
1328 WEST PENDER STREET (COMPLETE APPLICATION)
DE417497- ZONE DD

ML/JMB/LH

APPLICANT:

Mallen Gowing Berzins Architects
Attention: Tobias Slezak
#170 - 601 West Cordova Street
Vancouver, BC
V6B 1G1

PROPERTY OWNER:

Crest Properties Ltd.
101-2609 Westview Drive
North Vancouver, BC
V7N 4M2

EXECUTIVE SUMMARY

- **Proposal:** To provide interior alterations and to add 1346 square feet (mezzanine) of general office area to this existing office unit (addressed 1378 West Pender Street) on this existing mixed-use residential/commercial building, thereby requesting an increase in the Floor Space Ratio using a Heritage Density Transfer.

See Appendix A - Standard Condition

Appendix B - Standard Notes and Conditions of Development Permit

Appendix C - Floor Plans

Appendix D - Letter "A" from the receiver and donor regarding the purchase of heritage density

- **Issues:** None

STAFF RECOMMENDATION: APPROVE

THAT the Board APPROVE the Heritage Density Transfer request contained in Development Application No. DE417497 submitted, the plans and information forming a part thereof, thereby permitting the development of interior alterations and to add 1346 square feet (mezzanine) of general office area to this existing office unit (addressed 1378 West Pender Street) on this existing mixed-use residential/commercial building, thereby requesting an increase in the Floor Space Ratio using a Heritage Density Transfer from donor sites at 431 Helmcken Street (providing 1,231 square feet) and 435 Helmcken Street (providing 115 square feet), subject to the following conditions:

- 1.0 That the condition set out in Appendix A be met prior to the issuance of the Development Permit.
 - 2.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.
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• Technical Analysis:

	PERMITTED (MAXIMUM)	EXISTING	PROPOSED
Site Area			40,418 sq. ft.
Floor Area ¹	242,508 sq. ft.	Commercial 24,220 sq. ft. Residential 218,288 sq. ft. Total 242,508 sq. ft.	Commercial 25,566 sq. ft. Residential 218,288 sq. ft. Total 243,854 sq. ft.
FSR ¹	6.00	Commercial 0.60 Residential 5.40 Total 6.00	Commercial 0.63 Residential 5.40 Total 6.03

¹ Floor Area & FSR: Under Section 3.14 of the DODP, an additional 10 percent heritage density transfer (maximum 6.6 FSR or 266,759 sq. ft.) may be considered by the DP Board. See discussion on Page 4.

• **Legal Description**

Strata Lot: 204 & 205
Strata Plan: BCS460
District Lot: 185

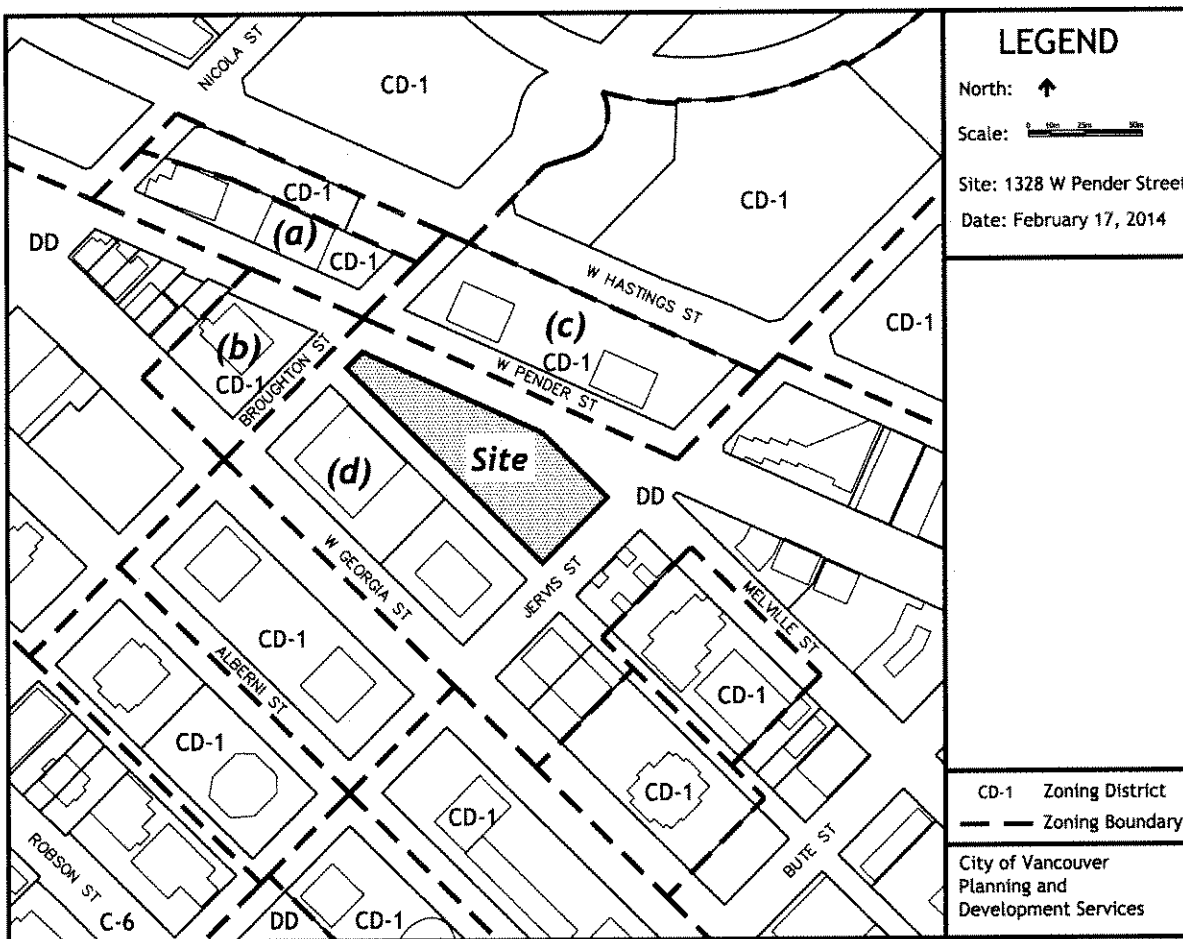
• **History of Application:**

13 12 12 Complete DE submitted
14 02 24 Development Permit Board Meeting

• **Site:** The site is located on the south side of West Pender Street between Broughton Street and Jervis Street in the Downtown District (DD).

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

- a) 1499 West Pender: 'West Pender Place (2011)' - 36 storey and 10 storey towers over 5 storey podium with residential/commercial uses;
- b) 1415 West Georgia: 'Palais Georgia (1991)' - 26 storey residential tower;
- c) 1301-1325 W Pender: 'Harbourside Park I (1995) and II (1996)' - 26 storey residential towers;
- d) 1333 W Georgia: 'Qube (1969/2006)' - 15 storey residential tower (converted from office tower);



- **Background:** The existing building on the subject site was approved by the Development Permit Board and a Development Permit (DE404571) was issued October 15, 2001; to construct a 35 storey residential tower containing 196 dwelling units, including 5 townhouse units along Jervis Street at the east end of the site, and a three-storey commercial/residential building along the central and western portions of the site at West Pender Street. The commercial/residential building consists of commercial units at the west end and commercial units with residential townhouses above in the central portion. Three and one-half levels of underground parking are provided off West Pender Street. The existing building is at the maximum permitted floor area of 6.0 FSR.

The current proposal is to provide interior alterations to add a mezzanine and 1346 SF of office floor area to the existing one-storey office unit addressed 1378 West Pender Street by way of a heritage density transfer. The existing office unit has a double height volume which accommodates the addition of a mezzanine level. The mezzanine is set back from the front exterior wall and there are no exterior alterations to the building.

A previous Development Permit application (DE416998) to add a mezzanine to this unit was refused August 26, 2013, due to the floor area overage; a heritage density transfer was not proposed at that time.

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

1. Downtown Official Development Plan (DODP)

The site is within area G of the Downtown District. Section 3.1 of the DODP states, in part:

In the area denoted by the letter 'G', the total density for all permitted uses shall be floor space ratio 6.00, except that office uses shall not exceed floor space ratio of 5.00;

Section 3.14 of the DODP states, in part, the following:

Notwithstanding subsections 1, 3 and 4, the Development Permit Board may permit an increase in floor space ratio for any use where the increase results from a transfer of heritage floor space to a maximum of 10 percent over the total permitted floor space ratio, except that this increase shall not apply to hotels where the floor space has already been increased pursuant to subsection 2.

2. Downtown (except Downtown South) Design Guidelines

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

1. Downtown District Official Development Plan

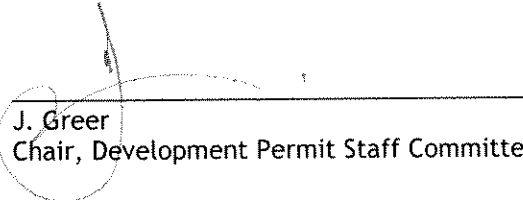
FSR: The Downtown District Official Development Plan allows up to a maximum of 6.00 FSR for all permitted uses and 5.0 FSR for office uses, plus additional floor space up to 10 percent over the total permitted through a transfer of heritage density allowed under Section 3.14.

The proposed floor space addition under this application is 1,346 sq. ft. thereby increasing density transfers for this site from 242,508 sq. ft. to 243,854 sq. ft. or 0.03 FSR, which equates to 0.9 percent of the maximum 10 percent heritage density transfer eligible for this site. The proposal meets the density and FSR provisions of the DDODP.

2. Downtown (except Downtown South) Design Guidelines

No exterior alterations to this existing development are proposed. The functionality of the unit will be improved. The intent of the Guidelines is maintained.

- **Conclusion:** Staff support this proposal for a small heritage density transfer with the conditions attached.



J. Greer
Chair, Development Permit Staff Committee

A.1 Standard Condition

- A.1.1 Provision of Letter "B" (sample copy attached) which includes confirmation from the owner of the "donor" site that the agreement has been finalized, and confirming the new "balance" of transferable density remaining on the donor site.
- A.1.2 Revision to statistics page to show correct floor area numbers as approved under DE408781 and proposed floor area numbers;

Note to Applicant: DE408781 shows an overall floor area of 242,508 square feet as approved. The proposed floor area numbers are showing numbers from a previous development permit and not updated with the proposed floor area of 1,346 square feet.

B.1 Standard Notes to Applicant

- B.1.1 It should be noted that if condition 1.0 has not been complied with on, or before **August 31, 2014**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.2 This approval is subject to any change in the Official Development Plan and the Zoning and Development By-law or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.3 A new development application will be required for any significant changes other than those required by the above-noted conditions.

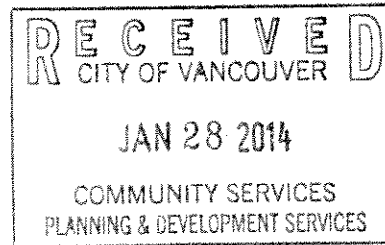
B.2 Condition of Development Permit:

- B.2.1 The issuance of this permit does not warrant compliance with the relevant provisions of the Provincial Health & 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 W 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.2.2 This site is affected by the Development Cost Levy By-law No. 6924. Levies will be required to be paid prior to issuance of Building Permits.

**Letter "A" - Transfer of Heritage Density
(to accompany development application)**

January 14, 2014 (date)

City of Vancouver
Development Services
453 West 12th Avenue
Vancouver, BC V5Y 1V4



Attention: Project Facilitator

Dear Sir or Madam:

Re: Transfer of Heritage Density

1378 W. Pender Street (receiver site)
receiver site address

431 Helmcken Street (donor site)
donor site address

This is to confirm that a conditional agreement has been reached between Bernard Perreten, the registered owner of a heritage donor site at 431 Helmcken Street (address), to sell 1,231 (amount) sq. ft. of heritage density to Crest Properties, the registered owner of the above receiver site at 1378 W. Pender Street (address), at a price of \$ 52.00 per sq. ft. and total value of \$ 64,012.00 + tax. This agreement is subject to the City's approval of the Development Application for the receiver site.

The Donor Site Owner and the Receiver Site Owner both agree that the City has no responsibility to ensure payment or the fulfilment of any condition of our agreement. We also agree that the City has no obligation to effect the transfer. The decision to transfer is within the City's discretion to refuse or approve, as it will, without recourse by any party.

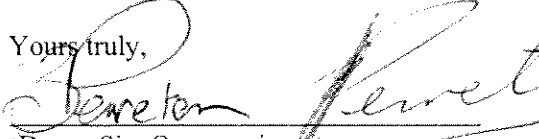
Both the Donor Site Owner and the Receiver Site Owner are aware that the City cannot, and will not, effect a density transfer until all conditions for release of the density from the donor site have been fulfilled including:

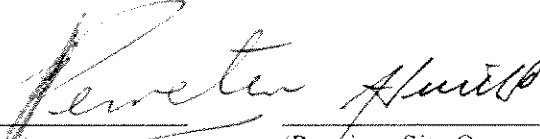
- the donor site is possessed of the density which is the subject of this agreement (that is, that the rezoning by-law is enacted, or the Heritage Agreement is enacted and registered on title and the related Development and Building Permits are issued); and
- the density from the donor site is available for sale to the Receiver Site Owner; and
- the Donor Site Owner has completed the rehabilitation of the heritage building, or given the City a letter of credit therefore, or completed sufficient donor site rehabilitation to warrant a partial release of density, and fulfilled any other requirement as set out in the legal agreements with City; and
- submission of a fully executed Letter B in the form acceptable to the City.

Donor Site Table

(Note: Owner of Donor Site is responsible for ensuring data in table is correct.)

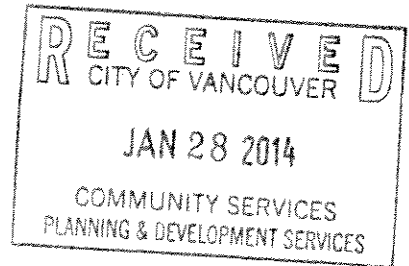
A. Total transferable density awarded to the Donor Site by the Heritage Agreement or Rezoning		1,231	ft ²
Transfers approved to date (that is, receiver site's Development Permit or Rezoning approved with conditions)			
Address of receiver site(s)	DE# / RZ#	Amount transferred	
1378 W. Pender Street	417497	1,231	ft ²
			ft ²
			ft ²
			ft ²
			ft ²
B. Total transfers approved to date		0	ft ²
C. Total density available for transfer (A - B)		1,231	ft ²
D. Other transfer agreements not yet approved by the City		0	ft ²
E. Transfer amount proposed in this transaction		1,231	ft ²
F. Total density available after proposed transfer (C - (D + E))		0	ft ²

Yours truly,

 (Donor Site Owner – insert complete legal name)
 Bernard & Elaine Perreten


 (Receiver Site Owner - insert complete legal name)
 John Lichtenwald c/o Crest Properties

cc: Heritage Planning Analyst, Heritage Group
 Development Officer, Real Estate Services

April 12, 2007



**Letter "A" - Transfer of Heritage Density
(to accompany development application)**

January 14, 2014 (date)

City of Vancouver
Development Services
453 West 12th Avenue
Vancouver, BC V5Y 1V4



Attention: Project Facilitator

Dear Sir or Madam:

Re: Transfer of Heritage Density

1378 W. Pender Street (receiver site)
receiver site address

435 Helmcken Street (donor site)
donor site address

This is to confirm that a conditional agreement has been reached between Dantom Ltd. (c/o Dan Civiero), the registered owner of a heritage donor site at 435 Helmcken Street (address), to sell 115 (amount) sq. ft. of heritage density to Crest Properties, the registered owner of the above receiver site at 1378 W. Pender Street (address), at a price of \$ 52.00 per sq. ft. and total value of \$ 5,980.00 + tax. This agreement is subject to the City's approval of the Development Application for the receiver site.

The Donor Site Owner and the Receiver Site Owner both agree that the City has no responsibility to ensure payment or the fulfilment of any condition of our agreement. We also agree that the City has no obligation to effect the transfer. The decision to transfer is within the City's discretion to refuse or approve, as it will, without recourse by any party.

Both the Donor Site Owner and the Receiver Site Owner are aware that the City cannot, and will not, effect a density transfer until all conditions for release of the density from the donor site have been fulfilled including:

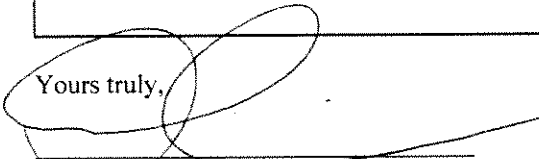
- the donor site is possessed of the density which is the subject of this agreement (that is, that the rezoning by-law is enacted, or the Heritage Agreement is enacted and registered on title and the related Development and Building Permits are issued); and
- the density from the donor site is available for sale to the Receiver Site Owner; and
- the Donor Site Owner has completed the rehabilitation of the heritage building, or given the City a letter of credit therefore, or completed sufficient donor site rehabilitation to warrant a partial release of density, and fulfilled any other requirement as set out in the legal agreements with City; and
- submission of a fully executed Letter B in the form acceptable to the City.

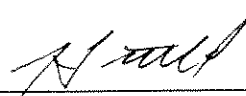
Donor Site Table

(Note: Owner of Donor Site is responsible for ensuring data in table is correct.)

A. Total transferable density awarded to the Donor Site by the Heritage Agreement or Rezoning			1,231	ft ²
Transfers approved to date (that is, receiver site's Development Permit or Rezoning approved with conditions)				
Address of receiver site(s)	DE# / RZ#	Amount transferred		
1378 W. Pender Street	417497	115		ft ²
				ft ²
				ft ²
				ft ²
				ft ²
B. Total transfers approved to date			0	ft ²
C. Total density available for transfer (A - B)			1,231	ft ²
D. Other transfer agreements not yet approved by the City			0	ft ²
E. Transfer amount proposed in this transaction			115	ft ²
F. Total density available after proposed transfer (C - (D + E))			1,116	ft ²

Yours truly,


 (Donor Site Owner - insert complete legal name)
 Dantom Ltd. (c/o Dan Civiero)


 (Receiver Site Owner - insert complete legal name)
 John Lichtenwald c/o Crest Properties

cc: Heritage Planning Analyst, Heritage Group
 Development Officer, Real Estate Services

April 12, 2007

