#### CITY OF VANCOUVER COMMUNITY SERVICES GROUP

# DEVELOPMENT PERMIT STAFF COMMITTEE REPORT MAY 18, 2011

FOR THE DEVELOPMENT PERMIT BOARD JUNE 13, 2011

# 538 WEST 7<sup>TH</sup> AVENUE (COMPLETE APPLICATION) DE414388 - ZONE C-3A

DM/MS/DA/LH

# DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

# Present:

- J. Greer (Chair), Development Services
- R. Thé, Engineering Services
- L. Gayman, Real Estate Services
- C. Tapp, Social Planning
- D. Naundorf, Housing Centre
- T. Driessen, Park Board

# APPLICANT/PROPERTY OWNER:

Mr. Grant Lin Yuanheng West 7th Development Ltd. #608-650 W 41st Avenue Vancouver, BC V5Z 2M9

# Also Present:

- D. Morgan, Urban Design & Development Planning
- M. So, Development Services

D. Autiero, Development Services

# ARCHITECT

W.T. Leung Architects Suite 300 - 973 W. Broadway Street Vancouver, B.C. V5Z 1K3

# EXECUTIVE SUMMARY

• **Proposal:** To construct a mixed use commercial/residential building containing commercial uses on the ground floor and 51 units on the second through ten floors and two levels of underground parking room the lane. The project is seeks a 10% Heritage Density Transfer (3,860.8 sq. ft.) from donor sites 135 Keefer Street and 163 W. Hastings Street.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit Appendix C Processing Centre - Building comments Appendix D Plans and Elevations Appendix E Applicant's Design Rationale

# • Issues:

- 1. Upper Massing
- 2. Public Realm Treatment
- Urban Design Panel: Support

# DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE414388 submitted, the plans and information forming a part thereof, thereby permitting the development of a mixed use commercial/residential building containing commercial uses on the ground floor and 51 units on the second through ten floors and two levels of underground parking from the lane, subject to the following conditions:

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

1.1 design development to reduce building bulk and improve the skyline profile, shaping and tapering the top floors of the upper massing;

**Note to Applicant:** Upper massing reconfiguration is to be achieved through a reduction in floor area to conform to Standard Condition A.1.1.

- 1.2 design development to improve the public realm along W 7<sup>th</sup> Avenue and associated commercial space in the following manner:
  - 1.2.1 lower the entry level of the commercial unit #530 so it is level with the grade of the sidewalk;

**Note to Applicant:** Entry doors should be at sidewalk level to allow good connectivity to the street, avoiding physical and visual barriers between the street and the commercial frontage. Remove or internalize exterior ramps and stairs. (See Design Condition 1.2.3) In consultation with the City Engineer, consider further modifications to the parking ramp slope to enable a lower floor slab.

1.2.2 increase the floor to floor height of the ground level commercial unit #530, by approximately 5 ft (1.5m);

**Note to Applicant:** The minimum final floor to floor height should be approximately 16 ft (4.87 m). The extra height can be achieved by removing or relocating  $2^{nd}$  floor residential units.

1.2.3 remove all above grade structures between the building frontage and the property line;

**Note to Applicant:** The ramp structure and large planters create physical and visual barriers between the street and the commercial frontage. Planters need to be in ground and level with the sidewalk, lowering the parking slab as required. (See Landscape Condition #A.1.14)

1.2.4 reduce the depth of the entryway for commercial unit #530, while maintaining a smooth transition between varying building setbacks of the adjacent context;

**Note to Applicant:** The recessed entryway appears too private and at odds with the public realm objectives of C-3A Design Guidelines for commercial uses.

1.2.5 extend and enlarge the windows of the commercial unit # 530; and

**Note to Applicant:** The commercial frontage needs greater transparency as seen from the street and more opportunities for greater connectivity with the

public realm, providing an interesting and varied pedestrian experience. Commercial windows should be as large and transparent as possible, avoiding small residential sized windows. Consider incorporating operable windows to allow terrace seating area at the street edge.

1.2.6 provide more weather protection along the building frontage;

**Note to Applicant:** The objective is to provide enough weather protection to make the pedestrian experience more comfortable in wet weather. A Canopy Application will be required if weather protection encroaches on City property.

- 1.3 design development to address livability for the following conditions:
  - 1.3.1 improve neighbourliness, reducing and pulling back the roof top terraces from the parapet edge to avoid direct overlook of the open balconies below at the 10<sup>th</sup> floor level; and
  - 1.3.2 add weather protection for the open 10<sup>th</sup> floor balconies.
- 2.0 That the conditions set out in Appendix A be met prior to the issuance of the Development Permit.
- 3.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.

# • Technical Analysis:

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size <sup>1</sup>			117.1 ft. x 109.9 ft.
Site Area <sup>1</sup>			12,869.3 sq. ft.
Floor Area <sup>2</sup>	Overall         38,607.9 sq. ft.           Heritage Density         Transfer (10%) <u>3,860.8 sq. ft.</u> Total		Commercial         5,004.7 sq. ft.           Residential         37,645.5 sq. ft.           Heritage Density         3,860.8 sq. ft.           Total         46,511.0 sq. ft.
FSR <sup>2</sup>	Overall3.00 FSRHeritage DensityTransfer (10%)O.30 FSRTotal3.30 FSR		Commercial0.39 FSRResidential2.92 FSRHeritage Density Transfer(resid)(resid)0.30 FSRTotal3.61 FSR
Balconies <sup>3</sup>	Enclosed         1,660.3 sq. ft.           Total         3,320.5 sq. ft.		Open         1,889.8 sq. ft.           Enclosed         1,576.2 sq. ft.           Total         3,466.0 sq. ft.
Height	Outright 30.2 ft Conditional unspecified		Top of Parapet Wall92.06 ft.Top of Guardrail95.30 ft.Top of Elev. Mach. Rm.99.69 ft.
Horizontal Angle of Daylight <sup>4</sup>		Habitable rooms shall have at least one window which is located so that a plane or planes extending from the 50 degrees, or two angles with a sum of 70 degrees, shall be unobstructed over a distance of 78.7 ft.	Bedrooms facing the east property line between levels 3 to 5 and bedrooms facing the west property line on levels 3 and 4 do not comply.
Parking	Small Car 14 sp (25% max.)	Commercial5 spResidential49 spTotal54 sp	Commercial Standard 4 sp Small Car 0 sp Disability 1 sp Residential Standard 37 sp
			Small Car12 spDisability2 sp
			Total 56 sp
		Disability Sp.(resid.) 3 sp	Small car spaces12 spDisability spaces3 sp
Bicycle Parking		CI ACI BCommercial0 sp0 spResidential64 sp6 spTotal64 sp6 sp	CI ACI BCommercial0 sp0 spResidential65 sp6 spTotal65 sp6 sp

Loading		Comm'l Resid'l Total	CI A 0 sp <u>0 sp</u> 0 sp	CI B 1 sp <u>0 sp</u> 1 sp	-	Commercial Residential Total	CI A 0 sp <u>0 sp</u> 0 sp	CI B 1 sp <u>0 sp</u> 1 sp	CI C 0 sp <u>0 sp</u> 0 sp
Amenity	10,000 sq.ft. (max.)							922.6	sq. ft.
Unit Type						One-bedroom Two-bedroom Total		<u>17</u>	units <u>units</u> units

<sup>1</sup> Note on Site Area and Site Size: The site size and site area are based on the information provide on the submitted legal survey and City Building Grades which is inconsistent with the information provided on the Summary Data page. Standard Condition A.1.3 seeks correction on the Summary Data Page to reflect proper site size and area.

<sup>2</sup> Note on Floor Area and FSR: The Floor Area and FSR exceed the maximum conditionally permitted in C-3A District Schedule, which includes the 10% Heritage Density Transfer. The proposed floor area figure does not include the overage of open balcony areas, but it does include the bulk storage areas that do not comply with the Administrative Bulletin. Standard Condition A.1.1 seeks compliance with the maximum permitted Floor Area and FSR, and Standard Condition A.1.2 seeks the provision of a "Letter A" which identifies the donor site for the proposed heritage density.

<sup>3</sup> Note on Balconies: The total balcony area proposed exceeds the maximum permitted for exclusion from the computation of FSR. Standard Condition A.1.1 seeks compliance with the maximum permitted FSR.

<sup>4</sup> Note on Horizontal Angle of Daylight: Bedrooms on levels 3 to 5 facing the east property line and bedrooms on levels 3 and 4 facing the west property line do not comply with the Horizontal Angle of Daylight requirements. Standard Condition A.1.4 seeks an anaylsis of this regulation on the drawings, noting rooms that do not comply. Staff is prepared to support a relaxation to the Horizontal Angle of Daylight Regulations for the bedrooms facing both west and east property lines on the respective levels. (Refer to Summary of Relaxation on page15).

	RECOMMENDED	PROPOSED
Sect. 2.7 Street Trees	Tree characteristics should include one type of deciduous tree, two inch caliper minimum planted every twenty feet.	4 street trees are provided as per City of Vancouver Standards. Sidewalk treatment to conform to standard public realm treatment for commercial streets. See Standard Condition A.2.7
Sect. 2.8 Parking & Servicing	Lanes should be retained for access and truck parking.	Parking and servicing is accessed from the lane.
Sect. 2.10 Rain Protection Sect. 3.1	Buildings on both north and south sides of West Broadway should offer rain protection to pedestrians.	Not located on the Broadway arterial although more rain protection is sought along the commercial frontage. See discussion page 11, See Condition 1.2.6.
Street Wall Length & Height	Building facades should be built to the street property line. South side of the street can be continuous up to 2 storeys or 30 ft in height. South side of 8 <sup>th</sup> Avenue, (similar to 7 <sup>th</sup> Ave.) 20 ft high allowing sun to penetrate to the front yards of the housing on the north side.	Street wall is continuous, maintaining a 2 storey 20 ft height across the frontage and a partial 30 ft high wall on the eastern portion, stepping back on the $3^{rd}$ floor to improve sun access to the street. Staff consider response appropriate to the scale and well resolved. (See discussion page 10)
Sect. 3.5 Height Restrictions	Upper massing up to a maximum 120 ft, for a 100 ft frontage site (subject to meeting height restrictions as noted below) and should occupy no more than 67% of the street frontage. Higher buildings should be oriented to maximize sun penetration and views to the north. New development in the blocks between 6 <sup>th</sup> and 10 <sup>th</sup> , Heather to	The proposed height to the top of the elevator / mechanical penthouse is 99.69 ft with the top of the rooftop guardrail at 95.30 ft is less than the maximum recommended height for this area. The tower element at its maximum width is 61% of site frontage, less than the guideline's recommendations. The proposal does not exceed
	Cambie should not obstruct views of City Hall and not exceed city datum of 250 ft.	established city datum and is consistent with established view cones heights of recent development.
Sect. 3.6 Materials & Colour	The area is characterized by many lightly coloured, smooth textured finishes.	The dark brown colour of the brick is considered appropriate, given the light coloured silver metal accent panels and the need for more contextual variation.

Guideline Analysis- Central Broadwa	C 24 Urban Design Cuidelines	(Faimday, Clamps Cub Aras)
Guidenne Analysis- Central Broadwa	V C-3A Urban Desion Gundennes	(Fairview Slopes Slip-Area)

#### • Legal Description

Lot: J + KBlock: 320 District Lot: 526 Plan: 16754

#### • History of Application:

- 11 03 10 Complete DE submitted
- 11 05 04 Urban Design Panel
- 11 05 18 Development Permit Staff Committee

• Site: The site is located on the south side of the 500 block of West 7th Avenue, between Ash Street and Cambie Street. The site has a frontage of 117.03 ft. and a depth of 109.92 ft, with a level grade. The present use of the site is an auto body shop with a wide curb cut accessing the centre of the site. West 7th Avenue is a Greenway and a City Bike Route. There is a sewer easement running through the eastern half of the site and lane access dedicated from the site in 1977.

• Context: The context is varied with no particular pattern of use or building typology. Buildings typically are low and mid rise in height. Significant adjacent development includes:

- (a) 587 West 7<sup>th</sup> Avenue 8 storey Elev 116.9 FT (208.27 ft old City Datum) residential
- (b) 520 West 7<sup>th</sup> Avenue 4 storey Elev 92.3 FT (183.67 ft old City Datum) residential
  (c) 511 West 7<sup>th</sup> Avenue 4 storey Elev 94.2 FT (185.57 ft old City Datum) mixed use retail/residential
- (d) 2310 Ash Street 6 storey -Elev 139.1 FT -(230.47 ft old City Datum) retail/office
- (d) 2310 Ash Street 6 storey Elev 139.1 FT (230.47 ft old City Datum) retail/office
  (e) 555 West 8<sup>th</sup> Avenue 6 storey Elev 154.8 FT-(246.17 ft old City Datum) mixed use office/residential
  (f) 553 West 7<sup>th</sup> Avenue -7 storey Elev 74.4 FT- (165.77 ft old City Datum) residential, recently permitted



Elevations unless otherwise stated are Geodetic. To convert to the old City Datum add 91.37 ft. Note: The C-3A Guidelines reference the old City Datum Elev. 250 ft (Elev 158.63 Geodetic) to established a build to line to preserve views of City Hall.

• **Background:** During the initial enquiry staff acknowledged this block is a transitional area of uses and building heights and supported either commercial or residential uses at grade. Staff advised that the building height needed to be compatible with adjacent taller buildings and not encroach into existing views of City Hall. The upper massing should be narrow as possible to preserve views both north and southward and allow natural light onto W 7<sup>th</sup> Avenue. In 1977, the previous owner undertook a lane dedication of 10' at the rear of the site to provide future access to the site from the rear yard. At the enquiry stage, the applicant was advised that floor area would be calculated based on the post dedicated site area.<sup>2</sup>

# • Applicable By-laws, Guidelines and Official Development Plan:

- 1. C-3A District Schedule
- 2. Central Broadway C-3A Urban Design Guidelines
- 3. Central Area Plan: Goals and Land Use Policy C-3A Central Broadway
- 4. Greenhouse Gas Emission Reduction Plan

## 1. C-3A District Schedule

**Use:** Retail use is an outright approval use and residential use a conditional approval use in the C-3A District.

**Density and Height:** The outright density permitted is 1.0 FSR with a maximum conditional density of 3.0 FSR in accordance with Section 4.7 of the C-3A District Schedule. A transfer of heritage density up to 10 percent of the maximum permitted density is permitted under Section 4.7.5 of the C-3A District Schedule.

The outright height is 9.2 m (30.2 ft.). The height can be increased to a maximum which is unspecified in the District Schedule through Section 4.3 of the Zoning and Development By-law. Increases to density and height may be permitted provided the Development Permit Board first considers:

- the overall resolution of the building and its effect on the surrounding areas, including existing views;
- the amount of open space, the design and general amenity provided by the proposal;
- traffic, pedestrian amenity and livability of any dwelling uses; and
- submissions of any advisory group, property owner or tenant.

# 2. Central Broadway C-3A Urban Design Guidelines: Fairview Slopes Sub-area:

In summary, the intent of the Guidelines as they relate to this development, are:

- to encourage residential uses;
- to allow private views through thinner mid-rise and tower massing;
- to ensure that parking, loading and services are accessed from the lane system; and
- to provide street trees and continuous pedestrian weather protection.

<sup>&</sup>lt;sup>2</sup> Density rights calculated on pre dedicated site area if not realized at the time of dedication are typically not transferable to future developments.

# Figure 1 From Central Broadway C-3A Urban Design Guidelines

The suggested Guideline massing is illustrated below:



**Height Restrictions:** New development between 6<sup>th</sup> and 10<sup>th</sup> Avenue, Heather to Cambie Streets should not obstruct views of City Hall, as seen from the downtown and bridges crossing False Creek. Roof elevations should not exceed an elevation of 158.62 ft Geodetic (Elev 250 ft. Old City Datum)

- **3. Central Area Plan: Goals and Land Use Policy C-3A Central Broadway:** In summary the objectives of the Central Area Plan they relate to this application are as follows:
  - Create neighbourhoods outside the Broadway office uptown area where housing is the dominant use; and
  - Allow choice of use in limited areas in order to permit a mix of housing and office development.

**4. Greenhouse Gas Emission Reduction Plan:** On March 29, 2010, Council approved a report called "Vancouver's Community Climate Change Action Plan". The Community Climate Change Action Plan identifies policies to meet GHG emission reduction targets, including the following as they could be applied to this development application:

- smart growth land use planning;
- regulation of new building energy performance;
- neighbourhood scale renewable district energy systems;
- programs and infrastructure to support sustainable transportation; and
- programs and infrastructure to support the use of lower carbon vehicles and fuel.

## • Response to Applicable By-laws, Guidelines and Official Development Plan:

**Use:** The proposed commercial uses at grade are supportable, given the mix of uses at grade along this part of W 7th, with no prevailing pattern of use. Residential uses above the street level are considered optimum.

**Height:** The proposed height at 99.69 ft, Elev. 143.83 ft (235.2 ft old City Datum) is less than the maximum permitted height of Elev 158.63 (Elev 250 ft old City Datum) and compatible with the adjacent context of taller buildings. (See Context Map) Although marginally higher than the adjacent building to the west it is lower than the building south across the lane within the view line towards City Hall and therefore consistent with the intended lower building skyline to preserve views of City Hall and staff support the proposed height.

**Density and Massing:** The Urban Design Panel thought the massing was generally well handled given the site's height restrictions and supported the proposed density of 3.29 FSR, but expressed concern that more shaping of the upper massing would enable a still better fit, noting that as a consequence of the height restrictions to preserve City Hall views, has resulted in a more squatter looking building than would otherwise be the case. <sup>3</sup>

Staff has reviewed these suggestions and concur that further shaping of the upper massing is warranted and indeed possible, without increasing overall building height. These recommendations are provided under Design Condition 1.1.

**Material Treatment and Expression:** The proposed materials are predominately a dark chocolate coloured brick, with silver metal panel accents. The material choices are considered to be of high quality and appropriate for the building and its setting. Located mid block on a side street within a mixed context, this is essentially a background building that reinforces the overall emerging pattern of built form in the C-3A Fairview Slopes sub area.

**Public Realm & Commercial Spaces at Grade:** Public realm upgrades are to meet current city wide standards for Greenways. (See Engineering Conditions A.2.7 thru A.2.10) Staff consider the commercial spaces at grade a supportable use, however further refinement is sought to improve their overall design performance and relationship to the public realm. Clarification is sought on the actual proposed use of the commercial space, identified on the plans as either retail or office. (Standard Condition A.1.4) Design issues, as they relate to the public realm and commercial space at grade would include the following and are address under Condition 1.2:

- Floor elevation of the commercial unit #530 and exterior pedestrian ramp: The entry floor elevation of the commercial space should be level with the sidewalk grade not requiring stairs or ramps for entry access. Staff would recommend the stairs and ramp are internalized or to consider lowering the floor elevation.
- *Floor to floor height of the commercial unit #530:* At just over 11 ft floor to floor, this space is considered low for commercial uses, especially retail. Staff would recommend a minimum height increase to the floor to floor of approximately 5 ft. for a total increase to the floor to floor height of approximately 16 ft, without any increase to the overall building height.
- Large in ground planters and ramp structure: These large bulky structures interrupt a contiguous ground plane and create physical barriers between the street and the commercial frontage. (See also Landscape Condition A.1.15)
- *Deep entries:* Staff would recommend that small deeply recessed commercial entryway for commercial unit #530 be modified for a better street interface.
- *Window Expression:* The windows of the commercial unit #530 are considered too small and residential in expression and staff would recommend these be modified to better suit commercial uses.
- *Lack of weather protection:* As a general principle, continuous protection is desirable along commercial frontages for the obvious benefit of shopping and walking comfort. Staff would recommend more extensive weather protection.

<sup>&</sup>lt;sup>3</sup> Subsequent to the UDP's review, staff's technical analysis noted that the proposed density calculations were incorrectly based on the pre dedicated site area instead of the post dedicated, as was previously advised and that further reductions in floor of approximately 4,000 SF area will be required. See Technical Chart on page 4 and Standard Condition A.1.1.

**Livability:** The proposed building is carefully sited to respect adjacent buildings and to maintain adequate spatial separation between them. There is a good variety of one and two bedroom units, most with multiple orientations, good daylight access and natural ventilation. Because of the proximity to adjacent development, some of the lower bedrooms do not comply with the horizontal angle of daylight provision in the C-3A District Schedule for an unobstructed distance of 79 ft (24 m) but meet the relaxation requirement of 12 ft (3.7 m). Staff would recommend support for this relaxation.

All units have direct access to private outdoor space. Two common indoor amenity spaces have been provided; one of medium size and double height in volume and another smaller room with access to common garden plots. Privacy and overlook between units and neighbours in most part has been satisfactorily addressed with the exception of 2 balconies on the 10<sup>th</sup> floor which are exposed directly to private roof decks above. Finally, two other balconies on the 10<sup>th</sup> floor lack weather protection. These relatively minor livability issues are itemized under Condition 1.3.

**Sustainability:** This application proposes shared garden plots, exterior solar shading on the south elevation, and designated areas for recycling as part of its sustainability measures. In addition, it addresses policies identified in the Community Climate Change Action Plan to reduce green house gas emissions in the following ways:

- Further densification of urban land, up to 3.29 FSR;
- Proximity of living units to public transportation, along the Cambie and Broadway corridor;
- New development that is required to meet higher COV energy performance targets;
- Bike racks and storage as required by the Parking Bylaw; and
- Provision of future charging stations in the parking structure as required by the Parking By-Law.

• **Conclusion:** Staff consider this a well designed mid block building that will contribute positively to the streetscape and the surrounding public realm. The discretionary earning of height above 30 ft, up to 99.69 ft and increases in density from 1.0 to 3.29 FSR has been achieved in the following manner:

- redevelopment & remediation of an industrial ("brown") site, including the removal of curb cuts;
- significant public realm upgrades and "normalization" of preferred street uses, subject to Condition 1.3;
- building massing that provides a good neighbourly fit and is a positive contribution to the skyline, subject to Condition 1.1;
- high quality of livability and good variety of units;
- high quality material and expression subject to Condition 1.2

On that basis staff would recommend support of this application.

# URBAN DESIGN PANEL: Support

The Urban Design Panel reviewed this application on May 4, 2011, and provided the following comments:

# EVALUATION: SUPPORT (9-1)

**Introduction:** Dale Morgan, Development Planner, introduced the proposal in the Fairview Slopes area to construct a 10-storey building with two levels of underground parking on West 7th Avenue between Cambie and Ash Streets. Retail/commercial space is planned at grade with 51 dwelling units. He noted that the applicant is seeking a discretionary increase in height from and outright of 30 feet to 100 feet with a 10% heritage density transfer. Mr. Morgan described the context noting that the area has a mix of social housing, residential, office and commercial uses. He also noted that there were a number of concerns including some proximity issues and respect for the light well in the social housing

project so it is not shadowed. Mr. Morgan described the key aspects of C-3A as they related to the application. Originally the applicant had proposed residential at grade however any residential use in conjunction with commercial uses requires a 35 foot setback in C-3A precluding the possibility of having ground oriented residential at grade (townhouses). The applicant is proposing two commercial/retail units that are largely shaped by the location of the residential entry and the parking ramp. Mr. Morgan noted that there are no sustainable targets required in C-3A at present. Mr. Morgan stated that there are a number of issues that need to be addressed by the applicant including the height of the commercial space relative to grade, the floor to floor of 11 feet in the commercial, lack of weather protection along the street frontage, greater transparency on the commercial frontage and the colour palette for the exterior of the building.

Advice from the Panel on this application is sought on the following:

- **Density & Massing**: The application proposes a density of 3.0 FSR plus an additional 10% transfer of density from the heritage bank for a total density of 3.29 FSR. In addition there is a height limit to protect views of City Hall. Can this site absorb this extra density and is the massing well handled?
- Livability: General comments of livability with particular regard to privacy impacts related to the shared garden space. Additional comments are requested on the proposed height of the small commercial/office space with a floor to floor height of 11 feet.
- **Public Realm Treatment**: Commercial uses have been proposed for the ground level, although the context is varied with office, commercial and residential uses that transitions from the commercial precinct of Cambie Street to the residential enclave west of Ash along West 7th Avenue. The applicant has chosen commercial uses, set back from the street with the residential entry in the centre, dividing the commercial uses into two smaller units. Comments are requested on the public realm treatment interface between the commercial/retail uses and the street.
- **Material Expression**: Is the dark brick a good fit for the proposed massing relative to the surrounding context?

Mr. Morgan took questions from the Panel.

**Applicant's Introductory Comments:** Wing Ting Leung, Architect, further described the proposal noting the office building to the west basically has no street access and is about a foot above the sidewalk. He said his preference would be to have townhouses but understands that the zoning doesn't allow for commercial on one side with townhouses. The light well on the neighbouring building is unusual so they have tried to pull the building as far away as possible to get some separation.

Darren Swift, Landscape Architect, described the landscape plans noting the fairly narrow garden with screening so that the community can enjoy the space. He agreed that they would work on improving the planters along the sidewalk to get more direct access into the building.

The applicant team took questions from the Panel.

#### Panel's Consensus on Key Aspects Needing Improvement:

- Design development to the east commercial unit;
- Design development to improve the overall expression of the buildings;
- Consider the addition of outdoor amenity spaces on the tower roof;
- Consider demonstrating energy reduction intentions more clearly.

**Related Commentary:** The Panel supported the proposal and thought the density, height and massing was appropriate for the site although some of Panel members thought the density could be reduced to

improve the building's expression, and that the density proposed was what seemed to be the limit that the site could support. Their concern was related to both the perceived bulk of the tower mass as well as what was considered an abrupt resolution to the tower's top. The applicant was urged to look at measures to lighten the tower bulk at its top floors to improve how it meets the sky.

Several Panel members had some concerns regarding the retail at the eastern end of the project. It was suggested that the external expression seemed more like a townhouse expression and thought the applicant should take another look at the design. One Panel member noted that there didn't seem to be any place for signage. Also, a couple of Panel members thought the floor to floor height on the ground floor needs to go higher.

The Panel agreed that there wasn't any liveability issues considering it was an urban context. They thought there was enough amenity space that was useable. The Panel thought the public realm was a bit weak with the lack of weather protection although one Panel member thought the weather protection would be at the expense of the landscaping.

The Panel supported the dark coloured brick and thought it was a nice contrast within the frames, and the overall problematic neutral colour of the Vancouver skyline. One Panel member thought more "sparkle" and a less-predictable vocabulary could be added to the design to make a stronger contribution to the neighbourhood.

The Panel thought the planters seemed like a barrier in the public realm and should be moved to mask the ramp. One panel member suggested the applicant look at the size of the trees and the species as some of the trees might get too large for the space. The west deck seemed chopped up and other ways should be sought to improve privacy. A Panel member suggested opening up the amenity deck to the urban agriculture and another Panel member suggested greening the roof deck. As well a number of Panel members thought the tower roof could be made useable with the addition of an outdoor amenity or other uses.

Regarding sustainability, a couple of Panel members suggested in order to earn the density and height, the applicant could demonstrate energy performance strategies better in the building expression.

Applicant's Response: Mr. Leung thanked the Panel for their comments.

# ENGINEERING SERVICES

There is a sewer easement on the eastern half of the site securing access for sewer infrastructure connecting the lane and W 7th Ave. The applicant has acknowledged this and plans to relocate the sewer line to the lane to the east. Arrangements are required to reflect this change. (See Condition A2.3)

The 500 block of W 7th Ave is part of the Midtown Greenway. City wide Greenway standards are required as part of the development. (See Conditions A.2.7 through A.2.9)

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

#### SOCIAL INFRASTRUCTURE

PLAY AREA AND AMENITY ROOMS

The proposed 10 storey building on this site, includes 17 units with two or more bedrooms (33% of total units) which may be suitable for families with children. The High Density Housing for Families with Children Guidelines are therefore applicable to the plans for this site.

Consistent with the guidelines, a multi-purpose amenity room, with accessible washroom is proposed on main floor with a second smaller amenity room on the third floor. Design development is required to the proposed main floor amenity room to add a kitchenette and storage closet. (See Standard Condition A.1.16) The third floor amenity room is adjacent to and provides overlook of an outdoor semi-private amenity area. Design development is needed to this outdoor amenity area to include an area suitable for a range of children's play activity. Play equipment is not required for the children's play area, but a soft surface play area and creative landscape/play features (such as balancing logs and boulders, a small/tangible water stream or feature, creative motor-skills developing features etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged. (See Standard Condition A.1.17)

## URBAN AGRICULTURE

The City of Vancouver Food Policy identifies environmental and social benefits associated with urban agriculture and seeks to encourage opportunities to grow food in the city. The "Urban Agriculture Guidelines for the Private Realm" encourage edible landscaping and shared gardening opportunities in private developments. Plans for 538 West 7th Avenue include garden plots. To meet the intent of the Urban Agriculture Guidelines for the Private Realm, design development is needed to include edible landscaping and to include the necessary supporting infrastructure, such as a compost bin, tool storage, hosebibs and a potting bench. (see Standard Condition A.1.18)

# 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.

# NOTIFICATION

On April 19, 2011, 393 notification postcards were sent to neighbouring property owners advising them of the application, and offering additional information on the city's website.

There was one formal response to the notification, which raised concerns of the notification process as they had submitted a letter of opposition to a previous application and they felt that their comments were either ignored or dismissed as the proposal received approval.

# DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law [and Official Development Plan *(if applicable)*] it requires decisions by both the Development Permit Board and the Director of Planning.

With respect to the decision by the Development Permit Board, it requires the Board to consider a Bylaw relaxation, per Section 4.10 [Horizontal Angle of Daylight] of the By-law. The Staff Committee supports the relaxations proposed.

> J. Greer Chair, Development Permit Staff Committee

D. Morgan Development Planner

M. So Project Coordinator

Project Facilitator: D. Autiero

#### DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

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

#### A.1 Standard Conditions

#### **Standard Technical Conditions**

A.1.1 compliance with Section 4.7.1 – Floor Space Ratio, of the C-3A District Schedule of the Zoning and Development By-law;

**Note to Applicant:** The proposed floor area exceeds the maximum conditionally permitted, which includes the 10% Heritage Density Transfer. The total proposed balconies exceed the maximum eligible for exclusion from FSR. Floor areas that have been labeled bulk storage, but do not comply with the minimum 201.3  $\text{ft}^3$  (5.7 m<sup>3)</sup>, are not eligible for FSR exclusion and have been included in the residential floor area calculations.

- A.1.2 provision a "Letter B" which confirms the donor site for the Heritage Density Transfer to this site;
- A.1.3 provision of correct site area and site size to be indicated in the Summary Data Sheet;

**Note to Applicant:** Floor area and FSR calculations are based on the legal site size and area indicated on the submitted Legal Survey.

A.1.4 submission of detailed accurate, complete and fully dimensioned floor plans;

**Note to Applicant:** Dimensions used to calculate the floor areas should be reflected on the floor plans. The dimensions confirming floor areas for various uses should be provided. Detailed FSR overlays are required showing how the ground floor commercial and residential components are calculated. Analysis of Section 4.10 - Horizontal Angle of Daylight - should be provided on the drawings, noting rooms which do not comply.

A.1.5 details of balcony enclosures;

**Note to Applicant:** To qualify for an exclusion from floor space ratio [FSR] calculations, an enclosed balcony must be a distinct space separated from the remainder of the dwelling unit by walls, glass, and glazed doors [hinged or sliding], have an impervious floor surface, a flush threshold at the bottom of the door [for disabled access], large, openable windows for ventilation, and distinct exterior architectural expression. In addition, each dwelling unit should have no more than one enclosed balcony, and all balconies, both open and enclosed, should be clearly identified on the floor plans. Notation should also be made on the plans stating: "All enclosed balconies shall be designed and constructed in accordance with the Council-approved Balcony Enclosure Guidelines." Limitations on the amount of exclusions and enclosures permitted are described within the regulations of the respective District Schedule or Official Development Plan that apply to the specific site. For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines."

- A.1.6 Indication on the plans any proposed amenity space, including details regarding type, finishing, equipment and/or furnishings;
- A.1.7 Provision of a proper disability access to the residential lobby from the proposed disability space located on the surface parking area;

- A.1.8 notation on plans stating that:
  - "A minimum of one electrical receptacle shall be provided for each two Class A bicycle spaces";
  - "The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law"; and
  - "The design of the bicycle spaces (including bicycle rooms, compounds, lockers and / or racks) regarding safety and security measures shall be in accordance with the relevant provisions of Section 6 of the Parking By-law";
- A.1.9 compliance with Section 6.3 Class A Bicycle Spaces, of the Parking By-law;

**Note to Applicant:** Modification of the design of the proposed Class A Bicycle spaces as follows:

- At least 20% of the Class A Bicycle spaces to be located in lockers (Section 6.3.13A);
- Clearly indicate a door at the end of the Bicycle space (Section 6.3.18);
- An electrical outlet is required for each two Class A Bicycle spaces (Section 6.3.21);
- A minimum of 50% of the required Class A bicycle spaces shall be provided for the bicycles to be places horizontally (Section 6.3.13); and
- No more than 30% of the required Class A bicycle spaces may be vertical (Section 6.3.13).
- A.1.10 design development to locate, integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impact on the building's open space and the Public Realm;
- A.1.11 an acoustical consultant's report shall be submitted which assesses noise impacts on the site and recommends noise mitigation measures in order to achieve noise criteria;
- A.1.12 written confirmation shall be submitted by the applicant that:
  - the acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer);
  - adequate and effective acoustic separation will be provided between the commercial and residential portions of the building; and
  - mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise impact on the neighbourhood and to comply with Noise Bylaw #6555

#### Standard Landscape Conditions

A.1.13 provision of a more substantial (layered) shrub planting within planters at the lane edge to soften the landscaping as a visual amenity at the lane edge (illustrated on the Landscape Plan);

**Note to Applicant**: In addition to the proposed groundcover, combine with hardy drought tolerant wall shrubs or vines to cover bare walls.

- A.1.14 provision of notation on the detail drawings to confirm planting medium depth in built-in planters, to meet the BCSLA latest standard;
- A.1.15 provision of an additional large scale section (1/4"=1' or 1:50) illustrating the public realm interface extending from the building façade to the curbed street edge showing proposed trees on private property and the relationship to the underground slab of the parkade roof. The parkade roof slab may (will) need to be notched or angled downward, in order to provide an adequate planting depth.

#### Social Planning/Housing Centre/ Cultural Affairs

- A.1.16 design development to the main floor amenity room to include a kitchenette, and storage closet;
- A.1.17 design development to include an area suitable for children's play activity in the semi-private open space on the third floor to accommodate creative play opportunities for a range of ages;

**Note to applicant**: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around common outdoor amenity areas. Edible landscaping is sought. Play equipment is not required, and creative landscape/play features (such as balancing logs and boulders, a small/tangible water stream or feature, creative motor-skills developing features etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

A.1.18 design development to the outdoor amenity area garden plots to include a compost bin and necessary supporting infrastructure, such as tool storage chest or closet, hosebibs and potting benches;

#### A.2 Standard Engineering Conditions

- A.2.1 consolidation of Lots J & K Block 320, DL 526, Plan 16754 is required;
- A.2.2 submission of a separate canopy application;
- A.2.3 arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the relocation of the sewer line currently located within Lot J, and for the subsequent release of Right of Way E22760;
- A.2.4 arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for a natural water course covenant are required;

**Note to Applicant**: Engineering Services records indicate there may be a natural watercourse on site.

A.2.5 Provision of an access corridor from the loading space to the eastern commercial unit #530;

Note to Applicant: Currently, this commercial unit does not have access to the loading.

A.2.6 arrangements to the satisfaction of the General Manager of Engineering Services to provide unrestricted access to the parking and loading areas;

**Note to Applicant:** Utility poles are located in the lane and restrict access to parking and loading. Further design development of the parking and loading areas is required and utility poles must be correctly referenced on plans. Possible pole removal or relocation may be considered by the applicant in consultation with the appropriate utility companies.

- A.2.7 provision of a separate application to the General Manager of Engineering Services for street trees and or sidewalk improvements is required;
- A.2.8 notation regarding sidewalk changed to read "CIP concrete sidewalk to COV Active Transportation standards."
- A.2.9 provision of benches shall be in accordance with the standard Greenway bench design;

Note to applicant: Greenway benches shall be 6'-0" long World's Fair Park Bench Model #6737, Central Park green colour, provided by Kenneth Lynch & Sons. Substitutions shall not be approved.

A.2.10 provision of a consistent front boulevard width;

Note to applicant: Several existing sidewalk panels to the west will need to be replaced.

- A.2.11 provision of the following statement added to the landscape plan and provide a revised drawing directly to Engineering for records:
  - i) "sidewalks are to be reconstructed from curb to property line fully at the applicant's expense"

ii) "This plan is Not for construction of any public property facilities, prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services and be issued as "For construction" 8 weeks notice is requested. No work on public property may begin until plans receive "for construction" approval and related permits are issued. Please contact Frank Battista at 604-873-7317 or Kevin Cavell at 604-873-7773 for details".

A2.12 Written confirmation that all utilities will be underground, within private property and a pad mounted transformer is within private property is required. The General Manager of Engineering Services will require all utility services to be underground for this "conditional" development. All electrical services to the site must be primary with all electrical plant, which include but not limited to, junction boxes, switchgear, pad mounted transformer are to be located on private property. 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 is required to show details of how the site will be provided with all services being underground. Please contact Bill Moloney at 604.873.7373 for further information.

#### A.3 Standard Licenses & Inspections (Environmental Protection Branch) Conditions:

A.3.1 arrangements to be made, to the satisfaction of the Director of Legal Services and the Environmental Protection Branch for a Soils Agreement;

**Note to Applicant:** A Waste Discharge Permit will be required at the Building Permit stage.

#### B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated May 18, 2011. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **December 5, 2011**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

#### **B.2** Conditions of Development Permit:

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.3 Any phasing of the development, other than that specifically approved, that results in an interruption of continuous construction to completion of the development, will require application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning.
- B.2.4 The site shall be maintained in a neat and tidy condition.
- B.2.5 The enclosed balconies are to be maintained at all times in accordance with the balcony enclosure details on the approved plans and are not to be used as an integral part of the interior space of the building.
- B.2.6 Amenity areas/common residential storage spaces of 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.

B.2.7 This site is affected by a Development Cost Levy By-law and levies will be required to be paid prior to issuance of Building Permits.

#### **Processing Centre - Building comments**

The following comments are based on the preliminary drawings prepared by WT Leung Architects dated Mar. 10, 2011 for the proposed development permit. This is a preliminary review in order to identify issues which do not comply with the Vancouver Building Bylaw #9419 as amended (VBBL), and includes a review of Subsection 3.2.5 "Provisions for Fire Fighting".

- 1. Building safety facilities such as central alarm and control facility, fire fighter's elevator, and stairwells equipped with standpipe connections shall be coordinated with the location of the firefighters" entrance.
- 2. The building is required to provide access to persons with disabilities to all public areas, common areas, including rooftop patios, storage, amenity, meeting rooms, and to areas where work functions could reasonably be expected to be performed by persons with disabilities.
- 3. Building construction is required to be noncombustible.
- 4. High-rise building and VBBL 3.2.6. requirements for high buildings apply to the entire building.
- 5. All entrances, exits, drive aisles and other access to off-street disability parking spaces, and egress must have a minimum vertical clearance of 2.3 m, as required by the Parking By-law.
- 6. This building is required to meet Enhanced Accessibility provisions [3.8.2.27..]
- 7. Storage garage security shall conform to 3.3.6.7.
- 8. \* Distance between exits are not sufficiently remote from each other as per Article 3.4.2.5.
- 9. The amenity room and the roof top patios may require two egresses as per Article 3.3.1.5.
- 10. Potential dead-end corridor for suite 203 as per Sentence 3.3.1.9.(7).
- 11. Construction details are require for the 9 bike lockers located in level P2. Fire separation with ratings may require.

\*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. If a "prior to" letter is not being sent, the above comments should be sent directly to the applicant.

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.



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PROJECT INFO & SITE PLAN

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## W. T. LEUNG ARCHITECTS INC. Appendix $\mathcal{F}$ ; page / of /

Suite 300 - 973 West Broadway, Vancouver, British Columbia, Canada V5Z 1K3 Tel 604 736-9711 Fax 604 736-7991

November 15, 2010

**Design Rationale** 

540 West 7<sup>th</sup> Avenue Vancouver, B.C.



The subject site lies in the middle of an interesting street block that alternates between residential and commercial. Starting at Ash Street moving East is a heritage house used as a café, followed by a 91ft high brick and glass office building, followed by our proposed residential tower with commercial component. Towards the East is a 4-storey townhouse/ apartment building, followed by a 2-storey older commercial/ apartment building facing Cambie Street. Directly across the street is a 4-storey residential and commercial building. Flanking this are single storey commercial buildings and a 9 to 10-storey residential tower.

The proposed building consists of a 10-storey residential tower, three 2 and 3-storey townhouses and a single storey, double height commercial restaurant component. The restaurant has been sited beside the commercial building to the West, relating to the proportion, aesthetic and commercial use of the neighbour. The townhouse modules relate to the townhouses to the East. The shorter, 2-3 storey townhouses and commercial component provide a friendly street façade. The tower steps back so as not to crowd the street. The height matches that of the office tower to the West.

The townhouses are raised above grade and a planted edge aids in providing a privacy buffer and a friendly transition between the private and public realm. The commercial restaurant is at grade as a suitable transition from the west neighbour.

The building materials consist of brick and glass with an alucobond frame providing some depth and visual interest. The framed window boxes that front the commercial component and the townhouses reflect the large window box on the tower, tying together the various building blocks with a visual theme.

The residential component consists of 1 and 2 bedroom units. The floor plate has been designed to provide as many units as possible with mountain views to the North. The commercial and residential have separate parking, both accessed from the lane.