Plan* (2005)
- *Victory Square Guidelines* (2006)
- *Housing Vancouver Strategy* (2017)
- *Housing and Homelessness Strategy* (2011)
- *Housing Vancouver Emerging Directions* (2017)
- *Housing Plan for the Downtown Eastside* (2005)
- *Urban Agriculture Design Guidelines for the Private Realm* (2009)

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

***Downtown Eastside Plan (DTES Plan)***

This development application meets the DTES Plan's objectives to have integrated developments that meet the needs and priorities of the local community. This is demonstrated by the secured market rental units provided, the office space, and ground oriented commercial space. There are also shared indoor and outdoor amenity spaces in the building for its residents.

***Victory Square Policy Plan***

The *Victory Square Policy Plan* anticipates retention of the area's heritage buildings, scale and character; improvement of existing low-income housing; revitalization without displacing low-income residents; and partnership with the community. This application complies with both the recommended form of development in terms of a finer grain massing as well as its proposed rental housing use.

***Victory Square Guidelines***

The *Victory Square Guidelines'* main objective points to conservation and retention of the existing scale, form and fabric of the area's heritage environment. Victory Square's main characteristics are: narrow building frontages; characteristic "sawtooth" roof profile created by varying building heights; cubic massing; and robust continuous street walls lined with fine grain commercial-retail units. New development should respect the traditional appearance and proportions of the facades of heritage buildings including:

- A stronger definition of the ground floor level (typically grounded with a base plate, and defined by a lower storefront cornice);
- organized upper facade that is complementary to the traditional vertical elements such as pilasters, columns and bays;
- defined upper edge (such as cornice); and
- punched window openings.

While new developments need not replicate older buildings but should be reflective of the overall massing and composition.

City staff will seek further refinement in responses to the *Victory Square Guidelines* through Recommended Condition 1.1 to articulate the ground floor with fine-grain texture and pedestrian interest by providing an appropriate level of detailing, further refinement of new window openings, and provision of simple cornice-like building cap.

***Housing Vancouver Strategy, Housing and Homeless Strategy, Housing Vancouver Emerging Directions, Housing Plan for the Downtown Eastside, and Motion for Measures to Expedite Affordable Housing***

This application's use and mixed residential tenure meets the policies and guidelines which common objectives is to increase supply of affordable housing to enable more people to live and work in Vancouver.

***Urban Agriculture Design Guidelines for the Private Realm***

This development application provides urban agricultural plots on its shared roof-patio for its residents, thus meeting this Guideline's objectives. Please see Recommended Condition 1.3

**• Conclusion:**

The proposal for 41 West Pender St. represents a high quality mixed use development consistent with the objectives envisioned under the *Downtown Eastside Plan, Victory Square Policy Plan and Guidelines*, amongst other relevant policies, by-laws, plans and guidelines.

Further Urban Design Conditions listed in this report seek to refine the building's rehabilitation of existing building façade to respond to the *Victory Square Guidelines*.

In conclusion, City Staff support the project, subject to design improvements, the proposed building will contribute positively to the area's character – the fine grain streetscape and vibrant public realm – as well as housing and programming demands in the area.



## URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on May 29<sup>th</sup>, 2019, and provided the following comments:

### EVALUATION: Support with Recommendations (8/0)

- **Introduction:**

Development planner, Ji-Taek Park, began by noting that this is a development permit application to renovate an existing 4 storey commercial warehouse building in DD (Subarea C2), and a 2 storey addition of 16 secured market rental residential units. Site is also located within the Victory Square Policy Area, and being reviewed under the Victory Square Guidelines, as well as Downtown ODP. ODP allows the DPB to relax, with support of the advisory panel, density (from 5.0 up to 6.0 FSR -

proposed 5.65 FSR) and building height (from 22.9m/75ft. up to 32m / 105 ft.- proposed 29.5m / 96.7 ft.) if proposed residential units are 100% secured rental (as proposed).

Vic. Sq. guidelines, to ensure adequate access to sunlight and ventilation, outlines inner courtyard design scheme to provide min. 30' opening for a habitable rooms to face into, or 20' for non-habitable rooms. Proposed courtyard opening provides 18'-6" X 15'-7".

Victory Sq. Guidelines also outlines the built-form to reinforce existing scale and character of street walls in Victory Square, such as narrow building frontages; characteristic "sawtooth" roof profile; and robust continuous street walls lined with fine grain commercial-retail units. Significant setbacks are recommended in the Design Guidelines for new addition on existing building, so that the streetwall reads the 'Saw-Tooth' pattern. The proposed addition is setback 7'7" from the existing facade.

Per Vic. Sq. Guidelines regarding Overall Facade Composition, new development should respect the traditional appearance and proportions of the facades of heritage buildings, which is typically composed with:

- A stronger definition of the ground floor level (typically grounded with a base plate, and defined by a lower storefront cornice);
- Organized upper facade that is complementary to the traditional vertical elements such as pilasters, columns and bays;
- defined upper edge (such as cornice).

The ground floor should provide the fine-grain texture and pedestrian interest by providing an appropriate level of detailing. The design should be informed by, and compatible with, the historic store fronts of the area, without being a replica.

Advice from the Panel is sought on the following:

1. Does the panel support the proposed relaxation of building height and density?
2. Does the proposed 2 story addition fit within the context of West Pender Street's saw-tooth pattern as outlined in Vic. Sq. Guidelines?
3. Does the proposed rehabilitation of the existing facade respect & reinforce existing context of Victory Square, providing the fine-grain texture and detail at ground level for pedestrian interest, and reflect the fenestration patterns of heritage buildings?

4. Provide commentary on unit livability, materiality (for both rehab of existing as well as new addition), architectural & landscape expression.

The planning team then took questions from the panel.

- **Applicant's Introductory Comments:**

This project is an addition to a 1960 hybrid structure building designed to carry warehouse loads and have retail spaces.

The existing building was kept because of the usability of the existing materials.

The structure for the addition would be wood-frame.

The project would provide office space and 16 residential studio units as well as at-grade commercial space.

The project would have one commercial sized elevator and two stairways.

There are handicap parking and loading dock in the back of the building

Amenities include a bike repair amenities room.

Project have tree retention program in place for the existing street tree.

Project shows sustainability factor by retaining the existing building and create a further environmental energy envelope for the new construction to meet the new VBBL energy code requirement.

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 Ms. Stamp and seconded by Ms. Besharat and was the decision of the Urban Design Panel:
- THAT the Panel SUPPORT the project with the following recommendations to be reviewed by City Staff:

- **Further design development of the landscape.**

- **Related Commentary**

There was a majority support for this development permit application.

Panel members supported the relaxation of the height and density.

Panel members appreciate the project as a good addition to neighborhood.

Many panel members appreciate the reuse of the existing building.

Some panel members show minor concerns regarding the character of the façade which require more character shaping and level of detailing at grade, and at fenestrations.

Some panel members recommend a further design development of landscape design.

- **Applicant's Introductory Comments:** 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 for Landscape Planning are contained in the prior-to conditions noted in Appendix A attached to this report.

### **HOUSING POLICY & PROJECTS / SOCIAL POLICY & PROJECTS / CULTURAL SERVICES**

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

### **ENVIRONMENTAL PROTECTION BRANCH**

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

### **BUILDING REVIEW BRANCH**

The recommendations for Building Review Branch are contained in the prior-to conditions noted in Appendix B attached to this report.

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, fire-fighting access and energy utilization requirements.

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

### **NOTIFICATION**

On April 11th, 2019, 1585 notification postcards were sent to neighbouring property owners advising them of the application, and offering additional information on the city's website. Site sign confirmed installed on April 10, 2019. Information about the application was posted to the City webpage on April 11, 2019.

No written responses were received during the response period or afterwards up to the date of decision.

**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 and Official Development Plan 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.

Decisions by the Director of Planning are required with respect to the Parking By-Law.

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 loading and parking.

The Staff Committee supports the relaxations proposed as outlined in the proposed conditions of approval.

  
\_\_\_\_\_  
J. Greer  
Chair, Development Permit Staff Committee  
\_\_\_\_\_  
J. Taek-Park  
Development Planner  
\_\_\_\_\_  
V. Kopy  
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 Urban Design Conditions

- A.1.1 design development to ensure generous, continuous and effective weather protection along West Pender Street frontage is provided;

**Note to Applicant:** Canopy depth to be minimum 6'-0". Canopies projecting beyond the property-lines must be demountable and meet the requirements of the Building By-Law. A canopy application will be required to be submitted to Engineering Services for a separate review process.

- A.1.2 design development of the architectural detailing and materials, as follows:

- i. provide large scale elevation detail of ground floor storefront;
- ii. design development of balcony guardrails;
- iii. provide profile of metal panel; and
- iv. provide large-scale detail as follows:
  - a. Balcony and railing;
  - b. Guardrail at roof deck;
  - c. Weather protection;
  - d. Storefront;
  - e. Typical Window jamb & sill details; and
  - f. Metal panel cladding

**Note to Applicant:** provide dimensions and materials on all large-scale detail drawings.

- A.1.3 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.1.4 identification on the architectural and landscape drawings of any built features 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: <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

### Standard Development Conditions

- A.1.5 inclusion of roof top access stairs and elevator into FSR;
- A.1.6 provision of minimum unit areas, clearly illustrated on the plans, in compliance with Section 10.21.2 of the Zoning a Development by-law, for Secured Market dwelling units;
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**Note to Applicant:** There are 12 studio units below the minimum unit size of 398 ft<sup>2</sup> and 4 of those units are below 320 ft<sup>2</sup> on levels 5 & 6. All unit areas are to be calculated from the inside face of exterior walls and must not include bulk storage. The Director of Planning may permit units no less than 320 ft<sup>2</sup> considering the livability of the units.

A.1.7 compliance with Horizontal Angle of Daylight by deleting nook in units 504 & 505;

**Note to Applicant:** Suggest relocating Bulk Storage to where the nook is and increasing living area.

A.1.8 compliance with Section 6.5.5 of the Parking By-law by providing adequate space for grooming stations;

A.1.9 compliance with Section 6.3 of the parking By-law by providing:

- i. a minimum of 5% oversized bike spaces per Section 6.3.9;
- ii. one electrical outlet per every 2 Class A bike spaces;
- iii. typical dimensioning of class A bike spaces; and
- iv. clarification that elevator access is suitable for bicycle circulation.

A.1.10 provision of a height calculation taken from base surface using Building Grades or surveyed grades at the four corners of the lot;

A.1.11 provision of kitchen exhaust venting for all commercial retail units for potential restaurant tenants;

A.1.12 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.1.13 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.1.14 provision of a Site Profile Exemption form;

**Note to Applicant:** More information can be found at the following link:  
<https://vancouver.ca/files/cov/site-profile-exemption-declaration-form.pdf>

### Standard Landscape Conditions

A.1.15 design development to enhance the livability of the courtyard and amenity roof patio by increasing green coverage;

**Note to Applicant:** permanent planters with small trees and shrubs would be recommended.

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A.1.16 provision of the following materials to ensure the successful retention of the two street trees on Pender St:

- i. confirmation that the canopy of the building won't be encroaching into the tree canopies; and
- ii. provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note: "Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees.";

A.1.17 Provision of the following materials in the Prior-to resubmission:

- i. Large scale colored landscape plans with materials, grading and planting information;
- ii. Large scale sections with detailed dimensions;
- iii. A plant list and schedule; and
- iv. A large scale tree management plan;

A.1.18 provision (or further development) 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.1.19 provision of new street trees adjacent to the development site, where applicable;

**Note to applicant:** street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

A.1.20 provision of an outdoor lighting plan;

A.1.21 provision of high-efficiency automatic irrigation for all planted areas;

**Note to Applicant:** Provide an irrigation plan or notations on the planting plan.

### Crime Prevention Through Environmental Design (CPTED)

A.1.22 incorporation of CPTED principles as follows:

- i. lighting plan, incorporating pedestrian-scaled lighting to improve safety and security around the building, including but not limited to along the Lane;
  - ii. avoid hidden alcoves and concealed spaces along the streets and lane;
-



- iii. reduce opportunities for graffiti around the building, use graffiti deterrent paint, and lighten colour of blank facades along base; and
- iv. reduce opportunities for residential break and enter, and mail theft;

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

A.1.23 make arrangements 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 all 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.2 Standard Engineering Conditions**

A.2.1 provision of City building grades;

**Note to Applicant:** Make an application to Engineering for Building Grades.

A.2.2 Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the consolidation of Lots 35 and 36, Block 29, District Lot 541, Plan 210 to create a single parcel.

A.2.3 Arrangements are to be made to the satisfaction of the GMES and the DLS for release of Easement & Indemnity Agreement 58814M (support agreement) prior to building occupancy.

**Note to Applicant:** Arrangements are to be secured prior to issuance of the development permit, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition at the DP stage.

A.2.4 provision of an acceptable Transportation Demand Management Plan meeting the requirements of Transportation Demand Management for developments in the downtown area;

**Note to Applicant:** A TDM plan for the new 16 unit residential development targeting 16 points is required.

A.2.5 provision of a legal agreement, registered on title, to secure long-term service obligations for the benefits of the tenants and/or public of the TDM Plan including \$2 per m2 of gross floor area

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towards a long term monitoring fund. \$7909.80 is required (3954.9m<sup>2</sup>) towards long-term TDM monitoring fund;

A.2.6 compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- i. Provision of design elevations on both sides of the parking and loading at all breakpoints, both sides of the loading bay, accessibility spaces, and at all entrances;

**Note to Applicant:** This is to ensure slopes do not exceed 5% grade.

- ii. All types of parking and loading spaces should be numbered, dimensioned and labelled on the drawings as commercial or residential spaces;

- iii. provide a minimum 28' (8.5m) of stall length for the Class B loading space;

- iv. provision of a shared use agreement to the satisfaction of the GMES for the Class B loading space between the non-residential and residential uses and label the space as 'Residential and Commercial Loading';

**Note to Applicant:** A section drawing is required showing elevations, and vertical clearances including overhead doors and mechanical projections. The minimum vertical clearance should be noted on plans.

- v. 2.3m of vertical clearance is required for access and maneuvering to all disability spaces;

- vi. 3.8m of vertical clearance is required for Class B loading spaces and maneuvering;

**Note to Applicant:** Ensure adequate vertical clearance is provided for utilities and other services over the loading access and stalls to maintain 3.8m of vertical clearance.

- vii. provision of 6 covered Class B bicycle spaces on private property;

**Note to Applicant:** Class B spaces may be located at the front of the building near the entrance. Space may be provided in waiting area of commercial space or main entrance vestibule.

- viii. provision of dimensions of all class A bicycle parking;

A.2.7 provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current COV standards and IESNA recommendation;

A.2.8 provision of new duct banks adjacent to the development site that meets current City standards if the existing sidewalk will be open. Ducts bank is to consist of electrical and communication ducts sized to meet City needs;

A.2.9 confirmation of the required space for BC Hydro electrical plant including pad mounted transformers. This space shall be shown on the detailed site plan and written confirmation from BC Hydro shall be provided;

**Note to Applicant:** The General Manager of Engineering Services will require all utility services to be underground for this "conditional" development. All electrical services to the site must be primary with all electrical plant including pad mounted transformers located on private property with no reliance on public property for placement of these features.

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Further, 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.

- A.2.10 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.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 that may be contaminated and may be encountered during subsurface work at the site;
- A.3.2 As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter;
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**B.1 Standard Notes to Applicant**

- B.1.1 The applicant is advised to note the comments of the Building Review Branch, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated **June 12, 2019**. 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 **Jan 6 2020**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 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 bylaw 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.1.6 The following comments are based on the preliminary drawings prepared by Metric Architecture dated Feb.20/19 for the proposed development permit. This is a preliminary review in order to identify issues which do not comply with the 2014 Vancouver Building Bylaw.
- i. Building safety facilities such as central alarm and control facility, fire fighters elevator, and stairwells equipped with standpipe connections shall be coordinated with the location of the fire fighters' entrance.
  - ii. \*\*Fire protection, structural capacity, and accessibility of the existing building are required to be upgraded per Part 11 of the VBBL. This is considered to be a major vertical addition/change of major occupancy exceeding 5 year cumulative with corresponding level of upgrade of F4, S4, N4, E5 and A4.
  - iii. \*\*Building construction is required to be non-combustible.
  - iv. High rise building and VBBL 3.2.6 requirements for high buildings apply to the entire building.
  - v. A cross over floor is required.
  - vi. All entrances, exits, drive isles, and other off street disability parking spaces, and egress from them must have a minimum vertical clearance of 2.3m, as required by the Parking Bylaw.
  - vii. \*\*The mezzanine shown on the drawings appears to exceed 40% of the space it serves, please confirm this is not a storey at BP stage. The proposed roof deck has rooms containing an occupancy, it is therefore a storey. These items will potentially make this an 8 storey building.
  - viii. The proposed 5th and 6th levels are required to meet Enhanced Accessibility provisions of 3.8.2.27. and the curved stair will need to comply with 3.3.1.16.
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- ix. On level one the garbage room will require a vestibule and the loading bay doors would be required to be rated with closers actuated on alarm.
- x. It is recommended that each CRU in a new or fully upgraded building have a route shown on the plans for future kitchen ventilation system exhausts.
- xi. Mid-rise buildings, in particular 6 storeys or less, and mid-rise buildings which have residential houses on the other side of the lane, should be provided with an interior shaft to enable future kitchen duct work to reach the highest roof.
- xii. Buildings without a shaft to the highest roof should show a route for duct work to reach a lane thru an ecology unit except where there is no lane to another discharge point approved by the Chief Building Official and Director of Planning.
- xiii. For all buildings regardless of height, an ecology unit for a commercial kitchen ventilation system is required for horizontal discharges, vertical discharges that are near or below existing open able windows, and situations required by the Director of Planning.

Items marked with \*\* have been identified as serious building by-law issues.

**Note to Applicant:** 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.

## **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.
  - 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 12<sup>th</sup> 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.
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- B.2.5 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.2.6 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.**
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