
CITY OF VANCOUVER
DEVELOPMENT, BUILDINGS, & LICENSING

DEVELOPMENT PERMIT STAFF COMMITTEE
MEETING
October 31, 2018

FOR THE DEVELOPMENT PERMIT BOARD
November 26, 2018

439 Powell Street (COMPLETE APPLICATION)
DP-2018-00817 – DEOD SUB-AREA 3 POWELL STREET/JAPANTOWN

MCU/MXC/AEM/JRB

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

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

Also Present:

M. Castillo Urena, Development Planning
M. Cheng, Development Services
J. Borsa, Development Services

APPLICANT:

Anthony Boni
Boni Maddison Architects
3732 West Broadway
Vancouver, BC
V6R 2C1

PROPERTY OWNER:

Ming Sun Benevolent Society
2310 Renfrew St
Vancouver, BC
V5M 3J9

EXECUTIVE SUMMARY

- **Proposal:** To develop a 6 storey mixed use building with Retail at grade and 55 units of Social Housing above. This application is being processed through the Social Housing or Rental Tenure (SHORT) program.

See Appendix A Standard Conditions
Appendix B Standard Notes and Conditions of Development Permit
Appendix C Building Review Branch Comments
Appendix D Plans and Elevations
Appendix E Applicant's Design Rationale

● **Issues:**

1. Livability
2. Character
3. Accessibility
4. Parking

- **Urban Design Panel:** This application has not been reviewed by the Urban Design Panel.
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DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DP-2018-00817 submitted, the plans and information forming a part thereof, thereby permitting the development of a 6 storey mixed use building with Retail at grade and 55 units of Social Housing above, 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 arrangements shall be made to the satisfaction of the Director of Legal Services and the General Manager of Arts, Culture and Community Services to enter into a Housing Agreement for 60 years or the life of the building, whichever is greater, in order to comply with the provisions for Social Housing as defined in the Zoning and Development By-law for this area. The Housing Agreement will secure the following:
- i. a no separate sales covenant;
 - ii. a no stratification covenant;
 - iii. a provision that none of the dwelling units in the building will be rented for less than one month at a time;
 - iv. not less than one-third of the Social Housing Units, will be occupied only by persons eligible for either Income Assistance or a combination of Old Age Security pension and the Guaranteed Income Supplement and rented at rental rates no higher than the shelter component of Income Assistance;
 - v. the target rents and affordability for the remaining Social Housing Units will be for:
 - a. one-third to be occupied only by households with incomes below the then current applicable Housing Income Limits, as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication, and each rented at a rate no higher than 30% of the aggregate household income of the members of the household occupying such Social Housing Unit; and
 - b. the remaining one-third to be rented at Affordable Market Rents, meaning the average market rents posted by Canada Mortgage and Housing Corporation applicable to the location of the Lands;
 - vi. Micro Dwelling Units will each be rented at a rate less than the average market rents for studio apartments in the East Hastings zone (as may be renamed from time to time) as stated annually in the Canada Mortgage and Housing Corporation's Annual Rental Market Survey or an equivalent publication (as may be approved by the General Manager of Arts, Culture and Community Services);
- 1.2 design development to improve the building expression consistent with the existing historical context and character by:
- i. redesigning the composition (and shape) of the upper apertures on Powell Street to reflect the predominant vertical pattern;

Note to Applicant: Abstract interpretations of the existing vertical vocabulary are encouraged. Two separated floor-to-ceiling vertical openings with juliet balconies per unit may accomplish this and still provide sufficient daylight and ventilation.

- ii. increasing the height of the commercial storefronts;

Note to Applicant: Tall storefronts are also key pattern in the neighbourhood as demonstrated by the existing character building to be replaced.

- iii. further identification of the building's main entry; and

Note to applicant: The entry at Powell Street should be highly visible and better distinguished from the commercial uses. This can be accomplished with lighting, colour, different treatment (jambs, inset), and/or its own architecturally-integrated canopy.

- iv. adding enhanced visual quality of the lane and exposed sidewalls;

Note to Applicant: Additional improved materiality, texture and/or colour should be considered. Opportunities to express community/local identity, for areas permanently visible, should also be considered.

- 1.3 design development to improve liveability for internalized units by:

- i. increasing natural light and ventilation for all units; and
- ii. increasing the main living/sleeping space of internalized units #204, #304, #404, #504, #604;

Note to Applicant: A minimum dimension for a habitable main living/sleeping space should be 3 metres. Refer to Micro Dwelling Policies and Guidelines here: <https://guidelines.vancouver.ca/D015.pdf>

- 1.4 design development to provide universal accessible routes to all facilities, including garbage, parking and loading;

Note to Applicant: Targeted residents of this development are senior people who may have reduced mobility, therefore a thorough accessible design is required. This can be accomplished by accommodating convenient lifts or ramps. See also Standard Engineering Condition [A.2.9\(iv\)](#).

- 1.5 design development of the shared courtyard to improve potential for communal exchange as well as to adding visual quality to courtyard elevations;

Note to applicant: Opportunities for shared programming that maximize the amount of daylight for units into the courtyard must be incorporated. See also Standard Landscape Condition [A.1.12](#).

- 1.6 provision of a commemorative programme referencing the site's rich built form and cultural history;

Note to Applicant: Careful integration of historic elements/remnants, visual imagery and community based "stories" is required. The provision of visual media, and interactive technology, should be considered. A historically accurate colour strategy for appropriate aspects of the building is also required. The plan should focus on telling the story about

the Uchida Building and Ming Sung Society, its cultural significance for the Powell Street local community, and in the larger Vancouver context.

- 1.7 design development of the architectural detailing and materials, as follows:
- i. increase the proposed transparency of the balconies;
 - ii. provide further information on materials:
 - a. indicate brick dimension;
 - b. indicate slate finish size; and
 - c. indicate colours of all materials on Material Legend;
 - iii. provide the following large-scale detail drawings, including:
 - a. main entry (indicating special features such as lighting, soffit, etc.);
 - b. weather protection canopy;
 - c. typical juliet balcony; and
 - d. roof parapet.
- 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: 439 Powell Street		DEOD Sub-area 3 Powell Street / Japantown		DP-2018-00817									
PERMITTED / REQUIRED		PROPOSED											
Site Size		50.00 / 50.02 ft by 122.03 / 122.04 ft											
Site Area		Per Survey		567.08 m ² = 6,104.00 ft ²									
Uses ¹	Sub-area 3 Powell Street / Japantown Retail commercial Other use(s): at the discretion of DPB	Sub-area 3 Powell Street / Japantown Retail commercial Social Housing - all micro dwelling		2 CRU's at Level 1 Levels 2 to 6									
Dwelling Unit Type		Micro dwelling		100 % 55 units									
Frontage	Maximum site frontage	149.93 ft		Site frontage									
	Maximum retail frontage	50.00 ft		Retail frontage									
Height	Outright minimum	2 storeys 23.00 ft		Top of Roof Parapet									
	Outright maximum	4 storeys 49.00 ft											
	Maximum height at the discretion of DPB	74.80 ft											
FSR ²	Outright	1.00 FSR		Retail commercial									
				Social Housing									
	Maximum FSR at the discretion of DPB	4.50 FSR		Total									
Floor Area ²	Maximum floor area at the discretion of DPB		27,468.00 ft ²		Retail commercial								
					Social Housing								
					Total								
Residential Balcony	Enclosed	4% 1,008.00 ft ²		Enclosed									
	Open, enclosed, sundeck	8% 2,016.00 ft ²		Open, enclosed, sundeck									
Amenity	Maximum	20% 5,493.60 ft ²		Amenity at Level 1									
Parking ³	Retail		Retail										
			Standard		1								
	Disability	0		Disability		0							
	Maximum Small Car (25%)	1		Small Car		2							
	Total minimum for Retail	2		Total for Retail		3							
	Social Housing		Social Housing										
			Standard		0								
	Disability	3		Disability		0							
	Maximum Small Car (25%)	2		Small Car		0							
	Total minimum for Social Housing	9		Total for Social Housing		0							
Total for all uses		11		Total for all uses		3							
Loading ⁴	Class		A		B		C						
	Retail	0		1		0		0					
	Social Housing	0		0		0		0					
	Total for all uses	0		1		0		0					
Bicycle ⁵	Class		A		B		Horiz.		Vert.		Locker		
			A		B		A		A		B		
	Retail	0		0		0		0		0		0	
	Social Housing	14		6		5		0		0		0	
	Total for all uses	14		6		5		0		5		0	

Notes:

1 Note on Uses: In accordance with Section 6.2 - Uses of the DEOD ODP of the Zoning and Development By-law, Social Housing is not specifically listed. However, the Development Permit Board may permit this use if it is comparable in nature, having regard to the intent, goals and policies of the DEOD ODP.

2 Note on Floor Area and FSR: In accordance with Section 6.5 - Density of the DEOD ODP of the Zoning and Development By-law, Development Permit Board may permit an increase in the maximum floor space ratio up to 4.5.

3 Note on Parking: Staff supports parking relaxation for the proposed development if the applicant can provide one disability space, one shared vehicle parking space, and all required Class A bicycle spaces on site. Standard Condition **A.1.4** seeks compliance with the parking requirements. See also, footnote 5 below.

4 Note on Loading: Standard Condition **A.2.5** seeks a shared-used loading agreement for the Class B loading space between the commercial and residential uses on site.

5 Note on Bicycle: All required Class A bicycle spaces must be provided on site as a condition of the parking relaxation. Standard Condition **A.1.5** seeks compliance with the bicycle requirements for social housing. See also, footnote 3 above.

• **Legal Description**

Lot: 24 & 25
 Block: 41
 District Lot: 196
 Plan: 196

• **History of Application:**

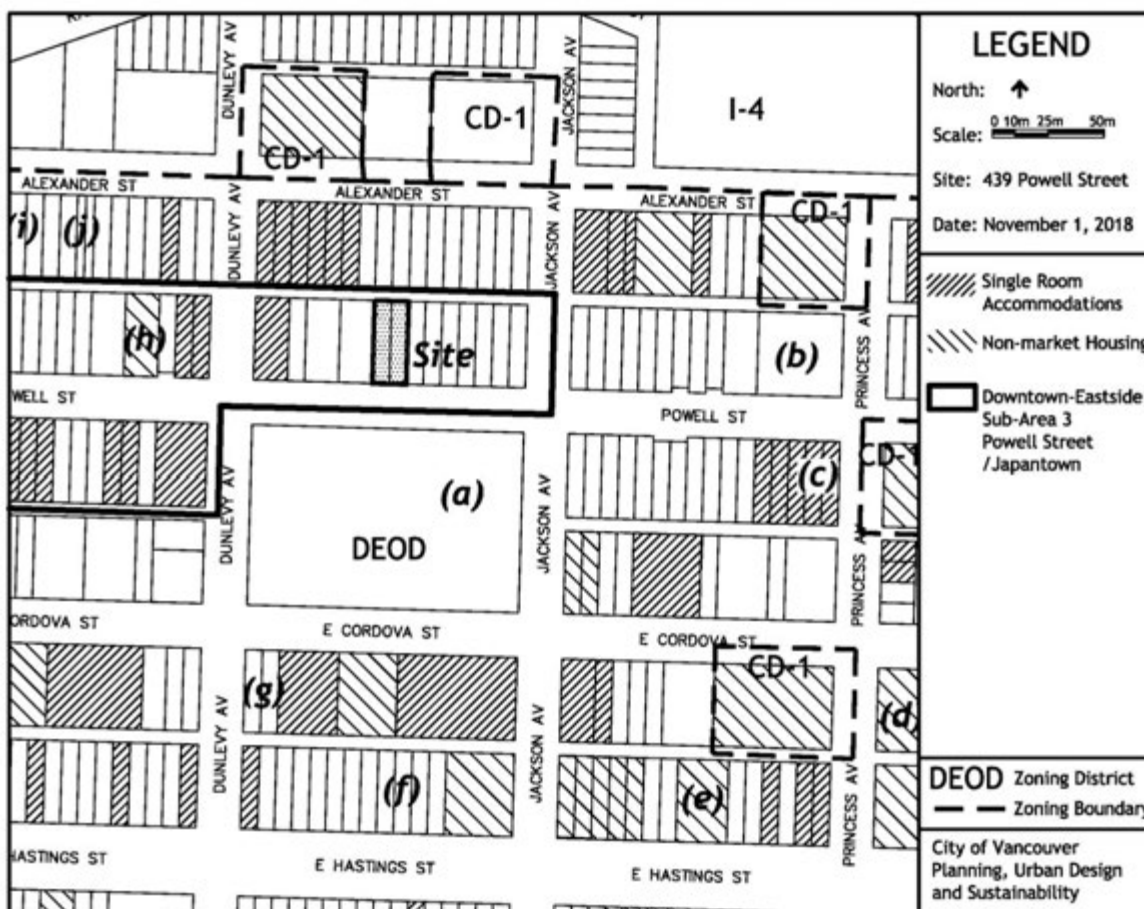
18 09 12 Complete DE submitted
 18 10 31 Development Permit Staff Committee

• **Site:** The site is located mid-block on the north side of Powell Street between Dunlevy Avenue to the west and Jackson Avenue to the east. It is directly across the street from Oppenheimer Park. The site consists of two legal lots for a total of 6,104 sq. ft. with a frontage of 50 ft. and depth of 122 ft.

• **Context:** Significant developments in the immediate area are shown in Figure 1 and are listed below:

- (a) Oppenheimer Park;
- (b) Downtown Community Health, 565 Powell Street;
- (c) Triage Emergency Services, 215 Princess Avenue;
- (d) Union Gospel Mission, 601 E Hastings Street;
- (e) Sheway, 533 E Hastings Street;
- (f) Vancouver Native Health Society, 449 E Hastings Street;
- (g) Life Skills Center, 412 E Cordova Street;
- (h) Vancouver Intensive Supervision Unit, 391 Powell Street;
- (i) WISH Social Service Center, 334 Alexander Street; and
- (j) Lookout Downtown, 346 Alexander Street.

Figure 1: Context Map



● **Background:** The Downtown Eastside (DTES) Plan, the associated Rezoning Policy, and Micro Dwelling Unit Policies and Guidelines were approved by Council in March 2014. Implementation of the Plan also resulted in revisions to the Downtown Eastside Oppenheimer Official Development Plan (DEOD ODP) including updating the zoning's bonus density mechanism to meet the goals of the Housing Plan – that is, to prioritize the development of rental housing. Using innovative development models, the DTES Plan encourages affordable housing, including allowing consideration of bonus density, in developments where a mix of 60% social housing and 40% secured market rental is provided, or where 100% social housing is provided. The Plan aims to build and support sustainable social housing units, and to encourage market rental development rather than strata-ownership housing in the area.

The 400 block of Powell Street is characterized by older non-market housing developments, commercial and mixed use building, including some identified as having heritage merit. The building located at the end of the block to the west is included in the Vancouver Heritage Register.

This development proposal is to replace the existing character building with 55 units of social housing. Staff acknowledge that the existing building has architectural, historical or cultural value but it is not included in the Vancouver Heritage Register. Furthermore, staff have been informed that the building has structural damage and it is currently uninhabitable.

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

1. Downtown-Eastside/Oppenheimer Official Development Plan (DEOD ODP), Sub-area 3 (Powell Street/Japanese Village)

This site is located in Sub-Area 3 (Powell Street/Japanese Village) of the Downtown-Eastside/Oppenheimer Official Development Plan. As such, it is regulated specifically by Section 6, as well as Sections 1 through 3 of the Downtown-Eastside/Oppenheimer Official Development Plan.

The Powell Street/Japantown sub-area is intended to be a medium-density mixed commercial-residential area, appropriate for retail, restaurant and other similar pedestrian-oriented uses at street level, and residential, commercial and office uses on upper levels. This sub-area should continue to provide shopping facilities which serve the day-to-day needs of local residents and workers of the Downtown Eastside Oppenheimer area.

The 400 block is also intended to be the heart of historic Japantown. Developments which recognize the area's unique ethnic history and which enhance its historical, architectural and cultural character are encouraged.

Section 1 of the ODP identifies the first goal for the DEOD as Housing. Development in this area should retain and provide new affordable housing and, in so doing, increase the number of self-contained dwelling units.

Section 3 "Sub-area Development Guidelines (General)" of the ODP describes the scope and application of the subsequent sub-area guidelines:

"The Sub-Area Development Guidelines are all mandatory in the sense that any development permit application shall be measured against them. Flexibility and innovation are encouraged in the preparation of development proposals and a significant degree of discretion is hereby given to the Development Permit Board in the interpretation of policies."

For this DP application, the proposed density is greater than 1.0 FSR and the height more than 15 m. Therefore, the decision to permit the requested density up to 4.5 FSR and height up to 22.8 m, rests with the Development Permit Board.

2. Downtown-Eastside/Oppenheimer Design Guidelines

The Downtown-Eastside/Oppenheimer Design Guidelines are intended to highlight opportunities and issues, and to illustrate practical suggestions for new developments. They are a written and illustrated summary of the intent of the policies and regulations in the ODP. They are organized into two categories: General Design Principles and Sub-area Design Opportunities. For this proposal, sections 1 and 2.3 (Japanese Village) are considered.

3. Housing Vancouver Strategy and Action Plan (2018-2027)

In November 2017, Council approved the Housing Vancouver Strategy (2018–2027) and three-year Action Plan (2018-2020). The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The Housing Vancouver targets were based on the core goals of retaining diversity of incomes and households in the city, shifting housing production towards rental to meet the greatest need, and coordinating action with partners to deliver housing for the lowest income households. Overall, 72,000 new homes are targeted for the next 10 years, including 12,000 social, supportive and non-profit co-operative units and 20,000 purpose-built rental units. Of the 72,000 new homes projected as part of the new targets, nearly 50 percent will serve households earning less than \$80,000 per year, and 40 percent will be family-size units. This application will contribute towards the targets for social housing units to be delivered under the City's Social Housing or Rental Tenure (SHORT) pilot program.

4. Downtown Eastside Housing Plan (2014)

The DTES Plan sets a vision for the future of the DTES and aims to improve the lives of those who currently live in the area, including low and middle-income residents, the homeless, seniors, children and families. The goal of the Plan is to, “enhance and accelerate a strategy to implement Council's 2005 DTES Housing Plan” thereby improving the delivery of affordable market and social housing options for all residents, and to support local serving commerce, social services and cultural activities where all feel welcome, valued and at home.

The DTES plan also provides clear direction for Housing objectives including: The upgrading of 800 non-profit operated Single Room Occupancy units to contain private bathrooms and cooking facilities and the creation of 1,650 new units of secured market rental housing.

5. Micro Dwelling Unit Policies and Guidelines (2014)

As part of the DTES Plan, Council also approved a relaxation for new self-contained studio units (with private bathrooms and kitchens) from 29.7 m² (320 sq. ft.) to 23.2 m² (250 sq. ft.). The units are intended for single occupancy and must be secured as rental. The guidelines aim to support the creation of new livable, affordable micro dwelling rental units in the Downtown Eastside. The aim is to provide flexibility to achieve the City's affordable housing objectives for replacement housing for low income singles and affordable housing for moderate income renters in the Downtown Eastside. These policies and guidelines delineate a set of principles for livability, which include light and ventilation, privacy and amenity and outdoor space.

These dwellings are further regulated by 11.27 of the Zoning and Development By-law.

6. Urban Agriculture Guidelines for the Private Realm

The City of Vancouver Food Policy identifies environmental and social benefits associated with urban agriculture and seeks to encourage opportunities to grow food in the city. The Guidelines encourage edible landscaping and shared gardening opportunities in private developments.

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

- 1. Downtown-Eastside/Oppenheimer Official Development Plan (DEOD ODP), Sub-Area 3 Powell Street/Japantown**

Use: In DEOD, development applications may be considered for bonus density (above 1.0 FSR), where all of the residential floor space is allocated to social housing. The application meets this requirement, providing 55 micro dwelling units for shorter-term stabilization housing.

The application also includes two-commercial units, which are required uses at grade in this sub-area of DEOD.

FSR: The proposed 4.45 FSR complies with the ODP's maximum 4.5 FSR on sites with frontages no greater than 45.7 m, and which provide social housing.

Height: In this sub-area, height up to 22.8 m can be considered on sites with frontages no greater than 45.7 m. The application currently is within this maximum height and it proposes 21.93 m (71.95 ft.).

- 2. Downtown-Eastside/Oppenheimer Design Guidelines**

Built Form: The design guidelines direct a newly designed building to be responsive to the existing context and enhance the heritage setting of individual buildings, or group of buildings, with heritage merit or potential. New developments should also be compatible with heritage. In general, facades should align with existing buildings on the street and medium scale (3 to 6 storey) developments are appropriate.

The proposed 6-storey development fits into a very mixed streetscape of 1 to 3-storey mixed use character buildings. The courtyard-shaped massing makes an efficient use of the site but also creates a simple, austere façade on Powell Street. Staff believe that the proposed contemporary architectural expression respectfully contributes and elevates the existing streetscape. Further design development is sought under Recommended Condition 1.2 to better reflect the existing patterns and to achieve further compatibility with the heritage context.

High quality materials and texture compatible with the character and thoughtful architectural detailing are proposed on Powell Street. One inherent challenge of this site is the interface to the adjacent existing lower developments to both sides. Recommended Condition 1.2 seeks to improve this condition.

Liveability: An acceptable level of livability is achieved for the social housing on Levels 2 to 6 facing both Powell Street and the lane. Micro dwellings have minimum 9 ft. ceilings and substantial windows. Design development to improve livability for internalized units is sought under Recommended Condition 1.3.

Interface with Public Realm: Noting that the ODP identifies Powell Street as retail continuity to maintain the retail function and emphasize its Japanese character, commercial units are provided. Recommended Condition 1.2 seeks improvements to this interface.

- 3. Housing Vancouver Strategy and Action Plan (2018-2027)**

The 55 social housing units proposed with this application will help achieve the 10-year City-wide targets of 12,000 new social, supportive, and co-op units in Vancouver. Table 1 shows the current progress toward these targets.

Table 1: Progress Towards 10 Year Housing Vancouver Targets as of September 30, 2018

Housing Type	10-YEAR TARGETS	Units Approved Towards Targets
Social, Supportive, and Co-op Housing Units	12,000	3,482

*Note that tracking progress towards 10-year Housing Vancouver targets began in 2017

*Unit numbers exclude the units in this proposal, pending the Board's approval of this application

*Q3 figures include 228 temporary modular homes approved in Q1 and Q2 of 2018 that were not previously counted towards the target

In addition to city-wide targets, the *DTES Plan (2014)* includes social housing targets as shown in Table 2. Since the *DTES Plan (2014)* was approved, we have achieved 1590 new units of social housing. The number of SRO replacement units towards the DTES goals as of November, 2018 is 1,440. This includes SRO (micro + studio + 1 bed room) replacement units renting at shelter component of Income Assistance that are approved, under construction or completed as of 2012.

Table 2: Downtown Eastside Housing Targets Progress Update, as of September 30, 2018

Housing Type	10-Year Target	30-Year Target	Achieved	Gap	Gap
				10-Year	30-Year
Social Housing inside DTES	1,400	4,400	1,590	190 (over target)	2,810
Secured Market Rental inside the DTES	1,650	3,000	597	1,053	2,403

*Note that the units from this application will be included in the next quarterly update.

4. Downtown Eastside Housing Plan (2014)

439 Powell Street is located in Sub-Area 3 Powell Street/Japantown of the Downtown-Eastside Oppenheimer District, in the heart of a low-income community. The intent of the zoning is to prioritize the area for affordable rental housing for low and moderate income and for the provision of 100% social housing for any development over 2.5 FSR. This development application meets the 100% social housing requirements and will be secured in a Housing Agreement for 60 years or the life of the building, whichever is greater consistent with the definition of Social Housing in the Zoning and Development By-law for the area.

Social housing in this area means rental housing:

- i. in which at least one third of the dwelling units are occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and are rented at rates no higher than the shelter component of Income Assistance; and
- ii. which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and iii. in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or

leasehold title, with such priority of registration as the city may require. See Recommended Condition 1.1.

In addition to housing, the Plan encourages commercial uses which serve both local residents and the working population. This will be achieved by encouraging and supporting small local serving businesses (i.e. maximum frontages or floor areas for certain uses in some areas) and strategic public realm improvements to improve safety, quality, and amenity, particularly for vulnerable populations. In proposing commercial uses at grade, as well as an enhanced public realm design on Powell Street, the proposed development contributes to these objectives.

5. Micro Dwelling Unit Policies and Guidelines (2014)

The micro dwellings proposed in this building each have their own bathroom and kitchenette. The living/sleeping areas are at least 3 m square for the most of them and have a large window with operable vents. Juliet balconies are in lieu of private balconies and storage is provided as in a bulk storage area in the corridor on each floor. An indoor amenity room containing a kitchen, washrooms, lounge and laundry facilities is available to the units. Additionally, common outdoor space in the form of a courtyard is provided on the second level. Three of the micro dwelling units per floor are internalized and have two large apertures facing the courtyard. The courtyard has been shaped to enable sun access to south-oriented internalized units at afternoon time. However staff is seeking improvement on the livability of internal units under Recommended Condition 1.3.

6. Urban Agriculture Guidelines for the Private Realm

Design development is needed to include planters with edible landscaping or which would be suitable for urban agricultural activity by residents, including the necessary supporting infrastructure to support such activity by residents. Design development to include planters suitable for urban agriculture activity by residents on level 2 and to include supporting infrastructure such as a yard waste composter and a potting bench / tool storage chest, and to ensure the planters have an irrigation system, or that a hosebib is provided. See Standard Landscape Condition A.1.12.

• Conclusion:

Staff believe that the proposed development application demonstrates general approvability under the prevailing applicable By-laws, policies and guidelines.

Furthermore, this application addresses some critical objectives for this neighbourhood. It provides housing for low-income, including vulnerable populations, in a timely and affordable project. Staff acknowledges that the loss of the “Uchida Building”, an important piece of Japanese Canadian history, and one of the last remaining original buildings of Japantown its character and associated memories, is regrettable and unfortunate. However, the proposed form of development, and anticipated quality and character, could make a positive contribution to the more challenged Oppenheimer Park and Powell Street context, subject to the design development sought in the Recommended Conditions.

Staff recommend approval of this application, with conditions.

URBAN DESIGN PANEL

This proposal has not been reviewed by the Urban Design Panel.

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)

Additional work is required to ensure that the development meets general principles for CPTED performance. Staff are recommending design development, with a special focus on the Powell Street fronting and lane environments, under Recommended Condition 1.2 and Standard Condition A.1.18.

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, fire fighting access and energy utilization requirements.

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

NOTIFICATION

A site sign was placed on site and installation was verified on October 24, 2018. Also on October 24, 2018, 170 notification postcards were sent to neighbouring property owners advising them of the application, and offering additional information on the city's website.

Further, 525 emails were sent to organizations and individuals that have requested to be added to a mailing list to be notified of applications in the Downtown Eastside.

Three responses were received. One in support and one opposed with the provision of Social Housing. The third response had concerns with the retail space and proximity to Oppenheimer Park.

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.

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 parking. The Staff Committee supports the relaxations proposed.

The Staff Committee supports this proposal subject to the conditions contained in this report.



J. Greer
Chair, Development Permit Staff Committee



M. Castillo Urena
Development Planner



M. Cheng
Project Coordinator

Project Facilitator: J. Borsa

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

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

A.1 Standard Conditions

- A.1.1 confirmation of sufficient bulk storage in accordance with Bulk Storage and In-suite Storage bulletin;

Note to Applicant: The size may be reduced for access purposes due to VBBL requirements. Provide additional dimensions, areas and calculations to demonstrate sufficient bulk storage is provided for each dwelling unit. See the bulletin for more information at <http://former.vancouver.ca/commsvcs/BYLAWS/bulletin/b004.pdf>.

- A.1.2 demonstration of compliance with Section 11.27 - Additional Regulations, of the Zoning and Development By-law on micro dwellings;

Note to Applicant: The floor area of a micro dwelling must be at least 29.7 m² (319.69 sq. ft.) and no less than 23.2 m² (249.72 sq. ft.). This area excludes in-suite storage and is measured from the inside of all outer walls.

- A.1.3 inclusion of the following areas in the computation of floor area:

- i. portion of 'Hall 101' leading occupants to 'Office 1' and 'WC 3';
- ii. janitor closets at levels 2 to 6; and
- iii. service closets at levels 2 to 6;

- A.1.4 compliance with Section 4 - Off-Street Parking Space Regulations, of the Parking By-law, as follows:

- i. provide one shared vehicle parking space;
- ii. provide one disability parking space; and
- iii. provide electrical vehicle charging parking spaces in accordance with Sections 4.14;

Note to Applicant: Compliance with bicycle parking is required as a condition of the parking relaxation being granted from 11 parking spaces required to 2 spaces provided (A shared vehicle parking space can be counted as 5). See also, Standard Condition **A.1.5**.

- A.1.5 compliance with Section 6 - Off-Street Bicycle Space Regulations, of the Parking By-law, as follows:

- i. provide a minimum of 14 Class A and 6 Class B bicycle spaces in accordance with Section 6.2.1.4 for social housing;

Note to Applicant: Class B bicycle spaces to be located on private property.

- ii. provide at least 20% of the Class A bicycle spaces as bicycle lockers in accordance with Section 6.3.13A; and

- iii. provide electrical outlets for every two Class A bicycle spaces in accordance with Section 6.3.21;

Note to Applicant: Compliance with bicycle parking is required as a condition of the parking relaxation being granted. See also, Standard Condition [A.1.4](#).

A.1.6 clarification of the following:

- i. delete or rename all "Lounge" references;
- ii. label "Service Closet" on all floor plans;
- iii. clarify the ground floor area on sheet A2.1a;

Note to Applicant: Areas do not add up to "Total Gross Floor Area".

- iv. clarify the proposed number of Class A bicycle spaces;

Note to Applicant: Plans do not match the summary table.

- v. indicate the following elevations on Sections, Elevations, Roof Plan:

- a. Top of Roof Slab;
- b. Top of Roof Parapet; and
- c. Top of Mechanical;

A.1.7 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.1.8 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.1.9 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.1.10 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 Landscape Conditions

A.1.11 design development to provide a complete Landscape Plan, to include a minimum of the following:

- i. sheet titles to follow conventional sequencing and to match the drawing list on cover sheet;
- ii. references, notations and legends to be coordinated;
- iii. landscape plans to appear in context of architectural floorplans for each level, separately;
- iv. text to read clearly without overlapping; and
- v. appropriate scale to be used for plans, i.e. 1/8"=1' or 1:100;

Note to Applicant: The plan submitted is conceptual only. The Landscape Plan should provide complete information, including but not limited to Planting Plans, Plant Schedule, materials, layout, details, sections, etc. The Landscape Plan should be in colour, or to read clearly in black and white without the use of grey tones. Further conditions may follow receipt of a complete plan.

A.1.12 design development to expand programming by providing a more diverse courtyard as a Common Amenity area, without reducing the amount of daylight to lower levels;

Note to Applicant: This should include additional, diverse programming that promotes social interaction, passive seating and gathering areas. Urban Agriculture plots are encouraged. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting. See also Recommended Condition 1.5.

A.1.13 provision of larger scale (1/4"=1') section details to illustrate all typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features, indicating dimensions and materials;

A.1.14 provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape;

Note to Applicant: Growing mediums and planting depths should exceed CSLA standards. Planter details should confirm this by scaled dimensions.

A.1.15 coordination with Engineering Services and the Park Board for the provision of street trees, confirming quantities, species, sizes and locations, and addition of the following note on the plans:

Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Eileen Curran at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper 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. New street trees to be confirmed prior to issuance of the building permit. Call Cabot Lyford at Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion.

Note to Applicant: The applicant must contact Park Board and Engineering prior to final DP submission and ensure this information is included on the Plant Schedule.

- A.1.16 provision of a high-efficiency automatic irrigation system to be provided for all planters;
- A.1.17 provision on the landscape drawings of landscape features intended to create a 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 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>

Crime Prevention Through Environmental Design (CPTED) Conditions

- A.1.18 design development to the lane elevation to improve the overall visual quality and CPTED performance including enhanced surveillance;

Note to Applicant: Careful attention to exterior lighting to achieve CPTED performance, with special attention to lane interface, is required. Glare to residential units should be minimized.

A.2 Standard Engineering Conditions

- A.2.1 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the consolidation of Lots 24 and 25, Block 41, District Lot 196, Plan 196 to create a single parcel;
- A.2.2 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the release of Easement & Indemnity Agreement 125389M (encroachment into now-defunct building line) 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.2.3 arrangements shall be made for the provision of a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use exclusively by such Shared Vehicle(s), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - i. provide 1 Shared Vehicle to the development for a minimum period of [3 years];
 - ii. enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);
 - iii. provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles;
 - iv. make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
 - v. provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle; and
 - vi. registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant
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under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions;

- A.2.4 provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy;

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9m.

- A.2.5 arrangements shall be made for the provision of a shared use loading agreement to the satisfaction of the General Manager of Engineering Services for the Class B loading space between the commercial and residential uses on site and to label the space as 'Commercial and Residential Loading'.

Note to applicant: The shared use agreement should specify allocated time periods for shared use by residential vs. commercial units.

- A.2.6 city building grades are to be shown on the site plan;

Note to Applicant: Design elevations are required on both sides of new entrances and at all corners of loading and combined vehicle space(s). Ensure that all design elevations are located on property line adjacent to all entrances.

- A.2.7 all door swings are to be within private property;

Note to Applicant: Sheets A1.2, 2.1, and 2.1a shows the door swing encroaching into the lane. A maximum of 1 foot over City property is permitted.

- A.2.8 deletion the glass/aluminum Juliette balcony railings shown encroaching over the north and south property lines on sections B-B & C-C, page A3.4 and elevations, page A3.1;

Note to Applicant: The generic footings shown on pages A3.3 & A3.4 encroach onto City street and lane and the neighbouring properties. The final footing design is to have no encroachments.

- A.2.9 compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services:

- i. provision of Class B loading not to conflict with adjacent parking space(s);

Note to Applicant: Class B load throat is proposed through adjacent parking. Consider providing minimum 3.5 m (11'-6") x 9.1 m (30') Class B loading space to achieve this.

- ii. provision of a clear area at the end of the loading bay with suitable access to facilitate goods loading/unloading;

Note to Applicant: Reference to Section C-C does not appear to be in the drawings.

- iii. provision of an additional partial section drawing through the Class B loading space;

Note to Applicant: Section drawings to show minimum 3.8m (12'6") required vertical clearance to the underside of raised security gate free of all built obstructions.

- iv. design development to provide convenient, internal stair-free loading access to/from all site uses;

Note to Applicant: See also Recommended Condition 1.4.

- v. provision of automatic door openers for all doors providing access to Class A bicycle spaces;
- vi. provision of updated plans to show the route for Class A bicycle spaces to reach the outside;

Note to Applicant: Route should be stair free with a line clearly shown on the drawings.

A.2.10 a canopy application for all new canopies that encroach onto City property is required; and

Note to Applicant: Canopies must be fully demountable and drained to the buildings internal drainage systems. Please submit a copy of the site and elevation drawings of the proposed canopy for review.

A.2.11 provision of written confirmation that all utility services to be underground.

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, 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.

The applicant is to provide confirmation that all required electrical plant is provided for on-site. 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. At this time there seems to be no allocation of such plant shown on the detailed Plans

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 October 31, 2018. 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 **March 29, 2019**, 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.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 12th floor of 601 West Broadway. Should compliance with the health Acts necessitate changes to this permit and/or approved plans, the owner is responsible for obtaining approval for the changes prior to commencement of any work under this permit. Additional fees may be required to change the plans.
 - B.2.5 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.
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- B.2.6 Applicant is to display a sign on the site, throughout construction, that acknowledges that social housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.
- B.2.7 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:
- i. 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;
 - ii. dewatering activities during remediation may require a Waste Discharge Permit; and
 - iii. 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.2.8 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.
- B.2.9 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. No tower crane permitted on Street.
- B.2.10 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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Building Review Branch Comments

The following comments are based on the preliminary drawings prepared by Boni Maddison Architect, dated Aug. 17th, 2018, under revision by the applicant for the proposed development permit.

This is a preliminary review in order to identify issues which do not comply with the Vancouver Building Bylaw #10908 as amended (VBBL), and includes a review of Subsection 3.2.5. "Provisions for Fire Fighting".

To develop a new 6 storey mixed use building with Retail at grade and 55 units of Social Housing above. This application is being processed through the SHORT program.

- 1) The construction requirement for the propose must meet 3.2.2.
- 2) A building greater than 18 meter measured between grade and the uppermost floor level will need to comply with Subsection 3.2.6., Additional Requirements for High Buildings.
- 3) Exit doors must swing in the direction of exit travels, a door in Hall 102 only swing in one direction when it should be swing in both.
- 4) Loading Bay must comply with Article 3.2.3.18 for Covered Vehicular Passageway.
- 5) A fire separation with rating is required between Loading Bay and the parkade as above item #4.
- 6) Fire Containment in Group C Combustible Building greater than two storeys must comply with Article 3.2.1.7.
- 7) Combustible Refuse Storage (garbage/recycling rooms) must comply with Article 3.6.2.5.
- 8) Potential fire exposure from Common Room's skylights to the above Court Yard may require fire separations.
- 9) What is a Common Room? Is it a subsidiary to the residential use like amenity room?
- 10) Protection of Exit Facilities must comply with Article 3.2.3.13. Please check Stairs 1 and 2 including the CRU entries.
- 11) Storage Garage Separation needs to comply with Article 3.3.5.6., including the storages in the public corridor on every floor.
- 12) Standpipe is required as per Article 3.2.5.8.
- 13) Fire Department requires a Fire Construction safety plan if this is a combustible construction per 3.2.2.
- 14) Ashrae/Energy checklist is required for:
<https://vancouver.ca/home-property-development/large-building-energy-requirements-forms-checklists.aspx>
- 15) Accessibility must comply with Section 3.8, Article 3.8.2.27., and Subsection 3.8.5.

As per Sentence 3.8.2.27(4) the garbage/recycling rooms and parkade requires to be accessible.

Further review is required at building permit application stage.

* Items marked with an asterisk have been identified as serious non-conforming Building By-law issues.

Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response.

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