
1252 HORNBY STREET (COMPLETE
APPLICATION)
DE409789 - ZONE DD

MBR/SB/AH/DK

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

B. Boons (Chair), Development Services
M. Thomson, Engineering Services
L. Gayman, Real Estate Services
D. Naundorf, Housing Centre
D. Jantzen, Vancouver Coastal Health Authority
R. Cheung, Development Services

Also Present:

M.B. Rondeau, Urban Design & Development Planning
S. Barker, Development Services
J. Greer (for A. Higginson), Development Services

APPLICANT:

Gomberoff Bell Lyon
Architects Group Inc.
#140 - 2034 West 11th Avenue
Vancouver, BC

PROPERTY OWNER:

0719187 BC Ltd.
#302 - 4940 No. 3 Road
Richmond, BC
V6X 3A5V6J 2C9

EXECUTIVE SUMMARY

- **Proposal:** To develop this site with a 15-storey mixed-use building, with general office use on the ground floor and 70 residential units on floors 2 through 15, all over three levels of underground parking. This application requests additional density through the transfer of heritage density from a donor site at 42-46 Water Street.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building/Fire comments

Appendix D Plans and Elevations

Appendix E Applicant's Design Rationale

Appendix F Shadow Analysis Comparison

Appendix G Heritage Density Letter

● **Issues:**

1. Building treatment adjacent to the Marriott Residence Hotel (1234 Hornby Street)
2. Privacy and orientation of the south façade
3. Rear yard treatment and resolution

● **Urban Design Panel: Support**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE409789 as submitted, the plans and information forming a part thereof, thereby permitting the development of a 15-storey mixed-use office/residential building with three levels of underground parking, 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 improve the treatment of the north façade;

Note to Applicant: This can be achieved by adding windows to the corners of this solid wall façade.
 - 1.2 design development to the south façade to address privacy issues and solar gain;

Note to Applicant: The south-facing bedrooms on levels 6 through 15 should develop a strategy to reduce anticipated privacy issues with the adjacent (future development) site and to reduce summer solar gain to south facing windows.
 - 1.3 design development to improve the amenity and safety of the rear yard setback area; and

Note to Applicant: The open exit stairs from the underground parking should be relocated within the building and the number of stairs leading from the rear patio to the lane should be reduced to one set while maintaining a measure of privacy between the office and residential uses for exiting across the respective patios. This will allow the parking ramp to be straightened. (Standard Condition A.2.4) A children's play area should be incorporated into this area, adjacent to the amenity room. (Standard Condition A.1.21) The office floor area should extend to the building face with weather protection over the patio area as necessary (street access to the offices should also be provided as noted under Standard Condition A.1.17). The gas meter, parking grilles and any electrical service requirements must be located so as to be fully integrated into design concept.
 - 1.4 design development to the street canopies to provide weather protection over the office entrance and to allow rain access to the adjacent display gardens without requiring irrigation.
- 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:** Downtown Official Development Plan (Hornby Slopes - Sub-area "N")

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size	-	-	99.94 ft. x 120.01 ft.
Site Area	-	-	11 995 sq. ft.
Floor Area ¹	Office uses: 11,995 ft ² All uses combined: 59,975 ft ² Heritage Density Transfer (10%): 5,998 ft ² Total: 65,973 ft ²	-	Office use: 5,333 ft ² Residential use: <u>61,666 ft²</u> Total: 66,999 ft ²
FSR ¹	Office uses: 1.00 All uses combined 5.00 Heritage Density Transfer (10%): 0.50 Total: 5.50	-	Office uses: 0.44 Dwelling uses: <u>5.14</u> Total: 5.58
Balconies ²	Open: 2,433 ft ² Enclosed: <u>2,433 ft²</u> Total: 4,866 ft ²	-	Open: 3,411 ft ² Enclosed: <u>2,300 ft²</u> Total: 5,711 ft ²
Height	300 ft.	-	Top of Parapet: 155.4 ft. Top of Core Overrun: 158.5 ft.
Parking ³	<u>Office:</u> Total: 5 spaces <u>Residential:</u> Total: <u>100 spaces</u> <u>Total Office and Residential:</u> 105 spaces - Small Car 20 spaces	<u>Office:</u> Total: 5 spaces <u>Residential:</u> Total: <u>49 spaces</u> <u>Total Office and Residential:</u> 54 spaces Disability: 3 spaces -	<u>Office:</u> Total: unspecified <u>Residential:</u> Total: unspecified <u>Total Office and Residential:</u> 81 spaces Disability: 4 spaces Small Car: 20 spaces
Bicycle Parking ⁴	-	<u>Class A</u> <u>Class B</u> Office: 1 sp. 0 sp. Residential: <u>88 sp.</u> <u>6 sp.</u> Total 89 sp. 6 sp.	<u>Class A</u> <u>Class B</u> Office: 0 sp. 0 sp. Residential: <u>87 sp.</u> <u>0 sp.</u> Total: 87 sp. 0 sp.
Amenity	10,000 ft ²	-	784 ft ²
Residential Unit Type	-	-	Studio: 14 units 1 Bedroom: 29 units 2 Bedroom: <u>27 units</u> Total: 70 units

¹Note on Floor Area and FSR: Standard Condition A.1.1 seeks a reduction to the proposed FSR to a maximum of 5.50. 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. The proposal is seeking the maximum Heritage Density Transfer permissible (5,998 sq. ft.), with the donor site being identified as 42-46 Water Street. Standard Condition A.1.2 seeks confirmation that an agreement has been finalized between the donor site and subject site for the transfer of heritage density.

²Note on Balconies: Standard Condition A.1.1 seeks confirmation of the proposed open and enclosed balcony area (in the form of dimensioned overlay drawings complete with tabulated summaries), and clarification of the inconsistencies and errors presented in the applicants calculation of both the maximum permitted and provided balcony area. The proposed areas of open and enclosed balconies have been obtained from dimensions provided on the floor plans, and scaled measures from the floor plans where dimensions are absent. The 845 sq. ft. overage of the maximum 8% excludable balcony area has been added to the proposed residential floor area and FSR.

³**Note on Parking:** Standard Condition A.1.4 seeks the specification of the off-street parking spaces for either office or residential use in accordance with the minimum required and maximum permitted number of spaces for each use. Standard Condition A.1.4 also seeks overlay drawings of the area of each dwelling unit in order to verify the parking standards for the residential uses. Off-street loading spaces are not required for this development.

⁴**Note on Bicycle Parking:** Standard Condition A.1.5 seeks the provision of the required number of Class A and Class B Bicycle parking spaces for both the office and residential uses.

• Technical Analysis: Downtown South Guidelines (Excluding Granville Street)

	RECOMMENDED	PROPOSED
Section 2.4.1 - Public Views	Council-approved public view cones pass through Downtown South and limit height on some development sites.	This site is not affected by a view cone.
Section 2.8(b) - Noise	A development permit application for dwelling uses in Downtown South should provide evidence in the form of a report (Acoustical Report)	Standard Condition A.3.1 seeks the provision of an Acoustical Report which assesses noise impacts on the site and recommends noise mitigation measures in order to achieve noise criteria.
Section 2.10 Safety and Security	Public and commercial parking should be separate from residents parking...	Commercial parking access to the street appears to be through the residential lobby or from the rear patio. Standard Condition A.1.17 requests direct stair access to the street from the commercial parking. This is also necessary to comply with the Building By-law.
Section 2.9 - Privacy	Privacy is a crucial aspect of livability. Minimum distances between buildings through required setbacks provide some visual privacy.	Given that sub-area N does not have a minimum site size for a tower, the separation between existing and future towers on adjacent sites has been considered through analysis (as discussed on pages 8/9) and minimum distances for bedrooms have been reduced. Staff have recommended some adjustments to the south façade of the tower to prepare for privacy interface with future development under Condition 1.2.
Section 4.1.1 - Low Rise Street Enclosure	New Developments should provide low-rise street enclosure buildings a minimum 30 ft. in height	A strong streetwall enclosure is provided by a stepping low-rise with a minimum height of 35.5 ft. adjacent to the low hotel podium on the north side. The low-rise on the south side steps up to allow for future similar development on the adjacent site.
Section 4.1.2 - Tower Height	The maximum discretionary height in Downtown South is 300 ft.	The proposed building height to the roof parapet is 155.4 ft, and given the size of the mechanical penthouse, it has been included in building height (158.5 ft.) Staff request that the size of the mechanical penthouse be minimized to improve views through and reduce height under Standard Condition A.1.7.
Section 4.1.3 - Tower Width and Floor Plate Size	(a) The maximum horizontal tower width or depth for floor plates above 70 ft. should be 90 ft. (b) The maximum typical floor plate size ranges from 3,500 ft ² (site frontage 175 ft./ tower height 300 ft.) to 6,500 ft ² (site frontage 300 ft./tower height 200 ft.)	(a) For floor plates above 70 ft, the tower width is 62.0 ft. and the tower depth is 70.2 ft. (b) The floor plate of the typical tower floor levels (8-14) is 4,126 ft ² The floor plate guidelines do not contain provisions for a site of this size or a tower of this height. The guidelines are intended to promote slim towers with small floor plates, and staff conclude that this proposal meets that intent.

Section 4.1.4 - Floor-to Floor Height	The floor-to-floor dimension (should be) 8.5 ft. to 9.0 ft. The overall building height should be limited by a calculation of 10'0" multiplied by the number of floors proposed in the development.	The floor-to floor dimensions are: <ul style="list-style-type: none"> • Main floor: 14.0 ft. • Floors 2-5: 10.0 ft. • Floors 6-14 9.3 ft. • Floor 15: 10.0 ft. The average floor-to-floor dimension based on 15 floors is 9.8 ft. Staff support the proposed floor-to-floor dimensions given the improved livability.
Section 4.2.1 - Front Yard and Setbacks	The front setback should be a minimum of 6 ft.	Staff support the proposed front set backs at 6 ft. to the building face at the south and 9 ft. to the building face at the north.
Section 4.2.2 - Side Yard and Setbacks	Interior side yard setback should be a minimum of 40 ft. above a height of 70 ft.	A 26 ft. setback is proposed at the south and a 12 ft. setback is proposed at the north for floors 8 to 14. Side yards have been reduced given the specific context of the existing hotel and the future development on the west. Adjustments to these interfaces are recommended under Conditions 1.1 and 1.2, as discussed on pages 8/9.
Section 4.2.3 - Rear Yard and Setbacks	Rear yard and setbacks should be a minimum of 10 ft. up to a height of 35 ft, and 30 ft. over a height of 35 ft.	The building is setback 30.0 ft. at the lower floors and 36.7 ft at the upper floors. Although the rear yard requires significant design development as noted under Condition 1.3.
Section 4.5 - Horizontal Angle of Daylight	All habitable rooms should have a least one window on an exterior wall located so that a plane of 50 degrees (or two angles with a sum of 70 degrees) is unobstructed over a distance of 80 ft.	The "bedroom" areas to the studio units at the 2 nd to 5 th floors do not contain windows. Windows to the bedrooms at the south of the tower do not meet the unobstructed 80 ft. distance. Standard Condition A.1.9 seeks revision to these studio units to allow this area to benefit from additional natural light. Condition 1.2 seeks adjustments to the south-facing bedrooms.
Section 5.5.3 Lane Edges	Architectural treatment and landscaping of the lane facades should receive comparable detailing and attention as other façades of the project.	Design development is proposed to the lane to improve the amenity and safety of the rear yard setback and lane edge under Condition 1.3
Section 7.2 Semi-Private Open Space	Residential developments should provide semi-private open space of 50 ft ² per unit or more. (3 500 ft ² of total semi-private open space for this development)	A total of 3,930 sq. ft. of semi-private open space has been provided for the residential use (at the ground floor and 6 th floor). A children's play area is requested under Standard Condition A.1.21, and staff suggest this be incorporated into the adjustments to the rear yard open space as noted in Condition 1.3.
Section 7.3 Private Open Space	(a) Residential units should have access to a private outdoor space with a minimum single horizontal dimension of 6 ft. to allow for adequate useable space.	Several open balconies have a depth of 5.8 ft. The balconies to the south of floors 6 and 7 have a depth of 4.9 ft., and the enclosed balconies at floors 8 - 14 have depths of 4.5 ft. and 5.5 ft. Staff request minor improvements to the private open space under Standard Condition A.1.8.

• **Legal Description**

Lots: 11 - 14
Block: 101
Plan: 210
District Lot: 541

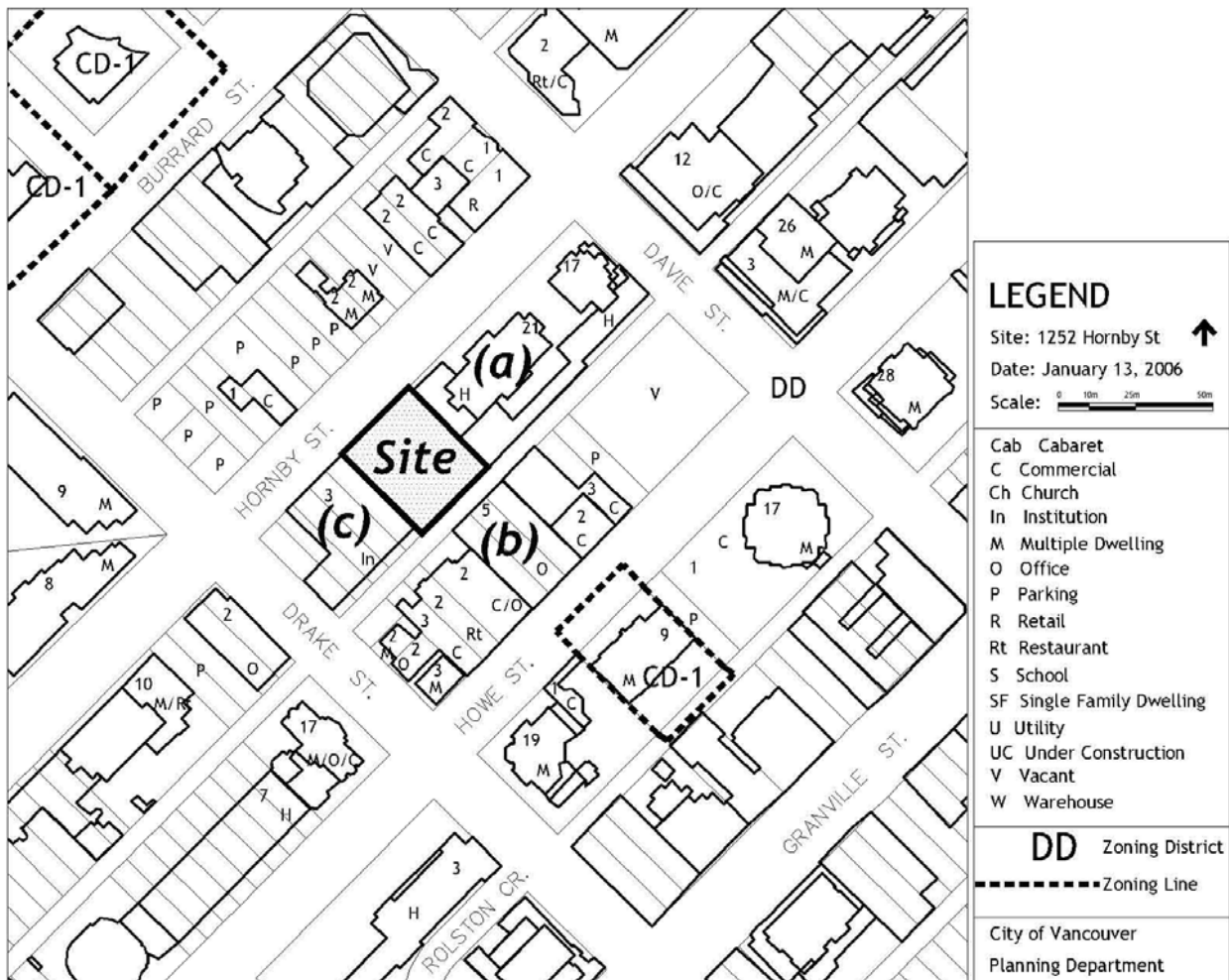
History of Application:

05 10 07 Complete DE submitted
05 11 23 Urban Design Panel
05 12 21 Development Permit Staff Committee

• **Site:** This 100 ft.-wide site is located mid-block on Hornby Street, between Drake and Davie Streets. A two-storey office building exists on the site. The grade slopes approximately 6.6 feet from Hornby Street down to the lane. Electrical H-poles exist in the lane. Four well-established Maple trees exist at the curb on Hornby Street.

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

- (a) 1234 Hornby, existing 21-storey Marriott Residence Hotel
- (b) 1265 Howe St, existing 5-storey office building, currently under enquiry for re-development
- (c) 1298 Hornby, existing 3-storey office building



• **Background:**

At the design enquiry stage, a solid, lower building form was considered, achieving the maximum density in approximately 90 ft. of building height. Given the context of the low podium of the adjacent hotel, future development opportunities on the remaining 125 ft. frontage site to the south, and the distinct character of the Hornby Slopes area, staff supported increasing the height, as now proposed, thereby creating a thinner tower form.

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

1. DD Downtown Official Development Plan
2. Downtown South Guidelines (excluding Granville Street)

In summary, the ODP and Guidelines allow 5.0 FSR and 300 ft. height, with a 6 ft. setback on Hornby Street, and a 10 ft. setback on the lane. Interior sideyards should have a setback of 40 ft. over 70 ft. height. Residential uses are encouraged with a limited amount of office use, up to 1.0 FSR.

Policy for this Hornby Slopes sub-area endorses high density, without limiting towers, and with no minimum site size tied to the density maximum of 5.0 FSR.

Under Section 3. Density, Sentence 12 of the ODP, the Development Permit Board may permit an increase in FSR to transfer a maximum of 10% of the permitted total FSR of heritage floor area from another site.

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

1. DD Downtown Official Development Plan

Uses: The creation of a primarily residential neighbourhood in the Downtown South area is being achieved by this proposal. Office uses are proposed on the ground floor, on Hornby Street. This proposed layout and the uses meet the intent of the ODP.

2. Downtown South Guidelines (excluding Granville Street)

Height, Built Form and Massing: A 155 ft. high tower with a typical floor plate of approximately 4,100 sq. ft. is proposed and this creates a unique "mini-tower" form which was unanimously supported by the Urban Design Panel. This form does necessitate a reduction to the sideyard setbacks noted in the Guidelines, from 40 ft. down to 12 ft. on the north and 26 ft. on the south. These proposed sideyards were established through an urban design analysis based on the existing context; primarily the existing 21-storey slab-form hotel with its' low podium to the north, and the future development site to the south.

In terms of the northerly sideyard, the hotel has a blank sidewall where hotel units face only the street and lane. The subject development also proposes units that face the street and lane, which is achievable given the small floor plate size. Staff consider that privacy and livability issues have been addressed with this configuration, but suggest that the north façade could be improved by adding windows at each corner to reduce the blank wall appearance where visible from the street and lane due to the adjacent hotel form. (Condition 1.1.)

On the south façade, a full glass and spandrel glass wall is proposed. Although living rooms are proposed facing either the street or the lane, bedrooms have a primary orientation to the interior sideyard which is proposed to be reduced from 40 ft. to 26 ft. Staff consider that bedrooms, as secondary living spaces within the residential unit, can have a reduced prospect. As noted by the Urban Design Panel, a full glazed southerly façade can also experience solar overheating in the summer. Staff

suggest that the windows across the full width of the bedrooms facing the side yard could be reduced in size and with some orientation to the street or lane. In addition, providing screening or fins could address both privacy issues and reducing solar gain to this façade. (Condition 1.2)

A shadow analysis has been provided (Appendix F) which compares shadow impacts of two towers that could be achieved on this subject site and the adjacent southerly development site with a single, 300 ft. tower that may be achieved if these properties were consolidated. The analysis shows that there are no appreciable disbenefits with the development of the sites separately.

Similar to the shadow analysis, the views provided through both of the sites are more beneficial at the higher levels of locations to the north with two lower towers on both these sites. Staff note that there has been no response to notification.

Public Realm: The public realm treatment as proposed is generally as prescribed by the Downtown South Guidelines. In this Hornby Slopes sub-area N, a minimum 6 ft. street setback is defined to acknowledge the existing development pattern at or near the property line. With a 6 ft. setback, a second inner row of trees was not envisioned nor is it proposed here. However, all of the specialty sidewalk, tree surrounds, furnishings and features in the public realm are to be provided. (Standard Conditions A.1.11 through A.1.16)

Display gardens are provided as prescribed by the Guidelines to provide the much desired greening of the streetscape. However, continuous canopies are proposed which will necessitate irrigation for these display gardens. Rather than reducing the amount of planting, staff suggest that substantial weather protection be provided over the office entrances only (in addition to the weather protection shown for the residential entrance), to match the paved entries. (Condition 1.4)

Rear Yard Treatment: The concept as presented in the Guidelines for the treatment of the rear yard setback is to provide a 10 ft. landscaped area to green and beautify the lane interface in this emerging residential area. This is often a challenge given all of the functional, service and safety issues of the lane environment. Staff consider that significant improvements can be made to this proposal by:

- consolidating the exiting into one exit stair down to the lane,
- filling in the inset arcade, and
- providing continuous trees in low planters.

This will provide a rear yard treatment which contributes to the public realm and achieves the intended beautification of the lane interface. Given that an indoor residential amenity space is proposed adjacent to the open patio, provision of a children's play area is also recommended. (Condition 1.3 and Standard Condition A.1.21)

Architectural Treatment: Given the uniqueness of this sub-area, which allows high-density towers on smaller sites, an opportunity to break with traditional tower forms has been created. Staff support the unusual form and consider that the use of high quality materials; brick masonry, glass and concrete, which is integral to the design concept, has been well resolved.

• **Heritage Density Transfer:**

Massing associated with the transfer of heritage density to this site has been reviewed with respect to the built form impacts. Staff consider that there are no negative impacts from the additional density. The applicant has provided confirmation that an agreement for purchase and sale of approximately 6,000 sq. ft. of heritage density has been made with Blood Alley Holdings Ltd., the owner of the heritage site at 42-46 Water Street. Confirmation that the purchase has been completed will be required prior to permit issuance. (Standard Condition A.1.2)

● **Conclusion:** Staff support this proposed development application for this small, well-crafted tower, subject to improvements to the north and south massing and to the rear yard setback area. On that basis, staff recommend approval of this development application, subject to the improvements sought under the conditions noted:

- improving the north façade as related to the existing hotel form;
- improving privacy and solar protection to the south façade; and
- improving the usability and amenity of the rear yard area.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on November 23, 2005, and provided the following comments:

EVALUATION: SUPPORT (6-0)

- **Introduction:** Mary Beth Rondeau, Development Planner, presented this complete application in the Downtown District, Hornby Slopes Sub Area. The site has a frontage of 100 ft. It was noted there are no criteria with respect to tower developments in relation to site frontage in this sub area of the downtown. The proposal is for office use on the ground floor and residential above. The application seeks 5.5 FSR (5.0 FSR plus 10 percent heritage density transfer) which is permitted in this zone. The height of the building is 150.7 ft., noting the maximum 300 ft. is not achievable on this site.

Areas in which the advice of the Panel is sought include its relationship to the existing building to the northwest and to the future development site to the southeast.

- **Applicant's Introductory Comments:** Stuart Lyon, Architect noted this project has evolved through discussions with the City and the applicant team and one of the major drivers has been to create a building with a simple expression. He briefly described the proposal and responded to questions from the Panel. The landscape architect briefly reviewed the landscape plan.
- **Panel's Consensus on Key Aspects Needing Improvement:**

The only minor recommendations were to reconsider the planting and integration of the canopy on the Hornby frontage, and to reconsider the amount of glazing in relation to energy consumption.

- **Related Commentary:**

The Panel unanimously supported this application. It was considered to be an excellent, well crafted and interesting design.

The Panel found the landscaping and weather protection were not working well together at the entry and recommended reducing the amount of planting and increasing weather protection.

The Panel had no concerns about the relationship to the building to the northwest, nor did it think the future development site would be compromised by this building.

Another minor concern expressed by one Panel member was that the top of the penthouse needs greater differentiation, finding it somewhat ordinary for an otherwise expressive building.

One Panel member accepted the 6 ft. setback but found it somewhat troubling because it creates a temporary condition.

An observation was made that while this is a beautiful looking building it is lacking from a mechanical point of view. Reconsideration of the amount of glass was strongly recommended to take into account livability issues resulting from heat gain. Consideration should be given to the addition of shading and spandrels.

Applicant's Response: Mr. Lyon thanked the Panel for the feedback.

ENGINEERING SERVICES

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

The applicant should note that all utility services are to be underground to the site and all transformers are to be located on site. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

HOUSING CENTRE/SOCIAL PLANNING/CULTURAL AFFAIRS

The proposed building contains a total of 27 units (39% of the total) with two or more bedrooms that are suitable for families with children. As the building is generally within an 800 metre distance of elementary schools, daycare, after-school care, grocery shopping and transit (as described in the City's High-Density Housing for Families with Children Guidelines), these units will likely be attractive to families with children.

There is no children's play area shown on the application, however the outdoor amenity area at grade located next to the amenity room offers an opportunity to provide one. Staff recommend that a secure and equipped outdoor children's play area with a resilient play surface area be located at grade adjacent to the amenity space to maximize visual surveillance. (See Standard Condition A.1.21)

The current plans show no washroom off the amenity room located on the main floor. Staff recommend design development to include a wheelchair accessible washroom at this location in accordance with High Density Housing for Families with Children Guidelines. (Standard Condition A.1.22)

ENVIRONMENTAL PROTECTION BRANCH

There are no requirements related to soil contamination issues which must be addressed prior to development permit issuance. An erosion and sediment control plan will require review and approval by the Environmental Protection Branch at the Building Permit stage. (Standard Notes to Applicant B.1.6)

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, 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

The VCHA advises the applicant to take note of the following:

- (i) The garbage storage area is to be designed to minimize nuisances;
- (ii) The underground parking is to be adequately ventilated to prevent the build-up of noxious gases; and
- (iii) 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.

Further recommendations from the VCHA are found in Appendix A, Standard Conditions A.3.1 through A.3.4.

NOTIFICATION

A site sign describing the proposal was installed on November 8, 2005. On November 9, 2005, letters were sent to 786 neighbouring property owners advising them of the application. There have been no responses received to date.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS

The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law and Official Development Plan it requires the Development Permit Board to exercise discretionary authority as delegated to the Board by Council.

With respect to the Parking By-law, the Staff Committee has considered the approval sought by this application and concluded that it does not seek a relaxation of the By-law provisions.

The Staff Committee supports the proposal with the conditions contained in the report noting emphasis on Condition 1.2 to reduce the glazing on the south façade to address privacy issues and solar gain.

B. Boons
Chair, Development Permit Staff Committee

M.B. Rondeau
Development Planner

S. Barker
Project Coordinator

Project Facilitator: A. Higginson

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 reduction to the Floor Space Ratio (FSR) to a maximum 5.50;

Note to Applicant: The overage of the maximum 8% excludable balcony area has been added to the proposed residential floor area (845 sq. ft.), and the office patio area has been added to the proposed office floor area (281 sq. ft.). Inconsistencies exist between the floor area figures provided on the overlay drawings versus those provided on the floor plans and site statistics. Dimensions that appear on the overlay drawings shall also be provided on the floor plans. Revised overlay drawings shall be provided which indicate the total area of all open and enclosed balconies, a detailed breakdown of the area for office use versus the area of residential use, and complete tabulated summaries of all geometric areas and exclusions needed to determine net areas.

- A.1.2 submission of a letter which includes confirmation from the owner of the "donor" site at 42-46 Water Street that the Heritage Transfer agreement has been finalized, and confirmation of the new "balance" of transferable density remaining on the donor site;

Note to Applicant: A sample of this letter ("Letter B") can be obtained from the Project Facilitator (604-871-6478).

- A.1.3 provision of complete and accurate site statistics and zoning analysis clearly indicating how the proposed development relates to the minimum requirements and/or maximum permitted aspects of the Downtown Official Development Plan and Parking By-law;

Note to Applicant: The site statistics are missing an assessment of regulations such as Bicycle Parking, complete assessment the off-street parking requirements (including disability and small car regulations) and contains incorrect assessments of items such as the maximum permitted off-street parking, and maximum balcony area excludable from FSR. The unit count summary is inconsistent with the units types presented on the drawings, and the unit types identified on the floor plans are also incorrect in some cases.

- A.1.4 compliance with the minimum required and maximum permitted off-street parking spaces for both for office and residential uses, as per Section 4 of the Parking By-law;

Note to Applicant: While the overall provided number of off-street parking spaces meets the maximums and minimums required, the parking spaces shall be specified as either for office or residential use to comply with the maximums and minimums for each individual use. Confirmation (in the form of overlay drawings) of the gross floor area of each individual dwelling unit is required in order to verify the total number of parking spaces required for the residential use pursuant to Section 4.3.9 of the Parking By-law.

- A.1.5 compliance with the minimum number of bicycle parking spaces for the residential and office uses, as per Section 6 of the Parking By-law;

- A.1.6 provision of details on the floor plans of the furnishings and/or equipment being provided to the residential amenity space, and provision of a letter of undertaking, signed by the owners, assuring the furnishings and availability of residential amenity area to all residential owners and/or tenants;
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- A.1.7 reduction to the size of the enclosed roof elevator and stair overrun and provision of screening around the open roof-top mechanical units;

Note to Applicant: A sample of the screening material must be provided.

- A.1.8 design development to provide deeper, more useable balconies for the residential units;

Note to Applicant: Since the balcony area currently provided exceeds the maximum 8% exclusion from FSR, the applicant may wish to reduce the area of some of the larger balconies in order to avoid a portion of balcony area being included in the computation of FSR.

- A.1.9 design development to the "studio" units to the north of floors 2 -5, and to Unit D at floors 2-3 to provide a more natural light to the "bed" areas of the units;

Note to Applicant: The proposed bed alcoves in these units do not receive sufficient natural light. The unit layout should be adjusted to locate the alcoves within 25 ft. (unobstructed) of the exterior living room windows. The separating wall should be open, or glazed to over 60% of that wall face.

- A.1.10 provision of the outline of existing buildings to the north and south on the building elevations;

Standard Landscape Conditions

- A.1.11 provision of the following notation on the Landscape Plan: "Tree grates for existing trees shall be to the satisfaction of the General Manager of Engineering Services";

Note to Applicant: Because the existing street tree trunks may be larger than the Downtown South grates, the size of the openings for the trees shall be determined by Engineering Services.

- A.1.12 provision of "Downtown South" sidewalk treatment to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following notation should be added to the public sidewalk on the Landscape Plan: "Downtown South paving with leaf stamps to the satisfaction of the General Manager of Engineering Services". A separate copy of the Landscape Plan shall be forwarded to Engineering Services.

- A.1.13 provision of irrigation for the planting areas on the roof terraces;

Note to Applicant: Notations to this effect should be added to the Landscape Drawing. The irrigation system design and installation shall be in accordance with the Irrigation Industry of B.C. Standards and Guidelines.

- A.1.14 provision of a large scale section (1/4"= 1') illustrating the private amenity deck at the rear building edge to the lane, including the lane-edge planters and planting depths;

Note to Applicant: Section 5.5.3(c) of the Downtown South Guidelines states that soil for landscaping at the lane edge should be 3'-6" in depth. Planting trenches should be a minimum of 5 ft. x 6 ft. and should be contiguous with the below grade soil volume in the lane.

- A.1.15 provision of a large scale (1/4"= 1') section through the fourth floor amenity deck (including the proposed arbour) showing the planting depths;
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A.1.16 illustration on the lane elevation page (sheet A-4.02) of the proposed landscaping (including the proposed lane edge trees);

Note to Applicant: If this is not possible on this architectural elevation, then provide a large scale Landscape Elevation illustrating the lane edge landscape treatment.

Crime Prevention Through Environmental Design (CPTED)

A.1.17 provision of direct access to the street or office lobby from the office parking (which is to be fully separate from the residential use);

A.1.18 relocation of the mail boxes to be in full view of the elevators;

A.1.19 provision of improved visibility in the underground parking;

A.1.20 separation of the exit stairs from the elevator in the underground parking and removal of the hidden stair adjacent to the parking ramp;

Social Planning/Housing Centre/ Cultural Affairs

A.1.21 provision of a secure (fenced) fully equipped children's play area at grade, adjacent to the amenity space; and

Note to Applicant: Also see Condition 1.3. Please refer to the City's "High-Density Housing for Families with Children Guidelines. The play area must have a resilient surface and be located to maximize visual surveillance from the amenity room. Particular care should be given to avoid the use of toxic plants and landscaping materials in and around the play area. A planting list of should be provided for planters around the play area to ensure toxic plants are avoided (a list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available on line or by calling the City's Early Childhood Co-ordinator at (604) 871-6042).

A.1.22 design development to provide a wheelchair accessible washroom off the amenity room on the main floor.

A.2 Standard Engineering Conditions

A.2.1 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Planning for the consolidation of Lots 11 to 14, Block 101, District Lot 541, Plan 210;

A.2.2 clarification of the easements registered over adjacent Lots 15 and 16, and Lots 5 to 10 (which are now superseded by Lot G);

Note to Applicant: Arrangements to release easements J 9137 and J 9138 should be made prior to occupancy of the building.

A.2.3 design development to improve the visibility of oncoming vehicles through the right angle turns in the parkade;

Note to Applicant: View portals, corner-cuts and parabolic mirrors could be used to improve driver visibility, and are to be noted on the plans.

A.2.4 modification to the parking entry ramp to eliminate the "jogged" portion;

Note to Applicant: Also see Condition 1.3.

A.2.5 provision of the required dimensions for disability parking spaces;

Note to Applicant: A minimum 5 ft.-wide pedestrian aisle is required adjacent to a standard parking stall.

A.2.6 correction to the discrepancies shown on Sheet A-2.02 (P1 parking level) in order to ensure compliance with column setback requirements;

Note to Applicant: There is a difference in the location of the columns shown in parking space #10, and adjacent to parking space #8.

A.2.7 provision of an adequate maneuvering aisle to the parking level;

Note to Applicant: Setback the column or elevator core between gridlines 3 and 6.

A.2.8 provision of a notation on the plans to indicate the location of an overhead gate activation device;

Note to Applicant: If the gate will be operated by remote control, then this shall be noted on the plan as per the Engineering Design Supplement.

A.2.9 provision of an adequate garbage storage area and written confirmation from a disposal company that the proposed storage location can be serviced; and

Note to Applicant: The garbage storage area must have a separate space for office and residential uses, and a recycling space for both uses.

A.2.10 provision of a canopy application to the satisfaction of the General Manager or Engineering Services.

A.3 Standard Vancouver Coastal Health Authority Conditions

A.3.1 submission of an acoustical consultant's report which assesses noise impacts on the site by the development, and recommends noise mitigation measures in order to achieve noise criteria;

A.3.2 provision of a notation on the plans confirming that the development permit drawings show a minimum STC 55 construction between the commercial and residential components of the building, or a minimum 6 in. concrete slab shall be specified on the drawings;

A.3.3 provision of a notation on the plans confirming that the acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer); and

A.3.4 provision of a notation on the plans stating that mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise impacts and to comply with the Noise Control By-law No. 6555. As well, the mechanical equipment will be designed and located to reduce adverse air quality on the neighbourhood.

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 December 21, 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 **July 30, 2006**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.
- B.1.6 An erosion and sediment control plan must be submitted, reviewed and approved by the Environmental Protection Branch prior to issuance of a Building Permit.

B.2 Conditions of Development Permit:

- B.2.1 All approved off-street vehicle parking 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 Any phasing of the development, other than that specifically approved, that results in an interruption of continuous construction to completion of the development, will require application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning.
- B.2.4 Areas excluded from the computation of floor space ratio (i.e. amenity areas, residential storage spaces etc.) 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 the amenity facilities located in this project shall be made to all residents, occupants and/or commercial tenants of the building for which the use is intended. Further, the amenity spaces and facilities approved as part of this Development Permit shall be provided and thereafter be permanently maintained for use by residents/users/tenants of this building complex.
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- B.2.5 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.2.6 In accordance with Private Property Tree By-law No. 7347, all trees are to be planted prior to issuance of any required occupancy permit, or use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
 - B.2.7 In accordance with the Private Property Tree By-law No. 7347, the removal and replacement of trees is permitted only as indicated on the approved Development Permit drawings.
 - B.2.8 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.
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Processing Centre - Building Comments

The following comments are based on the preliminary drawings prepared by GBL Architect Group dated October 4, 2005 for the proposed development permit. This is a preliminary review in order to identify issues which do not comply with the VBBL #8057.

1. Building construction is required to be non-combustible.
2. High-rise building and VBBL 3.2.6. requirements for high buildings apply to the entire building.
- 3.* Area of refuge shall be provided for the required accessible floor areas to conform to VBBL 3.8. Areas of refuge should be part of the exit and vestibule should not be used as area of refuge.
- 4.* The building is required to provide access to persons with disabilities to all common areas, storage, amenity, meeting rooms, etc.
- 5.* The building is required to meet Enhanced Accessibility provisions.
- 6.* At least two exits are required from the bicycle storage storey.
- 7.* At least two accessible paths of travel to two separate exits are required from the parking floors containing stalls for persons with disability.
- 8.* An additional exit may be required from the storage garage where the security gate is provided.
9. Storage garage security shall conform to 3.3.6.7.
- 10.* The distance between exits shall not be less than 9 meters.

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

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

Fire and Rescue Services comments:

- 1.* The Siamese connection and hydrant locations are not shown on the plans. The distance from the Siamese connection to the nearest hydrant shall not exceed 45 m unobstructed travel distance.
- 2.* The location of the Central Alarm and Control Facility is not shown on the plans. The CACF must be in a location, acceptable to the Fire Department, that complies with 3.2.6.7.(1)(a) and (b) of the VBBL.

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