

1277 MELVILLE STREET (COMPLETE APPLICATION)
DE409236 - ZONE DD

RRS/BM/DR/LJ

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

B. Boons (Chair), Development Services
M. Thomson, Engineering Services
L. Gayman, Real Estate Services
D. Jantzen, Vancouver Coastal Health Authority
T. Driessen, Vancouver Park Board
V. Morris, Social Planning/Office of Cultural Affairs
* R. Louie, Development Services
** R. Whitlock, Housing Centre

Also Present:

R. Segal, Urban Design & Development Planning
** B. Mah, Development Services
* A. Higginson, Development Services
** D. Robinson, Development Services
* R. Waite, Engineering Services
** P. Pinsker, Engineering Services
** J. Kujala, Development Services

* Present for DPSC, May 25, 2005 Only

** Present for DPSC, June 8, 2005 Only

APPLICANT:

Busby Perkins & Will Architects
1220 Homer Street
Vancouver, BC
V6B 2Y5

PROPERTY OWNER:

No. 249 Cathedral Ventures Ltd.
10th Floor, 1265 West Pender Street
Vancouver, BC
V6E 4B1

EXECUTIVE SUMMARY

- **Proposal:** To construct a 28-storey mixed-use (retail/residential) building containing a total of 52 dwelling units, on a townhouse/commercial podium base over four levels of underground parking accessed from West Pender Street (over the adjacent site at 1211 Melville Street), and incorporating a transfer of 736.8 m² (7,931 sq.ft.) of heritage density from a vendor site.

See Appendix A - Standard Conditions

Appendix B - Standard Notes and Conditions of Development Permit

Appendix C - Processing Centre - Building and Fire & Rescue Services comments

Appendix D - Plans and Elevations

Appendix E - Applicant's Design Rationale

Appendix F - Applicant's Shadow and View Analysis

Appendix G - Examples of Heritage Density Transfer Letters

Appendix H - Letter from Pinnacle International regarding Shared Parking Access

Appendix I - Letter from Castle Management Ltd. - "Pointe Claire"

Appendix J - Comparison of Approved/Rejected (DE408652-1280 W. Pender Street) and Subject DE

Appendix K - Prior-to Letter for DE408652 - 1280 West Pender Street

Appendix L - Excerpts from DPSC report, 1280 W Pender Street (DE 408652)

Appendix M - D.P. Board Minutes, November 8, 2004, 1280 W. Pender Street

Appendix N - Board of Variance Minutes, January 26, 2005, 1280 W. Pender Street

Appendix O - Building Line and Air Space Parcel Correspondence

● Issues:

1. Location of the tower with respect to view impact on the Pointe Claire
2. Detailed landscape design of corner open space
3. Parking

● Urban Design Panel: Support

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE409236 as submitted, the plans and information forming a part thereof, thereby permitting the construction of a 28-storey mixed-use building with 52 dwelling units, a townhouse/commercial podium base and four levels of underground parking accessed from West Pender Street (over the adjacent site at 1211 Melville Street), and incorporating a transfer of 736.8 m² (7,931 sq. ft.) of heritage density from a vendor site, subject to the following conditions:

1.0 Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating:

- 1.1 design development to landscape treatment of the Jervis/Pender corner open space to strengthen its publicness, pedestrian interest and amenity and to relocate the parking garage exhaust vents away from this space;

Note to Applicant: As the ground floor corner commercial space is shown as retail use, the proposed outdoor dining tables and chairs throughout the open space should be reconsidered in favour of integrated public seating oriented to the street-end water and mountain view and more interesting landscape features, possibly highlighting the Jervis corner. (Note: In the event the commercial space is developed as restaurant use, a portion of the open space adjacent to the restaurant could revert to outdoor dining. The landscape design should provide for this flexibility). Strengthening the Triangle West character of the corner should be pursued through incorporation of more Triangle West public realm components.

- 1.2 design development to provide an improved parking and loading design in compliance with the requirements of the Parking By-law and guidelines of Engineering Services' *Parking and Loading Design Supplement*, to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: The parking design is deficient with respect to the required number of parking spaces, stall dimensions, minimum manoeuvring aisle width, and the physical separation of commercial, visitor and residential parking spaces, and it requires safety improvements which include a traffic signal system designed by qualified professional consultants to regulate vehicle right-of-way and stopping location. While staff support in principle the applicant's request to provide less than the required 104 residential parking spaces, arrangements must be made to satisfy the number and the design of parking spaces, as well as the loading, which could require provision of an additional (5th) level of underground parking.

- 1.3 design development to the Melville Street townhouse ground-oriented Level 2 to incorporate active uses (not storage) facing the sidewalk;

Note to Applicant: Additional glazing should be provided in the south wall facing Melville Street at the lower level to improve "eyes on the street".

- 1.4 design development to articulate the elevator/stair core blank concrete wall to improve its appearance through its entire height, and particularly at pedestrian level;

Note to Applicant: Consideration should be given to the introduction of limited glazing, if possible, into the core wall as well as a pattern of reveals, etc.

- 1.5 design development to reduce the length of the typical balconies at the southeast corner of the tower, incorporate opaque guardrails and orient windows of the associated bedroom to the east to minimize privacy impacts on Pointe Claire residents;
- Note to Applicant:** The balcony length should be shortened by approximately 1.5 m (4.9 ft.) by setting back its edge from the easterly corner of the tower.
- 1.6 design development to substantially reduce the extent of the 3rd level patio trellis of the three townhouses' roof deck area, so that the usable deck area is open to the sky and sun while the desired cantilevered trellis expression on the Pender Street side is retained.
- Note to Applicant:** A resulting trellis depth no greater than 3 m can be excluded from floor space ratio (FSR) calculations. Alternatively, the trellis can remain as proposed and the patio area beneath it counted in FSR. (See also, Condition A.1.5)
- 1.7 design development to the Pender Street sidewalk treatment to coordinate with the Triangle West concept developed for the 1211 Melville and 1188 West Pender streets projects;
- Note to Applicant:** The sidewalk paving pattern on West Pender Street should incorporate the details shown on "Optional" Sidewalk Paving Plan L-01-B (see Appendix D, p. 20).
- 1.8 confirmation that the guardrails of the west-facing balconies of the tower are clear glass in order to minimize view impact.
- 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	-	-	irregular
Site Area	-	-	1 228 m ² (survey plan)
FSR ¹	Basic 6.00 Heritage Density (10%) <u>0.60</u> Total 6.60	-	Retail 0.26 Residential <u>6.43</u> Total 6.69
Floor Area ¹	Basic 7 368.0 m ² Heritage Density <u>736.8 m²</u> Total 8 104.8 m ²	-	Retail 311.2 m ² Residential <u>7 899.4 m²</u> Total 8 210.6 m ²
Balconies ²	Open 324.2 m ² Enclosed <u>324.2 m²</u> Total 648.4 m ²	-	Open 338.4 m ² Enclosed <u>338.1 m²</u> Total 676.5 m ²
Height ³	91.44 m	-	Top of Mech. Penthouse/Canopy 82.51 m (270.7 ft.)
Parking ⁴	Retail 4 Small Car (25% max.) 18	Retail 3 Residential <u>104</u> Total 107 Disability Spaces 2	Retail Standard 4 Residential Standard 51 Small Car 11 Disability 2 Visitor's <u>6</u> 74 Credit for disability spaces <u>2</u> Total 76 Small car spaces 11 Disability spaces 2
Bicycle Parking ⁵	-	Retail Class A 1 Class B 0 Residential <u>65</u> <u>6</u> Total <u>66</u> <u>6</u>	Retail/Resid. Class A 73 Class B 6
Loading ⁶	-	Retail Class A 0 Class B 1 Residential <u>0</u> <u>0</u> Total 0 1	Retail Class A 2 Class B 0 Residential <u>0</u> <u>0</u> Total 2 0
Amenity	929 m ²	-	127.1 m ²
Unit Type	-	-	51 - Two-bedroom (3 townhouses) <u>1</u> - Two-bedroom + den 52 Units Total

¹Note on FSR/Floor Area: The proposed floor area exceeds the maximum permitted by 105.8 m² and must be reduced to comply. The overage is comprised of the stair (~5.3 m²) at level 28, mechanical penthouse (~78.2 m²) and excess balcony area (28.1 m²). See Condition 1.5, 1.6 and A.1.1. In addition, the transfer of heritage density must be secured in order to achieve the maximum permitted FSR. See Condition A.1.10.

²Note on Balconies: As noted above, the total proposed balcony area exceeds the maximum by 28.1 m² and must be reduced to comply. See Condition A.1.1.

³Note on Height: The proposed tower height, measured to the top of the mechanical penthouse canopy, of 82.51 m (270.7 ft.) meets the intent of prior-to condition 1.2 for the previous 1280 West

Pender Street proposal (DE 408652) that was approved by the D.P. Board (see attached Appendix K: - tower height to be reduced to 82.30 m plus no more than 2.44 m additional for mechanical penthouse).

⁴**Note on Parking:** The proposed residential parking provision, when calculated as per the DD (Downtown District) requirement of the Parking By-law, is inadequate. Based upon floor area provided by the applicant, a reduced number of 77 residential parking spaces would be required if, as Engineering Services recommends, a 'Coal Harbour parking standard' was applied. Achieving the required 107 parking spaces would require provision of one or more additional levels of parking or suitable off-site arrangements. Arrangements to the satisfaction of the General Manager of Engineering Services, which must include shared use of commercial spaces with residents' visitors (see Engineering Condition A.2.18), and which could include a combination of reduced floor area or unit numbers, and/or substitution with co-op vehicle provision would be supportable. Improvements to the design of spaces and manoeuvring aisles are required in order to count numerous parking spaces (see Condition 1.2). Access to the underground parking is from the adjacent site (1211 Melville Street). An agreement securing the shared access will be required (see Condition A.2.13). Confirmation of the assessable/countable floor areas of all dwelling units, to the satisfaction of the Director of Planning, will be required (see Condition A.1.11).

⁵**Note on Bicycle Parking:** Engineering Services *Bicycle Parking Design Supplement* requires provision of bicycle parking no lower than the first parking level, unless there is access to an elevator which provides convenient access to the building exterior without traversing the main building lobby. See Condition A.1.6.

⁶**Note on Loading:** Engineering Services supports the relaxation of one Class B loading space and provision of two Class A loading spaces, based on the uses proposed. A restaurant or other use on the site with heavy delivery demand would likely result in loading occurring on either West Pender or Melville Streets. Careful consideration of the impact of loading on the existing transit stop and a future bicycle lane on West Pender Street, and to the existing bicycle lane on Melville Street is needed. Arrangements to enable loading with the least disruption to the public realm should be carefully investigated should a restaurant use be contemplated in the future.

Engineering Services has concerns that a future restaurant use in the commercial/retail space will result in delivery and garbage pick-up related problems. This site is unable to accommodate delivery trucks and garbage facilities as proposed and is likely inadequate for a restaurant use. Arrangements to secure off-site access to loading are appropriate if a restaurant or other use with a heavy delivery activity is contemplated on this site.

• **Legal Description**

Lots: 5, 6 Exc. A, Pcl A of 6
 Block: 30
 Plan: 92
 District Lot: 185

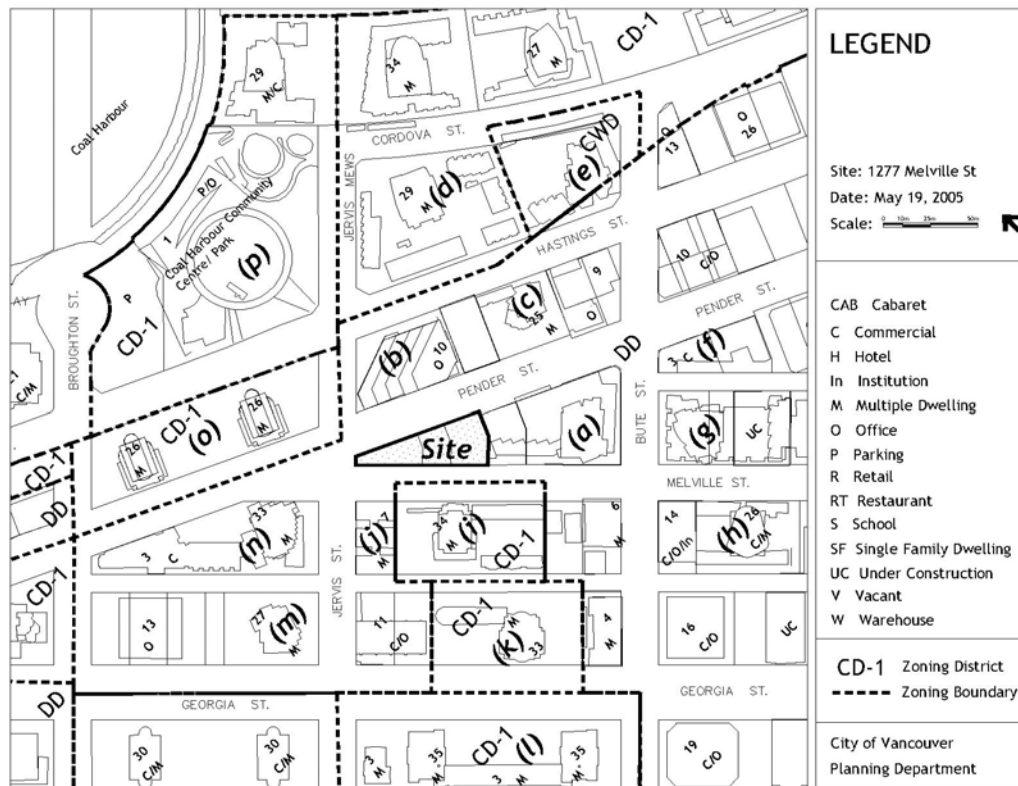
• **History of Application:**

05 03 02 Complete DE submitted
 05 04 27 Urban Design Panel
 05 05 25 Development Permit Staff Committee
 05 06 08 Development Permit Staff Committee

• **Site:** The site is bounded by West Pender, Melville and Jarvis Streets and occupies the westerly half of the triangular 1200 block West Pender Street.

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

- (a) 1211 Melville St. (The Ritz): proposed 37-storey mixed-use development (DE409395)
- (b) 1285 W Pender St. (Evergreen Building): proposed 21-storey residential tower (DE 409493)
- (c) 1228 W. Hastings St. (Palladio): 25-storey residential tower on 2-storey townhouse base
- (d) 1280 W. Cordova St. (C-Side): 29-storey residential tower with 2-storey townhouses
- (e) 1205 W. Hastings St. (Cielo): 30-storey residential tower, 1-storey commercial base (under construction)
- (f) 1188 W. Pender St.: 28-storey residential tower, including daycare (approved)
- (g) 550 Bute St. (The Melville): 42-storey residential tower with 13-storey hotel (under construction)
- (h) 1166 Melville St. (Orca): 26-storey (238 ft.) residential tower on 2-storey townhouse base
- (i) 1238 Melville St. (Pointe Claire): 34-storey (319 ft.) residential tower on 3-storey townhouse base
- (j) 610 Jarvis Street (Banffshire): 7-storey residential building (Heritage B)
- (k) 1239 W. Georgia St. (Venus): 33-storey (359 ft.) residential tower
- (l) 1210 W. Georgia St. (The Residences): two 35-storey (320 ft. & 327 ft.) residential towers
- (m) 1305 W. Georgia St. (The Pointe): 27-storey (263 ft.) residential tower
- (n) 1310 W. Pender St. (Classico): 33-storey (315 ft.) residential tower
- (o) 1301 W. Pender (Harbourside Towers): two 26-storey residential towers
- (p) 350 Broughton Street: Coal Harbour Community Centre (under), Park (on top)



● **Background:** On November 8, 2004 the Development Permit Board (DPB) approved a complete development application for this site (DE 408652), put forward by this applicant, subject to very specific prior-to conditions regarding tower position and reductions in tower width and height to minimize private view impact on neighbours, in particular, the Pointe Claire building, to the south (See Prior-to Letter for DE 408652 - 1280 W Pender St: Appendix K). On January 26, 2005, the Board of Variance granted a third-party appeal by Pointe Claire residents, thereby overturning the DPB's approval. This new, revised application responds to commentary provided at the Board of Variance meeting with respect to development alternatives, specifically tower location, as well as to the DPB's Nov. 8, 2004 prior-to conditions.

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

1. **Downtown Official Development Plan (DODP)**

In summary, the By-law allows for a variety of uses up to a maximum of 6.0 FSR, and building height up to 300 feet. Heritage density transfers can be considered up to 10 percent of the total permitted floor area, subject to a qualitative review of urban design factors.

2. **Downtown Design Guidelines**

The Downtown Design 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 whenever possible; pedestrian amenity along street frontages which, in this area, has come to mean townhouses along specific streets; preservation and, where appropriate, creation of public views; minimization of shadow and private view impacts; and slim rather than bulky towers.

3. **Downtown District Character Area Descriptions: Golden Triangle (Triangle West)**

The area descriptions anticipate mixed-use developments including residential use 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.

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

1. **Downtown Official Development Plan (DODP)**

Uses: The proposed uses, comprising retail and residential conform with the zoning.

Density: In terms of density, staff support the proposal, including the ten percent heritage transfer of 736.8 m² (7,928 sq.ft.) to the site (refer to **Built Form and Massing and Private Views** below), although noting that the proposed floor area is 105.8 m² (1138.9 sq.ft.) over the maximum permitted FSR. A reduction in the overall floor area is required. (See Condition A.1.1) The heritage density transfer is approximately equivalent to two and one-half storeys of tower floor area.

Height: The proposed height of 82.5 m (270.7 ft.) to the absolute top of the mechanical penthouse and roof canopy is lower than the maximum previously prescribed by the DPB (by 2.2 m [7.3 ft.]) and is therefore supported by staff. (See Appendix K: Prior-to Letter for 1280 W Pender St, Condition 1.2).

2. Downtown Design Guidelines; and
3. DD/Triangle West Character Area Descriptions

Built Form and Massing:

(Note: A number of prior-to conditions were approved for the previous tower development application for this site [1280 West Pender Street - see Appendix K], to which this revised development application has responded. These are referred to in the discussion below, where appropriate)

General: The overall built form concept of a slim, uniquely shaped tower atop a podium of commercial frontages on Pender Street and townhouses on Melville Street is supported.

Tower Location: The proposed tower is set back 22.9 m (75 ft.) from Jervis Street (measured along the Melville Street property line). This location was discussed at the DPB meeting held November 8, 2004, as an alternative option (referred to as Option 3A), but ultimately the Development Permit Board decided that the staff recommendation for a tower location set back 16.5 m (54 ft.) from Jervis Street was, on balance, optimal. Subsequently, the Board of Variance overturned the DPB approval and in its discussion made reference to the alternative tower location that had been referenced in the DPB minutes (namely Option 3A). Staff, under the circumstances, strongly support the tower location proposed in this application (i.e. set back 22.9 m [75 ft.] from Jervis Street) as it responds to the view impact issues raised by Pointe Claire residents on the west side of that tower (See *Private Views*, page 9). With respect to tower separation, this proposed tower location complies with the minimum 24.4 m (80 ft.) tower separation objective from its southerly neighbour (Pointe Claire) except for a corner of the elevator/stair core and, at the southeast corner of the tower, the proposed typical open balcony off the bedroom, which projects slightly into the 80' separation creating a privacy concern. Accordingly, staff recommend further design development to this typical balcony design to reduce its length and to detail its guardrail to protect the privacy of Pointe Claire neighbours (See Condition 1.5).

Tower Massing and Floor Plate: The proposed tower has an exceptionally small floorplate area of 312 m² (3,358 sq. ft.), which is slightly smaller than the scheme previously approved (323.5 m²/ 3,481 sq. ft.). It has an overall width in the east-west direction (along the critical Melville Street frontage) of 24.6 m (80.75 ft.), slightly reduced from the 25 m (82 ft.) maximum tower width approved by the DPB in Nov. 2004. The proposed northwest corner of the tower which is almost entirely out of sight from Pointe Claire units, gradually angles out slightly as the tower ascends, creating a unique prow at the westerly Pender Street edge. Staff support the reduced tower width and northwest corner articulation noting that the width is consistent with or less than the average width of other towers in the surrounding Triangle West neighbourhood, and the slight northwest corner articulation does not impact private views (see discussion page 9). Recommended condition 1.8 seeks confirmation that the guardrails of the proposed west-facing balconies will be clear glass to minimize view impact.

Tower Height and Shadowing: The tower height, measured to the top of the mechanical penthouse and roof canopy, of 82.51 m (270.7 ft.) is lower than that prescribed in the DPB's prior-to condition 1.2 a maximum absolute height of 84.74 m (278 ft.) to top of the mechanical penthouse (see Appendix K). With the shift of the tower further east and its reduction in height, the shadow analysis (see Appendix F, p.1) shows that there are only minor shadowing impacts at the equinox on Coal Harbour Park to the north (see Park Board comment on p.16). Staff consider the proposal acceptable.

Tower Top Treatment: The revised tower top has responded to the previous prior-to condition 1.3 (see Appendix K) (to reduce the east-west width and height of the mechanical penthouse), by a reduction in its east-west width from 15.24 m (50 ft.) to 7.87 m (25.8 ft.), and a lowering of its absolute height as described above (*Tower Height and Shadowing*). The proposed predominantly cantilevered roof canopy extends about 15.24 m (50 ft.) out from the elevator/mechanical penthouse, to the edge of the line of open balconies at the northwest corner. It is designed as an open structure with slender column

supports to minimize view impacts. Staff support this roof canopy element as a feature adding to the architectural interest of the building.

Private Views: The proposed tower, by shifting its location and setback another 6.4 m (21 ft.) further east (total setback from Jervis Street of 22.9 m [75 ft.]), will improve the views over Coal Harbour Park from the 70 west side units of the Pointe Claire (Refer to Fig. 1 & 3). In particular, the 26 West Front units would enjoy a 160% improvement over the previously approved/rejected scheme, an increase from 5 degrees to 13 degrees for this particular view (see Table 1). For the 24 West Mid and 22 Back units, improvements to the Coal Harbour Park view range are 64% and 33% respectively. The West Back units would retain 100% of their existing prime view over Coal Harbour Park. While the West Front units' view over Coal Harbour Park would be noticeably improved from 5 degrees to 13 degrees, they would lose a small portion of their Straight Ahead View (as a consequence of the proposed tower shifting east) above the Evergreen Building, although this view slot is at risk in any event because of the potential redevelopment of the Evergreen Building (refer to Fig. 1 & 3). For the East Front units, a slight improvement is achieved for their Coal Harbour Park View (gain of 3 degrees from zero), although, again, a small loss of Straight Ahead Views occurs. There would be no impact on existing views from the East Mid and East Back units. Table 1, below compares the view improvements for the west side and front units in the Pointe Claire. (Refer also to Appendix F: Applicant's Shadow & View Analysis, pages 3 to 11 and Appendix J: Comparison of Approved/Rejected [DE 408652 - 1280 W Pender Street] and Subject DE)

Table 1: View Impacts on Pointe Claire

Pointe Claire Unit Locations (Nos.)	VIEW OVER COAL HARBOUR PARK		
	Existing View	Approved/Rejected Scheme (1280 West Pender St.)	Subject Proposal (Subject DE) (1277 Melville St.)
West Front (26)	31 degrees	5 degrees	13 degrees
East Front (26)	33 degrees	0 degrees	3 degrees
West Mid (24)	28 degrees	14 degrees	23 degrees
West Back (22)	24 degrees	18 degrees	24 degrees

Conclusion (Private Views): While many west-facing Pointe Claire residents still prefer a significant relocation of the tower to the east side of the site, Staff conclude that the proposed tower location results in a considerable view improvement for them while avoiding a redistribution of impacts to other Pointe Claire units or other neighbouring buildings that would result from a further eastward shift of the tower. Staff, therefore, support the proposal.

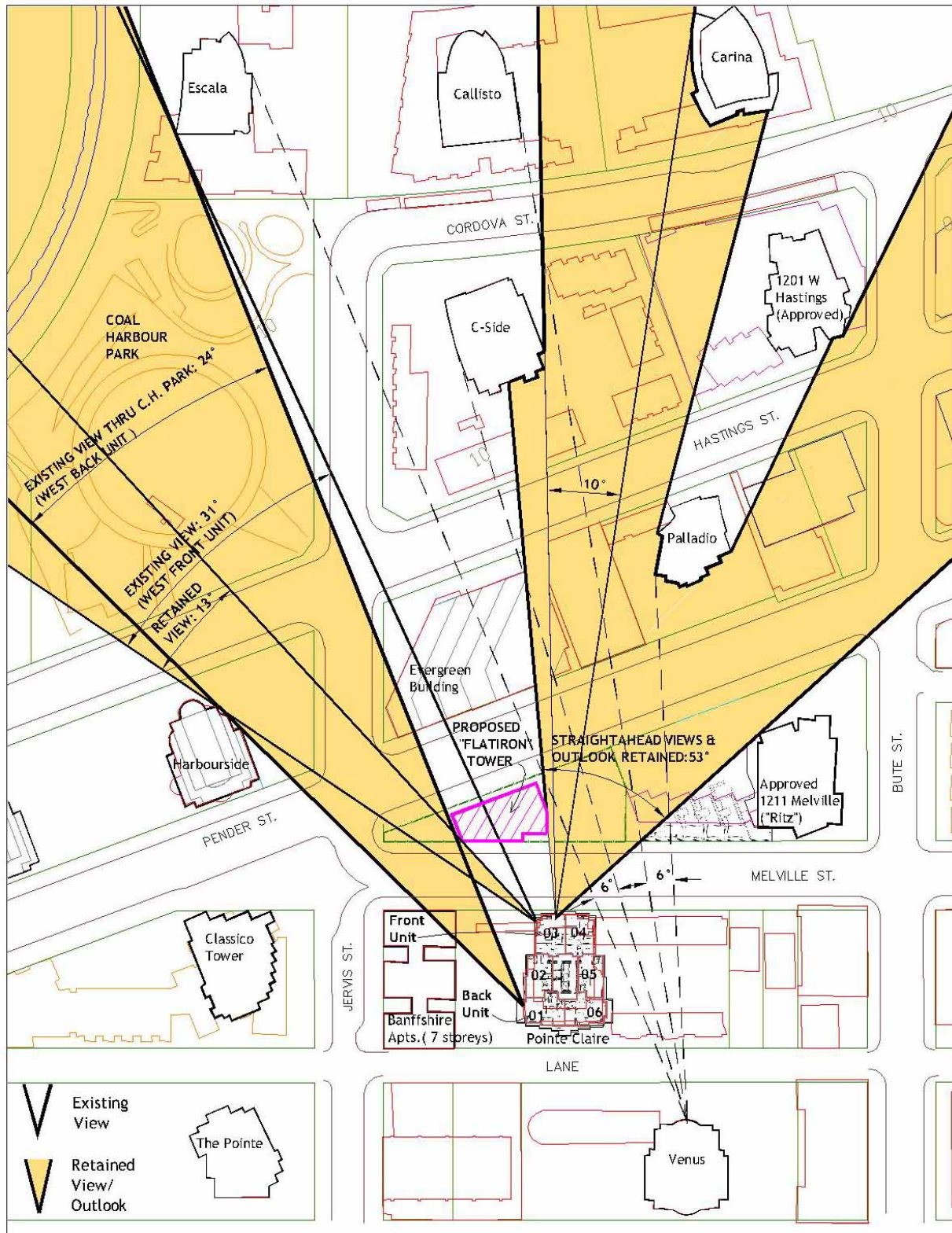


Fig.1: VIEW IMPACTS ON POINTE CLAIRE: PROPOSED TOWER (SUBJECT DE: 1277 Melville)

NOTE: Existing view means a through view to the water and/or mountains.

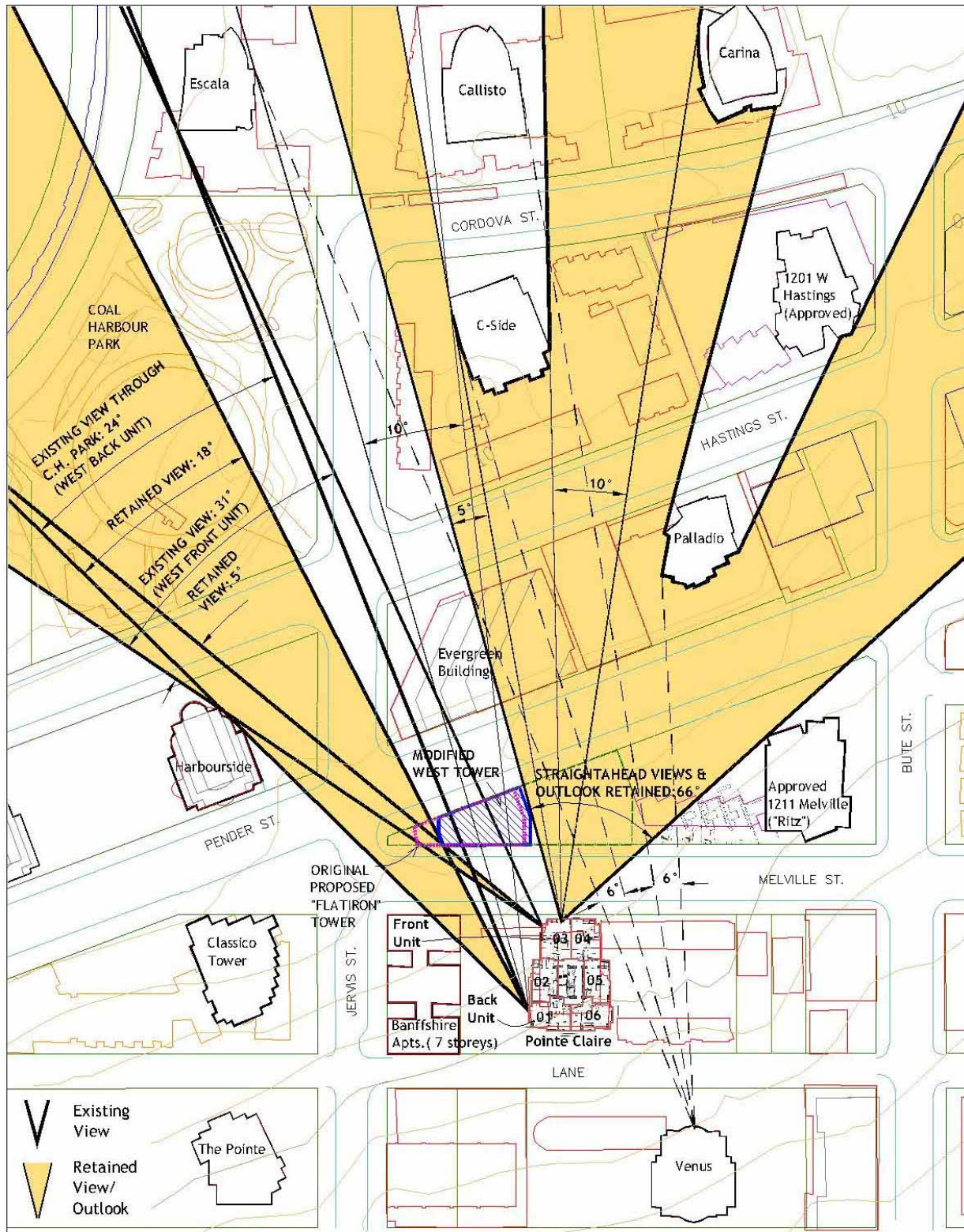


Fig.3: VIEW IMPACTS ON POINTE CLAIRE: MODIFIED WEST TOWER - APPROVED/REJECTED
 Approved by DP Board on Nov. 8, 2004 and subsequently rejected by Board of Variance

Note: There is no Fig. 2

Melville Street Public Realm Interface: The previous prior-to condition 1.5 - Appendix K sought to improve several aspects of domesticity and pedestrian interest along the Melville Street interface. In response the revised scheme has made the following positive improvements:

- The proposed retail use wrapping around the corner and the relocated residential entry lobby off Melville Street provide more animation for the westerly half of the frontage;
- The townhouse setbacks are consistently aligned and not staggered as previously proposed;
- Parkade exit stairs have been relocated from Melville Street to the Pender Street frontage;
- Planter walls in front of the townhouses have been stepped and reduced in height; and
- Improved coordination of the streetscape and townhouse sidewalk interface is provided with the adjacent 1211 Melville Street townhouses.

There remain, however, two unresolved concerns (also noted in the previous prior-to conditions) with the Melville Street public realm interface: the lack of active spaces and “eyes on the street” resulting from the proposed location of inactive storage areas with blank walls at the townhouse ground floor level with Melville Street; and the lack of articulation and detail to improve the appearance of the proposed blank concrete wall treatment of the elevator core. Accordingly, staff recommend design development to the Melville Street townhouse ground-oriented level to incorporate active uses (not storage) facing the sidewalk (Condition 1.3), and design development to articulate the elevator core blank concrete wall (Condition 1.4).

West Pender Street Podium Treatment: The revised application proposes a storefront configuration along West Pender Street that provides continuity with its easterly neighbour (1211 Melville Street), with storefronts located at the new property line for about 1/3 of the frontage. For the remaining 2/3 of the frontage extending to the westerly corner, the storefronts are set back an additional 3.6 m (12 ft.) to provide a wider public realm and covered area adjacent to the commercial use(s). A glazed canopy system approximately 2.3 m wide is proposed along the commercial frontage from the elevator core on Melville St. to the junction with Pender St. Staff support the proposed treatment.

Public Open Space: The public open space proposed at the Jarvis Street corner has been expanded from the previously-approved scheme, and has the potential to define an attractive “urban room” at this location. The open space treatment could provide either an opportunity for a landscaped public open space, or a semi-public outside dining area associated with a potential corner restaurant operation (to replace the existing ‘Crime Lab’ restaurant operation). While staff are supportive of a potential restaurant at this corner location, they note that the application proposes retail use. Given the proposed retail use, staff are concerned about the public open space concept, which would be more appropriate for an adjacent restaurant use, and recommend further design development to provide more pedestrian amenity at the corner, and, seating provisions. The proposed location of a linear strip of mechanical exhaust vents at the Melville Street corner of the open space is also a concern and staff recommend further design development to relocate these mechanical exhaust intrusions to improve public amenity (See Condition 1.1).

Public Realm/ Pender Street Sidewalk Treatment: A prior-to condition (1.7 - Appendix K) for the previously-approved scheme required further design development for the sidewalk treatment along West Pender Street, in order to coordinate with the adjacent 1211 Melville Street development to achieve an upgraded full block sidewalk treatment. The application provides two alternative landscape treatment concepts for the Pender Street area. Staff recommend that the details shown in the “Optional Sidewalk Paving Plan L-01-B” be pursued as the application’s Pender Street sidewalk treatment (See Condition 1.7).

Livability: The proposal provides a high level of livability, with a number of amenity features including:

- public open space at street level at the Jarvis Street “apex” (see discussion above);
- meeting and multi-media/amenity rooms on podium Level 1;
- amenity/party room with landscaped roof deck on podium Level 2; and
- individual patios and landscaped courtyards for the townhouse units along Melville Street.

In addition to the above, all units are provided with both open and enclosed balconies. Staff are satisfied that livability criteria are met.

Architectural Treatment: The architecture of this proposal is similar to the previously-approved scheme, and with an intriguing angled /warping of the northwest corner of the tower to respond to its unique site configuration. Although not as elongated or tall a tower shape as previously proposed, the tower provides a compelling architectural solution while minimizing impacts on neighbouring properties. The podium treatment at the westerly end of the site has been refined responding to the existing "Crime Lab" restaurant building massing and curved corner configuration.

Conclusion: The more compact tower massing, lower height and increased setback from Jervis Street of this revised tower proposal is supported by staff as an appropriate form of development on this unusually shaped and prominent corner site. View impacts on upland neighbours are significantly improved over the previously approved (but later rejected) tower scheme. The improvements to the ground plane treatment and expanded corner public open space will enhance the public realm and neighbourhood amenity at this important approach route to the Coal Harbour waterfront. The revised tower design will result in a slim, elegant tower of high architectural quality that will fit well within its neighbourhood context. A significant parking deficiency and design issue remains to be resolved. Staff recommend approval subject to the conditions noted.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on April 27, 2005, and provided the following comments:

EVALUATION: SUPPORT (7-0)

- **Introduction:** Ralph Segal, Development Planner, presented this application. A previous application for this site (previously 1280 West Pender Street) was reviewed and unanimously supported by the Panel in September 2004. That application was subsequently approved by the Development Permit Board but its decision was overturned by the Board of Variance as a result of a third party appeal.

The current submission complies with the Development Permit Board's direction to limit the height to 270 ft. Requested density is 6.6 FSR, which includes a ten percent heritage density transfer, as was approved in the earlier submission. However, the tower has now been located further to the east of the site, back from the Jervis Street corner, in direct response to neighbouring view impacts, in particular from the Pointe Claire.

Staff have no concerns about the current submission and note that it has improved since the earlier scheme, particularly at the ground floor which provides for a restaurant to replace the current popular "Crime Lab" restaurant on this site.

- **Applicant's Opening Comments:** Peter Busby, Architect, briefly described the project noting the range of view opportunities has been increased for Pointe Claire residents. He said he believed there have been improvements to the design since the previous submission, e.g., the base treatment of the townhouses is more elegantly resolved and the public space at the corner and the restaurant is a good addition to the scheme. Chris Phillips briefly reviewed the landscape plan.
- **Panel's Consensus on Key Aspects Needing Improvement:**
 - The scheme has improved, notwithstanding the arduous process that has been undergone and Panel continues to strongly support this project as it did when it was originally reviewed;

- General improvements have been made to the commercial base and the ground plane, particularly at the corner;
- Special attention should be given to the relationship to the neighbour to the east;
- Some regret at the slight loss of the flatiron expression and erosion of the opportunity for a strong angular response to the corner.

- **Related Commentary:**

The Panel unanimously supported this application. While the previous Panel had also unanimously supported the earlier scheme, the Panel commented that in many ways it has improved even more. The project is very elegant and has been handled in a simple way with good quality materials. There was some disappointment that the true flatiron response has been reduced somewhat but the gains of the current scheme were also noted.

The Panel preferred the revised commercial base which is considered more appropriate and beneficial for the city. The restaurant will be a great addition to the scheme. The improvements to the ground plane treatment were strongly supported, including the residential entrance and the approach to the townhouse courtyards as well as the relationship of the townhouses to the street. The addition of the green roofs was also strongly endorsed.

With respect to placement of the tower, it was felt the Development Permit Board was probably correct in its direction to move it slightly to the east and in some ways it is unfortunate it has been necessary to move it even further, which may not be as good a scheme as it could be in terms of consideration of overall private views and proximity of buildings. Nevertheless, it is still fully supportable as shown.

The only area of concern related to the relationship to the adjacent building to the east, although it was noted the onus will be on that development to respond to this one, which is the correct response.

- **Applicant's Response:** Mr. Busby thanked the Panel for its comments.

ENGINEERING SERVICES

The size and shape of the site, a small wedge, in combination with constraints posed by tower location, presents a number of design challenges in providing a parking layout that is both efficient in its use of the floor plate yet still provides acceptable vehicle maneuvering and flow. Solutions to the challenges to provision of site access, meeting the minimum number of by-law required parking spaces, vehicle maneuvering, flow between the parking levels, and on-site loading have been proposed in a number of ways, both common, including proposed relaxations, and uncommon.

The parking on this site will be accessed from a shared parking ramp entering from Pender Street through the adjoining property (1211 Melville Street), which will require shared access agreements to be secured. (See Condition A.2.13) Engineering Services is supportive of this approach as it will minimize the number of vehicle crossings on Pender Street and positively impact on the pedestrian realm.

The Pender Street frontage of the application site is covered by a 2.13 m wide building line. This area is required for enhanced public realm, primarily improved pedestrian and bicycle circulation. The General Manager of Engineering Services (GMES) would normally seek full dedication, as road, of the area covered by the building line as a condition of the development.

The applicant has sought to use the below-grade area within the building line to ensure an efficient and functional design of the underground parking. After a thorough review and acknowledging the constrained site, the GMES has agreed to recommend to Council that the City accept the establishment

as road of an "air space parcel" for the area covered by the building line (See Appendix O) in lieu of a full dedication. The air space parcel would be from a point 1.2 m (4 ft.) below building grade, and above. This would allow the applicant to construct within the building line area, below grade only. The provisions of the Zoning and Development By-law will require the Board of Variance to authorize the construction in the building line area. (See Conditions A.2.11 and A.2.12) The applicant will be responsible for fulfilling the conditions of the April 7, 2004 letter, and ensuring the use of the building line area results in a satisfactory parkade design.

The site is located within the Downtown District (DD) zoning. Due to the particular size of the dwelling units (all over 100 m²), the Parking By-law prescribes a minimum number of on-site residential parking spaces required, that is 104, or two stalls per unit. The retail parking requirement is an additional 3 spaces for a combined required total of 107 spaces. The current application proposes only 72 stalls, many of which are compromised, and, due to double counting of the two disability stalls, counted as 74.

During the review process Engineering Services requested that the applicant provide a consultant report giving a rationale for a parking relaxation. This report/rationale has not been received, although a letters were received on May 25, 2005 and June 7, 2005 citing preliminary results of the consultant and suggesting that the 'Coal Harbour parking standard' could be used for this project. Engineering Services believes that the DD parking standard of two parking stalls per unit for the size of units proposed overstates the real demand. Engineering Services agrees that the real demand is more accurately represented by a standard equal to the Coal Harbour standard (0.9 space per dwelling unit plus 1 space per 200m² gfa). Based upon the applicant's floor area calculation (5947.7m²) and the provision of 52 units, applying the Coal Harbour standard would result in a requirement of 77 residential parking spaces and an overall requirement for 80 parking spaces. Provision of these spaces appears feasible; however, it may require the provision of an additional partial parking level.

Nonetheless, good parking design principles require that moving vehicles within the parkade have adequate two-way flow to pass one another, or where this is not possible, the provision of features to ensure good visibility of oncoming cars so that one vehicle can stop and allow the other to pass. The size/shape of the site results in challenges to provision of two-way vehicle flow. The applicant has been advised that given the number of vehicles on-site, this is of serious concern, and thus staff have recommended the applicant consider additional measures, including in particular provision of a traffic signal system that will regulate vehicle right-of-way and indicate to drivers an appropriate stopping location that will allow another car to pass. The applicant has been further advised to consider retaining the services of a transportation consultant to assist in resolving critical parking design improvements which must be achieved. (See Condition 1.2)

The applicant has requested a relaxation of the loading requirements from one Class B loading space to two Class A loading spaces. Engineering Services supports this request since it is impractical, if not impossible, to achieve the required 3.5 m (11.5ft.) overhead clearance into the underground parking, and recommends the provision of two Class A loading spaces in lieu of one Class B. The applicant has also enquired whether loading may be provided on the adjacent site at 1211 Melville Street. The Parking By-law requires provision of loading spaces on the site which is to be served by the loading and, therefore, this would not be possible unless the loading requirement for this site were relaxed to zero and arrangements were made to the satisfaction of the General Manager of Engineering Services (GMES) and the Director of Legal Services for it to be located or shared with that of the neighbouring site. The GMES is prepared to consider such a request. As there is no lane available for loading, and use of the street frontages may not be available due to other requirements (transit stops and future or existing bicycle lanes), an off-site loading arrangement may be supportable, provided that the service routing is designed to be sufficiently convenient. Further details would be required before any decision on support for this could be made.

This project poses significant challenges. The applicant has met with staff to discuss Engineering Services' concerns, and has been providing revised parking designs. Staff continues to work with the

applicant toward resolution of the remaining design issues, and provision of a reduced number of residential parking stalls based on the factors noted above.

Staff is confident that appropriate solutions exist and support the project going forward subject to the resolution of the conditions identified in the report.

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

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

HOUSING CENTRE/SOCIAL PLANNING

Social Planning customarily recommends that a play area be designated, equipped and secured where it is probable that families with small children will reside in a project. Post-occupancy evaluations of recent high density projects indicate that market housing is experiencing a household size similar to affordable housing projects targeted to families. This suggests that inclusion of play areas in high density projects is desirable.

This proposed development contains 15 units (of the total 52 units) with two or more bedrooms on the lower eight floors, including three townhouses with private outdoor space, that are suitable for families with children. The site and building form are constrained and the proposed development does not incorporate a children's play area. There is no suitable location for a play area that can be easily supervised as would normally be required. The project is in close proximity to parks and open space at Coal Harbour.

Staff believe that this project may be an attractive location for families and are concerned that should families choose to live in this location that accommodation for children be made on-site. While not suggesting inclusion of a specific children's play area, staff recommend that the design of the outdoor amenity area on Level 2 avoid the use of toxic plants and that a resilient surface be specified, in order that it can be safely enjoyed by children. (See Condition A.1.18)

PARK BOARD

According to the applicant's information, the proposed development will cast a shadow at the southeast corner of Coal Harbour Park for approximately one hour during the Fall Equinox (12:15 to 1:15 PM). While any shadowing of parks is regrettable, this particular shadow is small in size and not considered to have significant negative impact.

ENVIRONMENTAL PROTECTION BRANCH

The Phase 1 environmental site investigation report identified the following environmental contamination risks:

- A historic fuel oil spill at 1256 West Pender Street which occurred prior to 1995; and
- The possibility of an underground/above ground fuel storage tank on site.

Staff recommend approval of this application with conditions (see Conditions A.4.1 and A.4.2.). In addition, an erosion and sediment control plan is required for review and approval by the Environmental Protection Branch at the Building Permit stage.

PROCESSING CENTRE - BUILDING

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 Processing Centre-Building 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, and fire fighting access and energy utilization requirements.

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

VANCOUVER COASTAL HEALTH AUTHORITY

VCHA staff advise that the acoustic report submitted with this application has been reviewed and accepted. Staff further advise the applicant to take note of the following:

- (i) Detailed drawings of food/retail and amenity spaces are to be submitted for review by the Environmental Health Division for compliance with Health By-law #6580 and the Food Premises Regulation prior to construction;
- (ii) All fresh-air intake portals are to be located away from driveways and parking/loading areas in order to prevent vehicle exhaust from being drawn into the building;
- (iii) The garbage storage area is to be designed to minimize nuisances; and
- (iv) The underground parking is to be adequately ventilated to prevent the build-up of noxious gases.

FIRE & RESCUE SERVICES

The comments of Fire and Rescue Services are contained in Appendix C attached to this report.

NOTIFICATION

Two (2) signs were installed on the site on March 25, 2005. On April 1, 2005, 2,636 letters were sent to neighbouring property owners advising them of the application. The notification letter included a description of the project; an invitation to attend a public open house (see below); a description of the planning process that led to the formation of the Downtown Official Development Plan - Area G: Triangle West; a description of the process for reviewing site specific development permit applications in this area; and a map illustrating existing development, projects under construction and applications for development either in process or expected.

Written confirmation was received from Cathedral Developments that any pre-purchasers on the proposed site or other nearby sites under their control who would be affected by the proposed development would be provided a copy of the City's notification letter.

The applicant hosted a public open house on April 13, 2005. They provided a model of the proposed project with variations that included (1) the initial application, (2) the proposal approved by the Development Permit Board which was subsequently overturned by the Board of Variance and (3) the present scheme.

The applicants provided view analysis primarily from residential units in the Pointe Claire for review and discussion with the applicant's architect. Comments were solicited from those who attended. Seven (7) people from five (5) households attended. Two (2) comment sheets were returned.

Ten (10) letters were received in response to notification. Castle Management Ltd indicated they represent a significant number of residents in the Pointe Claire who are opposed to the present scheme. (See Appendix H - Letter from Castle Management Ltd.). Other residents, mostly resident on the east side, of the Pointe Claire do not agree with the position taken by Castle Management Ltd and believe that the present scheme and any relocation of the tower to the east does and would negatively impact on their views.

Issues of concern include:

1. The absence of commercial/retail particularly food stores to serve the growing residential population in the Triangle West area (2 respondents);
2. The site is too small to accommodate high density development given the concentration of other high density developments in the neighbourhood (3 respondents);
3. Opposition from residents on the east side of the Pointe Claire to the location of the tower to the east thereby blocking their view and who have expressed concern for the residents of the "Venus" , "Orca" and "Residences on Georgia". (2 respondents);
4. Opposition from residents on the west side of the Pointe Claire to the location, height, width and density of the tower as it will block their view to the west and create privacy issues given its proximity. (2 respondents);
5. Concern with the blank concrete wall on the south elevation facing Melville Street and the Pointe Claire which should be covered, painted for detailed to soften the visual affect;
6. Opposition to the cantilevered roof canopy which blocks views from the upper most units in the Pointe Claire;
7. Public realm at the corner at Jervis Street should be public open space;
8. Concern with the absence of school facilities in the neighbourhood to accommodate growing school age population; and
9. The landscaping at street level needs to soften the impact of concrete, glass and steel thereby reducing the impact of noise that results from hard surfaces. In general, the standard of landscaping for this project should be similar to Harbour Green.

Staff Response to Issues:

1. Residents' Commercial Needs: The redevelopment of this block will provide a noticeable increase in commercial space along West Pender Street and in the recently rezoned "Ritz" development site at Bute and Melville, which is large enough to accommodate a major food store and other commercial services needed for the neighbourhood.
2. Site Size: While constrained in shape, the site is sufficiently large to accommodate a tower and is comparable to several other smaller sites in the area on which residential towers have been either built or approved.
3. Views Impacts for East Side Units ("Pointe Claire"), "Venus" and "Orca": While East Front units in the Pointe Claire would be impacted by any potential tower option on this site, their westerly views over Coal Harbour Park are slightly improved over the previous approved/rejected scheme, and they will retain a reasonable extent of straight ahead views

and northerly outlook. (See Table 1, page 9 and Fig. 1 & 3, pages 10 & 11) Views from the Orca and Venus are not impacted at all by the revised proposal.

4. Views Impacts for West Side Units ("Pointe Claire"): Considerable improvements would result for these units from this tower proposal, particularly for the view over Coal Harbour Park. (See Table 1, page 9 and Fig. 1 & 3, pages 10 & 11)
5. Elevator Core Wall Treatment: Staff agree and recommend Condition 1.4 to address this concern.
6. Cantilevered Roof Canopy: Given the proposed lowering of tower height and relatively see-through nature of the canopy, staff support this as an attractive accent feature for the tower top that does not impact in a significant way the views from upper level units in the Pointe Claire.
7. Public Open Space Use at Jervis Corner: While this area may be used for outside dining purposes if a restaurant proceeds in the ground floor commercial, condition 1.1 calls for this open space to be redesigned to encourage public use.
8. School Facilities Need: An elementary K- 7 facility with daycare is planned to be provided next to the Coal Harbour Community Centre and Park site.
9. Street Level Landscaping: The standard of street-level landscaping will be consistent with high standards for other Triangle West areas and will be coordinated with the adjacent "Ritz" development so that there is a unified treatment for the entire city block.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Staff Committee reviewed and supports the applicant's proposal for the placement of the tower. The applicant's response to the view impact on adjacent properties in the neighbourhood and the previously approved but overturned application is reasonable and supportable.

The Staff Committee recommends that the open space at the corner of Pender and Jervis Streets be developed as a mini-plaza while leaving the option open for restaurant use depending on whether the requirements for loading associated with such a use can be accommodated.

The Staff Committee supports use of the Coal Harbour parking standard for this site and the accommodation of an air space parcel to allow the underground parkade to cross the building line under Pender Street. Staff believe this proposal for allowing the parking to extend beyond the building line is supportable, as a one off, no-precedent setting action, given the constraints associated with an irregularly shape site.

B. Boons
Chair, Development Permit Staff Committee

R. Segal, MAIBC
Development Planner

B. Mah
Project Coordinator

Project Facilitator: D. Robinson

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 reduce the proposed floor area by 105.8 m² and balcony area by 28.1 m² to comply with Section 3 (Density) of the Downtown Official Development Plan;

Note to Applicant: The stair on Level 28 and support columns must be included in the computation of floor areas. Mechanical penthouse above base surface is not excludable from FSR. Excess balcony areas must be added to FSR. Roof decks can be excluded from the maximum 8% balcony area. Clarify all roof decks and open balconies, including access to them.

- A.1.2 provide detailed and fully dimensioned floor plans;

Note to Applicant: Dimensions used to calculate floor areas, including exclusions, must match those on the FSR overlays. Clarify commercial and residential floor areas on FSR overlay. Indicate "retail store" for commercial uses. Clarify uses of all rooms, areas, voids and open to below spaces. Figures under Project Data on drawing DP001 do not match figures on FSR overlays.

- A.1.3 clarify the height of the proposed development;

Note to Applicant: Provide detailed calculations verifying the height. Indicate location of and distances to the critical point on a roof/site plan. Show calculations of interpolations using base surface (City building grades at corners of site only). Clarify top of canopy elevation on sections BB and CC, and mechanical room on roof, both conflict with elevation (96.40 m) on roof plan.

- A.1.4 details of balcony enclosures;

Note to Applicant: To qualify for an exclusion from floor space ratio [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.1.5 provide details of townhouse trellises, canopy at tower top, parking exhaust vents, gas meter enclosure, guardrail at front of residential entrance and fences and/or privacy screens (also see Condition 1.6);

- A.1.6 relocate the Class A bicycle parking spaces to be no lower than the first complete parking level below grade, and clarify the number and location of Class B bicycle spaces for residential use;
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Note to Applicant: As an alternative to relocating the Class A spaces, a suitable connection using an elevator with convenient access to the outside could be utilized, to the satisfaction of the General Manager of Engineering Services.

- A.1.7 design development to locate, integrate and fully screen any emergency generator, exhaust ventilation, electrical substation and gas meter in a manner that minimizes their impact 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.1.8 annotate on plans stating: "The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law.";
- A.1.9 provide accurate and complete statistics under Project Information and Project Data on drawing DP001;

Note to Applicant: The project should be addressed as 1277 Melville Street, not 1280 West Pender Street. The legal description should include Lot 5. Provide a summary of the number, type and floor area of all dwelling units. Floor area of dwelling units should not include storage rooms and enclosed balconies where they have been excluded from FSR.

- A.1.10 submit completed/updated Heritage Letters "A" and "B", confirming that an agreement has been reached to purchase 736.8 m² of heritage density from the "donor"; that the heritage density is secured for the proposed project; and also confirming the balance of transferable heritage density remaining on the donor site (see Appendix G for sample letters);
- A.1.11 provide confirmation of floor areas of all dwelling units, excluding storage rooms and/or enclosed balconies;

Note to Applicant: Include a summary of all unit floor areas and provide tracing overlays showing floor areas of each dwelling unit. Tracing overlays must be sealed and signed by the Architect and Land Surveyor.

- A.1.12 the applicant can and does obtain approval from the Board of Variance for the portions of the underground parking proposed beyond the building line;

Note to Applicant: Applicant will need to seek authority from the Board of Variance for portions of underground parking proposed beyond the building line.

Standard Landscape Conditions

- A.1.13 provide sections (min. scale 1/4" = 1'-0") thru the street level underground parking garage along West Pender Street to ensuring slab at property line allows for the maximum soil depth achievable for root ball of the inside row of trees;

Note to Applicant: Confirm through a notation on the P1 plan that a continuous trench is provided between these street trees.

- A.1.14 provide a new street tree along Melville Street in order to fill the gap in the existing street tree colonnade;

Note to Applicant: See also Condition A.2.9.

Crime Prevention Through Environmental Design (CPTED)

A.1.15 design development to reduce opportunity for theft in the underground parking garage;

Note to Applicant: This can be achieved by separating the exit stairs from the elevators, by restricting access to the residential elevators at the commercial levels, providing an intermediate door within the exit stairs between the commercial and residential levels and deleting commercial elevator access to the residential parking levels. The exit stair at the parking ramp entry area on Level P1 appears to exit into the townhouses. Clarify the layout and use of the area in the garage beneath the townhouse exits.

A.1.16 design development to reduce opportunities for mail theft;

Note to Applicant: This can be achieved by relocating the mail boxes to be within full view of the residential elevators or within a room, as shown on the landscape plan, which is not consistent with the architectural plan.

A.1.17 design development to reduce the opportunities for graffiti on the townhouse walls;

Note to Applicant: This can be achieved by setting back the walls and providing landscaping in front, or by reducing the height of the walls.

Social Planning/Housing Centre

A.1.18 specify non-toxic plants and resilient surfacing in the outdoor amenity area on Level 2, to the satisfaction of the Director of Social Planning;

Note to Applicant: A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available by calling the Social Planning Department at (604) 871-7764, or online at <http://vancouver.ca/commsvcs/Guidelines/C017.pdf>.

A.2 Standard Engineering Conditions

A.2.1 provide adequate turnaround for commercial parking spaces 004 and 005;

Note to Applicant: These parking spaces are dead end spaces. Location of residential security gate restricts vehicle back-up and exit in a forward direction.

A.2.2 clarify all column locations requiring transfers on all levels, per note on parking level P2;

A.2.3 provide improved vehicle flow at the main entry to the building;

Note to Applicant: Provision of a minimum 6.7 m wide ramp and improved turning radius is required.

A.2.4 clarify garbage provision for commercial uses;

Note to Applicant: Separated storage for each use should be provided.

A.2.5 clarify garbage pick-up operation;

Note to Applicant: Provide confirmation that garbage and recycling can be picked up from the location shown.

- A.2.6 revise doors to not swing over the building line and note to read correctly as “building line”;
- A.2.7 provide additional design grades at all entries on Melville and West Pender Streets, clearly showing design grades that met City building grades;
- A.2.8 show first risers set back at least 0.3 m behind the property line for steps on both sides of entries to plaza;
- A.2.9 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for street trees;

Note to Applicant: Street trees must conform to standard spacing and clearance. Tree species must be approved by the Park Board. Before purchase of trees, final tree locations are to be determined, to the satisfaction of the General Manager of Engineering Services. The second row of trees is to be completely on private property. An adjustment to the tree locations is required to accommodate the bus stop on West Pender Street. Clarify term “reinforced sod” and provide sample if possible. Submit a copy of the landscape plan directly to Engineering Services for review. A separate application to Engineering Services is required for street trees, tree grates and any other non-standard treatment of City sidewalks.

- A.2.10 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for lot consolidation;
- A.2.11 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the establishment as road of the area of the 2.13 m building line area measured from a minimum depth of 1.2 m below grade and upwards;

Note to Applicant: The minimum 1.2 m depth to be measured from the building grade and is required to allow sufficient depth for tree planting. The applicant is advised to contact the City Surveyor to ensure arrangements are achievable.

- A.2.12 applicant can and does obtain approval from the Board of Variance for the portions of the underground parking proposed beyond the building line.

Note to Applicant: Applicant will need to seek authority from the Board of Variance for portions of underground parking proposed under the building line.

- A.2.13 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for shared access to the underground parking through the adjacent site;
- A.2.14 arrangements shall be made, to the satisfaction of the Director of Legal Services and General Manager of Engineering Services, for the shared use of commercial parking spaces for residential visitor parking after regular business hours;
- A.2.15 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for the release of redundant crossing agreements (Easement & Indemnity Agreements 252997M & 227586M), prior to occupancy of the building;

Note to Applicant: The legal description is incomplete on applicant’s 2nd page of drawings. It should include all three lots (5, 6 except A, & A of 6).

- A.2.16 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for a canopy application; and
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Note to Applicant: Canopies must be fully demountable and drained to the buildings internal drainage system where they encroach beyond a property line.

- A.2.17 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for a crossing application.
- A.2.18 provision of arrangements to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services for shared use of the commercial parking spaces for residential visitor parking after regular business hours.

A.3 Standard Vancouver Coastal Health Authority Conditions

- A.3.1 submit a letter from an acoustical consultant confirming that the development application drawings show a minimum STC 55 construction between the commercial and residential components of the building, or a minimum 6 inch solid concrete slab shall be specified on the drawings;

Note to Applicant: Where music, recorded or live, may be a major activity in the commercial premises, submit a report from an acoustical consultant recommending minimum STC 60 construction between the commercial and residential components and advising the required control of music levels to satisfy the requirements of Noise Control By-law #6555.

- A.3.2 annotate on the plans stating: "Acoustical measures will be incorporated into the final design and construction based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer)."; and
- A.3.3 annotate on the plans stating: "Mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise and air quality impact on the neighbourhood and to comply with Noise By-law #6555."

A.4 Standard Licenses & Inspections (Environmental Protection Branch) Conditions:

- A.4.1 retain a qualified environmental consultant to identify, characterize and appropriately manage any soil and/or groundwater of suspect environmental quality encountered during any excavation work at the site; and
 - A.4.2 submit a closure report prepared by a qualified environmental consultant to the Environmental Protection Branch on findings during excavation prior to occupancy.
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B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated June 8, 2005. 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 **December 20, 2005**, 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 within 60 days of the date of 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 within six (6) months of the date of 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 All approved street trees shall be planted in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
- B.2.4 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 Amenity spaces (multi-media and party rooms/deck) of 127 m², 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 and occupants of the building;

AND

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 and users of this building.

- B.2.6 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.2.7 This site will be affected by the Development Cost Levy By-law No. 7847. Levies will be required to be paid prior-to issuance of Building Permits. For more information, please refer to Bulletin #1 - Development Cost Levies, available at the Planning Department Reception Counter.
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Processing Centre - Building comments

The following comments have been made by the Processing Centre - Building and are based on the architectural drawings prepared by Busby Perkins & Will submitted on March 2, 2005. This is a preliminary review in order to identify aspects of the proposed building design which may not conform with the requirements of Vancouver Building By-Law #8057.

1. Provisions for the Disabled

- a) Refuge Area - Refuge areas are required wherever disabled access is provided. Areas of refuge may be required on the Residential Amenity Level.
- b) Enhanced Accessibility Requirements - The requirements of 3.8.2.27.4) as described in Bulletin 2002-006-BU Enhanced Accessibility For Multi-family Residential Buildings are applicable. The doorways accessing the townhouse storage passageway do not appear to meet the clearance criteria.
- c) Access to Disabled parking spaces - It should be pointed out that the vehicular access route should provide vertical clearance of 2.3 metres from the point of access to the underground parking to the stalls for the disabled. Refer to Bulletin 2001-012-BU Parking Spaces for Persons with Disabilities.

2. Storage Garage Security - Provisions for visual security in underground parking garages (3.3.6.7.) require that maximum unobstructed visual access possible by means of clear wired glass in steel frames be provided in elevator vestibules, and exit vestibules and exit shafts. This appears non-existent or minimal on all underground Parking Levels.

* 3. Exits

- a) Exit Smoke Contamination - The stairs serving below grade parking and the upper levels are required to be separated so that smoke contamination would not occur during exiting. The parking exit stairs and the stairs serving the above grade residential occupants in the contiguous shaft are not separated at grade level.
- b) Exits (Vestibules) - The mechanical rooms on Level 28 and the floor above are not permitted to enter the exits directly. (A vestibule is an acceptable indirect access to the exit)
- c) Lobby used as Exit - The provisions of 3.4.4.2. are applicable for all lobbies used for exiting purposes.
- d) Access to Exit - The parking stalls located at gridlines A & 17 on all underground levels are required to have access to two exits. Since the only routes are on surfaces exceeding 5% in slope, they must therefore be designed as ramps & delineated as such. Handrails will be required. A second access to exit is required from the Ground floor area. An access to exit is required from the upper penthouse occupancy satisfying the requirements of 3.3.4.4.

4. Egress from dwelling units. A second exit is required from the residential Amenity level. A second exit is required from the public corridor serving the lower penthouse floor. A minimum of 3 risers is required in any set of stairs. Only 2 risers are indicated for the stairs located on the ground floor corridor along Gridline D' between Gridlines 12 & 18.

5. Exit Stairs Continuity - The exit stair located at Gridlines D & 18 on Levels P1, P2 and Ground Floor do not exit to Approved Open Space.

6. Exit Stairs Exposure Protection - The Melville Street grade level exit path for the contiguous stairs is required to be protected from fire exposure of the adjacent retail unit.

7. Interconnected Floors -

- a) Garage floors are permitted to be penetrated by openings provided they are for the driveway ramps only.

- b) The underground parking plans indicate excessive openings in this regard and as such would be considered to be interconnected floors which must meet the provisions of 3.2.8.
- c) The residential ground floor and the amenity floor above are interconnected floor spaces and would also be required to meet the provisions of 3.2.8.

8. High Rise Measures

- a) The provisions of 3.2.6. in the Building Bylaw for Additional Measures for High Buildings are applicable for the entire project.
- b) The smoke venting provisions by natural means may be difficult to achieve for the stairs opening into the Lobby on the Main Floor.
- c) Cross over floors complying with the provisions of 3.4.6.17. should be designated.

*9. Building Permit Issuance Requirements

- a) The issuance of a building permit for construction is contingent on all legal covenants and equivalents (if necessary) being accepted and in place. Notwithstanding the foregoing, code conforming (including Planning, Engineering regulations etc.) back-up solutions shown on the building application drawings are also acceptable for the issuance of building permits.
- b) Projects submitted under the Certified Professional Program are also required to demonstrate conformance with the Building Bylaw. In the case of phased construction, the comments above regarding equivalents/covenant approval would apply to each phase of the work proposed.

*10. Separate Buildings

Building code requirements are normally applied to individual buildings on their own sites defined by property lines. In the case of an interior shared property line, between adjoining sites, no unprotected openings are permitted for any portion of the building in close proximity to this property line. The access to this project's parking is by way of a shared ramp from the street but located entirely on the future development proposed on the adjoining site to the East. This project shows openings on both sides of this common interior property line at the P1 Level to accommodate the passage of vehicles. It will be necessary to propose acceptable Equivalents (Section 2.5 Equivalents) to address Building Code issues relating to smoke migration, spatial separation, high rise measures , fire alarm systems etc. as well as satisfying the legal requirements by way of covenants (as described in Article 2.1.7.3. Buildings divided by property lines). This comment is also applicable to the future development proposed for the adjoining site to the East.

Notes:

1. Items marked with an asterisk have been identified as important non-conforming Building By-law issues.
2. All code references unless noted otherwise refer to Vancouver Building Bylaw #8057.
3. 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.
4. The applicant may wish to retain the services of a 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.

The Applicant is to note Vancouver Building By-law requirements that are applicable for building applications received on or after August 15, 2003, regarding the provision of accessible access to all storeys. For further information, see Bulletins 2002-06-BU (July 22, 2002), and 2002-08-BU (August 28, 2002). The Applicant is to note that Vancouver Building By-law requirements that are applicable to building applications received on or after June 1, 2003, regarding new elevator devices and alterations to existing ones, which will need to conform to the new elevator code. For further information, see www.city.vancouver.bc.ca/commsvcs/CBOFFICIAL/pdf/BCI2003-003.PDF.

Fire and Rescue Services Comments

The following comments have been provided by Fire and Rescue Services and are based on the architectural drawings received on March 2, 2005 for this Development application. This is a preliminary review intended to identify areas in which the proposal may conflict with fire provisions of the Vancouver Building By-law.

- 1) For below grade levels, access is from an exterior door ~ 5.5m from Melville St curb. Signage will be required.
- 2) A West Pender address will required for the commercial/retail units accessed from Pender Street. the fire alarm annunciation and sprinkler zoning must be reviewed. *Standpipe coverage could be a problem.
- 3) The fire alarm annunciation and standpipe coverage for the townhouse units facing Melville Street must be reviewed.
- 4) *The fire alarm system in the underground parkade must be reviewed, as it relates to the common access from the neighbouring building.

* Items marked with an asterisk have been identified as Fire Department concerns.

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. Failure to address these issues may jeopardize the ability to obtain Fire Department clearance or delay the issuance of the Building Permit for the project.