

1285 WEST PENDER STREET (COMPLETE APPLICATION)
DE409493 - ZONE DD

RRS/SB/JG/DK

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

B. Boons (Chair), Development Services
M. Thomson, Engineering Services
L. Gayman, Real Estate Services
R. Whitlock, Housing Centre
D. Jantzen, Vancouver Coastal Health Authority
M. Desrochers, Vancouver Park Board
V. Morris, Social Planning

Also Present:

R. Segal, Urban Design & Development Planning
S. Barker, Development Services
J. Greer, Development Services

APPLICANT:

Busby Perkins & Will architects
1220 Homer Street
Vancouver, BC
V6E 4B1

PROPERTY OWNER:

Evergreen Building Ltd.
1010-1285 West Pender Street
Vancouver, BC
V6J 1G1

EXECUTIVE SUMMARY

- **Proposal:** To construct a 21-storey residential tower with a total of 61 dwelling units including 9 townhouses along Jervis and West Hastings Streets, and commercial along Pender Street. Below grade loading and parking for 143 cars is provided. A heritage density transfer onto the site of 1,246.5 m² (13,418 sq.ft.) is proposed resulting in a FSR of 6.60.

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 View and Shadow Studies

Appendix G Alternate Schemes

Appendix H Potential Development Alternatives for 1255 W. Pender (adjacent site)

● **Issues:**

1. Building height: Shadow on Coal Harbour Park
2. Ability of proposal to absorb additional 10% heritage density transfer
3. Position of exposed elevator/stair core at east property line

● **Urban Design Panel: Support**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE409493 as submitted, the plans and information forming a part thereof, thereby permitting the construction of a residential tower with a total of 61 dwelling units including 9 townhouses, commercial uses and with four levels of parking for 143 cars, 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 reduce the building height by at least 33 ft. (to no more than 200 ft.) to substantially reduce the shadowing on Coal Harbour Park;

Note to Applicant: Reducing the proposed number of storeys in the tower portion as well as reducing the floor-to-floor dimension is required.
 - 1.2 deletion of the proposed heritage density transfer, with a reduction in FSR to not exceed 6.00.

Note to Applicant: The proposed heritage density transfer is not supported as it exacerbated shadow and other impacts. The 10% heritage density (13,418 ft.²) equates to approximately 2 floors in the tower.
 - 1.3 design development to shift the exposed elevator/stair core west away from the interior (east) property line a minimum of 15 ft. to reduce neighbouring view impacts.

Note to Applicant: The position of the tower should remain as is (i.e. should not shift west) so as not to increase shadow on Coal Harbour Park.
 - 1.4 design development to improve the relationship of the townhouses to West Hastings and Jervis Streets through increased setbacks, greater façade articulation and refined landscape.

Note to Applicant: Submission of large scale architectural sections and elevations is required illustrating the interface with the Public Realm, including details of planters, guardrails, gates, stairs etc. and the underground parking substructure.
 - 1.5 design development to articulate the underside of the tower's terraced "boxes" as seen from the building's east side.
- 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: Area 'G' of the DD Zone**

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size	-	-	Irregular
Site Area ¹	-	-	22,363 sq. ft.
Floor Area ²	Area 'G': 134 178 ft ² Heritage Density (10%): <u>13 418 ft²</u> Total: 147 596 ft ²	-	Residential: 149 493 ft ² Retail Commercial: <u>4 890 ft²</u> Total: 154 383 ft ²
FSR ²	Area 'G': 6.00 Heritage Density Transfer (10%): <u>0.60</u> Total: 6.60	-	Residential: 6.68 Commercial: <u>0.22</u> Total: 6.90
Balconies ³	Open: 5 843 ft ² Enclosed: 5 843 ft ²	-	Open: 2 906 ft ² Enclosed: 6 315 ft ²
Height	300 ft.	-	Top of Roof Parapet: 233.0 ft. Top of Roof Mech. Rm: 238.6 ft.
Parking	<u>Commercial:</u> Small Car: 2 spaces Total: 6 spaces <u>Residential:</u> Small Car: 31 spaces	<u>Commercial:</u> Disability: 0 spaces Total: 5 spaces <u>Residential:</u> Disability: 3 spaces Total: 122 spaces <u>Total Commercial and Residential:</u> 127 spaces	<u>Commercial:</u> Standard: 6 spaces Small Car: 0 spaces Disability: <u>0 spaces</u> Total: 6 spaces <u>Residential:</u> Standard: 121 spaces Small Car: 12 spaces Disability: <u>4 spaces</u> Total: 137 spaces <u>Total Commercial and Residential:</u> 143 spaces
Bicycle Parking ⁴		<u>Class A</u> <u>Class B</u> Comm.: 1 0 Residential: <u>76</u> <u>6</u> Total: 77 6	<u>Class A</u> <u>Class B</u> Comm.: 0 0 Residential: <u>77</u> <u>6</u> Total: 77 6
Loading ⁵	-	Commercial: 1 Class B space	Commercial: 1 Class B space
Amenity	10 000 ft ²	-	6 403 ft ²
Unit Type	-	-	2 Bedroom (tower): 52 units 2 Bedroom (T/H): <u>9 units</u> Total: 61 units

¹**Note on Site Area:** Standard Condition A.1.3 seeks the provision of an original, sealed survey plan of the site, verified by a British Columbia Land Surveyor, in order to verify the proposed site area.

²**Note on FSR and Floor Area:** Condition 1.2 and Standard Condition A.1.1 seek a reduction to the proposed floor space ratio to a maximum of 6.00, which equates to a total overall reduction of 0.90 FSR, or 20 205 sq. ft. In addition to the reduction of 13 418 sq. ft. of heritage density (described in Condition 1.2), a further floor area 6 787 sq. ft shall be deleted in order to achieve a maximum FSR of 6.00. This 6 787 sq. ft. includes the portion of enclosed balcony area which exceeds the open balcony area (3 409 sq. ft.), private gardens to the penthouse floor (586 sq. ft.), mechanical enclosures located above the base surface (1 664 sq. ft.), and covered canopy areas to the roof level (1 128 sq. ft) Standard Condition A.1.4 seeks arrangements to be made to the satisfaction of the Director of Planning and the Director of Legal Services to prohibit future development to those roof deck areas which are covered by floor area above (these areas have been excluded from the computation of FSR.

³**Note on Balconies:** Pursuant to Section 6(a) (ii) of the Downtown Official Development Plan, in order to qualify for FSR exclusion, no more than fifty percent of the excluded balcony floor area may be enclosed. Therefore, of the 6 315 sq. ft. of total proposed enclosed balcony area, 2 906 sq. ft has been excluded from FSR, while 3 409 sq. ft. has been included into FSR.

⁴**Note on Bicycle Parking:** Standard Condition A.1.8 seeks compliance with the Class A Bicycle parking requirement for the commercial use, and clarification that the required/provided Class B Bicycle parking is intended for the residential use.

⁵**Note on Loading:** Standard Engineering Condition A.2.1 (e) seeks arrangements to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the shared use of the provided Class B loading space for both the commercial and residential components of the building.

• **Legal Description**

Lot: E
 Block: 29
 Plan: 17825
 District Lot: 185

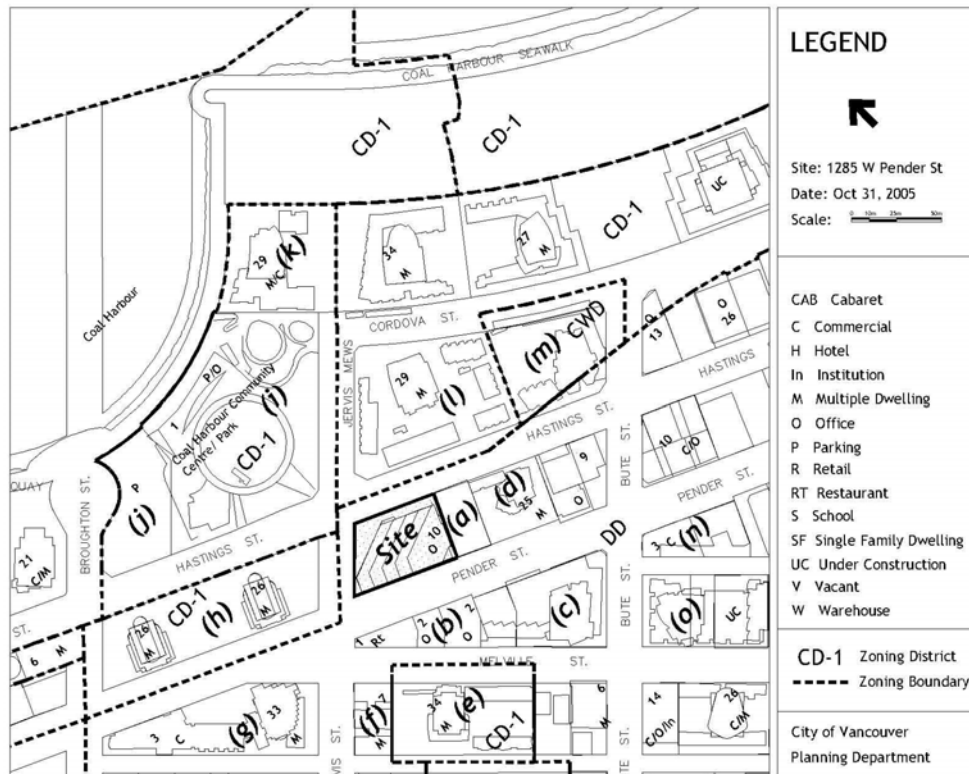
• **History of Application:**

05 06 08 Complete Application submitted
 05 08 03 Urban Design Panel: Support
 05 08 31 Development Permit Staff Committee
 05 10 26 Development Permit Staff Committee

• **Site:** The site occupies the west end of the 1200 block bounded by Pender, Hastings, Bute, and Jervis Streets. On its west (Jervis Street) side, the topography slopes down steeply towards the Coal Harbour waterfront with a 7.8 ft. drop. On its south (W. Pender Street) side, the topography slopes gradually down toward Jervis Street with a 6.1 ft. drop. The north (W. Hastings Street) side is essentially flat. The site presently maintains the Evergreen Building, a commercial building which is proposed to be demolished.

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

- (a) 1255 W Pender St., existing 2-storey building
- (b) 1280 W Pender St. (Flatiron), approved DE 408652 for a 28 storey tower on townhouse base
- (c) 1211 Melville St. (Ritz), approved development application for a 37 storey mixed use development
- (d) 1228 W. Hastings St. (Palladio): 25-storey residential tower on 2-storey townhouse base
- (e) 1238 Melville St. (Pointe Claire): 34-storey (319 ft.) residential tower on 2-storey townhouse base
- (f) 610 Jervis Street (Banffshire): 6 storey heritage building
- (g) 1310 W. Pender St. (Classico): 33-storey (315 ft.) residential tower
- (h) 1301 W. Pender St. (Harbourside Towers): two 26-storey residential towers
- (i) 350 Broughton St.: Coal Harbour Community Centre (seawall level) & Coal Harbour Park
- (j) Future school, daycare and non-market housing (existing parking lot)
- (k) 1280 W. Cordova St. (C-side): 29-storey residential tower with 2-storey townhouses
- (l) 323 Jervis St. (Escala): 29-storey residential tower with 2-storey townhouses
- (m) 1201 W. Hastings St.: approved 30-storey residential tower with 1-storey commercial podium
- (n) 1188 W. Pender St.: approved 28-storey residential tower, including daycare
- (o) 550 Bute St. (The Melville): approved 42-storey residential tower with mid-rise 13-storey hotel



● **Background:**

Recent Permit History: Complete DE 408570; To change the use of the existing 'Evergreen Building' (office/residential) to residential and add 4 storeys of residential to the top. DP Board Approved-in-Principle this application on October 12, 2004 but with a condition to limit the addition to no more than 2 storeys (Condition 1.7).

Board of Variance Appeal No. Z31650 - Owner appealed Conditions 1.7, 2.0 and 3.0 of the decision of the Development Permit Board (reduction in proposed addition and Preliminary rather than complete approval) - appeal was denied on November 3, 2004.

In terms of the redevelopment of the site (this Development Application submission), Staff had 4 pre-application meetings with the applicant which assessed several development options. Staff's conclusions, in regard to the proposed scheme, were that:

- height should be lowered by 3 storeys to reduce shadows on Coal Harbour Park
- issue of 10% additional heritage density remains a serious concern (equal to 2 tower floors)
- concern about the exposed elevator/stair core
- applicant must illustrate development potential of easterly 66' site
- applicant must consult with neighbours

On March 31, 2005, Council considered a report in respect to the retention of the existing Evergreen Building and moved the following: "*THAT in reference to the Evergreen Building at 1285 West Pender Street, staff collaborate with the owner to look at any opportunity to maintain or save the existing structure, while not interfering with the applicant's proposal for a new building through the development application process*". (Note: A development application (DE409747) to retain the Evergreen Building and add 4 storeys to it was received on September 21, 2005).

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

1. **Downtown Official Development Plan (DODP sub area G)**

In summary, the By-law allows for a variety of uses up to a maximum discretionary density of 6.0 FSR, and height up to 300 feet, subject to a qualitative review of urban design and other aspects contained in the guidelines. The D.P. Board may grant an increase in FSR of up to 10% through heritage density transfer provided such additional density is demonstrated to not generate undue additional impact as laid out in applicable guidelines.

2. **Downtown Design Guidelines**

Adopted December 16, 1975 and amended up to December 4, 2003

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 wherever possible; pedestrian amenity along street frontages; preservation and, where appropriate, creation of public views; minimization of shadow and private view impacts; and slim rather than bulky towers.

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

Adopted December 16, 1975 and amended up to December 4, 2003

The area description anticipates mixed-use developments including residential west of Bute Street. Building frontages that do not include retail or similar uses should maintain pedestrian interest through attractive and highly visible building entrances, windows, displays, public art, landscaping where appropriate, and other amenities. Provisions for pedestrians are to reinforce links between the West End/Robson Street and the waterfront.

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

1. **Downtown Official development Plan (DODP sub area G)**

Use: The proposed uses conform to the zoning.

Density: The floor area exceeds the permitted density of 6.0 by 13,418 sq.ft. (0.6 FSR) which pertains to the requested heritage density transfer, as well as various other areas that must be counted in floor area (0.3 FSR). Staff do not support the heritage density transfer as the resulting additional building height generates unacceptable shadowing of Coal Harbour Park (see Shadow Impact below). Conditions 1.2 and A.1.1 seek reduction in proposed floor area to not exceed 6.0 FSR.

Height: The proposed maximum building height of 233 ft. is well within the permitted height limit of 300 ft. However, staff recommend, in Condition 1.1, that the proposed height be lowered by a minimum of 33 ft. (see Shadow Impact below).

2. **Downtown Design Guidelines:**

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

Built Form: The overall built form, consisting of a 3-storey townhouse podium along Jervis and Hastings and an unusual tower comprised of a series of terraced, stacked parallelogram "boxes", generally satisfies the intent of the guidelines except in two very important areas, Shadowing of Public Open Space and Minimizing Private View Impact, as described below.

Shadow Impact: Downtown Design Guidelines Section 5.2.1 Sun and Shade states:

New buildings should be located to prevent or minimize the shadows they may cast on any public or semi-open space.

The Coal Harbour Policy Plan, Section 8. Parks and Public Open Space further states:

Maximize sun exposure on public parks and open space particularly during high use periods.

Staff advised the applicant at the pre-application stage that any shadowing on Coal Harbour Park should be limited to no more than the area shadowed by the approved 1280 W Pender St. (FlatIron) - DE 408652. The applicant's submitted shadow analysis (Appendix D. page 4 & 5) indicates a far more extensive shadow at the March 21/September 21 Equinox (the criteria established in the guidelines), including shadowing of the children's playground in the morning that is intended for the future daycare and school. Staff consider this to be an unacceptable impact on public park/childrens' Playground, contrary to the clear intent of the guidelines and policy.

Staff recommends reducing the building height by a minimum of 33 ft., equal to 3-storeys, to significantly reduce the shadowing on Coal Harbour Park (Condition 1.1). This will result in a reduction in density for this scheme. The average tower floor plates are approximately 6,500 sq.ft.

Eliminating 3 storeys would amount to a loss in density of approximately 19,500 sq.ft. The proposed heritage density importation of 13,418 sq.ft. which staff recommend be eliminated (condition 1.2) is approximately equal to 2-storeys. The further 1-storey height reduction (approximately 6,000 sq.ft.) would have to be absorbed in the remaining portion of the tower. Alternatively, a reduction in floor-to-floor dimension could achieve the further recommended one storey height reduction. (Note: The applicant has now indicated his agreement to abandon the heritage transfer density (equal to 2 floors) and reduce floor to floor heights to achieve the recommended 33 ft. height reduction).

Private Views: There are three existing buildings, and two approved buildings whose private views toward Coal Harbour and the mountains will be impacted:

- existing buildings: 1228 West Hastings St. (Palladio)
1238 Melville St. (Pointe Claire)
1310 West Pender St. (Classico)
- approved buildings: 1280 West Pender St. (FlatIron)
1211 Melville St. (Ritz) - under construction

The applicant has submitted a view analysis and summarized the view impacts (see Appendix F). Naturally, lowering of the tower height to 200 ft. as recommended to lessen shadow (above) will reduce neighbouring view impact, particularly for the Palladio and the approved FlatIron (1280 W. Pender). The proposed exposed elevator/stair core, positioned remote from and to the east of the tower at the east property line, adds substantially and unnecessarily to view impact. Staff recommend it be repositioned and shifted into the body of the tower to be set back a minimum of 15 ft. from the east property line, thereby achieving a more compact overall mass (condition 1.3). This should be achieved without moving the tower farther west as this would increase shadow on the Park. With the lowering of the tower and eastward shift of the elevator core (conditions 1.1 and 1.3) staff believe that, within the context of the applicable zoning and guidelines, an acceptable degree of view impact on neighbours will result from the proposal.

Adjacent Easterly Development Site: Immediately to the east is a 66 ft. lot, 1255 W Pender, with a 2-storey commercial building which staff understand has recently been upgraded. Because of the small site size this site will be very difficult to redevelop in the future. Ideally this site would have been consolidated with either of the adjacent sites; 1285 West Pender (subject site) or 1228 W. Hastings St. (Palladio). However, as this is not the case, redevelopment would likely be limited to a 6 to possibly 10 storey building, with side party walls of 2-4 storeys and minimally setback building massing above facing the adjacent sites. The subject applicant has shown two concepts (see Appendix H) that, while not approvable as presented, indicate the massing implications of the zoned 6 FSR on the 1255 West Pender site.

Liveability/privacy: Dwelling unit plans indicate bedrooms on the easterly face of the proposed tower facing the adjacent easterly site (1255 W Pender) at approximately 20 ft. or less from the property line. Noting the development potential of the easterly site (1255 West Pender) the proposed lower units cannot rely on maintaining views across 1255 West Pender and their livability/privacy may be compromised in the future. Prospective purchasers of these units should be advised by the developer of this condition (see condition B.2.7). The townhouses, set back only 6 ft. from the property line on both Hastings and Jervis, should be slightly further set back and better articulated to improve their privacy (Condition 1.4).

Public Realm: The intention for the Public Realm is to incorporate elements of the Triangle West sidewalk treatment along Pender and Jervis Streets and Coal Harbour treatment on Hastings. Clarification of this treatment on the applicable drawings is required. (Standard Conditions A.1.12 & A.2.1 (d)).

- **Conclusion:** Staff recommends approval of this application subject to elimination of the proposed heritage density transfer, a height reduction of at least 33 ft., shifting of the elevator/stair core and other detailed design items, as contained in the conditions in this report.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on August 3, 2005, and provided the following comments:

EVALUATION: SUPPORT (3-2)

- **Introduction:** Ralph Segal, Development Planner, introduced this application to replace the existing Evergreen Building, the owner's position being that it is no longer economically viable to retain. Mr. Segal briefly reviewed the proposal for a 21-storey building at 236 ft., requesting 6.0 FSR plus 10 percent heritage density transfer, for a total density of 6.6 FSR. Staff consider the proposal to respond quite well to the general massing criteria with the exception of shadowing on Coal Harbour Park. Mr. Segal noted that shadowing cast on the park reaches the circle of the park at the critical 11 a.m. - noon equinox period and is quite substantial during morning hours.

The advice of the Panel is sought on the following:

- whether the site can absorb the additional ten percent heritage density;
 - the overall massing and tower form; its neighbourliness and impact on views and whether it is appropriate architecture for this site;
 - the impact on shadowing, particularly on Coal Harbour Park;
 - the impact on views, particularly for the building to the east, caused by the additional volume of the building form including the separated elevator core.
- **Applicant's Introductory Comments:** Peter Busby, Architect, briefly described the design rationale and Gerry Eckford reviewed the landscape plan. The applicant team responded to questions from the Panel.
 - **Panel's Consensus on Key Aspects Needing Improvement:**
 - The Panel questioned whether the site can take the additional density requested without exacerbating shadowing on Coal Harbour Park, particularly given the park will also be used by the future daycare and elementary school;
 - Consideration should be given to reducing the height of the building by a couple of floors and/or reducing the floor-to-floor height;
 - Design development is needed to the townhouse base;
 - Consideration should be given to the scale and articulation of the entry off West Pender Street.
 - **Related Commentary:**

The Panel supported this application but some Panel members expressed some discomfort about offering support while having serious misgivings about the proposed height. In discussion prior to the vote being taken, it was concluded that the Panel's advice on the height would undoubtedly be taken into consideration by the Development Permit Board.

In other respects, the Panel found the proposal quite supportable. The applicant was commended for the excellent presentation materials and model which make the project clear and easy to read.

Most Panel members found the proposed form quite intriguing and dramatic and holding the promise of becoming an evocative piece of architecture. However, there were also questions about whether the chosen form is the right one, and concerns that the stacked boxes make it seem quite massive. The free-standing elevator core also contributes to its massiveness, with a suggestion from one Panel member that it might be more neighbourly if it was smaller and less prominent. There was also a question about its impact on the development potential of the adjacent 66 ft., currently underdeveloped site.

The Panel's greatest concern was the shadowing of Coal Harbour Park and for this reason questioned whether the site can absorb the requested heritage density transfer. Some Panel members also expressed a general concern about an extra ten percent density being routinely sought on downtown sites, many of which are unable to accommodate it. The Panel noted there would be no shadowing issue without the additional 0.6 FSR and a possible reduction of a few inches in floor-to-floor height on each floor. Regardless of the fact that the shadowing occurs on a less useful part of the park at its treed, southerly edge, the Panel strongly recommended that a solution be sought which does not compromise the park in any way. Of particular concern was the future daycare and elementary school which will use this park as well as the general public.

Concerns were expressed about the treatment of the townhouse base and suggestions that its transparency so close to the street creates livability issues, despite the likelihood the front patios will be little used in favour of the upper decks. There were also concerns about the entry side of the building where the five box forms are less articulated, and recommendations for more consideration of the articulation of the underside of the terraced boxes.

The Panel found the landscape plan very strong and well handled. A gap in street trees was noted and a recommendation made to rationalize the street tree pattern and strengthen the streetscape.

There were comments made about the irony of the proposal emulating many of the qualities of the existing Evergreen Building. Some Panel members expressed disappointment at the prospect of the Evergreen being demolished, noting it is not a very old building and its prominence has only increased since the Coal Harbour area has been developed. There was also an observation that while the proposed sustainability features are very commendable the demolition of a fairly new building seems counter to the objectives of sustainability. It was also noted that the previous conversion proposal had the potential to be a rich and somewhat quirky addition to the city fabric.

- **Applicant's Response:** Mr. Busby agreed that the townhouse base needs design development. With respect to the issue of shadowing, Mr. Busby said it is a matter of degree, pointing out that the building will cause no shadowing on the park between April and September. Shadowing only occurs for 11 days in the spring and nine days in the fall, during which time it is a sliding scale of shading from eight minutes to a maximum of one hour and 40 minutes between the hours of 10 a.m. and noon.

ENGINEERING SERVICES

There is currently a Right-of-Way for major sewer infrastructure on the subject site. Engineering Services advises that no permit can be issued for the proposed development until arrangements have been made, to the satisfaction of the General Manager of Engineering Services, for the relocation of all utilities from the Right-of-Way shown on Reference Plan 14627, and for the release of charge G63171 (see Condition A.2.1). Such relocation is to be at the applicant's cost in accordance with SRWG63171 (conservatively estimated to not exceed \$400,000).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

CPTED conditions are noted in Appendix A attached to this report.

LANDSCAPE

Landscape conditions are noted in Appendix A attached to this report.

PARK BOARD

The Park Board is concerned about the shadow impacts on Coal Harbour Community Park. The Downtown District Guidelines ask that new buildings minimize shadows cast on public parks. The shadow analysis shows how, on the days of Spring and Fall equinox, the shadow of the building wanders across the southeast section of the park affecting a portion of the children's playground. The shadow reaches its maximum size between ten and twelve in the morning. By 12:45 PM, the building's shadow has left the park.

The Park Board believes that these shadows unduly reduce the attractiveness and useability of the park, and that it is in the public interest to seek a substantial reduction in the amount of shadowing caused by this new building. Early morning sun is especially important at playgrounds because it dries the morning dew off the play equipment. Children do not like to play on wet and cold play apparatuses. Further, sun is important because it animates the park, and makes it attractive for people who are drawn to sunlight especially on colder days. In this park surrounded by highrise buildings, sunlight is a precious commodity that needs to be protected.

HOUSING CENTRE/SOCIAL PLANNING

The proposed building contains twenty-seven units (44%) on the lower eight floors, with two or more bedrooms that are suitable for families with children under the City's Housing Families with Children at High Densities Policy. The site is constrained and the building form does not allow for the provision of outdoor play areas. However, the proposed development at 1285 West Pender Street does propose a variety of indoor resident amenity spaces, none of which include facilities for families with children. Staff recommend that one of the indoor amenity spaces be designed and equipped for use by young children (see Condition A.1.15).

ENVIRONMENTAL PROTECTION BRANCH

The Environmental review indicates that issuance of a Final Determination or a Certificate of Compliance from the Ministry of Water, Land and Air Protection will be required prior to any occupancy permit for this proposed development site. An erosion and sediment control plan is required for our review and approval at a Building Permit Application 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, 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) Detailed drawings of food/retail 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) Details of swimming pools/hot tubs to be submitted to the Environmental Health Division and Provincial Health Engineer prior to construction.
- (iii) The garbage storage area is to be designed to minimize nuisances.
- (iv) The underground parking is to be adequately ventilated to prevent the build-up of noxious gases.
- (v) 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.
- (vi) Detailed drawings of amenity spaces 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.

FIRE AND RESCUE SERVICES

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

NOTIFICATION

The applicants submitted confirmation on July 11, 2005 that three signs had been erected on the site per the City's instructions. On July 13, 2005, a total of 2355 letters were sent to neighbouring property owners advising them of the application and requesting written feedback by July 27, 2005. The applicant has confirmed that they do not have any pre-purchasers in the notification area. To date, twelve (12) owners of residential units in neighbouring properties have submitted responses to notification. One (1) response indicated general support, and one (1) response was neutral to the development proposal.

Ten (10) respondents had concerns or opposed the development; their comments are summarized as follows:

- All respondents opposed the replacement of the 'Evergreen Building' with a residential tower. Respondents felt that the existing building has historical value, architectural significance and is a 'landmark' building, and that preservation of this building is important to the neighbourhood;
- Most respondents feel the building height is excessive, will block views and create excessive shadowing;
- One neighbouring property owner noted heavy traffic volumes and speed on Melville Street between Bute St. and Jervis St. and suggested that this development proposal would exacerbate these problems;
- Some respondents felt that the area is already overdeveloped, and that the density is increasing to an unacceptable level. One writer questioned what the City's plan was for this neighbourhood?

13 letters were also received from employees of the IBI Group and a letter from Legal Counsel on behalf of their client the IBI Group, a tenant in the building, expressing their objection to the demolition of the 'Evergreen Building'.

On September 28, 2005 a revised notification letter was sent out to the same 2355 property owners advising them of revised information that had been received and requesting written feedback by

October 12, 2005. To date five (5) responses have been received, one (1) of which responded to the original letter, all 5 respondents oppose the development. Their comments are summarized as follows:

- Opposed to the replacement of the landmark 'Evergreen Building'
- The building height is excessive, will block views and create excessive shadowing;
- Concerns with heavy traffic volumes and speed on Melville Street between Bute St. and Jervis St. and suggested that this development proposal would exacerbate these problems;

- **STAFF RESPONSE:**

Preservation of existing Evergreen Building: City Council on March 31, 2005 instructed Staff to continue discussions with the owner, offering incentives that encourage retention of the Evergreen Building. Council also instructed that a Development Application (the subject application) for redevelopment of the site be processed in the normal manner.

Proposed Height: Staff agree that the proposed height of 233 ft. is excessive and are recommending a height reduction of 33 ft., lowering the building to 200 ft. (condition 1.1).

Overdevelopment of Triangle West/Coal Harbour Area: This proposal, if approved as recommended at permitted 6.0 FSR, is only about 1.0 FSR (approximately 23,000 sq.ft.) greater than the existing, underdeveloped, predominately office use Evergreen Building. Further, the proposal is almost entirely residential which typically generates less traffic and other servicing demands than office use. Staff appreciate residents' concerns about the extent of new development as the last few available sites in the area redevelop at a very rapid pace. The zoning, while not necessarily anticipating redevelopment of the Evergreen Building, did envision the densities that are now playing out in the Triangle West/Coal Harbour neighbourhood and have provided for the amenities and infrastructure needed to support the resultant population and use mix.

Traffic: The implications of ongoing dense development in the Downtown Peninsula were studied in the development of the Downtown Transportation Plan, approved by City Council in 2002. As part of this process, transportation was modeled under varying assumptions for transportation service levels and land use development. It was concluded that with intensification of residential development and increased employment, vehicular traffic entering and leaving the Downtown Peninsula should be no greater in 2021 than at the time of the study, provided the necessary improvements to transit service and in support of walking and bicycling were forthcoming. Improvements in transit, walking, and bicycling are underway in support of the Plan.

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 concurred that the height reduction and elevator core relocation are necessary to reduce shadowing impacts on the Park and neighbouring view impacts.

The Staff Committee was advised that the applicant has now indicated that they intend to comply with the relevant recommended conditions and will not pursue the heritage density transfer.

The Staff Committee indicated a concern that the owner of the property has signed a Pre-purchasers declaration stating that they have no pre-purchasers in the area; however the owner is marketing a development across the street.

B. Boons
Chair, Development Permit Staff Committee

R. Segal, MAIBC
Senior Development Planner

S. Barker
Project Coordinator

Project Facilitator: J. Greer

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 proposed floor space ratio to a maximum of 6.00;

Note to Applicant: In addition to the reduction of 13 418 sq. ft. of heritage density (described in Condition 1.2) a further floor area (6 787 sq. ft.) which must be counted, shall be deleted in order to not exceed the maximum FSR of 6.00. Areas which shall be included in the computation of FSR include the private internal garden areas to the penthouse level, the roof deck areas covered by canopies on the building roof, enclosed mechanical rooms above the base surface, and the area of enclosed balconies which exceeds the area of open balconies in the building. Also note that a large portion of the garage to townhouse unit #6 cannot be excluded from the computation of FSR, as only parking spaces which comply with the regulations of the Parking By-law shall be excludable. The commercial area shall be indicated on the sealed FSR overlay drawings in order to verify the figures presented.

A.1.2 clarification of the proposed use at the upper ground floor (L1) which has been indicated as retail commercial;

Note to Applicant: Approval shall only be granted for a specific use within this category.

A.1.3 provision of an original, sealed copy of a survey plan of the site, verified by a British Columbia Land Surveyor, which confirms the proposed site area and property dimensions;

A.1.4 arrangements shall be made to the satisfaction of the Director of Legal Services for the city to be a party to an agreement preventing the future development (enclosure) of the covered roof deck areas (located at the "terrace" floor levels) which have been excluded from the computation of floor space ratio [FSR];

Note to Applicant: The city shall be party only so as to prevent future release of the agreement.

A.1.5 provision of details of the enclosed balconies;

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 tile or stone floor surface, a flush threshold at the bottom of the door [for disabled access], large, openable windows for ventilation, and distinct exterior architectural expression. 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." For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines.

A.1.6 provision of a letter of undertaking, signed by the owners, assuring the furnishings and availability of the amenity areas to all occupants of the residential component of the building;

A.1.7 revision to the property line location to sheet DP400 (Section A), and provision of the correct legal description (Plan 17825) to sheet D001;

- A.1.8 provision of one (1) Class A Bicycle parking space for the commercial use in accordance with Section 6 of the Parking By-law, clarification to the project data that the required Class B Bicycle parking spaces are intended for the residential use, and relocation of the required Class B Bicycle parking spaces to be on the site;

Note to Applicant: If the Bicycle parking spaces shown on city property are not considered required spaces, then a separate application to the General Manager of Engineering Services is required.

- A.1.9 design development to locate, integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impact on the building's open space and the Public Realm;

Standard Landscape Conditions

- A.1.10 provision of detailed large scale (1/4" or 1:50) architectural sections and elevations which illustrate the following:

- (a) the detailed treatment of the public realm interface with the townhouses on Jervis Street and Hastings Street, including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;
- (b) the two corner planting areas in the southwest and southeast corners, and the detailed treatment of the public realm interface between the townhouses on Jervis Street and Hastings Street, including planter walls, stairs, landscaping, and soil depth (indicating any underground structures);
- (c) the planting depths of the garden terraces, including planter walls, guardrails, landscaping, soil depth (indicating any underground structures), and privacy screens;
- (d) the proposed bench and stone walls at the southeast corner entrance to include details of materials and wall heights;

- A.1.11 clarification of inconsistencies between the Landscape Plan and Site Plan (DP 101), specifically the two corner planting areas and the townhouse entrances;

- A.1.12 provision of details of the proposed Triangle West Public Realm Treatment for Pender Street, Jervis Street and Coal Harbour Public Realm Treatment for Hastings Street;

Note to Applicant: Contact Eileen Curran (604.871.6131) of Engineering Services Streets Division regarding the details of the public realm treatment. A separate application shall be made to Engineering Services for this special sidewalk treatment (Standard Engineering Condition A.2.14), and Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for these treatments. (Standard Engineering Condition A.2.1(d)).

- A.1.13 specification of an irrigation system to all common areas including the entry and upper terrace areas.

Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Industry of B.C. Standards and Guidelines.

Crime Prevention Through Environmental Design (CPTED)

A.1.14 design development to reduce the potential for theft in the underground levels;

Note to Applicant: The residential elevator should be separated from the exit stairs, and commercial users should not have access to the residential elevator. Provide an intermediate door within the exit stairs between the commercial and residential levels.

Housing Centre/Social Planning

A.1.15 provision of an equipped indoor multi-use area suitable for children play with a resilient play surface (refer to section 3.3 of the City's High Density Housing for Families with Children Guidelines) to the satisfaction of the Director of Social Planning;

A.2 Standard Engineering Conditions

A.2.1 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- (a) relocation of all utilities (major sewer infrastructure) from the right-of-way shown on Reference Plan 14627;
- (b) release of charge G63171;
- (c) dedication of a 3.18 metre (portion on Jervis Street) x 2.1 metre (portion on Pender Street) corner-cut for road widening in the southwest corner of the site;

Note to Applicant: Delete all portions of the building from within the required corner-cut (pages DP201, 202, and 203), and indicate that portions of the building at levels LG, P1 & P2 are within the corner-cut.

- (d) provision of "Triangle West", Pender Street and Hastings Street streetscape improvements adjacent to the site;
- (e) shared use of the Class "B" loading space for the commercial and residential components of the site, and;
- (f) discharge of Easement and Indemnity agreement E36027 and related extensions (crossings).

A.2.2 provision of additional design grades at the property line adjacent to all entrances around the site;

A.2.3 provision of design grades on both sides of all breakpoints on the parkade ramp, and clear indication of the slope (as a percentage) for each section;

Note to Applicant: A maximum 10% slope for the first 20 ft. of ramp, and a maximum 12.5% slope thereafter are permitted, and must be maintained for the full width of the ramp.

A.2.4 modification of the design of the parking entry ramp to provide for two-way vehicle flow;

Note to Applicant: The structural element at gridline U3 should be relocated in order to meet this condition.

- A.2.5 provision of measures to improve and ensure visibility of oncoming vehicles into the parking levels;

Note to Applicant: Parabolic mirrors should be provided near the staircase door at gridline 8 on P1, and in the vicinity of grid line S3 on parking levels P1 to P3.

- A.2.6 provision of the required throat width for the Class B loading space pursuant to the Engineering Parking and Loading Design Supplement;

Note to Applicant: 6.2 m (3 m + 1.6 m + 1.6 m) is required for the double throat on the loading bay.

- A.2.7 provision of an overhead gate at the parking entrance off of Hastings Street;

- A.2.8 clarification of the means of access to the underground parking and loading areas;

Note to Applicant: Remote control activation or card readers may be necessary. If a card reader is proposed, an additional ramp width will be required.

- A.2.9 indication of the first riser for the stairs to the townhomes to be 1 ft. from the property lines;

- A.2.10 provision of separate garbage/recycling storage and pick-up spaces for the commercial uses;

- A.2.11 notation of a standard concrete crossing at the parkade entry on Hastings Street, and provision of a minimum 3 ft. clearance from the edge of the adjacent wood pole;

Note to Applicant: This may impact the entry design of the parkade. Standard crossings flare a total of 6 ft. from the entry to the curb.

- A.2.12 Provision of a canopy application to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Canopies must be fully demountable and drained to the internal drainage system of the building.

- A.2.13 provision of a crossing application to the satisfaction of the General Manager or Engineering Services;

Note to Applicant: This should be submitted once the crossing design and location have been finalized.

- A.2.14 provision of an application for street trees /special sidewalks to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Submit a copy of the Landscape Plan directly to Engineering Services for review. Delete the two trees and other trees/shrubs proposed to the rear of the sidewalk on Pender Street. The following notation shall be added to the proposed street trees on the Landscape Plan: "Final species, quantity and spacing to the approval of the City Engineer and Park Board". Contact Eileen Curran (604.871.6131) of Engineering Services Streets Division regarding street tree spacing and quantity, and contact Bill Stephen (604.257.8587) of Park Board regarding tree species.

A.3 Standard Vancouver Coastal Health Authority Conditions

- A.3.1 an acoustical consultant's report shall be submitted which assesses noise impact on the site and recommends noise mitigation measures in order to achieve noise criteria;
- A.3.2 a letter from an acoustical consultant shall be submitted 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" solid concrete slab shall be specified on the drawings. 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 the City of Vancouver Noise Control By-Law No. 6555;
- A.3.3 notation required on plans 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 notation required on plans that mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise impact and comply with the Noise Control Bylaw # 6555. As well, the mechanical equipment will be designed and located to reduce adverse air quality in the neighbourhood.

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

- A.4.1 arrangements shall be made for a Soils Agreement to the satisfaction of the Supervisor of the Environmental Protection Branch and Director of Legal Services.

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 October 26, 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, **April 26, 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.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 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 Amenity areas/residential storage spaces excluded from the computation of floor space ratio, shall not be put to any other use, except as described in the approved application for the exclusion. Access and availability of the use of all amenity facilities located in this project shall be made to all residents, occupants and/or commercial tenants for which the facility 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.
 - 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.
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- 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 Prospective purchasers of units in this development should be made aware, by the developer, of the development potential of the easterly site (1255 West Pender). The proposed lower units cannot rely on maintaining views across 1255 West Pender and their livability/privacy may be compromised in the future.
- B.2.8 This site is affected by the Development Cost Levy By-law No. 7847. Levies will be required to be paid prior to issuance of Building Permits.**

Processing Centre - Building comments

The following comments are based on the architectural drawings prepared by Busby Perkins + Will received by the City of Vancouver on June 8, 2005, submitted for the Development Application DE409493. This is a cursory review in order to identify issues which do not comply with Vancouver Building By-law (VBBL) #8057.

1. Roof Level:
 - (a) The private decks are required to have access to the exit stair.
 - (b) The mechanical room is not permitted to open directly into the exit.
2. L2 - L9:
 - (a)* The maximum length for a dead-end corridor is 6 m (a door in the middle of the dead-end corridor does not reduce the dead-end length from the suite doors to a location going in two different directions to an exit).
3. L2:
 - (a) The showers in the amenity room are to be handicap accessible.
 - (b) Areas of refuge or compliance with 3.8.3.19 is to be provided for the amenity level.
4. L1:
 - (a)* Confirm where the exit stairs discharge. (Gridlines E & 4 and U & 11) If gridline U & 11 discharge through the residential lobby, then the lobby is to conform to Article 3.4.4.2.
5. LG:
 - (a)* The stair shafts serving the parkade are to terminate at the storey where the stairs are connected to another occupancy (i.e. stairs in the core are to terminate at level L1). 3.3.6.7. (3)]
 - (b)* Since a retail use is proposed, Sentence 3.3.6.7. (4) requires that the storage garage be provided with exits which are restricted to servicing only the storage garage and the exit directly outside the building.
 - (c)* The stair at gridlines 8 & A requires a vestibule per 3.3.5.4. (1).
 - (d) The exterior stairs at gridlines 8 & A should be adjusted so that the handrail extensions do not cross over the property line.
 - (e) The maximum dead-end corridor length is 6 m.
6. P1:
 - (a) Private garages are required to have a man-door access into the P1 level.
 - (b)* A carbon monoxide vestibule is required between each private garages and the stairs to the residential townhouse units, to environmentally separate the car fumes from the living spaces
 - (c) Doors in series require 1200 mm + the door swing as clearance between them.
 - (d)* The stair at gridlines 8 & A requires a vestibule and areas of refuge.
 - (e)* The north half of this level requires access to exits within 45 m.
 - (f) Glazing in vestibules is required per Article 3.3.6.7
7. P2:
 - (a) The north half of this level requires an access to the second exit. Note that a pedestrian ramp beside the drive aisle ramp is acceptable; however, if a slope greater than 5% is proposed, then it will require handrails.
8. P3:
 - (a) Two exits are required.

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

Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response. The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to

address these issues may jeopardize the ability to obtain a Building Permit or delay the issuance of a Building Permit for the proposal.

Fire and Rescue Services Comments

The following comments have been provided by Fire and Rescue Services and are based on the architectural drawings prepared by Busby Perkins + Will received by the City of Vancouver on June 8, 2005, submitted for the Development Application DE409493. This is a cursory review in order to identify areas in which the proposal may conflict with the fire provisions of Vancouver Building By-law (VBBL) #8057.

1. The distance to the principal entrance/address (Fire Department response to residential lobby entrance) is approximately 19 metres from the West Pender Street curb via a 5 metre wide entry bridge. The maximum permitted travel distance is 15 metres.
2. No internal access to the 9 Townhouse Units from the residential entrance lobby has been indicated. Confirm standpipe coverage.
3. Clarification is required on the second elevator lobby and stair at Grid Lines F & 4.
4. Fire Department access is required to the roof.