

535 SMITHE STREET (@ Richards Street)
(COMPLETE APPLICATION)
DE409900 - ZONE CD-1
565 SMITHE STREET (@ Seymour Street)
(COMPLETE APPLICATION)
DE409895 - ZONE CD-1

FM/JK/VP/DK

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

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

Also Present:

F. Molina, Urban Design & Development Planning+
J. Kujala, Development Services+
V. Potter, Development Services+
R. Segal, Urban Design & Development Planning+
P. Mondor, Rezoning Centre++

+In attendance at both DPSC meetings

**Attended only April 26th meeting

APPLICANT:

Merrick Architecture
1 Gaoler's Mews
Vancouver, BC
V6B 4K7

PROPERTY OWNER:

Solterra Downtown Holdings
460 Fraserview Place
Delta, BC
V3M 6H4

EXECUTIVE SUMMARY

Note: These two development applications are being reviewed as one project, with separate "prior to" conditions, as the sites will not be consolidated. It should be noted that each one of the proposed developments can function and operate independently, except for the 4 levels of public parking on 535 Smithe Street, which relies on 4 bridges spanning the lane from the 565 Smithe Street project. At the rezoning, the project was addressed as 898 Seymour Street and 887-897 Richards Street.

- **Proposal:** At 535 Smithe Street, to develop a 31 storey residential tower, 5 live-work townhouses, retail uses at grade, office uses on levels 3 and 4, four levels of above-grade public parking and four levels of below grade residents' parking; and at 565 Smithe Street, to develop a 28 storey residential tower with retail uses at grade, office uses on levels 3 and 4, four levels of above-grade public parking and five levels of below-grade residents' parking. Public parking in the two towers is connected by four levels of bridges over the lane. The projects include a 21,000sf heritage density transfer, established through the rezoning, from 55 E. Cordova Street.

See Appendix A1 & A2 Standard Conditions, 535 Smithe Street (A1); 565 Smithe Street(A2)

Appendix B1 & B2 Standard Notes and Conditions of Development Permit, 535 Smithe Street(B1);
565 Smithe Street(B2)

Appendix C1 & C2 Processing Centre - Building comments, 535 Smithe St. (C1); 565 Smithe St.(C2)

Appendix D Plans and Elevations (Both projects on same plans)

Appendix E Applicant's Design Rationale (Same for both projects), including LEED score card

535 Smithe Street - DE409900 (@ Richards Street)

● Issues:

- 1. Main entrance identity: Architectural definition of main entrance on Smithe Street and porte-cochere at the lane;
- 2. Residential amenity area: Indoor - outdoor amenity area relationship.

● Urban Design Panel: Support

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE409900 as submitted, subject to City Council's approval of the final form of development and enactment of text amendments to the CD-1 By-law as described in this report, the plans and information forming a part thereof, thereby permitting the development of a 31 storey residential tower, 5 live-work townhouses, retail at grade, office use on levels 3 and 4, with four levels of above-grade public parking and four levels of below grade 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 the entrance area and foyer on Smithe Street to highlight and reinforce its role as the "front door" to the building;

Note to applicant: Providing a canopy over the entrance doors on Smithe Street and integrating high quality pavement on the foyer and building setback area is recommended. Providing the opportunity for retail storefront along the inside wall of the glazed corridor should be considered to enhance activity and interest along this link to the lobby.

- 1.2 design development to the porte-cochere at the lane to improve the overall quality of this space as the primary arrival area to the main lobby;

Note to applicant: Consideration should be given to enlarging the opening over the porte-cochere, while attempting to not reduce the number of above-grade public parking spaces, to allow more natural light to reach the ground level. In addition, high quality materials and lighter colours should be used for pavement treatment and walls, to create a more inviting overall environment at the lane drop-off area.

- 1.3 design development to the public realm along Smithe Street and portion of Richards Street, to enhance the pedestrian experience along the retail frontage;

Note to applicant: Consideration should be given to using a combination of pavement patterns, colours and textures to enhance the quality of the 18 ft. building setback area (12 ft. setback on Richards Street) between the double row of trees and the building face (Also see recommended Condition A1.1.13). Unique treatment of the pavement is especially desirable for the area in front of the main entrance to the building on Smithe street.

- 1.4 design development to the residential amenity area (level 5 of the tower) to improve the relationship between indoor and outdoor amenity areas;

Note to applicant: Reversing the level 5 floor plan is recommended to place the indoor amenity facilities on the west side of the elevator core and the dwelling units facing Richards Street. This change will permit a larger common deck area towards the lane as a direct outdoor expansion of the indoor amenity uses, and achieve a better relationship to similar uses recommended across the lane (565 Smithe street). Adjustments to the amenity level floor plan layout should also consider the provision of indoor and outdoor children's play area. (See Condition A1.1.20)

- 1.5 design development to further refine the tower architectural façade details to better integrate their expression and respond to specific south/southwest orientation conditions (solar heat gain);

Note to applicant: A stronger coordination with respect to colour, materials and their treatment in the tower and the podium is sought.

- 1.6 design development to the secondary lobby area from Richards Street to enhance its treatment as a street-fronting space and to improve its internal circulation to the elevators and main lobby (fronting the porte-cochere/drop-off area at the lane);

2.0 That the conditions set out in Appendix A1 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 B1 be approved by the Board.

565 Smithe - DE409895 (@ Seymour Street)

• Issues:

1. Main entrance identity: Architectural definition of main entrance on Smithe Street and porte-cochere at the lane;
2. Seymour Street frontage: Architectural expression of uses/functions and public art integration to building architecture;
3. Quality and size of outdoor residential amenity area. Indoor - outdoor amenity area relationship.

• Urban Design Panel: SUPPORT

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE409895 as submitted, subject to City Council's approval of the final form of development and enactment of text amendments to the CD-1 By-law as described in this report, the plans and information forming a part thereof, thereby permitting the development of a 28 storey residential tower, including offices and retail at grade, with four levels of above-grade public parking and five levels of below-grade 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 the entrance area and foyer on Smithe Street to highlight and reinforce its role as the "front door" to the building;

Note to applicant: Providing a canopy over the entrance doors on Smithe Street and integrating high quality pavement on the foyer and building setback area is recommended. Providing the opportunity for retail storefront along the inside wall of the glazed corridor should be considered to enhance activity and interest along this link to the lobby.

- 1.2 design development to the porte-cochere at the lane to improve the overall quality of this space as the primary arrival area to the main lobby;

Note to applicant: Consideration should be given to enlarging the opening over the porte-cochere, while attempting to not reduce the number of above-grade public parking spaces, to allow more natural light to reach the ground level. In addition, high quality materials and lighter colours should be used for pavement treatment and walls, to create a more inviting overall environment at the lane drop-off area.

- 1.3 design development to the Smithe Street public realm to enhance the pedestrian experience along the retail frontage;

Note to applicant: Consideration should be given to using a combination of pavement patterns, colours and textures to enhance the quality of the 18 ft. building setback area between the double row of trees and the building face (Also see recommended Condition A2.1.10). Unique treatment of the pavement is especially desirable for the area in front of the main entrance to the building on Smithe Street.

- 1.4 design development to the residential amenity area (level 5 of the tower) to increase the useable common area and improve the quality of the outdoor amenity provided to the residents;
- Note to applicant:** Reversing the level 5 floor plan is recommended to place the indoor amenity facilities on the east side of the elevator core and the dwelling units facing Seymour Street. This change will permit providing an useable common outdoor amenity area as a direct expansion of the indoor amenity uses. A similar arrangement is recommended on the proposed building across the lane (535 Smithe Street). Adjustments to the amenity level floor plan layout should also consider the provision of indoor and outdoor children's play area. (See condition A2.1.16).
- 1.5 design development to further refine the tower architectural façade details to better integrate their expression and respond to specific south/southwest orientation conditions (solar heat gain);
- Note to applicant:** A stronger coordination with respect to colour, materials and their treatment in the tower and the podium is sought.
- 1.6 design development to the street-level frontage on Seymour Street to reinforce the presence of retail uses at ground level and promote pedestrian amenity and activity;
- Note to applicant:** Retail frontage treatment should be similar to the Smithe Street frontage (canopies, signage, etc.); this treatment should extend for the whole retail frontage of the building. In addition, further design development is required for the vehicular entrance to the above-grade parking to enhance its treatment as a pedestrian friendly and artfully integrated component of the façade. Consider a larger canopy over the bus stop area to provide for weather protection.
- 1.7 design development to the Seymour Street façade portion of the parking levels to highlight the proposed stained glass feature wall ("The Wave") as the dominant component of the façade;
- Note to applicant:** Simplifying or diminishing the presence of the brick piers is recommended for that portion of the above-grade parking frontage to allow "The Wave" to achieve more continuity across the façade. Also, details of the above-grade parking level condition behind "The Wave" are required to allow and enhance the play of lights running behind the glass wall at night.
- 2.0 That the conditions set out in Appendix A2 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 B2 be approved by the Board.

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• **Technical Analysis:**

	PERMITTED (MAXIMUM, ENTIRE CD-1 SITE)	REQUIRED (MINIMUM, ENTIRE CD-1 SITE)	PROPOSED (ENTIRE CD-1 SITE)	PROPOSED (535 SMITHE ST)	PROPOSED (565 SMITHE ST)
Site Size				120.0 ft. x 199.9 ft.	120.0 ft. x 149.9 ft.
Site Area			41,976 sq.ft.	23,988 sq.ft.	17,988 sq.ft.
Floor Area ¹	Above Grade Public Parking Uses 97,847.2 sq.ft. Total (for all uses) 389,989.0 sq.ft. (equivalent to 9.3 FSR)	Office/Retail/Service Uses (includes Public Parking) 84,004.3 sq.ft.	Retail 15,271.4 sq.ft. Office 10,972.0 sq.ft. Parking <u>58,567.9</u> sq.ft. Subtotal (Office/Retail/ Service Uses) 84,811.3 sq.ft. Heating/mechanical spaces at/below grade 6,832.1 sq.ft. Residential <u>305,804.0</u> sq.ft. Total 397,447.4 sq.ft. (equivalent to 9.5 FSR)	Retail 9,195.1 sq.ft. Office 4,412.0 sq.ft. Parking <u>26,284.7</u> sq.ft. Subtotal (Office/Retail/ Service Uses) 39,891.8 sq.ft. Heating/mechanical spaces at/below grade 3,359.6 sq.ft. Residential <u>174,038.3</u> sq.ft. Total 217,289.7 sq.ft. (equivalent to 9.1 FSR)	Retail 6,076.3 sq.ft. Office 6,560.0 sq.ft. Parking <u>32,283.2</u> sq.ft. Subtotal (Office/Retail/ Service Uses) 44,919.5 sq.ft. Heating/mechanical spaces at/below grade 3,472.5 sq.ft. Residential <u>131,765.7</u> sq.ft. Total 180,157.7 sq.ft. (equivalent to 10.0 FSR)
Balconies ²	Enclosed (max. 50% of total) 12,232.26 sq.ft. Total (8%) 24,464.3 sq.ft.		Open 15,902.0 sq.ft. Enclosed <u>7,078.8</u> sq.ft. Total 22,980.8 sq.ft.	Open 8,887.0 sq.ft. Enclosed <u>3,814.2</u> sq.ft. Total 12,701.2 sq.ft.	Open 7,015.0 sq.ft. Enclosed <u>3,264.6</u> sq.ft. Total 10,279.6 sq.ft.
Height ³	Top of roof (1 st Tower, 535 Smithe St) 299.9 ft. Top of roof (2 nd Tower, 565 Smithe St) 270.0 ft.			Top of: roof slab 299.90 ft. Parapet Wall 302.51 ft. Elev. Mach.Room 322.11 ft. arch. feature 348.25 ft.	Top of: roof slab 265.41 ft. Parapet Wall 269.66 ft. Elev. Mach. Room 287.74 ft. arch. feature 295.15 ft.

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	PERMITTED (MAXIMUM, ENTIRE CD-1 SITE)	REQUIRED (MINIMUM, ENTIRE CD-1 SITE)	PROPOSED (ENTIRE CD-1 SITE)	PROPOSED (535 SMITHE ST)	PROPOSED (565 SMITHE ST)	
Parking ⁴	<u>Max., 535 Smithe St.</u> Office/Retail 14 sp. Residential 278 sp. Total 292 sp.	<u>Min., 535 Smithe Street</u> Office/Retail 13 sp. Residential 160 sp. Total 173 sp. (of which 4 are required disability spaces for residential use)	201 public parking spaces	Office/Retail Standard 13 sp. Small Car 0 sp. Total 13 sp.	Office/Retail Standard 11 sp. Small Car 0 sp. Total 11 sp.	
	<u>Max., 565 Smithe St.</u> Office/Retail 12 sp. Residential 214 sp. Total 226 sp.	<u>Min., 565 Smithe St.</u> Office/Retail 11 sp. Residential 118 sp. Total 129 sp. (of which 4 are required disability spaces for residential use)		Residential Standard 190 sp. Small Car (22.6%) 57 sp. Disability 5 sp. Total 252 sp.		Residential Standard 144 sp. Small Car (27.8 %) 57 sp. Disability 4 sp. Total 205 sp.
	<u>Overall Max. (entire CD-1)</u> Public Parking Use 250 sp. Overall Small Car (25% max. of provided)			Public Parking Use Standard 66 sp. Small Car (32.7%) 35 sp. Disability 6 sp. Total 107 sp.		Public Parking Use Standard 28 sp. Small Car (63.8 %) 60 sp. Disability 6 sp. Total 94 sp.
				<u>535 Smithe St Totals</u> Parking Spaces 372 sp. Small car spaces 92 sp. Disability spaces 11 sp.	<u>565 Smithe St Totals</u> Parking Spaces 310 sp. Small car spaces 117 sp. Disability spaces 10 sp.	
Bicycle Parking ⁵		<u>535 Smithe Street</u> Class A Class B Retail 1 0 Office 1 0 Residential 243 6 Total 245 6		Class A Class B Retail 1 0 Office 1 0 Residential 246 6 Total 248 6		

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	PERMITTED (MAXIMUM, ENTIRE CD-1 SITE)	REQUIRED (MINIMUM, ENTIRE CD-1 SITE)	PROPOSED (ENTIRE CD-1 SITE)	PROPOSED (535 SMITHE ST)	PROPOSED (565 SMITHE ST)
		<u>565 Smithe Street</u> Class A Class B Retail 1 0 Office 1 0 Residential 184 6 Total 186 6			Class A Class B Retail 1 0 Office 1 0 Residential 184 6 Total 186 6
Loading ⁶		<u>535 Smithe Street</u> Class A Class B Retail 0 1 Office 0 1 Residential 0 1 Total 0 3 <u>565 Smithe Street</u> Class A Class B Retail 0 2 Office 0 0 Residential 0 1 Total 0 3		Class A Class B Retail 0 1 Office 0 1 Residential 0 1 Total 0 3	Class A Class B Retail 0 2 Office 0 0 Residential 0 1 Total 0 3
Amenity ⁷	10,000 sq.ft. (max.)		7,777 sq.ft.	3,889 sq.ft.	3,888 sq.ft.
Unit Type			Live/Work Townhouses 5 One-bedroom 148 One-bedroom+den 46 Two-bedroom 126 Penthouse (2bdroom) 16 Total 341	Live/Work Townhouses 5 One-bedroom 89 One-bedroom+den 26 Two-bedroom 66 Penthouse (2bdroom) 8 Total 194	Live/Work Townhouses 0 One-bedroom 59 One-bedroom+den 20 Two-bedroom 60 Penthouse (2bdroom) 8 Total 147

¹ Note on Floor Area: FSR is not regulated in the CD-1 By-law, however the total proposed floor area equates to 9.5 FSR. The proposed development exceeds the maximum permitted floor area by approximately 7,458.4 sq.ft., which includes an excess of 623.3 sq.ft. of floor area not included in the applicant's calculations, as well as 6,832.1 sq.ft. of floor area attributed to the heating, mechanical and electrical equipment (and their associated ductwork) which is shown at- or below-grade in the project. The exclusion from floor area calculations of heating, mechanical and electrical floor area is standard in other by-laws and its omission in By-law No. 9173 was an oversight. Staff have initiated a text amendment to add the standard exclusion clause to the By-law, which was considered by City Council on April 18th, and has been referred to a Public Hearing on May 16, 2006. See Standard Condition A1.1.9 & A2.1.6. Floor areas for live-work units have been included in the residential floor area calculation. Information provided on the floor area overlays and drawings is inconsistent and incomplete, and does not agree with technical analysis results. Clarification is required. See Standard Conditions A1.1.2 and A2.1.2.

² Note on Balconies: Standard Condition A1.1.5 seeks design development to ensure enclosed balconies meet guideline requirements.

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³ **Note on Height:** The By-law does not permit the standard exclusion from the maximum height calculation for parapets, screens and architectural appurtenances, as was intended. The staff-initiated text amendment, noted above, includes this standard clause. Approval and enactment is required prior to issuance of a development permit. (See Standard Condition A1.1.9 & A2.1.6) Standard Conditions A1.1.1 and A2.1.1 seek confirmation of all parapet and roof slab elevations.

⁴ **Note on Parking:** Staff request a decrease in the small car spaces for the public parking garage. Refer to discussion on pg. 23 and Standard Conditions A1.2.20 & A2.2.11. Standard Conditions A1.1.8 & A2.1.5 seek confirmation on the plans of ancillary parking spaces for each use.

⁵ **Note on Bicycle Spaces:** Standard Conditions A1.1.11 and A2.1.8 seek correct identification of Class A bicycle spaces.

⁶ **Note on Loading:** Standard Conditions A1.2.10 & A2.2.13 seek design development to loading service corridors.

⁷ **Note on Amenity:** Additional information is required regarding use of amenity spaces and provision of children's play areas, see Standard Conditions A1.1.10 & A1.1.20, and A2.1.7 & A2.1.16.

- **Legal Description**

Lot: C (535 Smithe); Lot B (565 Smithe)
 Block: 64
 Plan: BCP19308
 District Lot: 541

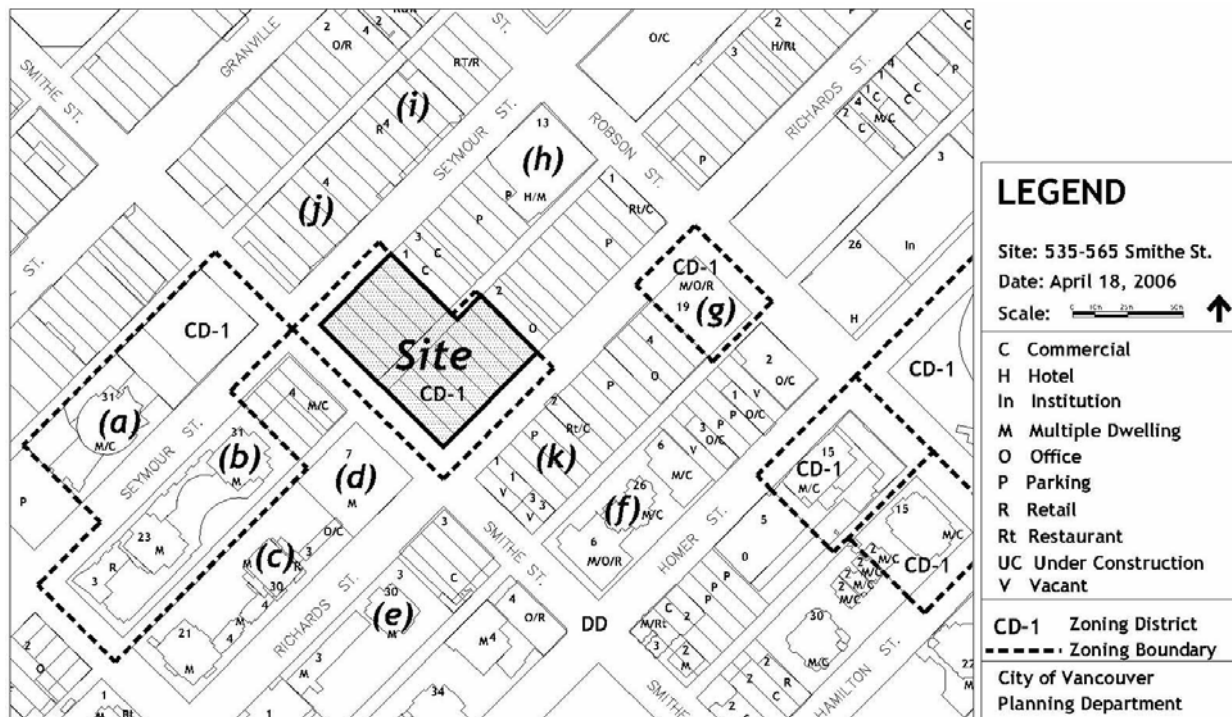
- **History of Application:**

05 Nov 18 Complete DE submitted
 06 Mar 29 Urban Design Panel
 06 Apr 12 Development Permit Staff Committee
 06 Apr 26 Development Permit Staff Committee

- **Site:** The sites are located on Smithe Street between Seymour Street and Richards Street. A lane separates the two legal parcels. The larger site (565 Smithe Street) at the corner of Smithe and Richards Streets has a 60.96 m (200 ft.) frontage on Richards Street; the smaller site, at the corner of Smithe and Seymour Streets presents a 45.72 m (150 ft.) frontage on Seymour Street. The total site area is 3 901.2 m² (41,976 sq. ft.) and currently accommodates two, three-storey parking structures.

- **Context:** Significant adjacent development includes:

- 933 Seymour Street, (The Spot), 31-storey residential/commercial at ground level
- 930 Seymour Street (Metropolitan Tower) 31-storey residential/commercial at ground level
- 969 Richards Street (Mondrian Bldg) 30-storey residential
- 538 Smithe Street (King Edward Place) 7-storey residential (under construction)
- 928 Richards Street (Savoy Bldg) 30-storey residential
- 855 Homer Street, 29-storey residential/commercial at grade
- 488 Robson Street, 19-storey mixed-use residential/office/commercial
- 822 Seymour Street (L'Aria Bldg) 13-storey mixed-use, residential/commercial
- 833 Seymour Street (Capitol 6), DE410152, 42-storey future mixed-use (cultural amenity, commercial/office/residential)
- Orpheum Theatre
- Potential future park



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● **Background:** The sites were rezoned at Public Hearing on July 14, 2005, with enactment following on November 1, 2005. A No Development Covenant exists on each site until all conditions of enactment are satisfied. The preliminary form of development approved at Council indicated the following:

- development of a 4 storey podium on both sides of the lane containing retail and service uses at grade and public parking above, three storeys of “micro-offices” along the Smithe Street frontage, live/work and street-fronting units along Richards Street; and
- development of two residential towers above the podium; a 31-storey tower on the east side of the lane (535 Smithe St.) and a 28-storey tower on the west side of the lane (565 Smithe St.) with residents’ parking provided below grade.

The above-grade public parking being provided as part of this development proposal is a permitted use in the CD-1 (442) By-law and is intended to help meet the needs of the Granville Street entertainment district, and particularly to sustain the viability of the Orpheum Theatre. This need has increased lately as numerous surface parking lots have been redeveloped in recent years, and the few remaining lots are likely to disappear as they are viable redevelopment sites.

A number of pre-development application meetings were held with the applicant with respect to the design development conditions specified at the rezoning stage in preparation for a Development Permit application submission.

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

1. CD-1 (442) 898 Seymour Street and 887-897 Richards Street By-law No. 9173.

Note: The 898 Seymour Street address in the CD-1 by-law corresponds to the 565 Smithe Street address in this report; the 887-897 Richards Street address in the CD-1 by-law corresponds to the 535 Smithe Street address in this report.

Response to Rezoning Design Development Conditions (535 and 565 Smithe Street combined):

Following conclusion of the Public Hearing for the rezoning application for this site, Council approved the following:

THAT prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, as the case may be, who shall have particular regard to, among other things, the following:

DESIGN DEVELOPMENT - GENERAL

- (i) *design development to reduce the Richards Street tower height to 91.44 m (300 ft.) and to reduce the Seymour Street tower height to 82.29 m (270 ft.) to improve the relationship with the current existing building heights and to improve some private views from southerly residential development;*

Applicant's Response:

The heights of the Richards and Seymour Towers have been lowered to 300’ and 270’ respectively, to improve the relationship between the towers and existing building heights, and some private views from properties south of the development (See Smithe Street Elevation).

Staff Assessment:

The text of the CD-1 By-law inadvertently does not contain the standard exclusion of parapets, screens and architectural appurtenances from the maximum height calculation, as was intended. Should the staff-initiated text amendment to resolve this oversight, which was considered by Council and referred to a Public Hearing set for May 16, 2006, be approved and enacted, this application will comply with the height limitations. (See recommended Conditions A1.1.9 & A2.1.6.)

- (ii) *design development to increase tower separation to a minimum of 23.38 m (80 ft.) to improve the livability and privacy of the dwelling units and to improve some private views from southerly residential development;*

Applicant's Response:

The towers have been separated to meet or exceed an 80' tower separation, consistent with the Downtown South Guidelines, improving livability and privacy of the units, and improving some private views from properties south of the development (See tower plans and Smithe Street elevation, and Cross-Section). The living areas are oriented north or south, or on the diagonal away from each other.

Staff Assessment:

This condition has been met. Proposed separation between towers is now a minimum of 23.30 m. (80 ft.)

- (iii) *design development to refine the character of towers;*

Note to applicant: aspects to consider include, among other things: that there should be more variations between the towers that allow them to respond better to the varied context and reduce the twinning architectural characteristics.

Applicant's Response:

The tower character has been refined to 'pair' rather than 'twin' the towers (See Smithe Street Elevation).

Staff Assessment:

In terms of massing, staff concurs with the applicant in the approach taken to "pair" the towers. However further design development is sought to achieve a greater differentiation between the competing elements that crown the towers. It is also expected that further differentiation between the towers will be achieved by refining architectural expression and use of materials on the (south)west elevation (especially on the 565 Smithe Street tower) in response to orientation (solar heat gain) issues (See recommended conditions 1.5 - 535 Smithe Street and 565 Smithe Street).

- (iv) *design development to grade level Seymour Street frontage to increase the presence of retail, minimize presence of elevator, stairs and exiting, strengthen presence, identity and surveillance of residential lobby, and to more strongly celebrate the relationship to the Orpheum;*

Applicant's Response:

The grade-level Seymour Street frontage has been developed to increase street animation by augmenting the presence of retail uses. Parkade emergency exiting has been discretely located behind podium columns, while tower exiting has been routed away from Seymour towards the lane side, optimizing the 'live-edge' to Seymour. The parkade access elevators have been relocated to the Smithe Street frontage for optimal visual presence and practical access, as part of an animated, tree-lined promenade along restaurant/retail frontage to and from the Orpheum to your car. Tower access

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for the Seymour Tower has been provided from Smithe Street exclusively, providing greater security and observation for the residential lobby, and optimizing the extent of active retail frontage to Seymour Street. The relationship with the Orpheum has been celebrated with the presence of a significant public glass artwork paying tribute to music, visible from the Orpheum lobby, as well as from Seymour Street. This artwork also augments the presence of the above-grade parkade façade with consideration given to the play of car lights on the glass wall (See Ground Floor Plan, and Seymour Street elevation. See also 'Public Art' above).

Staff Assessment:

Substantial changes have been introduced to the street level frontage on Seymour Street, including extension of street level retail uses to approximately 2/3 of the street frontage that resulted from the relocation of the entrance to the public parking stairs/elevators to Smithe Street. Also, the emergency exit stairs of both the underground and above-grade parking levels now have a discrete presence on the Seymour Street frontage. These changes, in addition to the stained glass feature wall ("The Wave") that masks the above-grade parking, will contribute to achieving a pedestrian friendly streetscape, increased street activities along Seymour Street, and an improved overall relationship to the Orpheum Theatre. Staff considers this condition met in general terms, but request refinements to the expression of retail uses and a better integration of the stained glass public art in the architecture of the building (See recommended Conditions 1.6 and 1.7, 565 Smithe).

- (v) *design development to the Richards Street lower levels to strengthen the presence, identity and surveillance of the residential lobby;*

Note to applicant: Vancouver Building By-law provisions for office occupancy, which must be met in live-work units, have accessibility requirements for the disabled which will not be met if the units have just one entrance accessed by means of stairs.

Applicant's Response:

The presence, identity and surveillance of the Richards Street residential lobby has been reinforced by a number of features. The entry is flanked by residential balconies, including one main balcony directly above the entrypoint. It was desired to keep this lobby since a North Park could be created across Richards Street, providing a very desirable point of connection and destination for residents of the Richards Tower. Also, the Richards Tower structure is carried down to grade on Richards Street, highlighting the need for the presence of an entrance lobby to the building along this edge. The entry is further animated by access to the live/work townhouses (also serving required disabled corridor access to the raised ground level), and is connected directly to the Smithe Street lobby. It is intended that a large artwork ornament the entrance area, reinforcing its role as an integral part of the access experience to the tower (See Ground Floor Plan and Richards Street elevation).

Staff Assessment: Design development to the Richards Street lower levels has architecturally expressed the presence of a lobby and entrance to the 565 Smithe Street residential tower on Richards Street. However, in examining its actual role as a secondary entrance/lobby to the building, and the complicated and restricted circulation route to access the main stairs/elevator core, a contradiction between function and architectural expression becomes evident. Staff considers that this condition has not been fully met and requests further design development to address the form-function issue, enhance the specific role of the Richards Street entrance/lobby by improving internal circulation links and the space's interior street-fronting character, thereby establishing a clear hierarchy among the various proposed entrances to the building(s) (See recommended Condition 1.6, 535 Smithe Street)

- (vi) *design development to the architectural design of the street-fronting above-grade parking to ensure it is masked, particularly on the Seymour Street elevation where no other land uses are proposed at the building face;*

Note to Applicant: aspects to review include, among others, the provision of artistic architectural finishes and on-site public art.

Applicant's Response:

The design of the street fronting above-grade parking has been developed with a major public artwork by celebrated artist Lutz Haufschild, author of, among others, The Wave (which greets travelers arriving at the Vancouver International Airport), and of the stained glass at Westminster Abbey in Mission. The artwork has been designed to qualify views outside to the cars within, and to discretely animate light, as viewed from inside, with colour, texture, and rhythm (See Seymour Street Elevation)

Staff Assessment:

The perimeter of the above-grade parking levels is masked by proposed micro-offices along Smithe Street and portions of Seymour and Richards Streets, and by Live-work and street-fronting units on Richards Street. A colourful arrangement of stained glass (The Wave) dominates the Seymour Street elevation and masks the perimeter of the above-grade parkade on Seymour Street. Although this condition has been generally met, staff request further design development and refinement to the Seymour Street elevation to better integrate the glass public art piece and the architecture of the building (See recommended Conditions 1.6 & 1.7, 565 Smithe).

- (vii) *design development to increase the amenity area for the Richards Street tower and to improve the presence and identity of both amenity areas in the Richards Street and Seymour Street towers;*

Note to Applicant: aspects to review include, among others; use and activity programming for internal area and terrace areas.

Applicant's Response:

The Richards Tower amenity area has been extended, and engaged with the rooftop Podium Garden. Both Seymour and Richards amenity areas and uses are integrated with the rooftop gardens adjoining. They are shielded from the noise and clamour of the street, and provide a green enclave to the residents of the towers (See level 5 Plan). There are large outdoor amenity decks associated with the amenity rooms for each tower. The Seymour tower has a large wrap around deck with a planter located along the parapet wall. The south side of the amenity deck has a seating area, flowering trees and a gazebo. The south side of the Richards tower has a similar treatment to the west. In addition there is a large outdoor amenity area on the northeast side of the tower. The northwest corner has a large reflecting pool, long wood benches and a trellis area. The northeast corner has a large lawn area with long benches. Both areas have significantly sized planters to provide tree cover.

Staff Assessment:

While the outdoor amenity area provided in the 535 Smithe Street tower (Richards Street tower) is considered adequate in size, outdoor amenity provided in association to the amenity rooms in the 565 Smithe Street tower (Seymour Street tower) is insufficient to facilitate gatherings and/or social interaction; the outdoor amenity area is restricted to a narrow (2.5 m. (8 ft.)) area on the west, and north and south sides (portions) of the building. Staff request further design development to the landscaping concept and the indoor/outdoor layout of the amenity level, in both towers, including reversing the respective positions of indoor amenity with dwelling units on level 5 to increase the range of indoor and outdoor activities, improve overall quality of indoor and outdoor spaces, and harvest the sun. Further design development to the layout of the amenity floor of the 565 Smithe Street tower

(Seymour Street tower) is required to provide a larger and more functional outdoor amenity area (see recommended Condition 1.4, 565 Smithe Street and 535 Smithe Street).

(viii) design development to the porte cochere located off the lane to improve the circulation, environment, and spatial quality;

Note to Applicant: aspects to review include, among others; natural and artificial light, vertical and horizontal materials, and landscaping.

Applicant's Response:

The porte-cochere adjoining the lane has been refined to optimize the circulation, environment, and spatial and light quality. The space has been opened up from 13'6" to 23'6" clear height at its centre. The tower structure has been designed to optimize clear open heights in this area. Also, the geometry of the atrium opening has been extended up and opened out all the way to the podium roof, optimizing natural light access, and the sense of openness. The podium roof has been cut back to admit more light to the lower levels, as have levels 2 and 3 of the parkade. The mezzanine level has been cut out to vastly increase the height of the piazzetta, to admit more light, and to create a sense of grace and spaciousness (see Cross-Section and Plans level 1 to 5). The atrium opening is flanked by hanging plants, catching the natural light, softening the building walls, and increasing the reflective surface for light. The walls are of glass, stone, concrete and brick. The ceiling is of lightly coffered plaster. The paving is carried across the laneway with a pattern in saw-cut concrete which ties the portes-cocheres together, creating an arrival piazzetta more than 60' wide. A comparable example, but at half the scale, is the porte cochere at the Westin Grande off Robson Street, which extends its paving across the laneway. Warm uplighting has also been proposed for nighttime drama, combined with rich downlights from point sources, and pendant lights to provide security and a sense of scale to the space (See Detail Cross-Section)..

Staff Assessment:

The "front door" quality of the porte-cochere space to serve as the applicant's intended main entrance to the two towers is still compromised by the vehicular circulation and multi-use service functions associated with this space, including passenger drop-off, access to resident parking, deliveries and service related activities. Also, quality and colour of materials on the building and pavement, and restricted natural light penetration to ground level do not help to identify and celebrate this space as the "front door" to the proposed development. Staff consider that although progress has been made in improving the spatial quality of this space, it naturally lends to a role associated with a drop-off area rather the arrival piazzetta to the residential towers described by the applicant. Staff requests further design development and detailing to satisfactorily reflect the functional role of this space while also reinforcing the dominance of the entrance to the towers on Smithe Street as the "front door" (See recommended Conditions 1.1 and 1.2, 535 Smithe Street and 565 Smithe Street.)

(ix) design development to the party walls of both sites to ensure they are visually appropriate in the neighbourhood as viewed from the public realm;

Applicant's Response:

The party walls at the north end of the project on both podia have the brick finish material extended a full bay's depth back from the Seymour and Richards' facades, providing an enduring and quality appearance to the building frontage and edges (See North Elevation).

Staff Assessment:

The extension of the brick finish around the corner of the podium and along a portion of the party wall generally satisfies this condition; however, the use of brick in portions of the lane facades of the

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podium is sought, to improve the overall quality of the arrival sequence to the porte-cochere/drop-off space. (See recommended Condition 1.2, 535 Smithe Street and 565 Smithe Street .)

- (x) *cornice encroachments are not supported, and should be pulled back to the property line or deleted;*

Note: the large sign encroachment on Seymour Street should be deleted from the application and applied for separately. Planning, also note the large cornice encroachment over the neighbouring lot 13.

Applicant's Response:

The cornice detail at the top of the podium will be in ornamental metal, designed to be removable along the Seymour Street façade, consistent with Engineering requirements for encroachments over a public property line (see elevations). No encroachments are sought or provided over the properties to the north. No sign encroachment is sought over Seymour Street.

Staff Assessment:

The General Manager of Engineering Services, consistent with the condition established by Council at rezoning, is not prepared to support a roof level cornice encroaching onto City street on new construction. The cornice encroachment is not acceptable and must be deleted or pulled back to the property line. This is consistent with City policies supporting encroachments only in the heritage districts or if they are a character defining element in the district. (see recommended Condition A2.2.4)

LANE BRIDGING

- (xi) *design development to the bridging over the lane to remove the two levels of internal office corridors proposed over the lane, at the Smithe Street frontage, and to provide open, demountable bridges with a minimum clearance to grade and minimal dimensions to support the vehicle and pedestrian connections, as established by the General Manager of Engineering Services;*

Note to Applicant: bridging over the lane will be subject to legal agreement to the satisfaction of the General Manager of Engineering Services, on terms and conditions satisfactory to the Director of Legal Services.

Applicant's Response:

The bridges over the lane are restricted to vehicular and pedestrian use associated with the public parkade function, and are not required to link the office spaces flanking either side of the laneway in the Richards and the Seymour podia (which have independent access and egress). The bridges will be demountable, and provide the minimum width necessary for vehicular two-way movement and secure pedestrian passage. They will meet the criteria necessary for vehicular movement and service between grade and the underside of the lowest bridge. Mounted to the railings on the Smithe Street frontage, demountable ornamental glass screens qualify views of vehicular passage across the lane, but provide open air and light access to the bridges (See Ground Floor/Mezzanine/2nd/3rd/4th/5th Floor Plans and Smithe Street Elevation). The bridging will be subject to a legal agreement to the satisfaction of the General Manager of Engineering Services, on terms and conditions satisfactory to the Director of Legal Services.

Staff Assessment:

The rezoning application established a number of conditions related to the proposed bridges, most of which have been addressed by the design shown in the development applications or through subsequent and on-going discussions with the applicant team. The legal arrangements (encroachment agreement) for the bridges, while a requirement of the development application (see recommended conditions A1.2.1, A1.2.3 and A2.2.1, A2.2.3) are to be completed outside the development application process. See also Engineering Comments, pg. 22.

LANDSCAPING

(xii) design development to the Smithe Street frontage (public realm) should illustrate Downtown South details:

- *granite street names at corner locations,*
- *cast iron tree grates at tree bases,*
- *free standing city-style pedestrian lamp standards and pole mounted fixtures in an alternating pattern, and*
- *placement of other street furniture; benches, refuse containers, and bicycle racks;*

Note to Applicant: *All public realm development are to be provided to the approval of the General Manager of Engineering Services.*

Applicant's Response:

The Smithe Street frontage (public realm) conforms to the Downtown South details: granite street names at corner locations, cast iron tree grates, pole mounted fixtures in an alternating pattern, and placement of street furniture (benches, refuse containers and bike racks). Free standing city-style pedestrian light standards will be provided as required. (See L1)

Staff Assessment:

This condition has been met. However, staff request further design development to the building setback area along the retail frontage on Smithe Street and Richards Street to enhance the quality of the public realm and highlight the entrance(s) to the building(s) (See recommended Condition 1.3, 535 Smithe Street and 565 Smithe Street).

(xiii) design development to provide more interesting and further refinement to all proposed roof gardens;

Applicant's Response:

Further design development to all proposed roof gardens has been done (See L2)

Staff Assessment:

While other roof garden areas have been addressed, the outdoor amenity area proposed for the north side of 535 Smithe lacks programming and does not provide an interesting or dynamic space. A more lively and useful amenity space could be provided through a clear hierarchy of spaces, different uses (including a children's play area) and the inclusion of seating, trellises and other outdoor amenities. (See recommended conditions A1.1.14)

(xiv) an irrigation system shall be specified in all common areas, including the entry and upper terrace areas. Hose bibs should be provided in private areas such as patios and courtyards. Notations to this affect should be added to the drawing;

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

Applicant's Response:

All soft landscape areas are to be irrigated to IIABC Standards, and Hose bibs provided in private areas such as patios and courtyards.

Staff Assessment:

The condition has not been met. Landscaping drawings do not indicate that the required irrigation system, including hose bibs will be provided (See recommended Condition A1.1.16, and recommended Condition A2.1.12)

(xv) design development to provide public realm details consistent with those already approved at 822 Seymour Street(DE406340);

Note to applicant: This DE includes details from the Downtown South public realm treatment such as metal tree grates with granite surrounds and bronze medallions in the corners, Downtown South benches, and leaves stamped into the sidewalk. In addition, a West Georgia Street paving pattern was used consisting of exposed aggregate banding along the edge of the sidewalk and a perpendicular band of exposed aggregate at each street tree.

Applicant's Response:

The public realm details are consistent with those already approved at 822 Seymour. These details include cast iron tree grates with granite surrounds and bronze medallions, benches, and leaf stamps in the sidewalk - all consistent with the Downtown South streetscape details. There is a 4' exposed aggregate concrete blvd. along Seymour, Smithe, and half of Richards Street (the blvd. adjacent to the townhouses is grass). (See L1)

Staff Assessment:

This condition has been met.

(xvi) design development to stagger the double row of street trees on Smithe and Richards Streets in order to match the pattern of street tree planting in the adjacent Downtown South streets;

Applicant's Response:

The double row of street trees along Smithe and Richards have the trees inside the property line. The trees are staggered to Richards Street, and aligned on Smithe for a harmonious pattern. This has been reviewed with Landscape and Engineering staff. (See L1)

Staff Assessment:

This condition has been met. Staff considers that the aligned disposition of the trees on Smithe Street, as proposed by the applicant, relates well to the regular pattern of brick piers on the façade and the pavement patterning on the sidewalk.(See recommended conditions 1.3, 535 Smithe Street and 565 Smithe Street).

(xvii) provision at the development permit stage of a full Landscape Plan illustrating propose plant materials (common and botanical names), sizes and quantities; paving, walls, fences,

light fixtures and other landscape elements; and site grading. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale;

Applicant's Response:

Full Landscape Plans have been submitted with plant materials and list (common and botanical names, sizes and quantities), paving types, walls, fences and other landscape elements, and grading information. (See L1/L2)

Staff Assessment:

A Landscape Plan has been provided for the street level public realm and for the podium deck. Further details regarding fences and light fixtures are sought. See also conditions A1.1.15 & A2.1.11.

(xviii) provision at the development permit stage of detailed large scale (1/4" or 1:50) architectural sections and elevations, illustrating the detailed treatment of the public realm interface (street, open space, townhouse etc.) including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;

Applicant's Response:

Large scale sections and elevations have been provided showing how the edge of the suspended slab (parking slab) has been pulled back to accommodate sufficient soil depth for the row of street trees inside the property line, and also illustrating the detailed treatment of the public realm interface (street, open space, townhouse etc.), including planter walls, stairs, grates, guardrails, landscaping, soil depth (indicating underground structures), patios and privacy screens. See Detail Sections and Elevations.

Staff Assessment:

This condition has been met. Proposed treatment of the public realm interface is generally consistent with the Downtown South streetscape details.

DESIGN DEVELOPMENT - CPTED (Crime Prevention through Environmental Design)

(xix) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard for reducing opportunities for:

- *theft in the parking areas,*
- *graffiti on the lane, and*
- *mischief in alcoves and unwatched areas; and*

Applicant's Response:

The design has been developed to take into consideration the principles of CPTED, having particular regard for to reduce the opportunities for

- a) Theft in the parkade: Overhead security gates have been provided at the entry to the residential underground parkades for both the Seymour and Richards Towers, as well as at the P1 level separating visitors parking from residents' parking. A security gate has been provided to the public parking, permitting night-time closure. See Ground Floor and P1 Level Plans.
- b) Graffiti in the lane: The laneway is passively observed by the residential glass lobby along the autocourt, along 2/3 of the length of the site. This area will likely have concierge service and is brightly lit, without large areas of blank wall. The few areas north of the autocourt and residential lobby that have blank walls (the commercial loading and the commercial garbage room will be painted, and are in regular use, having additional passive observation from the

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facing residential lobbies to the south. See Ground Floor Plan

- c) Mischief in alcoves: Wherever possible alcoves have been deleted or reduced to a minimum (ie where exit doors would otherwise cross the property line). See Ground Floor Plan.

Staff Assessment:

Given the shared uses on the public parking levels, a safety and security report is needed. This and additional recommendations are contained in conditions A1.1.X and A2.1.X .

SUSTAINABILITY

- (xx) pursue a sustainable development strategy, including use of a preliminary LEED score card, to meet the City's most current green building strategy and, if possible, achieves LEED certification.*

Applicant's Response:

A sustainability strategy checklist has been submitted with the application (enclosed).

Staff Assessment:

A LEED score card has been provided with the DE application. Staff seek a commitment from the applicant to achieve six of the eight possible credits currently identified as "?" on the LEED Check List (See Appendix E, pages 17-18. See also Sustainability comments on page 24, and recommended conditions A1.1.21 - A1.1.22 & A2.1.17 - A2.1.18)

• Response to Applicable By-laws

CD-1 (442) By-law No. 9173

Uses and density: Proposed uses conform to the CD-1 By-law. With respect to total floor area, see Note on Floor Area, Page 8, and conditions A1.1.9 and A2.1.6.

Height: Proposed towers do not meet the respective maximum permitted heights. See Note on Height, page 8 and conditions A1.1.9 and A2.1.6.

• Conclusion:

The overall development concept, massing and built form of the proposal respond well to the urban design conditions set during the rezoning process and are a good fit to the immediate urban context and streetscape. However, there are still some substantive design development issues that require careful attention to achieve the expected quality of urban design and architecture envisioned at the rezoning stage. Worth mentioning is the resolution to the concerns expressed by staff and the Urban Design Panel regarding the porte-cochere area configuration and design, which, unless designed and finished to the highest standards, may become a dark and uninviting area in front of the towers' lobbies. Staff considers that with the design development recommended in the conditions of approval of this report, these buildings will achieve the quality of urban design and architecture envisioned for the development of these sites.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on March 29, 2006, and provided the following comments:

EVALUATION: SUPPORT (6-4)

- **Introduction:** Francisco Molina, Development Planner, presented this complete application after a rezoning process. There are two separate applications which will be reviewed in combination. The applications propose mixed-use development in the CD-1 zone with a height limitation of 300 ft. on Richards Street and 270 ft. on Seymour Street. Mr. Molina said that the proposed heights would meet the rezoning conditions if the machine rooms, elevator overrun and architectural appurtenances were excluded from the calculation of height, as was intended in the By-law. Mr. Molina indicated that staff has initiated a By-law text amendment to resolve this omission.

Mr. Molina noted that this proposal is located at the transition between two areas of the Downtown District; the residential component to the south and the business district to the north. The Seymour Street frontage is 150 ft. with retail at the ground level and micro-offices on the upper levels; while the Richards Street frontage is 200 ft. with a combination of live/work and retail in the lower levels. Some of the existing public parking on this site will be replaced with new public parking spaces provided in the new development, with access from Seymour Street.

The shadow analysis indicates that there will not be an impact on the area and there will be no additional impact on views to the north shore mountains. Mr. Molina said that an important detail of this application is the proposed main access to the residential lobby from the porte-cochere. He said that there will be two additional access points to the lobby of the residential towers on each side of the lane on Smithe Street; as well the Richards Street tower will provide a secondary access from that street. The porte-cochere is a large; double-height area created on the lane and will also provide access to the residential underground parking for both towers.

The advice of the Panel is sought on the following:

- Overall character of the towers;
 - Podium and towers architectural integration. Massing relationship, proportions, colour and materials;
 - Overall integration of the various architectural elements in the podium;
 - Architectural expression of the podium façade on Seymour Street including integration of public art as a continuous feature on the west side elevation facing the Orpheum and extension of the commercial frontage character at street level;
 - Overall quality of the porte-cochere at the lane as the main entrance to residential towers while also serving as passenger drop-off area, access to underground parking and services, and residential/commercial loading. Issues of uses, scale, proportions, lighting and pavement;
 - Multiple access points to the lobby of the two towers. Main entrance to the towers provided from the lane and from the foyer on Smithe Street;
 - Entrance to micro-offices and public parking right beside the entrance foyer to the residential towers on Smithe Street;
 - Closeness of lower levels of Seymour Street tower to potential future development to the north.
- **Applicant's Introductory Comments:** Paul Merrick, Architect, provided some history on how the accommodation of the public parkade developed and became a part of this proposal. Mr. Merrick, along with Lutz Hauschild, the Artist, described in detail the proposed half a block long piece of glass art work that will be introduced on Seymour Street to screen the parkade.

Greg Borowski, Merrick Architecture, briefly reviewed the porte-cochere and said that the idea is to create the sense of a piazza extending across the lane. Jennifer Stamp, Landscape Architect, reviewed the public realm aspects of the scheme, as well as the on-site landscaping treatments being proposed. The design team responded to questions from the Panel.

- **Panel Consensus:**

- Further design development recommended to the porte-cochere, particularly the dark colours employed, the shaping of the interior, lack of natural light, light penetration, whether it is an interior space or half-covered exterior space, the scale and volume, the paving treatment, and the suggestion that perhaps it should be lifted to loft it a little higher;
- Give consideration to the lobby entrance from Richards Street. It seemed poorly connected to the circulation and entry within the building;
- Give further consideration to the Smithe and Seymour streetscapes. The streetscapes seemed poorly developed and not particularly sympathetic to some of the streetscapes being developed across the street for the Orpheum. There is a lost opportunity, in terms of the amount of surface treatment and planting;
- Concerns that the north amenity space will receive too much shade and therefore will be underutilized.

- **Panel Commentary:**

The Panel supported this application. The majority of the Panel members supported the overall massing and general architectural expression, as well as the differentiation in height between the two towers. Some Panel members suggested further refinement to the architecture to better integrate the expression. The Panel supported the differentiation of brick or solid facades versus the glazed interior facades of the building. There was general approval for the form of the circulation of entry into the building through the porte-cochere and major points of entry and connection across the lane.

The public art was well received although some Panel members felt it may obscure the intention of the parkade. Signage and way finding for the parkade will be important. There was some discussion about how the glass artwork might be inserted into the architecture.

A panel member suggested opening the retail onto the glass corridors to provide animation. It was also suggested to consider a glass cover over the porte-cochere to bring the canopy down at a lower level.

Applicant's Response: Mr. Merrick thanked the Panel for their valuable comments and said that he appreciated the distinction between the areas of the proposal that were supported and others that needed further thought.

ENGINEERING SERVICES

Bridges over lane: The development applications propose construction of a series of bridges over the lane separating the two development sites, 535 Smithe Street and 565 Smithe Street. The rezoning application established a number of conditions related to the proposed bridges, most of which have been addressed by the design shown in the development applications or through subsequent and on-going discussions with the applicant team. The legal arrangements (encroachment agreement) for the bridges, while a requirement of the development application (see conditions A1.2.1 and A2.2.1) are to be completed outside the development application process.

The application drawings now show 4 levels of bridging, as opposed to the 3 shown at the rezoning stage. The General Manager of Engineering Services (the "GMES") has agreed to accept the 4 levels of bridges. The bridge design now contains a series of "removable glass screens" on the Smithe Street side

of the bridges ostensibly to lessen the impact of the bridges on the public realm. The GMES has agreed to accept the screens. However, clarification is required as to design details. See recommended condition A1.2.3 and A2.2.3.

The width of the bridges have been reduced and accepted as the minimum required to support the required functions of the bridges, that is vehicle and pedestrian movement between the two sides of the above-grade parking. The minimum clearance to the lane has been accepted at 16.5 feet, less than the standard typically sought by the GMES. All that remains to allow the bridges to be constructed is the completion of the encroachment agreement required under condition A1.2.1 and A2.2.1. The applicant has sought a number of changes to the City's standard encroachment agreement that will require the matter to be reported to Council. In particular the report will seek Council authority to amend the standard cancellation clause to be a upon one years notice and only upon approval of Council, and if the area is required for municipal purposes.

The current above grade parkade design is such that all access to the easterly (535 Smithe Street) site's above grade parking occurs over the lane bridges. There is no interconnection on the easterly development site between the above grade parking floors and while efficient for the parkade design the GMES is concerned that the design does not lend itself well to retrofitting the easterly site if one or more levels of the bridges have to be removed for municipal purposes. As noted above the encroachment agreement will contain cancellation provisions as per the Council approval being sought.

The bridges must be designed as independent demountable elements to allow the developments to be strata titled. Completion of the encroachment agreement is an important step for this development.

Public Parking

The above grade principal use parking is supported, and was approved by Council as part of a recent CD1 rezoning of this site (July 2005). The DE plans indicate 58,568sq. ft. of above grade parking floor area and the equivalent of 201 public parking spaces. The rezoning allowed for the provision of up to 84,004sq. ft. of gross floor area for office/retail/service (including public parking) uses, with up to 250 non-ancillary parking spaces, all separate from any ancillary parking. This parking is to support the entertainment and commercial uses in the Granville Street corridor and specifically to provide parking for the Orpheum theater patrons.

The vehicle access to the public parking is supported from Seymour Street as is the lane access for the underground residential parking.

Between the two public parkades, 40 % of the spaces are small car spaces. As noted in conditions A1.2.20 and A2.2.11, this should be reduced to 25% to reflect the parking By-law standard for short-term transient parking spaces, as it is expected that there will be higher turn over given the public parkade's use for the Granville Street commercial and Orpheum theatre. This may result in a small loss of parking spaces and some minor redesign.

Undergrounding of Utilities:

The General Manager of Engineering Services will require all utility services to be underground for "conditional" developments. All electrical services to the site must be primary with all electrical transformers located on site. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

The recommendations of Engineering Services are contained in the prior-to conditions noted in Appendix A1 and A2 attached to this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

See staff assessment for response to rezoning conditions, page 19, and conditions A1.1.17 - A1.1.19, A2.1.13 - A2.1.15.

PARK BOARD

The proposed development is across Richards Street from a site currently held by the City's Property Endowment Fund, situated immediately east of the Smithe and Richards Streets' intersection. The Park Board is planning to develop this site as a park as part of the Downtown South park strategy. The current priorities for park development in Downtown South are to complete Emery Barnes Park and a small park that is part of the Yaletown Park development. Afterwards, Park Board staff will investigate the feasibility of and potential funding scenario for the aforementioned potential park development.

Shadow impacts on this potential park from the proposed development are not thought to exceed those implied in the Council-approved form of development.

SUSTAINABILITY

The City's priorities for green buildings are summarized into three categories. They are energy efficiency, water efficiency, and green roof development. This combined application proposes features that meet two of these three priorities very well. Specifically, the measures proposed to promote water efficiency, and to achieve an intensive roof top garden on the podium portion of the proposed structure are the two features that are congruent with City Green Building goals. Of the eight possible points that remain in question the Sustainability Office encourages, but does not require that, the applicant seeks to achieve the two credits they identified as "?" under Credit 1, Optimizing Energy Performance, as part of the Energy & Atmosphere section of the LEED Check List to comply with all of the City's goals for Green Buildings. (See conditions A1.1.21-A1.1.22; A2.1.17-A2.1.18)

LANDSCAPE

See Landscape comments in the "response to rezoning conditions", pages 17-19, as well as conditions A1.1.12 - A1.1.16, and A2.1.9-A2.1.12.

HERITAGE PLANNING

The applicant has secured approximately 21,000 sf of heritage density from 55 E. Cordova ("Koret Building"). Staff confirm that the donor site has this amount of density available, but not yet available for release. A Letter of Credit would be required, or the donor site would be required to show completion of an amount of work commensurate with the amount of density proposed, prior to release of the density to the receiver site. (See notes B1.1.7 and B2.1.6)

HOUSING CENTRE/SOCIAL PLANNING/CULTURAL AFFAIRS

The proposed buildings contains 77 units (40% of bldg. total) at 535 Smithe Street and 66 units (45% of building total) at 565 Smithe Street, with two or more bedrooms that are suitable for families with children. The current plans show no children's play area. Staff recommend that at both 535 and 565 Smithe Street, the areas labeled "amenity/yoga" on the north side of the L5 level (adjacent to the spin room) be redesigned to accommodate an indoor children's play area, and that the adjacent outdoor amenity area be redesigned to include an equipped and secure (fenced) outdoor children's play area with a resilient play surface, located to maximize visual surveillance. These additions should be done in conjunction with the design development sought in conditions 1.4 (535 Smithe) and (565 Smithe). See also conditions A1.1.20 and A2.1.16

535 Smithe Street (Complete Application)

April 26, 2006

DE409900 - Zone CD-1

565 Smithe Street (Complete Application)

DE409895 - Zone CD-1

FM/JK/VP/DK

ENVIRONMENTAL PROTECTION BRANCH

The application for 535 Smithe Street is approved from the Environmental Protection Branch. An erosion and sediment control plan is required for our review and approval at a Building Permit Application stage.

An Approval in Principle has been received for 565 Smithe Street. A Certificate of Compliance will be required prior to occupancy. There is a No Development Covenant registered against this site, and one condition of removal is registration of a soils agreement for the offsite and onsite contamination. (See condition A2.4.1)

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, for both 535 Smithe and 565 Smithe:

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

See also Conditions A1.3.1, A1.3.2 and A2.3.1, A2.3.2.

NOTIFICATION

Three signs were erected on the site on February 16, 2006. On February 21, 2006, 2,057 letters were sent to neighbouring property owners advising them of the application.

Three responses were received, all opposed to the proposal. Reasons cited were concerns about:

- Increased density in an already overcrowded area;
- View blockage for those living in nearby buildings;
- Lack of green space in the area. Some felt the site should be developed as park land;
- Increased air pollution, caused by decreased air flow as the number of high-rises increases;

Staff Response

The question of density, height and character were determined at the rezoning stage and only minor variations to the form of development have been introduced since rezoning, where a public consultation process was undertaken and the form of development was approved in principle by Council. The residential towers have increased their separation and their height has been reduced by approximately three storeys as a result of the conditions of rezoning. These changes represent an improvement to some private views from residential towers to the south of the proposed development and a better relationship of the buildings with their immediate context.

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 the CD-1 By-law (442), it requires decisions by the Development Permit Board. With respect to the decision by the Development Permit Board, the application requires the Development Permit Board to exercise discretionary authority as delegated to the Board by Council.

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.

Staff Committee reviewed this application on two occasions, noting that it required additional clarification on the intent of any public parking requirement from the rezoning.

The Committee notes that the scale and accuracy of the applicant’s model made review of the project difficult.

The Committee understands that consolidation of the two sites is not intended, and is satisfied that the project at 565 Smithe Street can operate fully independently, while the project at 535 Smithe Street relies on the four bridges of the lane to utilize the public parking.

B. Boons
Chair, Development Permit Staff Committee

F. Molina
Development Planner

J. Kujala
Project Coordinator

Project Facilitator: V. Potter

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS -535 Smithe - DE409900

The following is a list of conditions that must also be met prior to issuance of the Development Permit.

A1.1 Standard Conditions

A1.1.1 submission of complete and fully-dimensioned plans; including all exterior dimensions of the building, interior dimensions of rooms, and all in-suite storage rooms;

Note to Applicant: Ensure all plans and elevations match, including landscape plans. Confirm floor plans, elevations and sections indicate all canopies, as well as elevations for all floors, roof slabs, parapets, rooftop screens and architectural appurtenances, as related to the existing grades on site. Add dimensions from overlays directly onto plans. Add all site dimensions to the site plan, as well as all setback dimensions to the uppermost rooftop levels, and to the rooftop architectural appurtenances.

A1.1.2 confirmation of the floor area proposed;

Note to Applicant: Floor areas are to be measured to the outside of all exterior walls and must include all exterior structural walls and columns (including all those projecting beyond the exterior wall structure), structural walls adjacent to excludable areas such as open-to-below areas as well as all mechanical, heating and electrical equipment floor areas above grade (including related ductwork), and all garbage/recycling rooms. Floor areas for ancillary off-street parking spaces provided above grade will be calculated the same as all other floor areas, and not at a decreased rate. Note changes to floor areas must be reviewed to ensure continued compliance with the provisions of the Parking By-law. Please contact the Project Coordinator directly to review overlay requirements. Update the statistics page, clearly identifying the floor areas for each separate use, including Retail or Office uses. Also include all dwelling unit gross floor areas (which includes all walls, common circulation areas, in-suite residential storage rooms, etc.).

A1.1.3 confirmation of compliance with in-suite bulk storage guidelines;

Note to Applicant: The total area of storage rooms exceeding 3.7 m² (40 sq.ft.) will be included in floor area calculations. The bulk storage space can not be part of, or adjunct to, any other closet in the unit and access to all storage rooms must be provided from a common corridor (not from kitchens, for example). Refer to Administration "Bulk Storage - Residential Developments" for further information.

A1.1.4 confirmation of compliance with the requirements of Administration Bulletin "Floor Space Exclusion For Additional Wall Thickness To Control Building Envelope Leaks;"

Note to Applicant: Exclusion of the wall thickness that is in excess of 152 mm is permitted as recommended by a Building Envelope Professional, to a maximum exclusion of 152 mm. For further details and specifications, refer to the Council-approved Administration Bulletin "Floor Space Exclusion For Additional Wall Thickness To Control Building Envelope Leaks."

A1.1.5 design development to inset enclosed balconies, eliminating the need to access open balconies from enclosed balconies. Additional details of balcony enclosures are also required, including confirmation of the floor surface for the enclosed balconies, and that exterior windows are operable;

Note to Applicant: To qualify for an exclusion from floor area calculations, an enclosed balcony must be a distinct space separated from the remainder of the dwelling unit by walls, glass, and glazed doors [hinged or sliding], have an impervious floor surface, a flush threshold at the bottom of the door [for disabled access], large, openable windows for ventilation, and distinct exterior architectural expression. In addition, each dwelling unit should have no more than one enclosed balcony, and all balconies, both open and enclosed, should be clearly identified on the floor plans. Notation should also be made on the plans stating: "All enclosed balconies shall be designed and constructed in accordance with the Council-approved Balcony Enclosure Guidelines."

A1.1.6 details and sections confirming glazing for all interior bedrooms as being clear, floor to ceiling, and transparent;

A1.1.7 confirm that all live-work units have been designed to meet the most stringent aspects of all related major occupancies in the Vancouver Building By-law, to the satisfaction of the Director of Planning and Chief Building Official;

A1.1.8 confirmation of location of all ancillary off-street parking spaces for each proposed use;

Note to Applicant: Clearly identify which parking spaces have been allocated for each use, both on plans and in the statistics sheet. See also Standard Condition A1.1.2 for floor area calculation for ancillary off-street parking spaces provided above grade.

A1.1.9 approval and enactment by City Council of amendments to the text of CD-1 By-law No. 9190, related to:

- the exclusion of areas related to machine rooms, elevator overruns and architectural appurtenances from the calculation of height; and
- the exclusion of areas related to mechanical equipment and ductwork located at or below grade, from the calculation of floor space.

Note to Applicant: These amendments have been initiated by staff. The report to City Council has been referred to a Public Hearing on May 16, 2006.

A1.1.10 submission of a letter of undertaking, signed by the property owners regarding the furnishing and availability for use of both amenity areas by all occupants of the building, refer to Administration Bulletin "Amenity Areas - Excluded From Floor Space Ratio" for further information.

A1.1.11 label all Class A bicycle spaces for commercial uses;

Standard Landscape Conditions

A1.1.12 provision of a detail drawing of the paving pattern for the lane, including the building entrances and loading zone, showing the proposed paving pattern, materials and colours.

Note to Applicant: The pattern for the lane itself should be simple enough that road work and paving repairs can easily replicate the pattern;

A1.1.13 relocate the parkade intake vent out of the south west sidewalk corner, in order to allow a clear and unimpeded path for pedestrians; and relocate the parkade intake vent away from

the Richards Street entrance to the retail unit entrance located in the south east corner, and closer to the building;

Note to Applicant: Mechanical equipment including any emergency generator, exhaust or intake ventilation, electrical substation and gas meters should be integrated and fully screen in a manner that minimizes their visual and acoustic impact on the building's open space and the Public Realm;

- A1.1.14 design development to the outdoor amenity space to animate the garden terraces through additional programming and by providing a hierarchy of spaces;

Note to Applicant: Consideration should be given to providing seating, trellises and other outdoor amenities that would offer a variety and quality of environments for use at different times of the day.

- A1.1.15 provision of additional Landscape Plans is required to show the proposed planting for the parkade level planters at the lane edge, and fence details and light fixtures for the outdoor amenity area on level 5 of the tower;

Note to Applicant: Consideration should be given to providing a few vines that will drape down the inside space of the artium for a longer distance than Winter Jasmin (*Jasminum humila*). Irrigation is required for parkade level planters. A notation to this effect should be added to the landscape Plans.

- A1.1.16 provision of an irrigation system for common areas, roof decks, and patios. Hose bibs are to be provided and noted on drawings;

Note to Applicant: The applicant's response to rezoning conditions indicates hosebibs have been provided, but none can be located on the plans. 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)

- A1.1.17 design development to the underground residential parking to improve security and visibility;

Note to Applicant: The concealed stairs that connect the split levels should be fully visible through the use of open handrails and relocating storage and other uses that create a concealment. The underside of stairs at the bottom level should be blocked in. Provide full glazed doors at exit stairs as a minimum to provide visibility.

- A1.1.18 design development to reduce opportunities for mischief in alcoves on the street and lane;

Note to Applicant: This can be achieved by reconfiguring the exit corridor and by minimizing depth to minimum door swings. Doors may swing a maximum of 12" over the lane.

- A1.1.19 provision of a safety and security report by a licensed security professional for the proposed shared use of the circulation for public parking and the micro office;
-

Social Planning/Housing Centre/ Cultural Affairs

A1.1.20 design development to the "amenity/yoga area" on the north side of the L5 level, to accommodate an indoor children's play area, and provision of a secure (fenced) outdoor equipped children's play area with a resilient play surface located to maximize visual surveillance from the amenity room/play area (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.

Note to applicant: 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 at: <http://vancouver.ca/commsvcs/guidelines/C017.pdf>)

Sustainability

A1.1.21 commitment to achieving six of the eight possible credits currently identified as "?" on the LEED Canada NC 1.0 Project Check List attached to the submitted materials;

A1.1.22 consideration to achieve a minimum of two credits (identified as "?" under Credit 1, Optimizing Energy Performance, as part of the Energy & Atmosphere section of the LEED Canada-NC 1 Project Check List);

A1.2 Standard Engineering Conditions

A1.2.1 arrangements for the demountable bridges over the lane to the satisfaction of the General Manager of Engineering Services & the Director of Legal Services, in order to allow for removal of the No Development Covenant condition;

A1.2.2 expressly state the minimum clearance from the finished lane surface to the lowest underside points of the bridge on all appropriate plans -- a 16.5 foot minimum clearance is required (this dimension is alluded to only on the reflected ceiling plan, page A401);

A1.2.3 clarification of design details for the removable glass screens on the Smithe Street façade (only) of the lane bridges;

Note to Applicant: Four separate, open, screens to a height of a standard vehicle are supportable; however, an enclosed, roofed structure is not.

A1.2.4 arrangements to the satisfaction of the General Manager of Engineering Services for the release of the following Easement & Indemnity agreements on title:

a) Charge 503057M (6 commercial crossings);

Note to applicant: the arrangements are to be secured prior to development permit issuance, with the release of the charge being required prior to occupancy.

b) Charge GC64955 (vehicle overpasses);

Note to applicant: the arrangements are to be secured prior to development permit issuance, with the release of the charge being required prior to any construction beyond excavation and

shoring (only) permit. Confirmation by Streets Administration that all annual fees due are not in arrears will be required prior to release.

A1.2.5 arrangements to the satisfaction of the General Manager of Engineering Services for the special lane treatment & a maintenance agreement;

A1.2.6 provision of adequate inside turning radii for two-way traffic flow for the underground parking entry ramp of the Richards Street tower;

Note to applicant: With the proposed ramp and aisle widths, a 6'X6' corner cut is required for the right angle turn of the ramp followed by a 4'X4' corner cut at the bottom of the ramp.

A1.2.7 provision of adequate manoeuvring aisle widths;

Note to applicant: See stalls #59 on P-2 and P-3 and 61 on P-4 of the Richards tower underground parking.

A1.2.8 provision of improved radius at parking exit to reduce vehicular inter-locking and provide improved two-way traffic flow;

Note to applicant: This involves setting back the wall, between the loading space and ramp access, a minimum of 3 feet.

A1.2.9 provision of section through portion of parkade where full size vehicles are located to determine vertical clearance;

Note to applicant: Sections 1/A301 and 1/A303 show dropped clearance over small car stalls (under trees of Richards St. setback) which are supported but do not show what happens with full size cars.

A1.2.10 provision of on-site loading service corridors from loading spaces to commercial retail units;

A1.2.11 provision of adequate stall widths;

A1.2.12 provision of minimum 12.5' vertical clearance under coffers and hanging lanterns for truck clearance;

Note to applicant: Detail Section 4/A303 scales at 12'.

A1.2.13 clarification of various stairways and related corridor connections;

Note to applicant: For example, stairways and corridors from ground level area of Seymour residential parking entry and commercial loading facility do not show connections correctly.

A1.2.14 arrangements to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services to ensure that the majority of the public parking is available for short-term transient use and not for employees;

A1.2.15 submission of a canopy application directly to Engineering Services;

A1.2.16 provision of downtown south sidewalk treatments adjacent site. Forward a copy of the landscape plan directly to Engineering for review;

A1.2.17 deletion of reference to building grades for elevations at curb line around the site and on centre-line of lane, which are applicant-surveyed grades. (Ground floor and landscape plans);

A1.2.18 provision of additional design elevations in lane at walkway entrance on east side, north side of loading bay and correct design elevation at northerly exit from 82' 3" to 82' 10". On Smithe Street, design elevations required on east side of entry foyer to Richards Tower. (See ground floor plan marked in red);

A1.2.19 provision of separated residential and commercial garbage/recycling facilities;

Note to Applicant: 7 - 5' x 8' spaces for garbage plus recycling space is required for the residential component. 2 - 5' x 8' spaces required for commercial component.

A1.2.20 provision of small car ratio is not to exceed 25% in the above-grade public parkade;

Note to applicant: Small car ratio as shown exceeds 32%.

A1.3 Standard Vancouver Coastal Health Authority Conditions

A1.3.1 provision of a letter from an acoustical consultant 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;

A1.3.2 written confirmation on the plans that the acoustical measures recommended in the acoustic report submitted by BKL Acoustics on November 14, 2005 will be incorporated in the final design and construction;

B1.1 Standard Notes to Applicant

- B1.1.1 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 April 26, 2006. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B1.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **November 8, 2006**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B1.1.3 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.
- B1.1.4 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.
- B1.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.
- B1.1.6 An erosion and sediment control plan is required for Environmental Protection review and approval at the related Building Permit Application stage.
- B1.1.7 The applicant is advised to note that a development permit cannot be issued for this application until the heritage density donor site has fulfilled conditions of transfer.

B1.2 Conditions of Development Permit:

- B1.2.1 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.
- B1.2.2 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.
- B1.2.3 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.
- B1.2.4 Amenity areas/common 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 of the building
-

AND

Further, the amenity spaces and facilities approved as part of this Development Permit shall be provided and thereafter be permanently maintained for use by residents/users/tenants of this building complex.

- B1.2.5 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
 - B1.2.6 All approved street trees shall be planted in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
 - B1.2.7 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 (535 Smithe, DE409900)

The following comments are based on the preliminary drawings prepared by Merrick Architecture dated Jan. 16, 2006 for the proposed development permits. This is a preliminary review in order to identify issues which do not comply with the VBBL #8057. The review includes Subsection 3.2.5. "provisions for fire fighting".

1. Building construction is required to be noncombustible.
2. Highrise building and VBBL 3.2.6. requirements for high buildings apply to the entire building.
3. Areas of refuge shall be provided for the required accessible floor areas to conform to 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, residential garbage, amenity, meeting rooms, outdoor amenity reflecting pool, etc.
5. *The building is required to meet Enhanced Accessibility provisions.
6. *At least 2 exits, remote from each other, are required from the storage garage areas where security gate is provided.
7. At least 2 accessible paths of travel to 2 separate exits are required from the parking floors containing stalls for persons with disability.
8. Storage garage security shall conform to 3.3.6.7.
9. *Distance between exits shall be at least half the diagonal of the floor area, but not be less than 9 meters, in floor areas without public corridors.
10. Public parking disabled stalls to be provided close to the accessible elevators.
11. * Public corridor with an exit at each end is required from the individual commercial suites.
12. A toilet room which is accessible from all commercial suites is required.
13. * Dead end public corridors shall not exceed 6 m in length.
14. * Additional exit is required from parking level 4.5
15. * Buildings and bridge divided by property lines require firewalls or party walls per 2.1.7.3.
16. * Maximum travel distance from an exit through a lobby is 15 m.

*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.

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS - 565 Smithe Street - DE409895

The following is a list of conditions that must also be met prior to issuance of the Development Permit.

A2.1 Standard Conditions

A2.1.1 submission of complete and fully-dimensioned plans; including all exterior dimensions of the building, interior dimensions of rooms, and all in-suite storage rooms;

Note to Applicant: Ensure all plans and elevations match, including landscape plans. Confirm floor plans, elevations and sections indicate all canopies, as well as elevations for all floors, roof slabs, parapets, rooftop screens and architectural appurtenances, as related to the existing grades on site. Add dimensions from overlays directly onto plans. Add all site dimensions to the site plan, as well as all setback dimensions to the uppermost rooftop levels, and to the rooftop architectural appurtenances.

A2.1.2 confirmation of the floor area proposed;

Note to Applicant: Floor areas are to be measured to the outside of all exterior walls and must include all exterior structural walls and columns (including all those projecting beyond the exterior wall structure), structural walls adjacent to excludable areas such as open-to-below areas as well as all mechanical, heating and electrical equipment floor areas above grade (including related ductwork), and all garbage/recycling rooms. Floor areas for ancillary off-street parking spaces provided above grade will be calculated the same as all other floor areas, and not at a decreased rate. Note changes to floor areas must be reviewed to ensure continued compliance with the provisions of the Parking By-law. Please contact the Project Coordinator directly to review overlay requirements. Update the statistics page, clearly identifying the floor areas for each separate use, including Retail or Office uses. Also include all dwelling unit gross floor areas (which includes all walls, common circulation areas, in-suite residential storage rooms, etc.).

A2.1.3 confirmation of compliance with in-suite bulk storage guidelines;

Note to Applicant: The total area of storage rooms exceeding 3.7 m² (40 sq.ft.) will be included in floor area calculations. The bulk storage space can not be part of, or adjunct to, any other closet in the unit and access to all storage rooms must be provided from a common corridor (not from kitchens, for example). Refer to Administration "Bulk Storage - Residential Developments" for further information.

A2.1.4 confirmation of compliance with the requirements of Administration Bulletin "Floor Space Exclusion For Additional Wall Thickness To Control Building Envelope Leaks;"

Note to Applicant: Exclusion of the wall thickness that is in excess of 152 mm is permitted as recommended by a Building Envelope Professional, to a maximum exclusion of 152 mm. For further details and specifications, refer to the Council-approved Administration Bulletin "Floor Space Exclusion For Additional Wall Thickness To Control Building Envelope Leaks."

A2.1.5 confirmation of location of all ancillary off-street parking spaces for each proposed use;

Note to Applicant: Clearly identify which parking spaces have been allocated for each use, both on plans and in the statistics sheet. See also Standard Condition A1.1.2 for floor area calculation for ancillary off-street parking spaces provided above grade.

A2.1.6 approval and enactment by City Council of amendments to the text of CD-1 By-law No. 9190, related to:

- the exclusion of areas related to machine rooms, elevator overruns and architectural appurtenances from the from the calculation of height; and
- the exclusion of areas related to mechanical equipment and ductwork located at or below grade, from the calculation of floor space.

Note to Applicant: These amendments have been initiated by staff. The report to City Council has been referred to a Public Hearing on May 16, 2006.

A2.1.7 submission of a letter of undertaking, signed by the property owners regarding the furnishing and availability for use of both amenity areas by all occupants of the building, refer to Administration Bulletin "Amenity Areas - Excluded From Floor Space Ratio" for further information;

A2.1.8 correctly identify all Class A bicycle spaces for commercial uses;

Standard Landscape Conditions

A2.1.9 provision of a detail drawing of the paving pattern for the lane, including the building entrances and loading zone, showing the proposed paving pattern and materials.

Note to Applicant: The pattern for the lane itself should be simple enough that road work and paving repairs can easily replicate the pattern;

A2.1.10 relocate the parkade intake vent out of the south west sidewalk corner, in order to allow a clear and unimpeded path for pedestrians; and relocate the parkade intake vent away from the Richards Street entrance to the retail unit entrance located in the south east corner, and closer to the building;

Note to Applicant: Mechanical equipment including any emergency generator, exhaust or intake ventilation, electrical substation and gas meters should be integrated and fully screen in a manner that minimizes their visual and acoustic impact on the building's open space and the Public Realm;

A2.1.11 provision of additional Landscape Plans is required to show the proposed planting for the parkade level planters at the lane edge and fence details and light fixtures for the outdoor amenity area on level 5 of the tower;

Note to Applicant: Consideration should be given to providing a few vines that will drape down the inside space of the atrium for a longer distance than Winter Jasmin (*Jasminum humila*). Irrigation is required for parkade level planters. A notation to this effect should be added to the landscape Plans.

A2.1.12 provision of an irrigation system for common areas, roof decks, and patios. Hose bibs are to be provided and noted on drawings;

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)

A2.1.13 design development to the underground residential parking to improve security and visibility;

Note to Applicant: The concealed stairs that connect the split levels should be fully visible through the use of open handrails and relocating storage and other uses that create a concealment. The underside of stairs at the bottom level should be blocked in. Provide full glazed doors at exit stairs as a minimum to provide visibility.

A2.1.14 design development to reduce opportunities for mischief in alcoves on the street and lane;

Note to Applicant: This can be achieved by reconfiguring the exit corridor and by minimizing depth to minimum door swings. Doors may swing a maximum of 12" over the lane.

A2.1.15 provision of a safety and security report by a licensed security professional for the shared use of the circulation for public parking and the micro office;

Social Planning/Housing Centre/ Cultural Affairs

A2.1.16 design development to the "amenity/yoga area" on the north side of the L5 level to accommodate an indoor children's play area, and provision of a secure (fenced) outdoor equipped children's play area with a resilient play surface located to maximize visual surveillance from the amenity room/play area (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.

Note to applicant: 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 at: <http://vancouver.ca/commsvcs/guidelines/C017.pdf>

Sustainability

A2.1.17 commitment to achieving six of the eight possible credits currently identified as "?" on the LEED Canada NC 1.0 Project Check List attached to the submitted materials;

A2.1.18 consideration to achieve a minimum of two credits (identified as "?" under Credit 1, Optimizing Energy Performance, as part of the Energy & Atmosphere section of the LEED Canada-NC 1 Project Check List);

A2.2 Standard Engineering Conditions

A2.2.1 arrangements for the demountable bridges over the lane to the satisfaction of the General Manager of Engineering Services & the Director of Legal Services, to satisfy this removal of the No Development Covenant condition;

A2.2.2 expressly state the minimum clearance from the finished lane surface to the lowest underside points of the bridge on all appropriate plans -- a 16.5 foot minimum clearance is required (this dimension is alluded to only on the reflected ceiling plan, page A401);

A2.2.3 clarification of design details for the removable glass screens on the Smithe Street façade (only) of the lane bridges;

Note to Applicant: Four separate, open, screens to a height of a standard vehicle are supportable; however, an enclosed, roofed structure is not.

A2.2.4 deletion of the metal cornice above the podium level encroaching over Seymour Street must be deleted, as indicated in the rezoning conditions;

A2.2.5 arrangements to the satisfaction of the General Manager of Engineering Services for the release of the following Easement & Indemnity agreements on title:

a) Charge 460405M (two gasoline tanks on the north side of Smithe Street, east of Seymour Street).

Note to applicant: removal of the two gas tanks is to be completed prior to any new construction above grade, however a plan and security to ensure removal of the tanks is required prior to issuance of any development permit. Contact Bill Moloney, Utilities Management Branch, for details on the decommissioning requirements. A copy of the plan accompanying the Easement & Agreement on deposit at the Land Titles Office should be forwarded to Mike Thomson, City Surveyor and Bill Moloney.

b) Charge 7762M (commercial crossing, east side of Seymour Street);

Note to applicant: the arrangements are to be secured prior to development permit issuance, with the release of the charge being required prior to occupancy.

c) Charge 503057M (6 commercial crossings);

Note to applicant: the arrangements are to be secured prior to development permit issuance, with the release of the charge being required prior to occupancy.

d) Charge GC64955 (vehicle overpasses);

Note to applicant: the arrangements are to be secured prior to development permit issuance, with the release of the charge being required prior to any construction beyond excavation and shoring (only) permit. Confirmation by Streets Administration that all annual fees due are not in arrears will be required prior to release.

A2.2.6 arrangements to the satisfaction of the General Manager of Engineering Services for the special lane treatment & a maintenance agreement;

A2.2.7 provision of design elevations at all breakpoints of parking entry ramp from Seymour Street;

Note to applicant: Conflict in ramp notations; Level one ground plan indicates 15% ramp grade and level two plan indicates 12.5% grade for same section of ramp.

A2.2.8 provision of an adequate turning radius at top of public parking entry ramp from Seymour Street for two-way traffic flow;

Note to applicant: A corner cut is required and a properly located center line to guide ingressing motorist to prevent interlocking at top of ramp.

A2.2.9 provision of improved turning radius at the T-intersection of the Seymour Street tower portion of the public parkade for reduced interlocking as motorist access the different levels of the Seymour parkade;

Note to applicant: The entrance and structure of the vestibule for the public parking and office elevator obstructs the outside turning radius of egressing vehicles.

A2.2.10 provision of adequate stall lengths for parking stalls located in the north-west corner of the Seymour tower portion of the public parkade on all levels;

A2.2.11 provision of small car ratio is not to exceed 25% in the above-grade public parkade;

Note to applicant: Small car ratio as shown exceeds 60%.

A2.2.12 provision of increased corner cut at parking exit from residential parkade to provide adequate two-way traffic flow;

Note to applicant: This involves a minor change to the wall of the stairway access.

A2.2.13 provision of on-site loading service corridors from loading spaces to commercial retail units;

A2.2.14 provision of adequate stall widths;

A2.2.15 provision of minimum 12.5' vertical clearance under coffers and hanging lanterns for truck clearance;

Note to applicant: Detail Section 4/A303 scales at 12'.

A2.2.16 clarification of various stairways and related corridor connections;

Note to applicant: For example, stairways and corridors from ground level area of Seymour residential parking entry and commercial loading facility do not show connections correctly.

A2.2.17 arrangements to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services to ensure that the majority of the public parking is available for short-term transient use and not for employees;

A2.2.18 submission of a crossing application directly to Engineering Services is required;

A2.2.19 submission of a canopy application directly to Engineering Services is required;

A2.2.20 provision of downtown south sidewalk treatments adjacent site;

Note to Applicant: Forward a copy of the landscape plan directly to Engineering for review.

A2.2.21 deletion of reference to building grades for elevations at curb line around the site and on centre-line of lane, which are applicant-surveyed grades. (Ground floor and landscape plans);

A2.2.22 provision of additional design elevations in the lane adjacent commercial garbage and at access to Seymour Tower. On Seymour design elevations are required at exit and on both sides of crossing. (See ground floor plan marked in red);

A2.2.23 provision of adequate garbage storage;

Note to Applicant: Residential requires space for 4 - 5' x 8' containers plus recycling.
Commercial requires a minimum of 2 - 5' x 8' spaces.

A2.3 Standard Vancouver Coastal Health Authority Conditions

A2.3.1 provision of a letter from an acoustical consultant 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;

A2.3.2 written confirmation on the plans that the acoustical measures recommended in the acoustic report submitted by BKL Acoustics on November 14, 2005 will be incorporated in the final design and construction;

A2.4 Standard Licenses & Inspections (Environmental Protection Branch) Conditions:

A2.4.1 completion of all soil-related requirements registered under the No Development Covenant for this site;

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B2.1 Standard Notes to Applicant

- B2.1.1 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 April 26, 2006. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B2.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **November 8, 2006**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B2.1.3 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.
- B2.1.4 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.
- B2.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.
- B2.1.6 The applicant is advised to note that a development permit cannot be issued for this application until the heritage density donor site has fulfilled conditions of transfer.

B2.2 Conditions of Development Permit:

- B2.2.1 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.
- B2.2.2 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.
- B2.2.3 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.
- B2.2.4 Amenity areas/common 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 of the building
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AND

Further, the amenity spaces and facilities approved as part of this Development Permit shall be provided and thereafter be permanently maintained for use by residents/users/tenants of this building complex.

- B2.2.5 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
 - B2.2.6 All approved street trees shall be planted in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
 - B2.2.7 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 Merrick Architecture dated Jan. 16, 2006 for the proposed development permits. This is a preliminary review in order to identify issues which do not comply with the VBBL #8057. The review includes Subsection 3.2.5. "provisions for fire fighting".

1. Building construction is required to be noncombustible.
2. Highrise building and VBBL 3.2.6. requirements for high buildings apply to the entire building.
3. Areas of refuge shall be provided for the required accessible floor areas to conform to 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, residential garbage, amenity, meeting rooms, outdoor amenity reflecting pool, etc.
5. *The building is required to meet Enhanced Accessibility provisions.
6. *At least 2 exits, remote from each other, are required from the storage garage areas where security gate is provided.
7. At least 2 accessible paths of travel to 2 separate exits are required from the parking floors containing stalls for persons with disability.
8. Storage garage security shall conform to 3.3.6.7.
9. *Distance between exits shall be at least half the diagonal of the floor area, but not be less than 9 meters, in floor areas without public corridors.
10. Public parking disabled stalls to be provided close to the accessible elevators.
11. * Public corridor with an exit at each end is required from the individual commercial suites.
12. A toilet room which is accessible from all commercial suites is required.
13. * Dead end public corridors shall not exceed 6 m in length.
14. * Additional exit is required from parking level 4.5
15. * Buildings and bridge divided by property lines require firewalls or party walls per 2.1.7.3.
16. * Maximum travel distance from an exit through a lobby is 15 m.

*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.
