
CITY OF VANCOUVER
COMMUNITY SERVICES GROUP

DEVELOPMENT PERMIT STAFF COMMITTEE REPORT
FEBRUARY 15, 2006

FOR THE DEVELOPMENT PERMIT BOARD
MARCH 13, 2006

1808 WEST 3RD AVENUE (COMPLETE APPLICATION)
DE409776 - ZONE C-3A

DM/BM/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
T. Driessen, Vancouver Park Board

Also Present:

D. Morgan, Urban Design & Development Planning
M. B. Rondeau, Urban Design & Development Planning
R. Segal, Urban Design & Development Planning
B. Mah, Development Services
V. Potter, Development Services

APPLICANT/OWNER:

Elia Sterling
0715163 BC Ltd.
310 - 1155 Mainland Street
Vancouver, BC
V6B 5K1

ARCHITECT:

W.T. Leung Architects
300 - 973 West Broadway
Vancouver, BC
V5Z 1K3

EXECUTIVE SUMMARY

- **Proposal:** To develop a six storey mixed use building with two levels of underground parking, retail use on the ground floor, and five storeys of residential above containing 23 dwelling units with an FSR of 3.0.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building comments and Fire and Rescue Service Comments

Appendix D Plans and Elevations

Appendix E Applicant's Design Rationale

Appendix F View Analyses

● **Issues:**

1. Building scale on Burrard Street and West 3rd Avenue

● **Urban Design Panel: Support**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE409776 as submitted, the plans and information forming a part thereof, thereby permitting the development of a six storey building with two levels of underground parking, retail use on the ground floor and five storeys of residential above, 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 significantly reduce the sixth floor massing to present a predominately five storey scale on the streets;
- Note to Applicant:** This can be achieved by stepping the sixth floor back approximately 15 ft (4.5m) on the W 3rd Avenue frontage and 10ft (3.0m) on the lane frontage. This setback area should be developed as private decks (to replace the roof decks deleted as noted under condition 1.2). Floor area lost in the reduction of the sixth floor may be recovered on lower floors by slightly increasing building width (i.e. small decrease of approximately 2 ft / .6 m) in the west side yard.
- 1.2 design development to further reduce scale and privacy impact on neighbours by deleting the private decks on the roof of the 6th floor and providing a green roof;
- Note to Applicant:** Deletion of the private decks on the roof of the 6th floor and associated stair access, along with minimized elevator penthouse and roof mechanical is sought.
- 1.3 design development to soften landscape edge adjacent to the residential entry;
- Note to Applicant:** The high concrete planter should be lowered in-ground along with pulling back of the parking structure beneath approximately 6 ft to allow for soil depth. The existing landscape conditions of the adjacent westerly site must be indicated on drawings to ensure compatible interface. See also Condition A.1.11.
- 1.4 design development to improve privacy and minimize overlook of the adjacent westerly neighbours through refinements to the orientation of proposed south west corner units;
- Note to Applicant:** This can be achieved by adjusting window orientation to diminish direct overlook.
- 1.5 design development to improve the usability of the second floor outdoor amenity area;
- Note to Applicant:** Access to the outdoor amenity patio from the amenity room should be direct, without stairs or ramps. Provide for a washroom and wet bar and a children's play area as per Condition A. 1.12. See also Condition A.1.7.
- 1.6 design development to the rear setback, to provide a continuous 2 ft (.6m) landscape setback;
- Note to Applicant:** The 2 ft (.6m) setback is in addition to the 2 ft (.6m) lane dedication.
- 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	-	-	76 ft. x 120 ft. (nominal)
Site Area	-	-	9,112 sq. ft. (survey plan)
FSR ¹	Outright 1.00 Conditional 3.00	-	Retail Store 0.38 Dwelling Units in conj. <u>2.65</u> Total 3.03
Floor Area ¹	Outright 9,112 sq. ft. Conditional 27,336 sq. ft.	-	Retail Store 3,454 sq. ft. Dwelling units in conj. <u>24,115</u> sq. ft. Total 27,569 sq. ft.
Balconies	Open 964.5 sq. ft. Enclosed <u>964.5</u> sq. ft. Total 1,929.0 sq. ft.	-	Open 882 sq. ft. Enclosed <u>695</u> sq. ft. Total 1,577 sq. ft.
Height ²	Outright 30. ft. Conditional subject to Guidelines	-	T. O. Main Parapet Wall : el. 101.75/59.71 ft (31.0 m/ 18.2m) T. O. Roof Deck Guardrail el. 103.37/60.59 ft. (31.5 m/ 18.5 m) T. O. Elevator Penthouse el. 109.25/66.06 ft (33.3 m/ 20.1 m)
Parking	-	Retail Store 3 Residential <u>25</u> Total 28 Small Car (25%) 9 Disability Spaces 1	Retail Store Standard <u>5</u> Subtotal 5 Residential Standard 26 Small Car 7 Disability <u>1</u> Subtotal 34 Total: 5 + 34 = 39 Small car spaces 7 Disability spaces 1
Bicycle Parking ³	-	Class A Class B Retail Store 1 n/r Residential <u>29</u> <u>6</u> Total 30 6	Class A Class B Retail Store 0 n/r Residential <u>28</u> <u>0</u> Total 28 0 See Condition B.2.1
Loading	-	Class B Retail Store 1 Residential <u>0</u> Total 1	Class B Retail Store 1 Residential <u>0</u> Total 1
Amenity	5,467 sq. ft.	-	565 sq. ft.
Unit Type	-	-	12 - one-bedroom <u>11</u> - two-bedroom 23 units total

¹Note on FSR/Floor Area: Proposed FSR/Floor Area exceeds the maximum allowed by 233 sq. ft. and must be reduced to comply. See Standard Condition A.1.1.

²Note on Height: The Development Permit Board may permit an increase in the building height beyond 30 ft. The height calculation method prescribed in the Zoning By-law differs from that prescribed in

the Guidelines. The Guideline calls for a measurement from the south property line. Using that point, the height to the top of the parapet wall is 56.4 ft.

³**Note on Bicycle Parking:** Two additional Class A and six Class B bicycle spaces are required to comply with the bicycle parking requirements. See Standard Condition A.1.3.

• **Guideline Technical Analysis - North Burrard C-3A Guidelines:**

	RECOMMENDED	PROPOSED
Views <i>[Section 2.4]</i>	<p>Public Views: There are 2 view cones located at Burrard and 10th Ave. and Burrard between 7th and 8th.</p> <p>Private Views:</p> <p>(a) Existing views enjoyed by adjacent developments should not be unduly compromised by incompatible siting, massing or orientation; and</p> <p>(b) Opportunities for near views of gardens and landscape areas should be provided for residents.</p>	<p>Proposed building height does not project into the view cones.</p> <p>While there has been concern from neighbours, view analysis confirms that there is no significant impact on private views. See Appendix F for View Analyses.</p> <p>A 25 ft (7.6 m) landscaped setback has been provided adjacent to the westerly neighbour. Condition 1.2 recommends lowering the height of the elevator penthouse and provision for a green roof.</p>
Frontage <i>[Section 4.2]</i>	On Burrard Street, frontages for each individual occupancy located on a floor having an elevation within 6.56 ft (2 m) of street grade should be kept to a maximum of 50 ft (15.3 m)	Burrard Street frontage meets the Guidelines by having the floor slab and retail entrances stepping incrementally with the sloping street grade. Store frontages are less than 50 ft (15.3 m). Staff consider the retail frontage well resolved.
Height¹ <i>[Section 4.3 (a)]</i>	The height should be 45 ft (13.7 m) measured at the south property line or 5 storeys, whichever is less.	<p>The height to the top of the parapet wall measured from the lane is 56.4 ft (17.2 m) and exceeds the Guidelines.</p> <p>An additional storey has been proposed for a height of 6 storeys to allow for a more generous sideyard adjacent to the westerly neighbour. However, staff have recommended the sixth floor be stepped back to present a five storey massing at the street to bring the development proposal closer to the intent of Guidelines. (See discussion page 9 & 10 and Conditions 1.1 and 1.2)</p>

<p>Front Yard and Setback [Section 4.4 (a)]</p>	<p>No front yard or setback is required for non-residential uses except for those adjacent to an RM district which should have a front yard of 12 ft (3.6 m) within 20 ft (6 m) of adjacent RM zoned properties.</p> <p>Residential uses should have a front yard setback of 12 ft (3.6 m) to provide for privacy, livability and the need for unit open space. At least half of this setback should be free of underground parking to allow for significant planting and natural run-off.</p>	<p>Proposed front yard setback along West 3rd Avenue meets the Guidelines.</p> <p>Commercial uses are not within 20 ft (6 m) of the neighbour. No setbacks for commercial uses have been provided on 3rd Avenue. The residential front yard setback exceeds the guidelines at 20ft (6 m) to align with the adjacent building.</p> <p>Staff recommend that the underground parking structure below the residential front yard setback be pulled back to allow for in- ground planting and run-off. (See Condition 1.3)</p>
<p>Side Yards and Setbacks [Section 4.5 (a) & (b)]</p>	<p>For corner sites, exterior side yards and setbacks should not be provided and the first storey should be built up to the sidewalk so that a continuous commercial street frontage and street definition is maintained.</p> <p>An interior side yard of 5 ft (1.5 m) is required for sites adjacent to an RM-4 area up to a height of 30 ft (9.1 m). A side yard of at least 20 ft (6 m) is required for massing higher than 30 ft (9.1 m) to mitigate overshadowing and overlook.</p>	<p>Exterior side yard on Burrard Street provides a continuous commercial frontage and strong street definition to meet the Guidelines.</p> <p>Massing within the interior side yard is setback 5 ft (1.5 m) has a height of 15 ft (4.6 m), which is significantly less than the maximum suggested height of 30 ft (9.1 m).</p> <p>The bulk of the building mass has a setback from the side yard of 7.6 m (25 ft) providing for a much larger side yard adjacent to the westerly neighbour. See discussion page 9 & 10.</p> <p>1st Flr: (Amenity Room) Setback: 5.5 ft.(1.7 m)</p> <p>2nd Floor: Setback : 25ft. (7.6 m)</p>
<p>[Section 4.4 c)]</p>	<p>In location along Burrard Street where sidewalks are less than 12 ft (3.6 m), a setback should be provided to achieve this width.</p>	<p>The proposed sidewalk width is 13.7 ft (4.2 m) which provides a 3 ft (.9 m) setback along Burrard Street. Staff support this enlarged pedestrian sidewalk width.</p>

<p>Rear Yard and Setback <i>[Section 4.6 (a)]</i></p> <p><i>[Section 4.6 (c)]</i></p>	<p>A minimum rear setback of 12 ft (3.6 m) from the property line should be provided for all non-residential uses within 20 ft (6 m) of adjacent RM zoned properties.</p> <p>A minimum of 25 ft. (7.6 m) rear yard should be provided for residential use within 20 ft. (.6m) of adjacent RM zoned properties. Notwithstanding this, if a lane exists, the ground floor can be built to the rear property line for parking, loading and service uses, if these uses are screened from the lane.</p> <p>Where a non-residential use occurs at ground level, below a residential level, the roof over a loading area may project into the non residential setback line. The roof may be usable as a landscaped deck for residential units.</p>	<p>Rear yard setback for commercial use meets the Guidelines. Commercial use is not within 20 ft (6 m) of adjacent westerly neighbour.</p> <p>Rear yard setback for residential use meets the Guidelines. Residential uses are not within 20 ft (6 m) of adjacent westerly neighbour.</p> <p>Loading, parking entry and service uses are located next to lane and well screened with security gates, grills and trellis features.</p> <p>The loading bay is covered, gated and has a landscaped deck over. A 2 ft (.6 m) landscaped setback, at grade (in addition to the 2 ft (.6 m) lane dedication) is requested as noted in Condition 1.6.</p>
<p>Horizontal Angles of Daylight <i>[Section 4.10 (a) & (b)]</i></p>	<p>Where the distance of unobstructed view is proposed to be decreased as permitted under Section 5.2 of the C-3A District Schedule, it should not normally be less than 40 ft. (12 m)for living rooms and 20 ft. (6 m)for bedrooms and dens.</p>	<p>Horizontal angles of daylight meet the Guidelines and a high degree of residential livability has been achieved.</p>
<p>Balconies and Private Open Space <i>[Sections 5.4 (a)]</i></p>	<p>Balconies should be designed to maximize light into the units.</p> <p>Private open space should be provided for each unit in the form of balconies, decks or patios with a minimum single horizontal dimension of 6 ft. (1.8 m) and minimum area of 48.44 ft.².</p>	<p>Balconies meet the Guidelines. Exterior walls adjacent to balconies are fully glazed to maximize natural light and a sense of openness.</p> <p>All units have private open space that meet the minimum dimensions with the exception of the 6th floor units, where decks are 4 ft. (1.2 m) in depth extending the entire length of the units and exceeding minimum required area. Staff considers this meets the Guideline intent.</p>

• **Legal Description**

Lot: 1
Block: 237
Plan: 17039
District Lot: 526

• **History of Application:**

05 Oct 03 Complete DE submitted
05 Nov 09 Urban Design Panel
06 Feb 15 Development Permit Staff Committee

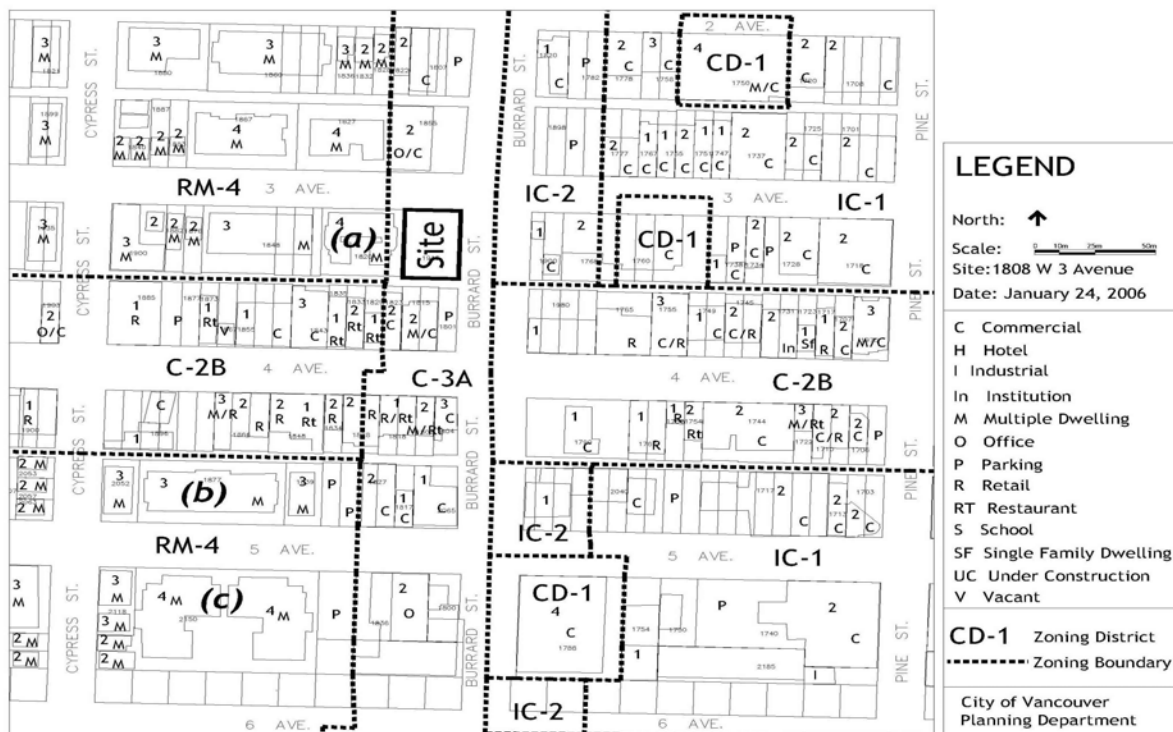
• **Site:** The site is located at the southwest corner of Burrard Street and West 3rd Avenue. Burrard Street frontage is 120 ft (36.5 m) and West 3rd Avenue frontage 76 ft (23 m). The site is currently occupied by a low rise commercial building with surface parking at the rear of the building. Parking is accessed off the lane and from a 32 ft (9.7m) wide curb cut off of W 3rd Avenue. The topography has a moderate slope downwards to the north of approximately 3 ft (.9m). A large billboard is located on the north façade of the existing building.

• **Context:** The context along the west side of Burrard Street is a mix of small scale older commercial buildings in the C-3A zone. Building setbacks along Burrard Street vary; some are setback to allow surface parking in front of the retail frontage while others are set closer to Burrard Street with surface parking at the rear.

On the east side of Burrard Street is an IC-2 area with a maximum permitted height of 60 ft (18.2 m). Interim policies would allow a 50 ft (15.3 m) height where residential uses can be considered through a rezoning process. The property adjacent to the west (1820 West 3rd Avenue) is a split zoned site: RM-4/C-3A. The line of the C-3A zone extends 20 ft (6 m) into this adjacent site measured along the easterly sideyard. To the west of the subject site is a RM-4 area and the Kitsilano neighbourhood. Buildings typically are three to four storeys with a maximum permitted height of 35 ft (10.7 m). One block north is the 4th Avenue Business District zoned C2-B, which allows a maximum 40 ft (12 m) height that can be conditionally increased to 50 ft (15.3 m).

Significant adjacent development includes:

- (a) 1820 W 3rd: RM-4/C-3A, 4 storey residential, located adjacent to subject site
- (b) 1877 W 5th: RM-4, 3 storey residential, private view concerns
- (c) 1858 W 5th: RM-4, 4 storey residential, private view concerns



● **Background:** At the enquiry stage staff supported a proposal for a greater building setback adjacent to the westerly neighbour than that recommended in the Guidelines to provide a more neighbourly interface, with redistribution of massing to an additional sixth storey. The adjacent building is split zoned RM-4/C-3A but has a form similar to RM-4 height and setbacks. Therefore, staff treated this existing building as if the site were zoned completely RM-4 rather than split zoned.

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

1. C-3A District Schedule

Use: Retail Store is an outright approval use in this zone. Residential use is a conditional approval use and can be approved provided the Board first considers:

- 3.1 (a) *the intent of this Schedule and all applicable policies and guidelines adopted by Council;*
and
(b) *the submission of any advisory group, property owner or tenant.*
- 3.2. *the design and livability of the dwelling units.*

Density: The District Schedule provides for a discretionary increase in density as follows:

- 4.7.1 *The floor space ratio shall not exceed 1.00. The Development Permit Board may permit an increase in this maximum floor space ratio to any figure up to and including 3.00, provided that it first considers:*
- (a) *the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;*
 - (b) *the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views;*
 - (c) *the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;*
 - (d) *the effect of the development on traffic in the area;*
 - (e) *the provision for pedestrian needs; and*
 - (f) *the design and livability of any dwelling uses.*

Height: The outright height permitted is 30 ft. (9.2 m). Discretionary increases in height are permitted as follows:

- 4.3.2 *The Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that it first considers:*
- (a) *the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;*
 - (b) *the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;*
 - (c) *the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;*
 - (d) *the provision for pedestrian needs;*
 - (e) *the preservation of the character and general amenity desired for the area; and*
 - (f) *the submission of any advisory group, property owner or tenant.*

2. North Burrard C-3A Guidelines

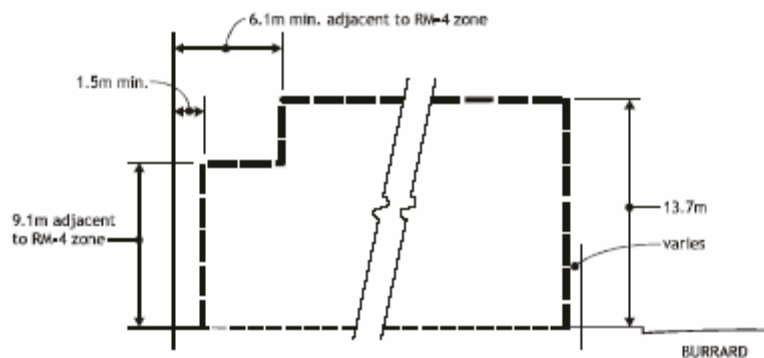
Key concepts of the guidelines relate to:

- Preserving guideline identified public view cones and consideration of private views
- Livability qualities, associated with light, ventilation, noise and privacy
- Active and safe pedestrian environment
- Active, interesting retail frontage along Burrard that corresponds to sloping grades
- Height and building massing that respects adjacent RM-4 development
- High quality design and building materials

View Cones: The North Burrard C3A Guidelines include two view cones that define building form on Burrard Street and to a lesser degree, to preserve views to the north along Burrard Street. Relevant to this application is the view cone taken from between 7th and 8th Avenues which has an elevation of 109.4 ft (33.35 m) measured over this site. Projecting into this view cone is an older apartment tower (1450 Chestnut Street) located near the foot of Burrard Street Bridge.

The view cones are presented in the "North Burrard C-3A Guidelines" that have been adopted by Council and are to be used in considering any Development Application that requires conditional approval. As guidelines, they are distinguished from other view cones that Council has adopted in zoning by-laws and the Downtown Official Development Plan.

Height and Sideyard: Recommended building height is limited to 45 ft (13.7 m) or five stories whichever is less and must also meet the view cone requirement. Sites adjacent to RM-4 District should be limited to a height of 30 ft (9.1 m) within 5ft (1.5m) of the adjacent RM-4 site as shown in the Guideline diagram below.



Building Envelope - East-West Section

- **Response to Applicable By-laws and Guidelines:**
 1. C-3A District Schedule, Use: Density: Height:
 2. North Burrard C-3A Guidelines

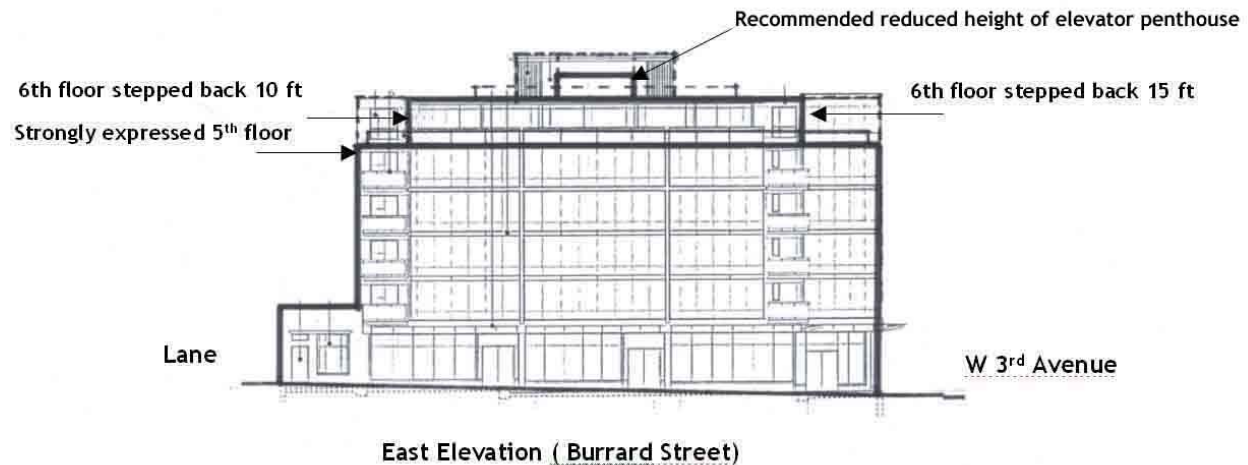
Use: Retail and residential uses are considered optimal for this location. A strong continuous retail frontage along Burrard Street has been provided, satisfying the desired active pedestrian oriented frontage. The retail floor slab follows the existing slope along Burrard, dropping incrementally at three levels, allowing direct sidewalk access for all retail entrances.

Built Form, Massing and Height: The Guidelines provide for a relatively close massing relationship to the adjacent westerly neighbour with a 5 ft (1.5 m) setback and a 30 ft (9.1 m) height along the length of the sideyard. This would allow considerable building volume that could achieve the maximum conditional density of 3.0 FSR. Although the adjacent site is split zoned, the neighbouring building has

The drawing shows a side-by-side comparison of two building elevations. On the left is the 'proposed building profile dotted', which is a multi-story building with a flat roof and a series of windows. On the right is the 'Subject Building', which is a taller building with a flat roof and a series of windows. The drawing includes dimensions for the proposed building: 25'-0" (7.6 m) wide, 50'-0" (15.2 m) high, and 1'-0" (0.3 m) deep. The subject building is 45'-0" (13.7 m) high. A shaded area on the left indicates the 'Shaded = Allowable Building Profile by Design Guidelines'. A dashed line indicates the 'Subject Building'.

4 North Elevation : Massing Comparison
 Scale: 1/8" = 1'-0"

10



Private Views: Notification results revealed concerns over private views from two buildings located on the 1800 block, West 5th Avenue, in the RM-4 zone. Staff met with neighbours and received photographs from top floor units of both buildings for further study. Staff concluded that the proposed building although visible, would not compromise private views of the downtown or mountains, noting that potential future development along West 4th Avenue in the C2-B zone would have greater impact on private views. (See View Analyses Appendix F)

Livability: The proposed increased building setbacks enhance privacy for the adjacent westerly neighbour. However on the west elevation window, the large amount of window area has it's orientation towards the adjacent neighbour and should be improved. Staff recommend that the orientation of these windows be adjusted to face primarily north or south. (See Condition 1.4.)

Two amenity rooms are proposed. Staff recommend minor adjustment to provide more direct access to the outdoor amenity patio from the second floor amenity room, without stairs or ramps as noted in Condition 1.5. Furniture layout and fit out is also requested in Condition A.1.7.

Open Space and Landscaping: The Burrard Street sidewalk is proposed to be widened by 3 ft (.9 m). Existing mature street trees will be retained and the sidewalk replaced on Burrard Street. The West 3rd Avenue frontage will remove the existing driveway crossing, adding two street trees and a new lawn boulevard to the City's specifications. The expanded west sideyard will be terraced and landscaped, providing both private and semi-private outdoor space. This area will be intensely landscaped, offering a visual amenity and buffer to the neighbouring site. The front yard proposes a raised concrete planter with parking garage below. Staff recommend the parking structure be pulled in approximately 6 ft (1.8 m) at the residential front yard setback to allow for at grade planting and natural run off. (See Condition 1.3.)

Architectural Treatment: The dominant treatment on the Burrard Street and West 3rd Avenue facades is a lightly tinted low -e glass window wall, set in an aluminum frame. The window wall will be detailed flush and accented with deep reveals to contrast with the planar characteristics of the glass. A secondary material, painted concrete, is proposed for the building base. The lower level retail has continuous anodized aluminum storefront glazing along Burrard Street and around the corner on W 3rd Avenue, allowing opportunities for window displays and transparency from the street. Above the

commercial frontage is continuous weather protection in the form of a glazed steel frame canopy. Staff considers the proposed building materials of high quality and well detailed, and meets the expectations of the Guidelines.

Sustainability: The proposal includes low-e glazing and less window area on the south and west exposures. Staff recommend provision of a green roof on the sixth floor roof. (See Condition 1.2)

• **Conclusion:** This development application proposes a maximum density of 3.0 FSR and height of six storeys, one floor higher than the recommendation of the Guidelines. Staff consider that discretionary earning of increases to floor area and height will be achieved by the following:

- Substantial increases to the side yard setbacks adjacent to the westerly neighbour that respect the existing development, maintain and enhance livability and provide a landscape buffer between sites, subject to improving window orientation;
- A building form that provides the desirable street enclosure subject to scaling back the sixth floor massing;
- Provision of a 3 ft (.9 m) setback at street level along Burrard Street allowing a wider sidewalk and improved pedestrian amenity;
- A continuous retail floor frontage along the street that is well handled. The retail floor level steps incrementally with the sloping grade to allow direct access from the sidewalk level;
- High quality architecture and material treatment.
- The provision of a green roof;
- Elimination of the existing surface parking and a 32 ft (9.7m) driveway crossing off of W 3rd Avenue, replacing it with vehicle access proposed from the lane at a higher lane elevation;

On this basis, staff recommend approval of the Development Application subject to several conditions.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on November 9, 2005, and provided the following comments:

EVALUATION: SUPPORT (9-0)

- **Introduction:** Mary Beth Rondeau, Development Planner, presented this application which is on a small site in the C-3A zone. The proposal is for ground floor retail with 5 storeys of residential above. Ms. Rondeau noted that redevelopment in this area is somewhat constrained by the lack of a lane.

Ms. Rondeau said knowing there are side-facing windows, patios and decks in the neighbouring apartment building, staff and the applicant looked at a volumetric tradeoff to keep this building low and maintain separation between the other buildings.

The areas in which advice of the Panel are sought include:

- how the proposal fits into the context with respect to the proposed variations to the Design Guidelines and what the impacts are.

- **Applicant's Introductory Comments:** Wing Ting Leung, W.T. Leung Architects, stated that this is a fairly simple, small site. Gerry Eckford, Landscape Architect, described the landscape plan, noting that the existing street trees would be retained.
- **Panel's Consensus on Key Aspects Needing Improvement:**
 - Consider enhancing the size of the roof decks and landscaping.
- **Related Commentary:**

The Panel unanimously supported this application. It was considered to be well handled and the Panel felt that the variation in the Guidelines being proposed would set a good precedent for the area. The Panel also welcomed the more urban approach to Burrard Street.

With respect to the upper amenity room, one Panel member suggested adding washrooms to that space to make it more useable. The same Panel member stated that the residential entry seemed secondary to the rest of the façade.

Several Panel members suggested the addition of a green roof and landscaping of the roof was strongly encouraged.

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

ENGINEERING SERVICES

The development is typical of many that exist in the Kitsilano area that abut arterials by providing retail units on the main level and residential units above. Concerns received from neighbours regarding traffic appear to focus on several key issues, including lane access and congestion in the lane, reduction of on-street parking, increased traffic volumes and safety.

This block does not have an excessive amount of development relative to others along 4th Avenue in Kitsilano, and others have been providing their parking accesses along the lane, consistent with City policy and practice. Sections along the lane have widths ranging from 16' to 18', while the standard is 20'; therefore, in this regard the lane is not fully developed. In Kitsilano there are many lanes of less than the standard width, so this is not particularly unusual. Here, the lane is continuous for the full length of the block, and the application allows the City the opportunity to widen out the lane more fully at the eastern end. (Condition A.2.10)

Existing parking regulations on the surrounding streets allow a mixture of full-time permit parking, time-limited parking without permit, parking meters and unregulated parking. The residential portion of the development would qualify for permit parking, and assessment of the required area for permit parking would be made by staff. Additionally, the development proposes provision of an additional 11 underground parking spaces (9 residential and 2 retail) above the required 28 spaces, so demands generated by the site will be well satisfied. Currently, approximately 12 parking spaces are provided at grade for the existing commercial units.

The route vehicles would take to access the lane would not allow left-turns into the lane off northbound Burrard Street as there is an existing constructed centre median on Burrard from 4th Avenue to 3rd Avenue. A small increase in traffic along 3rd Avenue and/or along Cypress might occur in order for residents to access the underground parking area. Restrictions of right turns into the lane from southbound Burrard are unlikely to be considered since doing this would impose more circuitous routings and greater conflicts with pedestrians in the process; at any rate, entry off Burrard should not pose any unusual concerns.

Engineering staff advise that all utility services are to be underground and all transformers are to be located on site. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. (Condition B.2.4)

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

SOCIAL PLANNING

The proposed 6 story building contains 11 units (48% of bldg total) with two or more bedrooms that are suitable for families with children. The current plans show no children's play area. There is an opportunity to provide a secure (fenced) equipped children's play area in the common amenity (ramp roof) garden located adjacent to the amenity space to maximize visual surveillance. (see condition A.1.12)

ENVIRONMENTAL PROTECTION BRANCH

The site profile has been forwarded to the Site Registrar to be registered in the Provincial Site Registry, and is approved from the Environmental Protection Branch. A sediment and erosion control plan is required at the Building Permit application stage. (Condition B.2.9)

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

An acoustical consultant has submitted a report that assesses noise impact on the site, and the recommendations in the report have been reviewed and accepted. The VCHA advises the applicant to take note of the following:

- (i) Detailed drawings of food/retail spaces are to be submitted for review by the Environmental Health Division for compliance with Health By-law #6580 and the Food Premises Regulation prior to construction;
- (ii) 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;
- (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

- (vi) 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.

See also condition A.3.1.

NOTIFICATION

The applicant posted two signs on the site on November 23, 2005, and on November 25, 2005, 765 neighbouring property owners were notified of the application. Staff received written responses from 40 neighbours. Twenty nine writers opposed the development, eleven supported it. Of the 29 opposed, one letter is on behalf of the 39 unit strata adjacent to the west of the site, and 12 are form letters from the property at 1877 West 5th Avenue. Of the 11 in support, 5 are unqualified while 6 express some concern, primarily with the height of the building. Respondents cited the following:

- Height and design of building

Most who wrote in are opposed to the height and design of the building. They feel the height will have a negative impact on individual views, overshadow existing buildings and is not in keeping with the scale of either the residential neighbourhood to the west or the commercial development to the east and along the Burrard corridor. Several respondents believe the proposed height does not meet the Burrard View Corridor guidelines or C3A zoning regulations. As mentioned above, half of the respondents who support the application do not support the proposed height of the building.

The design of the building is also not seen as keeping in character with the neighbourhood. The tall, flat face on Burrard Street is seen as imposing, there is an absence of balconies, there is no terracing of floors and green/sustainable elements are lacking.

Staff Response: The sixth floor will be significantly reshaped and stepped back to present a predominately five storey building scale at the street and the height reduced by the elimination of roof top stair access and the lowering of the height of the elevator and mechanical penthouse. The building does not project into the Guideline view cones nor compromise private views. The proposed height is compatible with interim policies for the east side Burrard Street where heights up to 50 ft (15.2 m) for residential development will be considered and heights up to 60 ft (18.2 m) under existing IC-2 zoning.

The character of the proposed building is influenced by the lower scale residential qualities of West 3rd Avenue and the mixed use commercial nature of Burrard Street. All units will have private outdoor space; either open or enclosed balconies or garden terraces for the sixth floor units. Staff has recommended that a green roof be provided at the roof top level.

- Parking and traffic

The size and type of development is seen as having a negative impact on both parking and traffic in the area. On-street parking is currently fully utilized and unable to accommodate additional demands from new development. Because of this, some respondents raise concerns that there is not enough parking proposed in the development. The strata council, from the adjacent property, is concerned about congestion in the lane since all residents, visitors and retail customers must access underground parking for the new development from the lane. Safety concerns were also raised about the additional traffic exiting and entering the lane at Burrard Street and with the bicycle route on Cypress Street.

Staff Response: Vehicular access to parking is taken from the lane, wherever possible. Engineering has requested a 2 ft lane dedication to widen the lane at the rear of the site (Condition A.2.10). The proposal will eliminate a 32ft wide curb cut along W 3rd. This will lessen the traffic off of W 3rd and provide an enhanced streetscape with additional parking curbside at the street. The

underground parking provides an additional 11 stalls over the required 28, for a total of 39. See also Engineering Comments page 13.

- Density

Questions have been raised about the density of the project exceeding zoning regulations both in relation to the resulting building mass and the need to increase public amenities such as parks, community centres and transit.

Staff Response: Increases to the outright density up to 3.0 FSR is an achievable density for the C-3A area and can be achieved within the massing volumes suggested in the Guidelines.

- Property use

Those who wrote in full support of the application felt redevelopment of the site would make a very positive contribution to the neighbourhood. There is general support for the retail component of the development with interest in a grocery store as a tenant, being expressed. The livability of residential development on Burrard Street was questioned given the traffic noise and the possibility that height and design of the building will amplify the noise.

Staff Response: The proposal has been reviewed by an acoustical engineer to assess environmental noise off of Burrard Street. Laminated and insulating glass is recommended for the window/glazing systems to provide adequate noise isolation on the street facing facades. The acoustical report recommends mechanical ventilation or an alternatively acoustically treated exterior ventilation duct. See condition A.3.1. and A.3.2

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, 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 increase in density and height. The Board may use its discretionary authority per Section 4.7.1 (density) and Section 4.3.2 (height). The Staff Committee supports the discretionary increases proposed, noting there is a fairly substantial massing issue with respect to the sixth floor to be resolved through implementation of the recommended conditions.

B. Boons
Chair, Development Permit Staff Committee

D. Morgan
Development Planner

B. Mah
Project Coordinator

Project Facilitator: V. Potter

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

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

A.1 Standard Conditions

- A.1.1 comply with Section 4.7 (Floor Space Ratio) of the C-3A District Schedule of the Zoning and Development By-law;

Note to Applicant: Proposed FSR exceeds the maximum allowable by 233 ft.². Mechanical spaces above base surface, such as those on the roof, must be included in FSR. Storage rooms must be totally enclosed with a typical door having a maximum width of 3 ft. to qualify for exclusion from FSR. For further criteria, refer to Planning By-law Administration Bulletin for Bulk Storage - Residential Developments. Statistics received on December 7, 2005 do not match the figures on the FSR tracing overlays received on October 27, 2005.

- A.1.2 verify and confirm building heights;

Note to Applicant: Provide detailed height calculations to top of main parapet wall, top of roof guardrail and top of elevator penthouse parapet wall at the most critical points. Location of and distances to the critical points should be identified and shown on a roof/site plan with site (survey) dimensions and City building grades at the corners of the site. Interpolations should be calculated based on site dimensions after lane dedication.

- A.1.3 comply with Section 6 (Off-street Bicycle Space Regulations) of the Parking By-law;

Note to Applicant: Provide two additional Class A and six Class B bicycle spaces. Add dimensions to Class A bicycle spaces and manoeuvring aisles in parking plan P-1. Show Class B bicycle spaces, including number of spaces, on the site plan.

- A.1.4 provide accurate and fully dimensioned floor plans, including setbacks from property lines on parking, main and second floor plans;

Note to Applicant: Dimensions used to calculate floor areas must be clearly shown on all floor plans. These include all exclusions and voids. Clarify use of enclosed balcony in Unit #601 which is labelled as a breakfast nook and location of dens on the 6th floor plan. Section labels on floor plans do not correspond to building sections. Clearly mark property lines on all plans. Show City building grades on new south property line after lane dedication on site plan.

- A.1.5 provide details of balcony enclosures, and dimension open and enclosed balcony areas on floor plans;

Note to Applicant: To qualify for an exclusion from floor space ratio [FSR] calculations, an enclosed balcony must be a distinct space separated from the remainder of the dwelling unit by walls, glass, and glazed doors [hinged or sliding], have an impervious [tile or stone] floor surface, a flush threshold at the bottom of the door [for disabled access], large, openable windows for ventilation, and distinct exterior architectural expression. 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 provide details of trellises, canopies, roof hatch, privacy screen, screen adjacent to access ramp at front of residential entrance, water feature and benches;

A.1.7 clarify amenity spaces, including details regarding type, finishing, equipment and/or furnishings;

Note to Applicant: A letter of undertaking, signed by the owners, regarding the furnishing and availability for use of the amenity spaces by all occupants of the building is required.

A.1.8 design development to locate, integrate and fully screen any emergency generator, exhaust ventilation, electrical substation and gas meter in a manner that minimizes their impact on the building's open space and the public realm;

A.1.9 annotate on plans stating:

- "The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law."; 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.1.10 provision of dimensioned drawings confirming height of wall and overhead structure of adjacent parking structure on neighbouring property;

Standard Landscape Conditions

A.1.11 design development to reduce the amount of paving along the inside boulevard of the West 3rd Avenue elevation;

Social Planning Conditions

A.1.12 provision of a secure (fenced) outdoor equipped children's play area with a resilient play surface located in the second floor common amenity (ramp roof) garden located to maximize visual surveillance from the amenity room on the (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: The common amenity outdoor garden should be extended southward to align with the south wall of the amenity room to accommodate a play area within sightline of the amenity room.

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>.)

A.2 Standard Engineering Conditions

A.2.1 clarify trellis on landscape plan L1 (west section) which appears to be encroaching over lane dedication;

Note to Applicant: Plan view shows trellis within ultimate property line. Delete all portions of trellis that encroach over lane dedication.

- A.2.2 provide a double throat on commercial loading space;

Note to Applicant: This will allow trucks to enter and exit from Burrard Street and reduce use of Cypress Street bike route.

- A.2.3 provide adequate access from rear of loading space into commercial service corridor for delivery access;

Note to Applicant: Existing arrangement requires trucks to enter forward so that access to door near lane is possible. Trucks backing into lane is not supported.

- A.2.4 show all City building grades and corresponding design elevations at all entrances and on both sides of parking ramp at all break points;

- A.2.5 provide an overhead security gate to secure commercial parking areas at night;

Note to Applicant: Ensure that 2.3 m disability clearance is provided to underside of raised gate.

- A.2.6 provide a minimum 20 ft. wide parking ramp between parking levels P2 and P3, and consider a corner cut through the inside radius to provide effective two-way flow;

Note to Applicant: Pedestrian aisle encroaches into the required 20 ft. ramp width. Confirm curb or other means of physical separation between ramp and pedestrian aisle. Provision of a corner cut may require relocating one of the refuge spaces.

- A.2.7 clarify if notation on page A.3.2 referencing elevations at top of loading slab and underside of slab above is correct, and if so modify elevations to ensure a minimum 11.5 ft. unobstructed vertical clearance is provided;

- A.2.8 provide additional width for small car parking spaces R01 and R16, and provide column dimensions;

Note to Applicant: Column encroachment into single space modules is not permitted.

- A.2.9 provide an overhead FOB reader in advance of residential security gate to ensure that its location will not conflict with vehicles;

Note to Applicant: As proposed it will be struck by inbound vehicles.

- A.2.10 make arrangements, to the satisfaction of the General Manager of Engineering Services and Subdivision Approving Officer, for the dedication of the south 2 ft. of the site for lane widening purposes;

Note to Applicant: Contact Subdivision staff at 604-871-6627 or 604-873-7721 for submission requirements.

- A.2.11 make arrangements, to the satisfaction of the General Manager of Engineering Services, for the release, prior-to occupancy, of Easement and Indemnity Agreement 44579M (a commercial crossing agreement) and its extension Easement and Indemnity Agreement E81686;
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- A.2.12 make arrangements, to the satisfaction of the General Manager of Engineering Services, for a canopy application; and
- A.2.13 make arrangements, to the satisfaction of the General Manager of Engineering Services, for street trees.

Note to Applicant: Street trees must conform to standard spacing and clearance. Tree species must be approved by the Park Board. Before purchase of trees, final tree locations to be determined, to the satisfaction of the General Manager of Engineering Services. Also, a separate application to Engineering Services is required for street trees, tree grates and any other non-standard treatment of City sidewalks. Please forward a copy of the landscape plan directly to Engineering Services for review.

A.3 Standard Vancouver Coastal Health Authority Conditions

- A.3.1 submit a letter from an acoustical consultant confirming that the development application drawings show a minimum STC 55 construction between the commercial and residential components of the building, or a minimum 6 inch solid concrete slab shall be specified on the drawings. Where music, recorded or live, may be a major activity in the commercial premises, submit a report from an acoustical consultant recommending minimum STC 60 construction between the commercial and residential components and advising the required control of music levels to satisfy the requirements of the City of Vancouver Noise Control By-Law No. 6555; and
 - A.3.2 notation on the plans confirming that the acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with by Vancouver Coastal Health.
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B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated March 13, 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.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **September 13, 2006**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development By-law or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the by-law or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

B.2 Conditions of Development Permit:

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law within 60 days of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.3 All approved street trees shall be planted in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
- B.2.4 All services, including telephone, television cables and electricity, shall be completely underground.
- B.2.5 Amenity spaces of 565 ft.², excluded from the computation of floor space ratio, shall not be put to any other use, except as described in the approved application for the exclusion. Access and availability of the use of all amenity facilities located in this project shall be made to all residents and occupants of the building;

AND

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

- B.2.6 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.2.7 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.2.8 In accordance with Private Property Tree By-law No. 7347, the removal and replacement of trees are permitted only as indicated on the approved Development Permit drawings.
 - B.2.9 An erosion and sediment control plan is required for the City's review and approval at the building application stage.
 - B.2.10 This site is affected by the Development Cost Levy By-law No. 8149. Levies will be required to be paid prior to issuance of Building Permits.
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Processing Centre - Building comments

The following comments have been provided by Processing Centre - Building and are based on the architectural drawings received on November 4, 2005 for this Development application. This is a preliminary review intended to identify areas in which the proposal may conflict with requirements of the Vancouver Building By-law.

1. * The main floor residential garbage-recycling room opens directly onto the West exit corridor in contravention of Sentence 3.4.4.4.(8) of the Building By-law.
2. It is not a Building By-law requirement to provide access to the 2nd floor West common outdoor roof deck, however the applicant may wish to consider making this deck accessible for wheelchairs. The proposed stairs will restrict access as drawn.
3. * The amenity room opens directly onto the main lobby of the building which serves as an exit lobby for the residential floor levels above. The amenity room is not permitted to open directly onto the exit lobby as per Clause 3.4.4.2.(2).(c) of the Building By-law.
4. The distance between the doors in series at the main floor West exit corridor (near the central exit stairwell) must conform to Sentence 3.3.1.12.(12) of the Building By-law.
5. At the main floor level the exit from the 2nd floor level that leads through the lobby must be separated from the remainder of the Building in conformance with Subsection 3.4.4 of the Building By-law.

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

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

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

Fire and Rescue Services Comments:

The following comments have been provided by Fire and Rescue Services and are based on a preliminary review of the architectural drawings received on November 4, 2005 for this Development application.

1. Fire Dept. connection to be within 45 meters of a city fire hydrant as per VBBL 1999.
 2. Install potable fire extinguishers as per NFPA 10 VFBL.
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