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1255 W PENDER STREET (COMPLETE APPLICATION)  
DE420258 - Zone DD

SDB/BB/WL/AEM/LM

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**DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS**

**Present:**

J. Greer (Chair), Development Services  
C. Joseph, Engineering Services  
D. Naundorf, Housing Policy and Projects  
K. Amon, Park Board

**Also Present:**

S. Black, Urban Design & Development Planning  
B. Balantzyan, Development Services  
W. LeBreton, Development Services

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**APPLICANT:**

William G Jackson  
#114 - 1230 Haro Street  
Vancouver, BC V6E 4J9

**PROPERTY OWNER:**

Port Capital Development (Ev) Inc.  
Evergreen House Development Ltd.  
328 W 2<sup>nd</sup> Avenue  
Vancouver, BC V5Y 1C8

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**EXECUTIVE SUMMARY**

- **Proposal:** To develop the site with a new mixed use building comprising 20 dwelling units and 3,600 ft.<sup>2</sup> of commercial use at grade; all over three levels of underground parking accessed off of Hastings Street and also requesting an increase in the Floor Space Ratio using a Heritage Density Transfer from a donor site at 12 Water Street (providing 4,955 ft.<sup>2</sup>).

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Applicant's Design Rationale, Plans and Elevations

Appendix D Applicant's View Analyses

● **Issues:**

1. Potential structural adjustments

- **Urban Design Panel: Support**
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**DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE**

THAT the Board APPROVE Development Application No. DE420258 submitted, the plans and information forming a part thereof, thereby permitting the development of a new mixed use building comprising 20 dwelling units and 3,600 ft.<sup>2</sup> of commercial use at grade; all over three levels of underground parking accessed off of Hastings Street, and also requesting an increase in the Floor Space Ratio using a Heritage Density Transfer from a donor site at 12 Water Street (providing 4,955 ft.<sup>2</sup>), 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 in response to structural or building requirements shall not reduce previously approved setbacks;

**Note to Applicant:** An increase in the setback from the west property line to the upper storeys of the building, estimated at 225 mm (9 in.) by the applicants, is contemplated by the applicants to meet structural or building requirements. Consideration will be given to relocation of the affected floor area to lower levels, but in no case will the previously approved minimum setbacks be reduced. Standard Condition A.1.1 should be resolved before consideration of this item.

- 1.2 notation on the elevation drawings of the colour, finish, and materials for all exterior surfaces;

**Note to Applicant:** Intent is to maintain the proposed design quality through subsequent stages. All significant exterior surfaces should be labelled, including soffits and wall returns.

- 1.3 consideration to include bird friendly design features;

**Note to Applicant:** Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and note the features selected for this site on the drawings. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

**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:**

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size	-	-	66.0 ft. x 125.12 ft.
Site Area	-	-	8,258.0 ft. <sup>2</sup>
Floor Area <sup>1</sup>	Area "G": All uses 49,548.0 ft. <sup>2</sup> Density Transfer 4,955.0 ft. <sup>2</sup> Total (all uses) 54,503.0 ft. <sup>2</sup>	-	Residential 51,304.0 ft. <sup>2</sup> Commercial 3,216.0 ft. <sup>2</sup> Total (all uses) 54,520.0 ft. <sup>2</sup>
FSR <sup>1</sup>	Area "G": All uses 6.00 Density Transfer 0.60 Total (all uses) 6.60	-	Residential 6.21 Commercial 0.39 Total (all uses) 6.60
Balconies <sup>2</sup>	Open + Enclosed 4,104.0 ft. <sup>2</sup> (max. 8% of residential area)	-	Open 1,531.0 ft. <sup>2</sup> Enclosed 2,054.0 ft. <sup>2</sup> Total 3,585.0 ft. <sup>2</sup>
Amenity	Maximum 10,000.0 ft. <sup>2</sup>	-	Parking Level P1 1,283.0 ft. <sup>2</sup> 2 <sup>nd</sup> Floor 1,753.0 ft. <sup>2</sup> Total 3,036.0 ft. <sup>2</sup>
Height <sup>3</sup>	Overall 300.0 ft. View Cone Max. EL 479.0 ft.	-	Top of uppermost roof 224.3 ft. Uppermost roof level EL 272.8 ft.
Parking <sup>4</sup>	Commercial (max.) 3  Small Car (25% of 22) max. 6	Residential 20 Commercial 2 Total (min.) 22  Disability (min.) 1	Residential 43 Commercial 3 Total 46  Small Car 0 Disability 1
Loading <sup>5</sup>	-	Class A Class B Residential 0 0 Commercial 0 1 Total 0 1	Class A Class B Residential 0 0 Commercial 1 0 Total 1 0
Bicycle Parking <sup>6</sup>	-	Class A Class B Residential 25 6 Commercial 1 0 Total 26 6	Class A Class B Residential 26 6 Commercial 0 0 Total 26 6
Dwelling Unit Area	-	Minimum 400.0 ft. <sup>2</sup>	Minimum 1,258.0 ft. <sup>2</sup>
Horizontal Angle of Daylight <sup>7</sup>	-	Minimum 50°	Minimum 0°
Unit Type <sup>8</sup>	-	-	One-bedroom 3 Two-bedroom 11 Three-bedroom 6 Total 20

<sup>1</sup> **Note on Floor Area and FSR:** The maximum permitted floor area and FSR include a 10 percent transfer of heritage floor space pursuant to Section 3.14 of the Downtown Official Development Plan. Standard Condition A.1.2 seeks a Letter "B" in order to confirm the transfer of heritage density to the site, and the balance of density remaining on the donor site.

<sup>2</sup> **Note on Balconies:** Enclosed balcony area must not exceed open balcony area, and Standard Condition A.1.4 seeks compliance.

<sup>3</sup> **Note on Height:** Proposed building height is well below the “Queen Elizabeth Park to the Downtown skyline and North Shore Mountains” View Cone affecting the site.

<sup>4</sup> **Note on Parking:** Access to parking spaces is via car elevator due to site constraints.

<sup>5</sup> **Note on Loading:** Engineering Services support relaxation of loading, as recommended by Bunt & Associates, and provision of one Class A loading space in lieu of the one required Class B loading space.

<sup>6</sup> **Note on Bicycle Parking:** The proposal is deficient in the number of commercial Class A and residential Class B bicycle spaces, and Standard Conditions A.1.12 and A.1.13 seek compliance.

<sup>7</sup> **Note on Horizontal Angle of Daylight:** Staff are satisfied of the livability and privacy of non-compliant rooms on the east and west sides of the proposed development as windows in affected rooms are located with adequate distance from existing development which are expected to remain indefinitely. See Planning commentary in this report.

<sup>8</sup> **Note on Unit Type:** Proposed use of some rooms within dwelling units is unclear, and Standard Condition A.1.7 seeks clarification.

• **Legal Description**

**Lot:** 18, Except that part of the Canadian Pacific Railway Right-Of-Way as described in Absolute Fee Parcels Book, Volume 9, Folio 317, No. 1154C, and except that south 7 feet now road.

**Block:** 29

**District Lot:** 185

**Plan:** 92

• **History of Application:**

04-01-16 Complete DE submitted

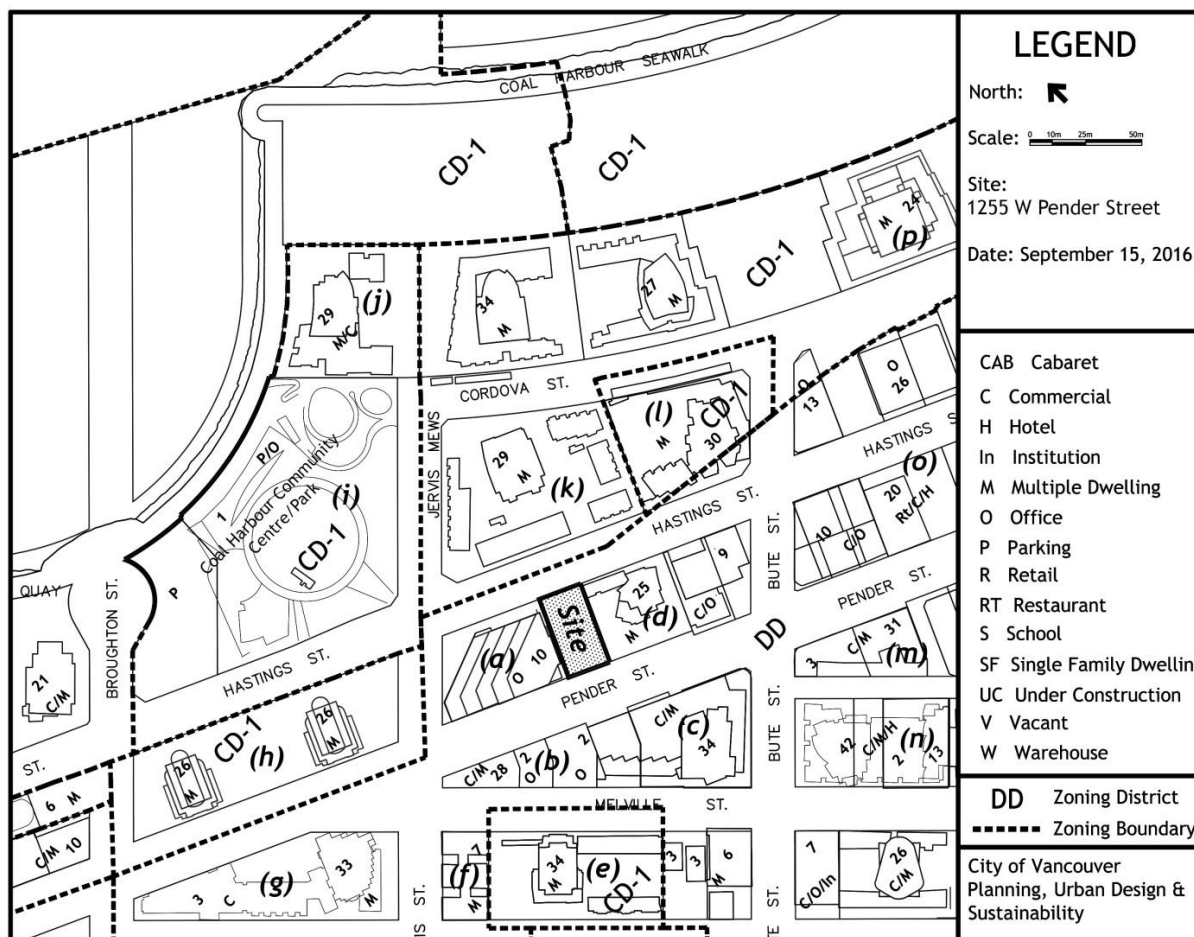
09-07-16 Urban Design Panel

09-21-16 Development Permit Staff Committee

• **Site:** The site is located near Coal Harbour and is half a block east of Coal Harbour Community Centre and Park. The property is 66 ft. wide and is situated on the north side of West Pender Street and double fronts onto West Hastings Street. It is immediately east of 1285 West Pender Street (the Evergreen Building), a 10 storey mixed-use building that has been protected through a Heritage Revitalization Agreement. A 25 storey residential building (the Palladio) is situated immediately to the east at 1228 West Hastings. Another residential tower (C-Side) is located to the north across Hastings Street and several towers were recently built on the south side of West Pender Street.

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

- (a) 1285 W Pender (Evergreen Building), heritage designated 10-storey mixed-use building
- (b) 1280 W Pender (Flatiron), 28-storey building on townhouse base
- (c) 1211 Melville St. (Ritz), 34-storey mixed-use development
- (d) 1228 W. Hastings St. (Palladio): 25-storey residential tower on 2-storey townhouse base
- (e) 1238 Melville St. (Pointe Claire): 34-storey (319 ft.) residential tower on 2-storey townhouse base
- (f) 610 Jervis Street (Banffshire): 6-storey heritage residential rental building
- (g) 1310 W. Pender St. (Classico): 33-storey (315 ft.) residential tower
- (h) 1301 W. Pender St. (Harbourside Towers): two 26-storey residential towers
- (i) 350 Broughton St.: Coal Harbour Community Centre (below) & Jervis Park (above)
- (j) 323 Jervis St. (Escala): 29-storey residential tower with 2-storey townhouses
- (k) 1280 W. Cordova St. (C-side): 29-storey residential tower with 2-storey townhouses
- (l) 1205 W. Hastings St. (Cielo): 30-storey residential tower with 1-storey commercial podium
- (m) 1188 W. Pender St. (Sapphire): 31-storey residential tower including daycare
- (n) 550 Bute (Melville) 42-storey residential tower with mid-rise 13-storey hotel
- (o) 1180 Hastings St. (Coast Coal Harbour Hotel): 20-storey hotel with commercial at grade
- (p) 1169 W Cordova St. (One Harbour Green): 24-storey residential tower



• **Background:**

DE411500 was issued on March 24, 2009 for this site, to permit a 14-storey residential/office building containing 25 dwelling units at 151 ft. in height, containing 5.7 FSR comprised of 43,478 sq. ft. of dwelling use and 3,516 sq. ft. of office use. DE416230 was issued on March 11, 2013 as a minor amendment to add two residential units on the second floor, replacing office and amenity space.

This application is similar in form and massing to the Board's previously approved form of development for the site, except for a proposed height increase in the form of a tapered extension of five stories, the variation of lower level setbacks, and a commensurate increase in density of 0.9 FSR.

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

**Downtown Official Development Plan (DODP sub area G):** In summary, the By-law allows for a variety of uses up to a maximum discretionary density of 6.0 FSR, and height up to 300 feet, subject to a qualitative review of urban design and other aspects contained in the guidelines.

**Downtown Design Guidelines:** The Guidelines provide a general checklist for achieving high quality development, seeking: contextual, neighbourly development that respects existing buildings and open spaces; creation of public open space wherever possible; pedestrian amenity along street frontages; preservation and, where appropriate, creation of public views; minimization of shadow and private view impacts; and slim rather than bulky towers. Section 6.2.2 (c) of the Guidelines states that the maximum permitted density may not be achievable on all sites.

**Downtown District Character Area Descriptions: Golden Triangle (Triangle West):** The area description anticipates mixed-use developments including residential west of Bute Street. Building frontages that do not include retail or similar uses should maintain pedestrian interest through attractive and highly visible building entrances, windows, displays, public art, landscaping where appropriate, and other amenities.

**Tower separation:** Typically for residential developments in Triangle West, the urban design criteria of the Downtown South guidelines are applied, including tower separation. A separation of 80 ft. (24.4 m) to any nearby residential tower is sought for that portion of a new building above 70 ft. (21.3 m). The intent of this requirement is to protect residential livability, sunlight and views.

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

**Downtown Official development Plan**

**Use:** The proposed residential and commercial uses (described under Built Form) conform to the zoning.

**Density:** The proposed floor area amounts to a density of 6.6 FSR, which requires the purchase of heritage density.

**Height:** The proposed height of 224 ft. is below the permitted height.

**Downtown Design Guidelines and Downtown District Character Area**

**Built Form:** The overall built form consists of a two-storey element with commercial use facing Pender Street, with 17 storeys of residential tower above. The massing terraces away from the Palladio tower to maximize separation and minimize view blockage for units in the Palladio. Staff consider these measures, resulting in elongated suite layouts, to be neighbourly to the Palladio, while still providing

livable units in the proposed development. The proposed residential lobby, landscaping and commercial frontages provide appropriate interfaces to the public realm, including increased setbacks to the entry court of the Evergreen as compared to the previous approval. The application also proposes to reduce some setbacks between the Evergreen office windows that face the interior property line as compared to the previous approval. Consideration has been given to the outlook from both adjacent neighbours, including their differing heights, view directions, plate sizes, and hours of usage, and the proposed form appears to balance these factors appropriately. Staff consider the intent of the Guidelines and character description to be met.

**Shadow Impact:** The proposed height does not shadow any public open space, except for a shadow extending approximately 4.5 ft. onto a paved portion of Coal Harbour Park between 11:00 am and noon at the equinox. Staff do not consider the amount to be significant in the context of other Coal Harbour towers.

**Tower separation:** As noted in the 2007 report to the board on the same issue, the development does not provide the usual separation of 80 ft. (24.4m) between residential towers which are above 70 ft. (21.3 m) in height. The proposed separation of 73.1 ft. (22.3 m) to the angled tower corner of 1235 West Pender Street (Palladio) was accepted at the time as the Palladio is not set back by the normal 40 ft. to its property line, and the proposal nonetheless provides a 40 ft. setback from its upper floors to the property line. This has required a very narrow floor plate, only 26 ft. (7.9 m) wide at the eighth floor and above (see Appendix C).

Through the permit review, the applicants have identified structural and building considerations that are likely to require increasing the setback from the upper tower to the west property line. While this change is acceptable in terms of the urban design, the applicants have inquired about relocating the affected floor area to lower levels. Staff recommend that if this relocation is pursued in a subsequent amendment, the setbacks to the Palladio established in DE411500 should not be reduced (see Condition 1.1).

The proposed building also features a combination of translucent and opaque spandrel glazing facing east towards the Palladio to limit views toward and from nearby residences. As well, the Palladio was designed with an angled floor plan which faces obliquely rather than directly to the subject site. Staff support this combination of glazing and oblique orientation of the adjacent tower as meeting the intent of horizontal tower separation.

**Evergreen Building:** A development permit to maintain the existing height and office uses of the Evergreen building at 1285 West Pender was issued in 2007, in conjunction with its designation as a municipally protected building. Since then, the Vancouver Heritage Register “A” listed Evergreen Building has been renovated, and the relationship of the proposed building to the Evergreen Building was the focus of commentary by the Urban Design Panel (see below). In general, the Panel felt that the proposed massing and detail were well handled, and the proposed design had achieved a respectful interface with the Evergreen while still achieving its own distinctive character.

Given the expected longevity of the Evergreen, staff accept the calculation of horizontal angle of daylight requirements to its current form, rather than to a hypothetical future building.

- **Conclusion:** The design responds to a challenging context in a way that is both respectful and distinctive. Staff recommend approval of this application, subject to the design conditions noted.

## URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on September 7, 2016, and provided the following comments:



## EVALUATION: SUPPORT (7-0)

- **Introduction:** Sailen Black, Development Planner, introduced the site located south of Coal Harbour Marina, a half-block east of the Coal Harbour Community Centre and Park. The site front onto Pender Street at the north side, which has a busy arterial condition. However, it also double fronts onto Hastings Street which is quieter and more pedestrian-oriented.

To the west at 1285 West Pender Street there is the Evergreen, a 10-storey mixed-use building which has a Heritage "A" listing and is protected through a Heritage Revitalization Agreement. To the east at 1228 W Hastings is a 25-storey apartment building (the Palladio) and immediately north across Hastings Street there is a residential tower (C-side). There are also several new and existing towers on the south side of Pender Street.

The proposal is for a 19-storey mixed-use building with commercial at grade and residential above including 20 dwelling units, with underground parking accessed from W Hastings Street. The building height is 224 ft. above the base surface on Pender Street, and the tower element is set back 40 ft. from the residential neighbour. Proposed FSR is 6.6 (54,503 sq. ft.). The building is generally very similar in form to the adjacent Evergreen building up to level 13, where the structure transitions to timber columns.

The planner reviewed sections of the local policies, including the design objectives in the Downtown Design Guidelines.

Comments were sought on the landscape and architectural design of this development permit application in general, and in particular:

1. On the relationship of the proposed design (including consideration of form, setbacks, edge conditions, expression, and detailing) to its two immediate neighbours.
  2. On the creation of an appealing and attractive public realm interface to the two public streets.
- **Applicant's Introductory Comments:** The applicant team introduced the project by noting that they have tried to keep things as simple and restrained as possible. There are four contextual conditions which were considered for this building: the relationship to the Evergreen Building; the relationship to Coal Harbour; the relationship to local high rises; and the relation to surrounding mountains.

Sympathetic relationships have been created between this and the Evergreen Building, with transitional massing between the lower massing of the evergreen building and the buildings to the east. The triangle at the top gives a clear orientation towards the waterfront, and gives the building the look of a lantern on a lighthouse. The triangular shape also limits shadows impacts on the neighbouring park. A portion of the core of the building is on the east façade, which eliminates  $\frac{1}{4}$  of the façade area and reduces the amount of vision area between this and the adjacent building.

The building is an expressed concrete structure on the lower 12 floors, with a mass timber structure on the upper 7 floors, which is the project's commitment to sustainable design. The terraces are located on the lower stepped east side of the building and wrap around to the north side on the vertical face only. Overall the materiality of evergreen is strong and simple, and that has been extended into this building.

The terraces are heavily landscaped. The vines on the building are similar to ivy and echo the lines on the evergreen building.

The winds from the Burrard inlet are much stronger due to climate change, so shelters have been added to allow people to enjoy the outdoor spaces. Terraced roof decks are being used to break up the wind and maximize light penetration using a simple plane. There is some stepping, but there is a large special separation between the stairs.

The applicant team then took questions from the panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**

- None

- **Related Commentary:** The panel mentioned that the dialogue is contrasting but complimentary to the Evergreen Building, and that the wood makes sense.

The Panel discussed the angled form at the retail lobby at Pender Street as it pulls back to mimic the Evergreen Building. One member thought that may not be the right move, while most felt that the mirroring is a nice addition.

All the right moves have been taken in respecting the urban context. There is great legibility, an intelligent and creative response to a restricted site, and a clear expression and logical use of materials.

- **Applicant's Response:** The applicant team thanked the 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)

CPTED recommendations are contained in the prior-to conditions in Appendix A of this report.

## LANDSCAPE

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

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

The proposed 19 storey building includes 20 units with two or more bedrooms (100% of total units comprised of 8 2-bedroom, 10 3-bedroom and 2 4-bedroom units) which may be suitable for families with children. The High Density Housing for Families with Children Guidelines are therefore being considered in the review of plans for this site. Design development is needed to the two adjoining multi-purpose amenity rooms to ensure plans include and will provide for the construction of an accessible washroom, storage closet and kitchenette for these areas (condition A.1.23).

There is an outdoor amenity area adjacent to the common indoor amenity, which, while too small for a range of children's play activity, does provide an opportunity to create a common outdoor social space for families within the building. Consideration should be given for design development of the outdoor

common patio area adjacent to the amenity room to include infrastructure facilitating outdoor communal dining by residents for extended family, friends and neighbors (condition A.1.24). A neighbourhood park across the street has a large lawn and playground (Coal Harbour Park atop the Coal Harbour Community Centre) which provide a range of children's play opportunities.

## 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.

Due to the relatively innovative building approach to this project, the applicant consulted the Office of the Chief Building Official and Vancouver Fire and Rescue Services at the pre-application stages. These groups accepted the proposed Alternative Solution concept, subject to reviewing the final details of which; but were generally satisfied with the broad concepts at this stage.

## NOTIFICATION

Two site signs were placed at the site, one facing Pender Street and one facing Hastings Street. On July 13, 2016, 2,873 notification postcards were sent to neighbouring property owners advising them of the application, and offering additional information on the city's website. The postcard and the development application materials were posted online at [vancouver.ca/devapps](http://vancouver.ca/devapps). In addition, a public open house was advertised on the signs, postcard, and online. The Open House was held on the evening of Tuesday, September 6, 2016. 94 people attended the open house and 32 written comment forms were submitted that evening.

In addition to the comment forms received from the open house, another 6 written responses were received via email. Of all of the responses, 3 requested additional information about the impacts on private views; 24 expressed support for the project; and 9 were either directly opposed or expressed significant concerns as outlined below.

**Shadowing of the Park:** There were concerns expressed about the height of the proposed tower, and its possible shadow impacts on Coal Harbour Park to the northwest.

**Staff Response:** The height of the proposed building is lower than most residential towers in Triangle West. The triangular profile has been designed to reduce shadow impacts to the Park.

**Privacy for Neighbours:** Concerns were expressed as to the potential impact to office views, privacy and light access for those portions of the Evergreen Building near to the common property line.

**Staff Response:** Residential windows facing the office windows are noted as translucent glazing, which will reduce overlook. Staff acknowledge the potential for impacts to office space, which is related to a building design intended to reduce residential impacts.

**Access to Private Views:** There were 9 respondents who expressed concern about how the proposed building would limit their private views from nearby buildings.

**Staff Response:** Staff acknowledge the impact to private views enjoyed by nearby high-rise residents. The effect is depicted through the view analyses provided in Appendix D. The tapering form above a terraced base is designed to progressively reduce view impacts as the building rises, as compared to a rectangular tower profile.

**Distance to Neighbouring Towers:** There were some concerns expressed about this high rise tower's proposed distance from other existing towers.

**Staff Response:** The proposed distance from other towers is consistent with the Board's previous approval for this site.

**Relation to the Adjacent Evergreen Building:** Two respondents felt that the proposal should better respond to the terracing of the neighbouring Evergreen Building; or to match the outline of the east elevation of the Evergreen Building.


**Staff Response:** The proposed design includes a terraced form from levels three to seven, and its overall design reflects numerous elements of the Evergreen Building. Staff feel that the proposed design is an appropriate response to the Evergreen Building.

**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 Downtown Official Development Plan, it requires decisions by the Development Permit Board.


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.

The staff committee supports this proposal subject to the conditions contained in this report.



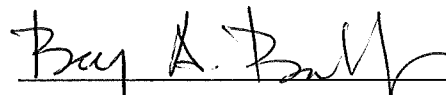
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J. Greer  
Chair, Development Permit Staff Committee



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S. Black, Architect AIBC  
Senior Planner



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Berg Balantzyan  
Project Coordinator

Project Facilitator: Wendy LeBreton

## 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 compliance with Section 3.1.G - Density, of the Downtown Official Development Plan, and clarification of proposed floor area, noting the following:

- a) unless designated as residential storage, area of proposed storage rooms in the underground parking levels and on the first floor plan must be included in the computation of the floor space ratio (FSR);
- b) floor area of the retail vestibule, elevator, and stair on the first floor plan may be excluded from the computation of the FSR as it serves as access to retail parking spaces, in accordance with Planning - By-law Administration Bulletin entitled, "Parking, Off-street - Floor Space Ratio (FSR) Exclusions";
- c) triangular portion of residential entry, defined by columns, on the first floor plan must be included in the computation of residential area;
- d) floor area on the 13<sup>th</sup> through 19<sup>th</sup> floors, 1.4 m (4.0 ft.) and greater in height under the sloping glass façade, must be included in the computation of the FSR;

**Note to Applicant:** Extent of this area should be illustrated as matching on the floor plans, FSR documents, and section drawing.

- e) stair/elevator core on Parking Level 1 must be proportionately rated and corresponding area is to be included in the adjacent amenity area;
- f) in-suite storage room is shown as excluded floor area in Unit PH 1601 - L3 on the 18<sup>th</sup> floor plan, but its area appears to be included in FSR on the FSR documents;
- g) submission of revised detailed FSR documents indicating all spaces and uses included or excluded from FSR calculations is required;

**Note to Applicant:** Use of Section 3.6.(g) - Density, of the Downtown Official Development Plan regarding FSR exclusion may be helpful in complying with maximum permitted FSR.

A.1.2 submission of "Letter B" which includes confirmation from the owner of the "donor" site that the Heritage Density Transfer Agreement has been finalized, and confirming the new "balance" of transferable density remaining on the donor site, is required;

A.1.3 compliance with Planning - By-law Administration Bulletin entitled, "Bulk Storage and In-suite Storage - Multiple Family Residential Developments", noting the following:

- a) storage rooms shall not contain windows, as in Unit PH 1301 on the 13th floor, Unit PH 1401 - UL on the 15th floor, and Unit PH 1601 - L3 on the 18th floor;

**Note to Applicant:** If windows are to remain, notation shall be provided on plans stating, "Opaque glass to exterior, gypsum board and framing to interior - typical to storage rooms adjacent to exterior fenestration".

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- b) storage room doors adjacent to parking stalls should swing inward in order to maintain minimum parking space size;
- c) storage space should be dimensioned to demonstrate a minimum clear horizontal dimension of 1.2 m (4.0 ft.) in all directions;

A.1.4 compliance with Sections 3.6.(a) and 3.7.(a) - Density, of the Downtown Official Development Plan, Planning - By-law Administration Bulletin entitled, "Balcony Enclosure for New Buildings", and Balcony Enclosure Guidelines, noting the following:

- a) enclosed balcony area cannot exceed proposed open balcony area;

**Note to Applicant:** No more than fifty (50) percent of the excluded balcony area may be enclosed. Enclosed balcony area in excess of the 50 percent limit must be included in the computation of the FSR).

- b) tandem open and enclosed balconies, as in Unit PH 602 - LL on the 6th floor, are not supportable;
- c) balcony enclosures are limited to one balcony enclosure per dwelling unit;

**Note to Applicant:** Units PH 1401 and PH 1601 each contain 2 enclosed balconies.

A.1.5 details of balcony enclosures;

**Note to Applicant:** To qualify for an exclusion from FSR calculations, an enclosed balcony must be a distinct space separated from the remainder of the dwelling unit by walls, glass, and glazed doors (hinged or sliding), have an impervious floor surface, a flush threshold at the bottom of the door (for disabled access), large, openable windows for ventilation, and distinct exterior architectural expression. In addition, each dwelling unit should have no more than one enclosed balcony, and all balconies, both open and enclosed, should be clearly identified on the floor plans. Notation should also be made on the plans stating: "**All enclosed balconies shall be designed and constructed in accordance with the Council-approved Balcony Enclosure Guidelines.**" Limitations on the amount of exclusions and enclosures permitted are described within the regulations of the respective District Schedule or Official Development Plan that apply to the specific site. For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines.

A.1.6 provision of a vertical vent space to accommodate future proposed restaurant exhaust from the commercial level;

**Note to Applicant:** Intent is to allow for a wider range of uses without requiring the retrofitting of exhaust ducting on the outside of the building.

A.1.7 notation/clarification of the uses of all rooms/spaces, including the following:

- a) identification of dwelling unit types with regard to number of bedrooms in each unit, to be noted on the floor plans;

**Note to Applicant:** Inference to future uses of rooms delineated with broken lines should be deleted from floor plans.

- b) rooms in dwelling units with "Bedroom/Study" should be noted as either "Bedroom" or "Study";

**Note to Applicant:** Only one use per space should be shown on the plans.

- A.1.8 detailed floor and roof elevations for each floor and roof level in the building, as related to the existing grades on site, to be shown on the elevation and section drawings;

**Note to Applicant:** Property lines should also be shown on all the floor plans and elevation and section drawings.

- A.1.9 compliance with Sections 4.8.1 and 4.8.2 - Size of Parking Spaces, of the Parking By-law, to the satisfaction of the General Manager of Engineering Services, including the following:

- a) all parking stall and manoeuvring aisle dimensions should be shown on the plans;

**Note to Applicant:** The Class A loading space should also be dimensioned.

- b) clarification of objects encroaching onto parking stalls adjacent to the southeast portion of wall in the underground parking floor plans;

**Note to Applicant:** A minimum width of 2.7 m (8'-10") is required for a standard parking space located adjacent to a wall, fence, or other similar structure.

- A.1.10 compliance with Sections 4.8.1 and 4.8.4 - Disability Spaces, of the Parking By-law, to the satisfaction of the General Manager of Engineering Services;

**Note to Applicant:** A minimum of 2.3 m (7.5 ft.) unobstructed vertical clearance is required for a disability parking space and all entry points, manoeuvring aisles, and access ramps leading to the disability parking space. Compliance with required vertical clearances should be clearly demonstrated on the submitted plans.

- A.1.11 confirmation that at least 20 percent of all off-street residential parking spaces will be available for charging of electric vehicles;

**Note to Applicant:** Although this is a Building By-law requirement under Part 10 of the Vancouver Building By-law, the Director of Planning is seeking acknowledgement that this condition can be met during the Building review of this development. For more information, refer to the website link:

<http://vancouver.ca/home-property-development/electric-vehicle-charging-requirements.aspx>

- A.1.12 based on proposed commercial floor area, provision of a minimum of one commercial Class A bicycle space is required, in accordance with the Parking By-law, to the satisfaction of the General Manager of Engineering Services, noting the following:

- a) a minimum of one clothing locker for each gender is required for the one commercial Class A bicycle space, in accordance with Section 6.5 - Clothing Lockers, of the Parking By-law;

- b) the commercial Class A bicycle space(s) should be located separately from the residential Class A bicycle spaces;

- c) at least 50 percent of the clothing lockers must be full size;

- A.1.13 clarification and confirmation of proposed number of Class B bicycle spaces;

**Note to Applicant:** Number and location of Class B bicycle spaces should match on the Architectural and Landscape Plans.

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A.1.14 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;

**Note to Applicant:** In order to prevent contaminated air from being drawn into the building, all fresh-air intake portals must be located away from driveways, and parking or loading areas.

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

- a) "The acoustical measures will be incorporated into the final design, based on the consultant's recommendations;"
- b) "Adequate and effective acoustic separation will be provided between the residential and non-residential portions of the building;"
- c) "The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law";
- d) "A minimum of one electrical receptacle shall be provided for each two Class A bicycle spaces";
- e) "The design of the bicycle spaces (including bicycle rooms, compounds, lockers and/or racks) regarding safety and security measures shall be in accordance with the relevant provisions of Section 6 of the Parking By-law";
- f) "Mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise impacts on the neighbourhood and comply with Noise By-law No. 6555".

### Standard Landscape Conditions

A.1.16 provision of management plan to demonstrate and ensure balcony planting will be maintained by the owner(s) for the life of the building to achieve the proposed appearance;

**Note to Applicant:** Balcony plantings are an important component of the building and its relationship to the adjacent building. As part of the management plan the applicant must describe the legal arrangements that will be put in place by the applicant to ensure that the future owners are able to comply with this condition, including maintenance agreements. If the building is to be subdivided by strata plan then the management plan should confirm that the balcony planting will be situated on common property or limited common property and that the strata corporation's by-laws will provide that all balcony planting is to be maintained by the strata corporation. The foregoing must be satisfactory to the Director of Planning.

A.1.17 provision of automatic high efficiency irrigation system for all planting;

A.1.18 provision of depth dimensions for all planters, to ensure maximum adequate growing medium;

A.1.19 coordination of City street trees removals and replacements with Engineering and the Park Board, confirming tree species, sizes and locations, with references on the Plant List, and the addition of the following note:

Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering services. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations. Contact Cabot Lyford at the Park Board (604-257-8587) for tree species and sizes.

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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 in deep. Planting depth of root ball must be below sidewalk grade. New street trees to be provided adjacent to the development site, to be confirmed prior to the 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.

A.1.20 provision of improved graphic quality for clear readability;

Note to Applicant: The plans should be able to read clearly in black and white. Suggest line weights should be varied and the grey tones removed.

A.1.21 provision of bird-friendly plant material to promote bird habitat;

### **Crime Prevention Through Environmental Design (CPTED)**

A.1.22 Notation on the drawings of those features provided in response to CPTED principles, having particular regards for:

- (i) theft in the underground parking;
- (ii) residential break and enter;
- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

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

A.1.23 design development to the common indoor amenity area to include an accessible washroom, storage closet and kitchenette.

A.1.24 consideration to provide infrastructure to the common outdoor area adjacent to the amenity room which facilitates socialization and communal dining (dining table, barbeque, etc.).

### **A.2 Standard Engineering Conditions**

A.2.1 arrangements made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Restrictive Covenant R18424, See 151466L (Support Agreement); and Easement & Indemnity Agreement J7909 (landscaping encroachments on W Pender St), 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.2.2 provision of a signed letter from the BC Safety Authority which supports the provision of the vehicle elevator/ lift device.

A.2.3 design and location of all crossings, to the satisfaction of the General Manager of Engineering Services. Submission of a crossing application is required.

**Note to Applicant:** Proposed crossing conflicts with existing street tree. Park Board approval is required for the removal of the tree.

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A.2.4 compliance with the Parking By-Law, and the Parking and Loading Design Supplement, to the satisfaction of the General Manager of Engineering Services, as follows:

a) provision of improved access from disability parking spaces to the elevators is required.

**Note to Applicant:** Provide a stair free connection from the disability parking space to the residential elevator lobby. The current stair free route requires passing outside through the parkade gate which is not acceptable.

b) provision of a Loading Management Plan (LMP) detailing how the loading facility will operate, management of the facility, the size of the largest delivery vehicle delivering to the site, and the expected frequency of all deliveries;

**Note to Applicant:** The loading supply recommendations provided by Bunt are general in nature, and does not include specific items related to the operation of the proposed development. If the tenant is unknown provide a communication strategy to ensure the tenant is aware of the restrictions on loading.

c) modification of column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement:

- A column 2' in length must be set back 2' from either the opening to or the end of the parking space. A column 3' long may be set back 1'.
- Columns must be set back regardless of if they encroach into the parking space or not.
- Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4' from the end of the stall. Provide a minimum 0.3m (1') setback from the drive aisle for all columns.
- Dimension all columns encroaching into parking stalls
- Enclosed parking spaces must measure 2.9m in width from wall to wall

d) provision of 0.30m additional width for the Class A loading space adjacent to wall.

e) label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.

**Note to Applicant:** Minimum 2.3m clearance is required for Class A loading and disability spaces.

**Please contact** John Turecki of the Neighbourhood Parking and Transportation Branch at 604-873-7448 for more information or refer to the Parking and Loading Design Guidelines at the following link: (<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>)

A.2.5 provision of a separate application to the General Manager of Engineering Services for street trees and or sidewalk improvements is required. Please submit a copy of the landscape plan directly to Engineering for review.

A.2.6 clarification of garbage pick-up operations. Confirmation that a waste hauler can access and pick up from the location shown is required. Pick up operations should not require the use of public property for storage, pick up or return of bins to the storage location.

A.2.7 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

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property with no reliance on public property for placement of these features. 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. In addition, there will 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.

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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 September 21, 2016. 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 **April 17, 2017**, 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 Details of swimming pools/hot tubs to be submitted to the Environmental Health Division and Provincial Health Engineer prior to construction.

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

- B.2.1 All services, including telephone, television cables and electricity, shall be completely underground.
  - B.2.2 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 a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
  - B.2.3 Amenity areas of 1,283.0 sq. ft. on Level P1, and 1,753.0 sq. ft. on the 2nd floor, excluded from the computation of floor space ratio, shall not be put to any other use, except as described in the approved application for the exclusion. Access and availability of the use of all amenity facilities located in this project shall be made to all residents, occupants and/or tenants of the building. Further, the amenity spaces and facilities approved as part of this Development Permit shall be provided and thereafter be permanently maintained for use by residents/users/tenants of this building complex.
  - B.2.4 The enclosed balconies are to be maintained at all times in accordance with the balcony enclosure details on the approved plans and are not to be used as an integral part of the interior space of the building.
  - B.2.5 All approved street trees shall be completed in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit or any use of
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- occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.6 A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media of suspect quality which may be encountered during subsurface work.
- B.2.7 If the development is phased and construction is interrupted, the project will require an amendment, to the satisfaction of the Director of Planning, to address how the incomplete portions of the development will be treated.
- B.2.8 In accordance with Protection of Trees By-law Number 9958, all trees are to be planted prior to issuance of any required occupancy permit, or use of occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
- B.2.9 In accordance with Protection of Trees By-law Number 9958, the removal and replacement of trees is permitted only as indicated on the approved Development Permit drawings.
- B.2.10 The Environmental Protection Branch advises that:
- i. In the event contamination of any environmental media is encountered, a Notice of Commencement of Independent Remediation must be submitted to the Ministry of Environment and copied to the City of Vancouver.
  - ii. Upon completion of remediation, a Notification of Completion of Independent Remediation must be submitted to the Ministry of Environment and copied to the City of Vancouver.
  - iii. Dewatering activities during remediation may require a Waste Discharge Permit.
  - iv. A copy of the completion of remediation report signed by an Approved Professional stating the lands have been remediated to the applicable land use is to be submitted prior to issuance of a Building Permit.
  - v. Notice of offsite migration must be submitted to the Ministry of Environment and copied to the City of Vancouver if offsite contaminant migration is suspected or identified. Supporting investigation and remediation data/reports must be provided to the City of Vancouver.
  - vi. Compliance with all relevant provincial Acts and Regulations (e.g. Environmental Management Act, Contaminated Sites Regulation, Hazardous Waste Regulation) and municipal Bylaws (e.g. Fire Bylaw, Sewer and Watercourse Bylaw) is required.
  - vii. Erosion Sediment Control Plan is required at the Building application stage f or Environmental Protection Branch's review and acceptance.
- B.2.11 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 of occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.12 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 of occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
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**Note to Applicant:** In cases where it is not practical, due to adverse weather conditions or other mitigating factors, to complete the landscaping prior to occupancy of a building, the City will accept an Irrevocable Letter of Credit (amount to be determined by the City) as a guarantee for completion of the work by an agreed upon date.

- B.2.13 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 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.
  - B.2.14 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.
  - B.2.15 Please note that additional addresses may be required prior to issuance of the Building Permit. Unit numbers to be assigned for example 3rd storey (300 series), 4th storey (400 series) etc. Floor layout plan including addressing and unit numbers to be submitted prior to Building Permit issuance and shown on drawings submitted with Building Permit application. For information please contact the City of Vancouver Addressing Coordinator.
  - B.2.16 This Development Permit is valid for a period of 12 months from the date of issuance - unless otherwise validated by a Building Permit.
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