

350 KINGSWAY (COMPLETE APPLICATION)  
DE409433 - ZONE C-3A

MBR/SB/JG/DK

August 3, 2005

**DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS**

**Present:**

R. Michaels (Chair), Development Services  
M. Thomson, Engineering Services  
L. Gayman, Real Estate Services  
R. Whitlock, Housing Centre  
D. Jantzen, Vancouver Coastal Health Authority  
T. Driessen, Vancouver Park Board  
V. Morris, Social Planning/Office of Cultural Affairs

**Also Present:**

M.B. Rondeau, Urban Design & Development Planning  
S. Barker, Development Services  
J. Greer, Development Services

August 17, 2005

**DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS**

**Present:**

R. Michaels (Chair), Development Services  
M. Thomson, Engineering Services  
L. Gayman, Real Estate Services  
D. Jantzen, Vancouver Coastal Health Authority  
T. Driessen, Vancouver Park Board  
S. Bradley, Social Planning/Office of Cultural Affairs  
R. Louie, Development Services

**Also Present:**

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

**APPLICANT:**

Mark Ostry  
Acton Ostry Architects Inc  
1637 W 5<sup>th</sup> Avenue  
Vancouver, BC V6J 1N4

**PROPERTY OWNER:**

350 Kingsway Development Ltd.  
c/o Garden Avenue  
North Vancouver, BC  
V7P 3H2

**EXECUTIVE SUMMARY**

- **Proposal:** To develop this site with a 13 storey building containing a vehicle dealer with ancillary motor vehicle repair shop on the ground and 2nd floors and 97 residential units on the 3rd to 13th floors all over 3 levels of underground parking.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building and Fire & Rescue Services comments

Appendix D Plans and Elevations

Appendix E Design Rationale

Appendix F Road Dedication Areas

Appendix G Memo - Proposed Pedestrian Activated Signal Cost Share

● **Issues:**

1. Sophia Street Corner Plaza design concept, including streetscape/street tree treatment and restrictions on the location of freestanding sign

● **Urban Design Panel: Support**

**DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE**

THAT the Board APPROVE Development Application No.DE407888 as submitted, the plans and information forming a part thereof, thereby permitting development of this site with a 13 storey building containing a vehicle dealer with ancillary motor vehicle repair shop on the ground and 2nd floors and 97 residential units on the 3rd to 13th floors all over 3 levels of underground parking, subject to the following conditions:

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

1.1 significant design development and provisions for the Sophia Street corner plaza as noted below;

- (a) design concept change to create a fully public space that shares the residential entrance rather than separating it and opens onto the 12<sup>th</sup> Avenue Streetscape;
- (b) provide continuous street trees on both Sophia Street and 12<sup>th</sup> Avenue, species on 12<sup>th</sup> Avenue to be a larger shade tree to continue existing street tree character to the east and should take into account future road widening;
- (c) consider providing a water feature on the plaza (a maintenance agreement will be necessary as noted under Condition A.1.15);
- (d) reintroduce a single 12 ft. right-in driveway from 12<sup>th</sup> Avenue with specialty paving and curbs set approximately 4 ft. from the building face and to present an image of a residential drop-off area while providing access for both residential and dealership users;
- (e) reconfigure the surface class B loading stall such that manoeuvring will not back onto Sophia Street in coordination with the General Manager of Engineering Services;
- (f) reorient car lift to operate from inside of the parking garage;
- (g) a legal agreement for public access, use and maintenance of the plaza is requested under Condition A.2.1;
- (h) relocate or remove the freestanding car dealership sign at the corner of the plaza, a legal agreement (no sign covenant) is requested to prohibit a freestanding sign in the public plaza area, to the satisfaction of the Director of Planning and Director of Legal Services;
- (i) provision of Wellness Walkway standard furnishings and treatments to Sophia Street public realm and the corner plaza to the satisfaction of the General Manager of Engineering Services and the Director of Planning including benches, pedestrian light standards, sidewalk and paving treatment and a drinking fountain on private property (a maintenance agreement will be necessary for the drinking fountain as noted under Condition A.1.15);

1.2 arrangements, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for contribution of \$23,000 (approximately 25% of the cost) toward the total cost of a pedestrian signal on 12<sup>th</sup> Avenue at Sophia Street noting final approval of signal is required by City Council;

1.3 design development to the building interface with the corner plaza;

**Note to Applicant:** The residential sense of entry should be strengthened at the base of the building. Fire exit doors should be reconfigured such that an alcove is not created. Specify foundation planting and vines at the base of the wall on the Right-of-Way, and provide a planter with trees at the edge of the upper podium open space.

1.4 design development to improve the quality of the retail frontage on both Kingsway and 12<sup>th</sup> Avenue;

**Note to Applicant:** Provide large scale sections and elevations showing details of material treatments of walls, soffits and weather protection.

- 1.5 design development to provide a seamless public realm streetscape on both Kingsway and 12<sup>th</sup> Avenue (taking into account the future road widening and building setback areas such that the street trees can be retained);

**Note to Applicant:** Steps, platforms and seating walls should be removed and replaced with continuous patterned paving, in coordination with Engineering Services. An urban corner plaza should be created at the corner of Kingsway and 12<sup>th</sup> Avenue. The integrity of the corner plaza should not be diminished subsequent to the road widening.

- 1.6 design development to improve the architectural resolution of the podium level townhouse frontage on Kingsway;

**Note to Applicant:** This townhouse frontage should reference the higher quality treatment of the tower.

- 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 – C-3A District Schedule:

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size	-	-	Irregular
Site Area <sup>1</sup>	-	-	36 568 sq. ft.
Floor Area <sup>2</sup>	Outright: 36 568 sq. ft. Conditional: 109 704 sq. ft.	-	Vehicle Dealer: 23 753 sq. ft. Residential: 88 583 sq. ft. Total: 112 336 sq. ft.
FSR <sup>2</sup>	Outright: 1.00 Conditional: 3.00	-	Vehicle Dealer: 0.65 Residential: 2.42 Total: 3.07
Balconies <sup>3</sup>	Open: 3 503 sq. ft. Enclosed: 3 503 sq. ft. Total: 7 006 sq. ft.	-	Open: 4 906 sq. ft. Enclosed: 3 106 sq. ft. Total: 8 012 sq. ft.
Height <sup>4</sup>	Outright: 30.18 ft. Conditional: unspecified	-	Top of Parapet Wall at East (Kingsway): 126.6 ft. Top of Rooftop Mechanical Room: 135.6 ft.
Parking <sup>5</sup>	<u>Vehicle Dealer:</u>  Small Car: 15 spaces  <u>Residential:</u>  Small Car: 29 spaces	<u>Vehicle Dealer:</u>  Disability: 2 spaces Total: 41 spaces  <u>Residential:</u>  Disability: 3 spaces Total: 93 spaces  <u>Total Vehicle Dealer and Residential:</u> 134 spaces	<u>Vehicle Dealer:</u>  Standard: 37 spaces Small Car: 19 spaces Disability: 3 spaces Total: 59 spaces  <u>Residential:</u>  Standard: 96 spaces Small Car: 16 spaces Disability: 4 spaces Total: 116 spaces  <u>Total Vehicle Dealer and Residential:</u> 175 spaces
Bicycle Parking	-	<u>Class A</u> <u>Class B</u> Vehicle Dealer: 3 6 Residential: 121 6 Total: 124 12	<u>Class A</u> <u>Class B</u> Vehicle Dealer: 3 6 Residential: 121 6 Total: 124 12
Loading <sup>6</sup>	-	<u>Class B</u> <u>Class C</u> Vehicle Dealer: 2 1	<u>Class B</u> <u>Class C</u> Vehicle Dealer: 1 0
Amenity	10 764 sq. ft.	-	1 017 sq. ft.
Unit Type	-	-	One-bedroom 19 units One-bedroom+den 26 units Two-bedroom 43 units Two-bedroom (Townhouse) 9 units Total 97 units

<sup>1</sup>**Note on Site Area:** The development requires that a portion of the site be dedicated to the city for future road widening and that the existing city lane be acquired into the development site (Standard Engineering Condition A.2.1 [a] and [h]). Standard Condition A.1.5 seeks confirmation of the site area in the form of an original sealed survey plan. This survey shall provide both the area of the site prior to the proposed road dedication and including the acquisition of the existing city lane (for the purposes of determining the maximum permitted FSR for this development), as well as the resultant site area. The site area provided by the applicant does appear to represent this site area and the maximum permitted floor area has been based on this figure.

<sup>2</sup>**Note on Floor Area and FSR:** The Development Permit Board may permit an FSR increase to a maximum total of 3.00. Standard Condition A.1.1 seeks a reduction of the proposed FSR of 3.07 to the maximum permitted of 3.00 (see discussion page 8). The 0.07 overage is due to heating and mechanical equipment enclosures located above the base surface, and open balconies exceeding the maximum excludable area. The proposed floor area and FSR have been based exclusively on the development permit submission drawings, and not on conflicting information provided on other presentation materials.

<sup>3</sup>**Note on Balconies:** The area of balconies which exceeds the maximum permitted FSR exclusion has been included in the proposed floor area and FSR figures. Standard Condition A.1.1 seeks more complete dimensions of all proposed balcony areas on the floor plans, and consistency in the balcony information between the floor plans and FSR overlays. To qualify for FSR exclusion, the proposed enclosed balconies must be shown as distinct spaces separated from the remainder of the suite by walls and glazing (see Standard Condition A.1.4).

<sup>4</sup>**Note on Height:** The Development Permit Board may permit an increase to the height of the building beyond the maximum 30.18 ft to an unspecified maximum. The suggested maximum height indicated in the Main Street C-3A Guidelines is 70 ft. or 6 storeys. Refer to the Technical Analysis - Main Street Guidelines chart below, as well as the staff commentary and discussion on page 8. Standard Condition A.1.2 seeks clarification of the elevation of the rooftop mechanical room as the proposed height has been based on a scale measure of the drawings.

<sup>5</sup>**Note on Parking:** The required parking for the residential use has been calculated pursuant to Section 4.2.1.13 of the Parking By-law. This site is eligible for the reduced parking standards contained within this section. Standard Condition A.1.6 seeks confirmation of the required number of off-street parking spaces designated for the Vehicle Dealer use versus those spaces which are to be designated for the storage of vehicles for sale. The provided number of parking spaces for the Vehicle Dealer (59 spaces) does not include 19 spaces designated for the storage of vehicles for sale. Standard Condition A.1.11 seeks a reduction of the maximum number of small car spaces proposed for the Vehicle Dealer use to a maximum of 25% of those spaces provided for the Vehicle Dealer in accordance with Section 4.1.7 of the Parking By-law.

<sup>6</sup>**Note on Loading:** Standard Engineering Conditions A.2.13 and A.2.14 seek the provision of a minimum of one (1) Class A loading space to be located inside the vehicle dealership, and a minimum of one (1) surface Class B loading space to be shared between the Vehicle Dealer and Residential uses. Engineering Services staff support this provision as a relaxation to the required number of loading spaces.

• **Technical Analysis – Main Street C-3A Guidelines:**

	RECOMMENDED	PROPOSED
Section 4.3 Height	New development should be built to a height that matches existing significant older buildings to 6 storeys, 70 ft. in height.	<p>The proposed building height is 135.6 ft. to the top of the mechanical penthouse and 126.6 ft to the top of the residential roof parapet (13 storeys.) Height has been measured to the top of the rooftop mechanical room since this large feature does not qualify for exclusion from the computation of height as an appurtenance (pursuant to Section 10.11 of the General Regulations of the Zoning and Development By-law.)</p> <p>Staff support the proposed massing and height given that it fits within the grouping of larger scale buildings existing or approved in the area and the minimal view and shadowing impacts. (see discussion on pg. 8).</p>

• **Legal Description**

Lots: B and D and lane  
Block: 113  
Plan: 12914  
District Lot: 301

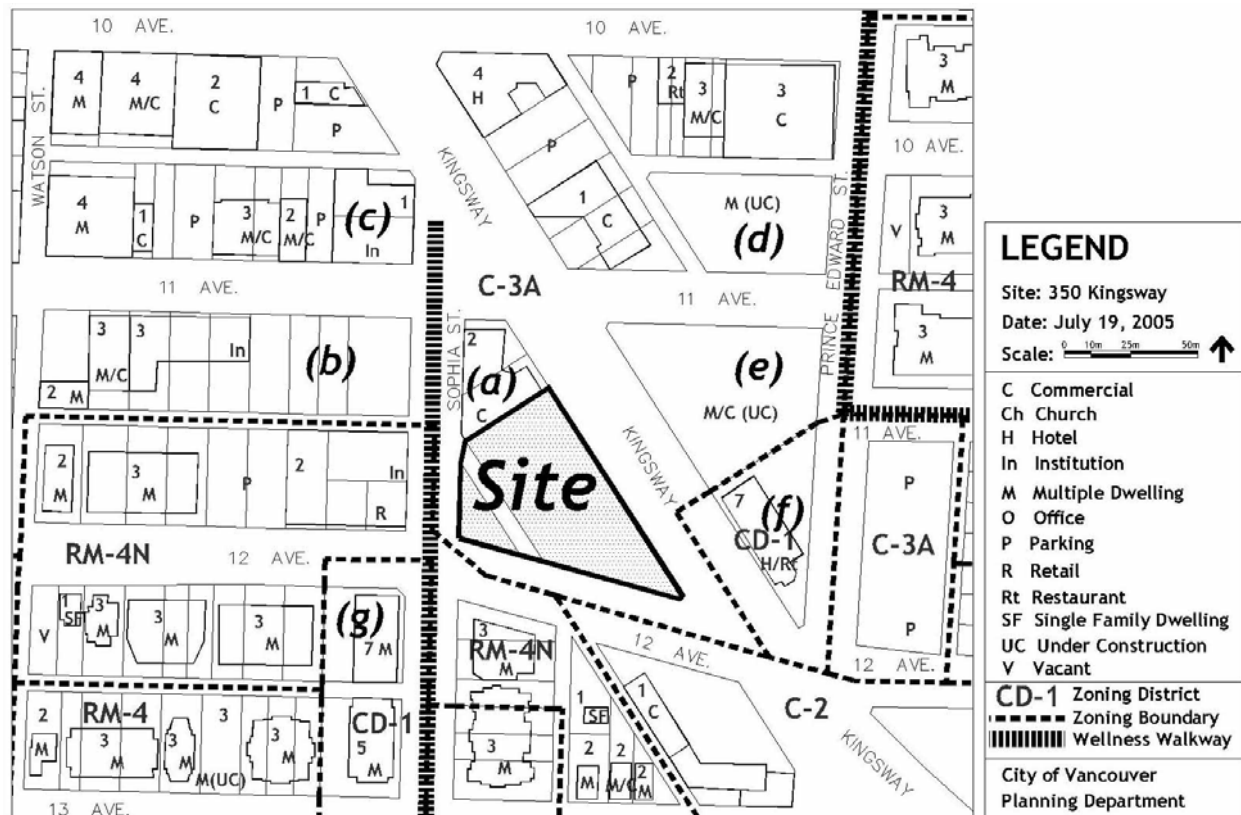
• **History of Application:**

05 05 20 Complete DE Submitted  
05 07 06 Urban Design Panel (support)  
05 08 03 Development Permit Staff Committee  
05 08 09 Submission of revised open space plan  
05 08 17 Development Permit Staff Committee

- **Site:** The development site is comprised of 2 triangular sites: a larger site at the NW corner of 12<sup>th</sup> Avenue and Kingsway and a smaller site across the lane to the west. There are existing city sewer and water services under the lane and Hydro, Telus and Shaw overhead. The existing sites have an unoccupied car dealership building with extensive surface parking. There are 5 driveway crossings on the larger site; 3 on Kingsway and 2 on 12<sup>th</sup> Avenue. The site slopes approximately 12 ft. from 12<sup>th</sup> Avenue down to the north property line on Kingsway.

- **Context:** Significant adjacent developments include:

- (a) Mount Pleasant Funeral Home, 306 East 11<sup>th</sup> Avenue, 2 storeys
- (b) 298 East 11<sup>th</sup> Avenue, a recently approved 8 storey multiple dwelling, 82 ft. height
- (c) Coast Foundation, 293 East 11<sup>th</sup> Avenue, office/social service, 1 storey
- (d) Soma Building, 2635 Prince Edward St, an 8 storey multiple dwelling, 77 ft.
- (e) Uno Building, 301 Kingsway, a 10 storey mixed use, 98 ft. height
- (f) Biltmore Hotel, 395 Kingsway, approx 80 ft. height
- (g) Edith Cavell Gardens, 2835 Sophia St, seniors supportive living, 70 ft. height



● **Background:**

An earlier preliminary development application was made by another architect for this site in October 2004 and withdrawn.

**Wellness Walkway:** The Mount Pleasant Wellness Walkway is a greenway which provides a barrier free walking circuit connecting various health care and support services in the neighbourhood such as the Edith Cavell Gardens seniors building, the Coast Foundation and Mount St Josephs Hospital. The walkway contributes to community health in general and more specifically to the special needs of those with challenges posed by illness, disability or age. Recently, this walkway was expanded along Prince Edward Street, east of Kingsway, to connect to the Mount Pleasant Community Centre at 8<sup>th</sup> and Kingsway and along Sophia Street at East 11<sup>th</sup> Avenue for a development proposal (298 East 11<sup>th</sup> Avenue). Given the opportunity of this site with a small triangular open space at Sophia Street and 12<sup>th</sup> Avenue, staff considered that this could provide a substantial amenity for the neighbourhood by extending the walkway to this open space. Features of the walkway include: extra wide, non-glare sidewalks with sawcut joints, feature pavers, wheelchair accessible benches, lighting, improved curb ramps, drinking fountain and fragrant, drought resistant planting materials.

**Pedestrian Signal at Sophia Street and 12<sup>th</sup> Avenue:** As described above, the Wellness Walkway provides a walking amenity for community members and, in addition, for those with disabilities. The crossing of 12<sup>th</sup> Avenue at Sophia Street, without a pedestrian signal, was identified as a concern as part of the initial walkway design and that concern has been increased in the past several years given the volume of general pedestrians using Sophia Street as an alternative to the noisier arterials and the long crosswalk at Kingsway. If partial funding is provided for this signal by this development, then the remainder of the funding can be provided from several City sources as noted under Appendix G.

**Road Widening on 12<sup>th</sup> Avenue:** The road widening along 12<sup>th</sup> Avenue to the Kingsway corner as shown in Appendix F is likely to be in the long term, needing redevelopment of key properties such as the Biltmore Hotel site before it can be achieved. This will leave a large boulevard on 12<sup>th</sup> Avenue and at corner of 12<sup>th</sup> Avenue and Kingsway. Public realm design for these dedication areas should take into consideration that a road widening will occur at some point in the future.

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

1. C-3A District Schedule
2. Main Street C-3A Guidelines
3. Sign By-law

1. C-3A District Schedule

**Use:** Vehicle Dealer is a conditional commercial use. Dwelling units in conjunction with most commercial uses, including vehicle dealer, is a conditional use in the C-3A District Schedule requiring approval of the Development Permit Board.

**Density:** The outright permitted FSR is 1.0 with a maximum conditional FSR of 3.0 in accordance with Section 4.7 of the C-3A District Schedule and may be permitted by the Development Permit Board, provided the Board 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 liveability of any dwelling uses.*

**Height:** The outright height permitted is 9.2 m (30.2 ft.) in accordance with the C-3A District Schedule. Height can be increased, to a maximum which is unspecified in the District Schedule, provided the Development Permit Board 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 effect 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 the submission of any advisory group, property owner or tenant.*

## 2. Main Street C-3A Guidelines

These guidelines are primarily intended to enhance the Mount Pleasant core area as a shopping area with retail continuity, pedestrian interest and streetscape amenity. Many older masonry and frame buildings illustrate turn of the century historic character. Retention and restoration of these structures is encouraged. New, high quality, mixed use developments should reinforce the historical character of the core area in terms of height, scale and store front character.

## 3. Sign By-Law

Section 10.7 of the sign by-law would allow at least one freestanding sign on this site, and specifically on the Sophia Street corner plaza.

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

**Uses:** The vehicle dealer is a supportable use in this location of Mount Pleasant on Kingsway. The conditional residential use is also supported in this mixed use area of Mount Pleasant. Staff have requested that issues related to compatibility between the car servicing and the residential directly above be addressed, specifically, the mechanical exhaust and the acoustical impacts under conditions A.3.2 and A.3.4.

**Density:** The maximum density has been requested. There are a number of issues related to calculation of FSR which are showing an overage with the FSR at 3.07, beyond the maximum allowable of 3.0. These overages are attributable to mechanical rooms and balconies which can be corrected with minor effect on the overall building. Staff consider that the maximum density of 3.0 FSR can be achieved on this large site, similar to other approved developments in this zone but must be earned.

**Height, Massing and Building Form:** A significant increase to height has been requested from 30.2 ft. to 126.6 ft to the top of the tower roof parapet and 135.6 ft. to the top of the mechanical penthouse (which exceeds the guidelines suggested height of 70 ft.). Increases in height can be considered but must be earned.

This unusual choice for building form which is a slab tower proposed to be perpendicular to Kingsway rather than facing this prominent street was supported by the Urban Design Panel. Although staff



considered that a more traditional massing which addresses Kingsway and the prominent 'flatiron' corner at 12<sup>th</sup> Avenue, staff acknowledge that this form can contribute to higher building forms that are either existing (Edith Cavell Gardens, Biltmore Hotel), are recently approved or are under construction (Uno, Soma and 298 East 11<sup>th</sup> Avenue). The height at approximately 25 ft. higher than the other higher form on Kingsway (the Uno) will also provide the desired prominence of building form to feature the arrival into the Mount Pleasant Core area. Staff also acknowledge that 12<sup>th</sup> Avenue has a more contemporary character context than the core at Broadway where there are older masonry buildings (such as the Lee Building). This makes a more contemporary response to the building design supportable.

A view analysis of the impacts of the proposal from distant view points around Vancouver shows an adequate response to the skyline. Analysis of closer street views shows that this massing will fit into the higher building forms and not overbear the streetscape.

Shadow analysis was undertaken and, at the design enquiry stage, the tower massing was moved further to the south to ensure there was no undue impacts on the funeral home site to the north as a potential residential/commercial mixed-use development.

As mentioned by the Urban Design Panel, the building residential entrance at the Sophia Street corner plaza is understated and overly functional, made up primarily of exit stairs and elevator sidewalls. Staff suggest an improvement to the architectural expression and that more details be provided of the foundation planting at the wall on the Right-of-way. In addition, a planter with trees and vines should be added on the podium roof to soften the 'back of building' impression of the building, as noted under condition 1.3.

The Main Street C-3A Guidelines primarily address the retail streetscapes on the main arterials. The single use of vehicle dealer provides a challenge to keep retail interest on the sloping streets. The car showroom floor level is approximately 5 ft. above the sidewalk on Kingsway on the north and approximately 3 ft. below the sidewalk on 12<sup>th</sup> Avenue. This provides a significant challenge to provide pedestrian amenity. Staff recommend that details of the building materials, canopy weather protection, soffit and display panel be provided under condition 1.4.

The building is very well resolved architecturally. High quality material treatment is provided through the use of masonry, metal and glass, with a composite panel system. Staff request more detailed notation on building elevations showing windows or mechanical louvers, sidewall finishes adjacent to the funeral home site and clearer specification of the panel system under condition A.1.13.

A number of comments have been received with respect to the treatment of the townhouse façade on Kingsway. Under condition 1.6, staff recommend that this façade be better resolved architecturally using the same high quality treatments as the tower façade.

With the improvements noted in these design conditions, staff support the height and building form.

Sophia Street Corner Plaza (Condition 1.1): Significant design development is needed to turn this into the public amenity as the primary means of earning the requested increases to density and height and to contribute to the Wellness Walkway. As suggested by the Urban Design Panel, this space should be redesigned to better integrate public open space and the residential entrance across the plaza. The 12<sup>th</sup> Avenue streetscape should not be stripped of street trees and bermed to turn away from the street, rather 12<sup>th</sup> Avenue should be a fully enhanced streetscape with continuous street trees, pedestrian amenity and visual permeability into the open space and residential entrance. The tree species for 12<sup>th</sup> Avenue should continue the large shade tree character east of Kingsway and relate to the Wellness Walkway landscaping to the south on Sophia Street. A small scale water feature would be supported to provide background noise and amenity to the plaza.

Reintroduction of a driveway from 12<sup>th</sup> Avenue as a single lane, right in only, designed with the image of a residential drop off, as suggested by the Urban Design Panel, with specialty paving and curbs can better define the residential entrance and have the side benefit of providing alternate access for all the site uses including the car dealership while resolving the surface loading bay adjacent to the vehicle ramp off of Sophia Street.

A freestanding sign (shown on plan only) is proposed at the corner of Sophia Street and 12<sup>th</sup> Avenue, to provide direction to the driveway access to the car dealership. Staff question the appropriateness of a free standing sign for the car dealership in the public plaza and consider that it will detract from the public amenity created by the plaza as the primary means of earning the significant increases requested to height and density. Staff acknowledge that the directional signage is an important feature for the car dealership but suggest that this sign be relocated to another convenient location where clarity of the direction is still provided. Staff note that the Sign By-Law would allow this type of sign in this location. However, in this circumstance, this sign would not be appropriate and therefore staff have requested a "no sign" covenant be placed on the corner plaza under Condition 1.1 (h). A signage concept for the vehicle dealership is also requested under condition A.1.14.

The Wellness Walkway provides an important amenity to the neighbourhood as noted in the Background section of this report. Standard Wellness Walkway paving treatments, landscaping and furnishings including a drinking fountain should be provided as noted under condition 1.1(i).

Pedestrian Signal at Sophia Street and 12<sup>th</sup> Avenue (Condition 1.2): To complete the amenity of the Sophia Street corner plaza and as noted by the Urban Design Panel, staff suggest that contribution to a pedestrian signal, to allow safe crossing of 12<sup>th</sup> Avenue at Sophia Street, would be an important gesture for earning the conditional increases to density and height. The partial funding provided by this development will be the catalyst whereby the remaining funding can be achieved by several City funding sources as noted in Appendix G. A contribution of \$23,000 (approximately 25% of the total cost) is requested under condition 1.2.

As well, there are extensive sidewalks on both Kingsway and 12<sup>th</sup> Avenue due to building setbacks and road widening. Staff request development of paving patterns an urban corner plaza at Kingsway and 12<sup>th</sup> under condition 1.5.

Sustainable Building Features: Features that will benefit the amenity of the area and improve livability include the use of drought resistant plant species, high efficiency irrigation system and a landscaped roof. Staff support these efforts and request the applicable features be noted on the drawings and a green roof be provided on the townhouses as noted in the landscape conditions in appendix A of this report.

• **Conclusion:** A large scale development is proposed for this location in Mount Pleasant. Staff have reviewed the proposal and support the increases to density and height provided significant design development is achieved to the Sophia Street corner plaza as the primary amenity feature of the proposal to earn the increases. A financial contribution to a pedestrian signal at that corner is also important to complete the amenity.

Earning of the increased density can be summarized as follows;

- provision of a corner public open space at Sophia Street with Wellness Walkway features,
- high quality architectural resolution and materials
- \$23,000 contribution to a pedestrian signal at Sophia Street and 12<sup>th</sup> Avenue,
- deletion of 5 driveway crossings on Kingsway and 12<sup>th</sup> Avenue, with a larger crossing on Sophia Street and a single driveway access on 12<sup>th</sup> Avenue,
- public realm sidewalk improvements on Kingsway and 12<sup>th</sup> Avenue with street trees,
- sustainable building features.

On that basis, staff recommend approval of this development application subject to the conditions noted in this report.

## URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on July 6, 2005, and provided the following comments:

### EVALUATION: SUPPORT (8-1)

- **Introduction:** The Development Planner, Mary Beth Rondeau, pointed out some minor differences between the application drawings and those in the presentation booklet. The changes relate to the design of the public open space as a result of relocating the lobby, and deletion of the curved top of the building and the townhouses.

Ms. Rondeau briefly described the site at Kingsway and East 12th Avenue in the core Mount Pleasant area. Staff recognize that this site offers some very good opportunities given it is also at the highest point of Mount Pleasant and highly visible from many parts of the city. It was noted the historic Lee Building at Main and Broadway characterizes the period architecture of Mount Pleasant, and aspirations for the area include a strong streetwall presence. The C-3A zoning allows an outright height of 30 ft., relaxable to an unspecified maximum height. The guidelines suggest a height up to 70 ft. to respect the height of the Lee building which is about 78 ft. However, in considering the height and massing in the area, Staff conclude that the Lee Building is more of a streetwall building and that it would add prominence to this fast-evolving neighbourhood to allow greater height than suggested by the guidelines. A number of other developments have recently been approved above the recommended guideline height. Ms. Rondeau briefly reviewed the height of nearby buildings and noted that significant height is anticipated at the core of Mount Pleasant.

The proposal is for a car dealership along the base on Kingsway, with market residential above. The application requests an increase in density from the outright permitted 1.0 FSR to the maximum 3.0 FSR. Proposed height is 126 ft. The proposed site is currently two sites and the scheme includes a corner public open space that will connect with the emerging Wellness Walkway in the area. It is proposed that the lane which currently bisects the two sites will be purchased from the City and closed. However, the existing services beneath the lane will be protected by a right-of-way agreement, allowing for it to be better integrated with the project without being built upon.

In addition to the main question of whether the proposal earns the requested height and density, the advice of the Panel is sought on the following:

- Whether the general layout and design of the open space triangle at the 12th and Sophia intersection meets the challenge of providing a very usable public outdoor space while providing an appropriate private residential entry and access to parking for the residential and commercial uses;
- Overall massing resolution, in particular the streetwall presence and continuity of the massing on Kingsway, including axial views to the north and south;
- Whether the proposed 126 ft. height contributes to the overall success of the form of development;
- Continuity of street level animation and character, in particular the character of the retail at street level and the relationship of the retail uses to the street;

- Overall architectural character, particularly the residential components and the townhouse expression and orientation.
- **Applicant's Opening Comments:** Mark Ostry, Architect, addressed the key elements of the scheme and stressed the major distinction between this location and the central node of Mount Pleasant at Broadway and Main is its completely different character because of the orientation of the streets. He noted that a number of different forms and massing orientation were studied before they concluded that the proposed scheme is optimal, particularly with respect to residential livability.

Mr. Ostry briefly described the proposal. He noted that considerable effort has been given to incorporating the lane into the project in order to be able to create a more meaningful open space which ties in with the wellness walkway. He also stressed that the owner/developer has a major commitment to the site and intends to maintain a big presence for the long term. He noted the provision of increased sidewalk width on 12th Avenue, as well as a street widening dedication. The project also proposes high quality materials and design, and significant sustainability features. Mr. Ostry added there is also a possibility of giving up some of the currently proposed car display windows for smaller retail units to improve the grain along Kingsway.

Don Vaughan, Landscape Architect, briefly reviewed the landscape concept and the applicant team responded to the Panel's questions.

- **Panel's Consensus on Key Aspects Needing Improvement:**
  - Further consideration should be given to the handling of the public open space at the southwest corner of 12th Avenue and Sophia. It needs to be reconsidered at a very conceptual level in terms of how it sets up the residential entry and resolves everything that needs to be taken into account;
  - Greater attention should be given to the overall streetscape including continuity of street trees along both 12th and Kingsway.
- **Related Commentary:**

The Panel strongly supported this application and had no major concerns about the overall height and density increases. In general, the Panel was confident that the increases can be earned provided the design of the landscape components and detailed resolution of the corner public open space can be proven out.

In general, the Panel thought the overall massing and siting of the elements on the site were very well handled. The massing moves were acknowledged to be somewhat unorthodox but rational and successful nonetheless. The Panel considered the slab building to be very handsome architecture. It was also agreed that this intersection is distinctly different from Broadway and Main and it was noted that additional height at this high point will also contribute to a more interesting city skyline.

The Panel's main concerns related to areas below the podium level, in particular resolution of the residential entry and relationship to the open space on the corner. The residential entry seems weak and hidden, needing to be expressed more clearly and better integrated with the residential above, possibly bringing the residential expression down to ground level to clearly differentiate the residential from the commercial podium. The Panel generally found the corner open space to be too complicated. The Panel was not convinced by the small sign at the corner of 12<sup>th</sup> and Sophia. It was recommended that people should be encouraged to linger and sit down in the open space. There were some questions about the berm which, together with the trees clustered in front of the residential entry, could raise CPTED issues. The addition of a water feature might also be considered to provide a white noise buffer from the traffic. Some Panel members also suggested reconsidering the nature of the

lane, possibly reintroducing a driveway which could contribute to creating a stronger residential forecourt and provide for access to the garage. It was strongly recommended that the whole approach to the corner open space be reconsidered, including greater consideration of pedestrian desire lines. It was noted the space could be both public and serve the residents but it should first be perceived as an entrance to the residential.

Some Panel members also suggested reconsidering the nature of the lane, possibly allowing it to remain as a paved surface to create a stronger residential forecourt as well as allowing its use for access to the garage and reduce the overall amount of paved area.

The Panel generally liked the massing of the townhouses on Kingsway, with some concerns. There was a suggestion to use a more vertical and residential expression to improve the long, low motel-like appearance. One Panel member also thought the townhouse windows were less successful than those on the tower because they seem to be hidden behind the masonry element. There were also concerns about access to these townhouses which is somewhat awkward and circuitous. Consideration should be given to at least providing some weather protection, or consider relocating the access off Kingsway, with some private space added at the rear. There was also a concern expressed about how the corner component relates to the townhouses with a suggestion that moving it up might improve the relationship.

With respect to the streetscape there was strong recommendation for continuation of the street trees, both on 12th and Kingsway. Street trees should take precedence over signage, and any signage should be integrated with the architecture. The existing street trees should also be retained if at all possible. The possibility of including small retail units on Kingsway was seen as positive by one Panel member although another Panel member did not believe it to be very important given there is little pedestrian traffic on Kingsway. However, a comment was also made that while Kingsway is currently a harsh vehicular street, it will hopefully not remain that way and every opportunity should be taken to enhance the streetscape. The applicant was urged to liaise with the City on an appropriate streetscape program. As well, one Panel member stressed that the road dedication area should not be more asphalt.

There was support for the roof deck, with a recommendation to include more planting.

The applicant was urged to give careful consideration to sustainability issues, noting the large amount of glazing which is energy inefficient and the black colour which produces radiant heat. One Panel member suggested an attempt should be made to design a building that has no greater consumption of energy and utilities than the existing site. LEED certification should also be the goal.

Finally, a suggestion was made that adjustments are made to the model to ensure it is the correct scale and the details are added before the project is reviewed by the Development Permit Board.

- **Applicant's Response:** Mark Ostry thanked the Panel for the very good comments. He said there is no question that they will be incorporated into improvements to the project. Shendoor Japavji also thanked the Panel for its positive comments. She stressed that they are part of this neighbourhood and intend to stay.

## ENGINEERING SERVICES

The General Manager of Engineering Services has received a request to close, stop-up and convey the lane which lies between the subject Lot B and Lot D. Upon review the General Manager of Engineering Services can support, before Council, the request to sell the lane subject to a number of conditions. The Director of Real Estate Services has been instructed to, and has commenced, negotiations with the applicant. This will be a very complex lane sale to conclude as there are issues related to utility

relocation, in particular undergrounding of the overhead services existing in the lane that must be coordinated with the outside public utility companies. (See Condition A.2.1).

The lane sale is further complicated by the need to deal with a small triangle of lane to be closed that abuts the adjacent Lot 2 at 306 Kingsway. It will be necessary for the applicant to arrange a conveyance and consolidation with the adjacent owner or in the absence of such a conveyance and consolidation a quit claim will be required from the Lot 2 owner, to the satisfaction of the Director of Legal Services. (See Condition A.2.1).

After working with staff to avoid having vehicular access directly from Kingsway, the applicant has focused all parking and loading access off a single Sophia Street crossing. This location was also identified as the best location for access in the consultant study by Bunt & Associates. While staff support this access, trucks using the (outdoor) Class B space will require backing maneuvers to or from the street. This is not acceptable in an evolving residential environment and with the Wellness Walkway situated where it is. Staff are working with the applicant to arrive at a suitable design solution, likely including a narrow, one-way drive aisle accessed from westbound 12th Avenue, with provision to accommodate a Class B loading space. Staff are supportive of the applicant's request to relax loading provision, as the second Class B space can be downgraded to a Class A and located inside the building to serve smaller delivery and service vehicles; however, provisions must be made to enable sharing of loading between the various uses on the site (see Condition A.2.13 & A.2.14). The Class C space requirement may be relaxed, as the only larger delivery vehicle to serve the site will be the car-transport, which will need come only a couple times per month; it may use a suitable portion of the curb lane of Sophia Street on those occasions. Provide information relating to a delivery route and loading procedure for vehicle unloading of the car dealership (see Condition A.2.9). Conditions dealing with these and other Engineering concerns appear in Appendix A.

#### **HOUSING CENTRE/SOCIAL PLANNING**

This proposed development at 350 Kingsway has a total of 35 units on the lower 8 floors or in townhouses with 2 bedrooms suitable for families with children. The proposed building includes a resident amenity room adjacent to an outdoor podium open space. However, the proposed open space does not incorporate a children's play area. Staff recommend that a secure, multi-use area including play equipment and a resilient play surface be provided for children's play (see Condition A.1.23).

#### **ENVIRONMENTAL PROTECTION BRANCH**

Since a road dedication is required for this development a soils agreement will be required prior to approval of the development application. Clearance was received from Ministry of Water Land and Air Protection on the previous development application (DE 408911 which was withdrawn); this clearance may be transferred to this application. A request has been made to the Supervisor of the Environmental Protection Branch to initiate a soils agreement. See condition A.4.1.

#### **PARK BOARD**

The proposed public open space at the northeast corner of 12th Avenue and Sophia Street requires significant design development. As part of the Wellness Walkway system, the open space needs to be fully accessible and comfortable. Its southwest exposure requires the provision of shade. A continuous row of street trees that mature into trees with a large canopy shall be provided along 12th Avenue. Bill Stephen (604.257.8587), arborist at the Park Board, will select an appropriate species upon request. In addition, one specimen shade tree planted into the centre of the open space is suggested. Continuous street trees are also required along Sophia Street, in contrast to the larger trees mentioned above, the species selected for Sophia Street may be of a smaller variety, per Bill Stephen's direction. The proposed commercial sign is not compatible with the public open space, and should be deleted. (See Condition 1.1)

## **PROCESSING CENTRE - BUILDING**

This Development Application submission has not been fully reviewed for compliance with the Building By-law. The applicant is responsible for ensuring that the design of the building meets the Building By-law requirements. The options available to assure Building By-law compliance at an early stage of development should be considered by the applicant in consultation with Processing Centre-Building staff.

To ensure that the project does not conflict in any substantial manner with the Building By-law, the designer should know and take into account, at the Development Application stage, the Building By-law requirements which may affect the building design and internal layout. These would generally include: spatial separation, fire separation, exiting, access for physically disabled persons, type of construction materials used, and fire fighting access and energy utilization requirements.

Further comments regarding Building By-law requirements are contained in Appendix C attached to this report.

## **VANCOUVER COASTAL HEALTH AUTHORITY**

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

- (i) The garbage storage area is to be designed to minimize nuisances.
- (ii) The underground parking is to be adequately ventilated to prevent the build-up of noxious gases.
- (iii) All fresh-air intake portals are to be located away from driveways and parking/loading areas in order to prevent vehicle exhaust from being drawn into the building.

## **FIRE & RESCUE SERVICES**

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

## **NOTIFICATION**

The applicants submitted confirmation on June 8, 2005 that two signs had been erected on the site per the City's instructions. On June 9, 2005, a total of 176 letters were sent to neighbouring property owners advising them of the application and requesting written feedback by July 8, 2005. The applicant has confirmed that they do not have any pre-purchasers in the notification area. To date eight (8) written responses and one (1) telephone response have been received. The comments are summarized as follows:

- Two (2) responses indicate a general support for the development; however there were concerns with the height of the building and the impact the vehicle dealer use and high density residential use will have on parking in the area.
- Seven (7) responses opposed the development due to the height increase being requested with respect to view blockage, shadowing, and overall massing.

Other comments indicated a concern that the development would increased traffic congestion in the area, the building orientation is set north/south with minimum reference to the street, and the design of the building does not completely earn the conditional height or density.

### **Staff Response to Comments:**

Height, Massing, Shadowing and Views: Staff have analysed the impacts of height and massing and find no significant impacts on views and consider that the proposed massing will fit well within the grouping of existing and recently approved developments in this area. The shadowing has been addressed for the funeral home site directly to the north (not one of the respondents) and shadow analysis shows that other properties will not be primarily affected.

Traffic and Parking: The surrounding street network can incorporate the increases to density allowed by this C-3A zoning and the proposed resolution of the site, with a main driveway off Sophia Street and including reincorporating a driveway where the lane is located, will resolve traffic issues. More than the minimum parking is proposed for this development and it will not negatively impact parking in the area.

### **DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:**

August 3, 2005

In its first review of the proposal the Staff Committee noted that this application included a number of inconsistencies between the materials presented to the Urban Design Panel, the model, and the development application submission which made it difficult to review the project as a complete application. A number of technical issues were also noted (concern was expressed with the unit layouts particularly the storage rooms and the inaccessible decks off the townhouse units) due to incomplete submission material.

The Staff Committee believes that this site could accommodate the height and density of the development proposal, however there were concerns with the way the form has been resolved in that the development orients itself away from Kingsway and the intersection of Kingsway and 12<sup>th</sup> Avenue and noted that this proposal varied from other recent developments which better respected the character and massing in the Mount Pleasant area.

The Staff Committee believes that a preliminary development application would have been a more appropriate process to address the massing and form. Staff Committee further noted that the absence of clarity and consistency in the submission posed a challenge in this regard. With respect to the Sophia Street corner plaza the Staff Committee requested a schematic design response from the development team for the plaza, noting it is to be a primary element for earning the increase to density and height, and on this basis staff were requested to obtain additional information and drawings from the applicant.

Aug 17

The Staff Committee reviewed a revised schematic plan of the corner plaza in addition to information from staff. It was discussed at some length with respect to its composition; including landscape material, features and the relationship to public realm, the appropriateness of the right turn driveway and the loading space directly in front of the principle residential entrance facade and the corner plaza. The Staff Committee noted that the additional drawings and information were helpful and considered that the schematic plan could be developed to provide the necessary amenity to earn the increases to height and density. Staff Committee considered that the contribution to the pedestrian signal was also an essential part of earning the requested increases to density and height.

The Staff Committee acknowledges that the form, massing together with finish and materials, plaza space, public realm/streetscape in the existing context of recent nearby development, and the contribution of this site into the intersection and streetscapes, that this proposal is supported together with the recommendations and conditions set out in this report .



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R. Michaels  
Chair, Development Permit Staff Committee

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M.B. Rondeau, MAIBC  
Development Planner

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S. Barker  
Project Coordinator

Project Facilitator: J. Greer

## DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

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

### A.1 Standard Conditions

- A.1.1 reduction to the proposed floor space ratio [FSR] to the maximum that may be permitted for this site;

**Note to Applicant:** Enclosed portions of floors above the base surface which are used for heating and mechanical equipment shall be included in the computation of FSR. Greater clarification of the 3<sup>rd</sup> floor mechanical area on the floor plan, section and elevation drawings is required. Balcony areas exceeding 8% of the provided residential floor area being provided have been included in the computation of FSR. Complete dimensions of all open and enclosed balconies should appear on both the floor plans and FSR overlays, and should be presented consistently across all drawings. The proposed floor area and FSR have been based exclusively on the development permit submission drawings, and not on conflicting information provided on other presentation materials (such as the extensive trellis structure on the tower roof).

- A.1.2 clarification of the height of the building to the top of the rooftop mechanical room;

- A.1.3 provision of a letter of undertaking, signed by the owners, assuring the furnishings and availability of the amenity areas to all occupants of the residential component of the building, and the provision of details of the floor plans which describe the type of amenity space, equipment and/or furnishings and washroom are being provided;

- A.1.4 design development to provide more useable enclosed balconies and provision of details of all balcony enclosures;

**Note to Applicant:** To qualify for an exclusion from floor space ratio [FSR] calculations, enclosed balconies must be useable space with a minimum depth of 6 ft. (the proposed 4 ft. deep space is not workable), be specified as a distinct space separated from the remainder of the dwelling unit by walls, glass, and glazed doors [hinged or sliding], have an impervious tile floor surface, a flush threshold at the bottom of the door [for disabled access], large, openable windows for ventilation, and distinct exterior architectural expression. Notation should also be made on the plans stating: "All enclosed balconies shall be designed and constructed in accordance with the Council-approved Balcony Enclosure Guidelines." For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines.)

- A.1.5 an original, sealed copy of a survey plan of the site, verified by a British Columbia Land Surveyor is to be submitted, clearly indicating the site area prior to the dedication of a portion of the site for road widening, and after the acquisition of a portion of City lane;

- A.1.6 confirmation that the off-street parking spaces designated for the Vehicle Dealer use shall be available for visitors and staff rather than for the storage of vehicle for sale;

**Note to Applicant:** The submitted FSR overlays indicate that 19 parking spaces have been designated for vehicle storage on level P2. Provide a clear distinction on the plans between vehicle storage spaces and off-street parking spaces.

- A.1.7 relocation of the bulk storage room from the bedrooms of the penthouse units, and from the exterior wall of the kitchen area of the townhouse units to more suitable locations within the respective units;
-

A.1.8 design development to provide access from the townhouse units to the balconies which front onto Kingsway;

A.1.9 design development to improve daylight access to residential units;

**Note to Applicant:** This can be achieved as follows:

- the wall and door enclosing "office" in unit "W" should be removed and the term "office" should be replaced with "den";
- confirm that interior bedrooms and dens which rely on "borrowed" natural light are specified to contain a full height glazed partition which is to be located a maximum of 25 ft. from an exterior window; and
- units 'K' and the northerly Unit 'L' on Level 4 do not benefit from sufficient borrowed light from the Living Room/Dining Room area as proposed, and the bedroom at Unit 'K' does not appear to meet the horizontal angle of daylight provisions.

A.1.10 provision of the minimum number of clothing lockers for the Class A Bicycle parking spaces for the Vehicle Dealer use pursuant to Section 6.5.1 of the Parking By-law, and a redesign of any vertical Class A Bicycle parking spaces where the bicycle wheel does not face a wall;

A.1.11 reduction to the number of small car parking spaces proposed for the Vehicle Dealer to a maximum of 25% of the provided number of Vehicle Dealer spaces;

A.1.12 design development to locate, integrate and fully screen any emergency generator, exhaust ventilation, electrical substation and gas meter in a manner that minimizes their noise and visual impact on the building's open space and the public realm;

A.1.13 label all exterior building materials and finishings, noting the need for high quality materials, provide a specification of building panel material and provide specialty treatment of any exposed wall on the northern property line at the funeral home;

A.1.14 provision of a signage concept integrated with the architectural expression of the building;

**Note to Applicant:** Specific wording references should be deleted. Signage is regulated by the Sign By-law and requires separate approval.

A.1.15 arrangements shall be made to the satisfaction of the Director of Planning and the Director of Legal Services for a maintenance agreement for both the water feature and water fountain located in the Sophia Street corner plaza (on private property);

### Standard Landscape Conditions

A.1.16 design development to the 3<sup>rd</sup> floor podium landscaping to provide more programming to this common amenity space by developing a hierarchy of spaces, a greater variety of planting, benches and arbours;

**Note to Applicant:** Show drought-resistant species for roof decks to replace lawn. Provide permanent benches or places for movable chairs, and an arbour structure for shade with privacy screening.

A.1.17 provision of a green roof to the townhouses to improve overlook for surrounding residents;

A.1.18 indication on the plans of the high efficiency irrigation, locations of hose bibs and planter sections;

A.1.19 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of new street trees and special sidewalk treatment adjacent to the development site. The second row of trees should be located on the development site;

**Note to Applicant:** Consider low level planting around trees as a buffer between moving traffic and pedestrians. New street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board" on the drawings. Contact Eileen Curran (604.871.6131) of Engineering Streets Division regarding the potential street tree siting, spacing and quantity. Contact Bill Stephen (604.257.8587) of the Park Board regarding tree species. Submit a separate copy of the Landscape Plan directly to Engineering Services for review.

A.1.20 provision of details of 13th floor single tree planter;

#### **Crime Prevention Through Environmental Design (CPTED)**

A.1.21 design development to reduce opportunities for theft in the underground;

**Note to Applicant:** Provide secure separation for residential parking without dealership patrons using fire exiting through residential parking areas.

A.1.22 design development to reduce opportunities for mail theft by locating residential mail boxes within full view of the elevators;

#### **Social Planning/Housing Centre**

A.1.23 design development to the podium open space to provide a secure multi-use area suitable for children's play with a resilient play surface (refer to section 3.3 of the City's High Density Housing for Families with Children Guidelines) to the satisfaction of the Director of Social Planning.

**Note to Applicant:** The design must provide adequate security (i.e. secure the rooftop with childproof gate), be located to maximize visual surveillance from the residents amenity room, and avoid toxic plants and landscaping materials in and around the multi-use play area. A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available by calling the City's Childhood Development Coordinator at (604.871.7764).

#### **A.2 Standard Engineering Conditions**

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

- (a) closure of the city lane adjacent to the site, including the undergrounding and relocation around the block of all existing overhead utilities and the relocation of all existing underground utilities within the lane; (or other arrangements, if utilities are to remain including rights-of-way to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services);

**Note to Applicant:** Council approval of the lane closure is required and will be subject to a number of conditions including the undergrounding of existing overhead utilities.

- (b) consolidation of the closed lane with the subject Lot D and Lot B to form a single parcel;
- (c) appropriate agreements for public access and use of the open space (Lot B);
- (d) ongoing maintenance of the public open space (Lot B);
- (e) release of Easement and Indemnity Agreement 359067M (four commercial crossings), and extension GB77381 prior to the issuance of any occupancy permit for the development;
- (f) release of Easement and Indemnity Agreement 507137M (building encroachments) prior to the issuance of any occupancy permit for the development;

**Note to Applicant:** This charge may no longer be applicable as it may apply only to structures which are located on the adjacent Lot 1 and Lot 2.

- (g) release of Easement and Indemnity Agreement GC24112 (canopies) prior to the issuance of any occupancy permit for the development;
- (h) dedication of the widening line area on Lots B and D (as shown in Appendix E);
- (i) provision of a wellness walkway and associated features adjacent to the site;
- (j) resolution of the issue relating to the portion of lane adjacent to neighbouring Lot 2.

- A.2.2 clarification of the extent of the apparent encroachment of the metal canopy on Level 3 over a portion of the required dedicated area at the corner of 12<sup>th</sup> Avenue and Kingsway. Any portion of this feature which encroaches over any portion of this dedicated area shall be deleted;

**Note to Applicant:** Drawings A2.01 and A2.02 show a metal canopy as an extension of the roof of the mechanical room on Level 3 projecting over a portion of the dedicated area.

- A.2.3 arrangements shall be made to the satisfaction of the General Manager of Engineering Services for adequate sewer services for the site;

**Note to Applicant:** A sewer main upgrade is necessary to provide acceptable main capacity. Coordination of all works is required, and early contact between the applicant and the Sewers Design Branch is strongly encouraged.

- A.2.4 provision of additional design elevations on the east side of parking ramp at the property line, and at the opposite lobby at the lane;

**Note to Applicant:** The lobby elevation will require an adjustment to meet the building grade.

- A.2.5 provision of measures to improve the visibility of oncoming traffic at the top and bottom of the parking ramps from parking levels P1 to P3;

**Note to Applicant:** View portals and parabolic mirrors are suggested.

- A.2.6 modification to the direction of the door swing for the Class A bicycle spaces for the Vehicle Dealer;

**Note to Applicant:** This will prevent a conflict with a parked car.

- A.2.7 provision of the required disability parking stall widths;

**Note to Applicant:** A shared disability stall requires a 1.5 m (5 ft.) pedestrian aisle in between the two spaces. A minor adjustment to parking stall 19 is required.

- A.2.8 compliance with the requirements of the Engineering Parking and Loading Design Supplement for parking column setbacks;

**Note to Applicant:** The columns should be setback an additional 1 ft. from the end of the stall.

- A.2.9 provision of a proposed delivery route and loading procedure for deliveries to the Vehicle Dealer;

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

**Note to Applicant:** Canopies must provide a reasonable amount of weather protection for pedestrians. Provide 6 ft. wide canopies with a 2 ft. clearance from all poles and ensure that canopies will not interfere with existing and/or proposed street trees.

- A.2.11 provision of a crossing application to the satisfaction of the General Manager of Engineering Services;

**Note to Applicant:** The crossing design is to be approved by the General Manager of Engineering Services prior to issuance of the development permit. The crossing must be at a minimum width to serve this site.

- A.2.12 deletion of the second row of street trees indicated on public property along Sophia Street, or alternately, relocate the trees to be entirely on private property;

- A.2.13 provision of a minimum of one (1) Class A loading space to be located inside the Vehicle Dealer designated parking area;

- A.2.14 provision of a minimum of one (1) Class B loading space for the Vehicle Dealer to be shared with residential use and provision of a letter of agreement to the satisfaction of the General Manager of Engineering Services and the Director of Planning for the shared use of this Class B loading space;

**Note to Applicant:** A copy of the letter of agreement is to be provided to the residential owners.

- A.2.15 provision of signage to regulate one-way movement in the drop-off/loading driveway with entering from 12<sup>th</sup> Avenue and exiting to Sophia Street only;

**A.3 Standard Vancouver Coastal Health Authority Conditions**

- A.3.1 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.3.2 a letter from an acoustical consultant shall be submitted confirming that the development permit drawings show a minimum STC 55 construction between the commercial and residential components of the building, or a minimum 6" solid concrete slab shall be specified on the drawings. As the service bay of the automobile dealership is located below residential premises, a letter from an acoustical consultant shall be submitted that evaluates expected continuous and non-continuous noise levels between the commercial and residential components and recommends noise mitigation measures to achieve noise criteria;
- A.3.3 notation required on plans that the acoustical measures will be incorporated into the final design, based on the consultants recommendations as concurred with or amended by the Medical health Officer (Senior Environmental Health officer);
- A.3.4 notation required on plans that mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise and air quality impacts on the building occupants and neighbourhood and to comply with noise By-law #6555;
- A.3.5 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.

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

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

**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 August 3, 2005. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **March 1, 2006**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

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

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law within 60 days of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.3 Amenity areas and vehicle/residential storage spaces excluded from the computation of floor space ratio, shall not be put to any other use, except as described in the approved application for the exclusion. Access and availability of the use of all residential amenity facilities located in this project shall be made to all residents, occupants and/or tenants of the residential component of the building. 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.2.4 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.2.5 In accordance with Private Property Tree By-law No. 7347, all trees are to be planted prior to issuance of any required occupancy permit, or use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.



- B.2.6 All approved street trees shall be planted in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
- B.2.7 In accordance with the Private Property Tree By-law No. 7347, the removal and replacement of trees is permitted only as indicated on the approved Development Permit drawings.
- B.2.8 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.2.9 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.**

## Processing Centre - Building comments

The following comments have been provided by Processing Centre - Building and are based on the architectural drawings received on May 20, 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 (VBBL).

### 1. Provisions for the Disabled

#### a) Refuge Areas:

Refuge areas are required wherever disabled access is provided. Areas of refuge are also required on parking Level P1 and P3 for the exit located near gridlines A and 5 at the east side of the building.

#### b) Access to Disabled Parking Spaces:

The vehicular access route should provide a vertical clearance of 2.3 metres from the point of access to the underground parking stalls for the disabled. Refer to Bulletin 2001-012-BU - Parking Spaces for Persons with Disabilities.

#### c) Enhanced Accessibility Requirements:

The requirements of 3.8.2.27.4 of the VBBL (as described in Bulletin 2002-006-BU Enhanced Accessibility For Multi-family Residential Buildings) are applicable.

#### e) Access:

Disabled access from the street is required for the Vehicle Dealer showroom on the main floor.

### 2. Storage Garage Security

Provisions for visual security in the underground parking garages (3.3.6.7. of the VBBL) are applicable.

### 3. Exits\*

#### a) Exit Exposure:

- The exit path from the exits at gridline 5 & A, and at 9 & G are both exposed to the adjoining fire compartments at their grade level exits.
- the exit stairs at gridline 5 & A are exposed to the adjoining occupancies on all levels at their grade level exits.

#### b) Lobby used as an Exit:

- The provisions of 3.4.4.2. of the VBBL are applicable for all lobbies used for exiting purposes.
- the exit door opening into the lobby is required to swing in the direction of exit travel.

#### c) Access to Exit:

- The Vehicle Dealer parking area located on Level P2 is required to have access to 2 exits from the floor area. (The residential parking on the same level is separated by security gates).

- The landings on all levels within the exit stair located at gridlines 9 + G do not meet the minimum dimensional requirements of 3.4.6.3. of the VBBL.
- The townhouses are required to have access to two exits. Any doors in the path accessing these exits are required to swing in the direction of egress travel. (Note that doors at gridline 5 & D Level 3 does not meet this requirement)

#### 4. Fire Separations

The garage access ramp is required to be fire separated from the service bay occupancy (F2) at the ground level.

#### 5. Interconnected Floor Space

The provisions of 3.2.8. of the VBBL are applicable to P1, Ground and 2<sup>nd</sup> Floor which are interconnected through the Vehicle Dealer.

#### 6. High Rise Measures

- The provisions of 3.2.6. of the VBBL for "Additional Measures for High Buildings" are applicable for the entire project.
- Cross over floors complying with the provisions of 3.4.6.17. of the VBBL should be designated.

#### 7. Building Permit Issuance Requirements\*

The issuance of a building permit for construction is contingent on all legal covenants and equivalents (if necessary) being accepted and in place. Notwithstanding the foregoing, code conforming (including Planning, Engineering regulations etc.) back-up solutions shown on the building application drawings are also acceptable for the issuance of building permits. Projects submitted under the Certified Professional Program are also required to demonstrate conformance with the Building Bylaw. In the case of phased construction, the comments above regarding equivalents/covenant approval would apply to each phase of the work proposed.

#### Notes:

1. Items marked with an asterisk have been identified as important non-conforming Building By-law issues.
2. All code references unless noted otherwise refer to Vancouver Building Bylaw #8057.
3. 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.
4. The applicant may wish to retain the services of a 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.

The Applicant is to note Vancouver Building By-law requirements that are applicable for building applications received on or after August 15, 2003, regarding the provision of accessible access to all storeys. For further information, see Bulletins 2002-06-BU (July 22, 2002), and 2002-08-BU (August 28, 2002). The Applicant is to note that Vancouver Building By-law requirements that are applicable to building applications received on or after June 1, 2003, regarding new elevator devices and alterations to existing ones, which will need to conform to the new elevator code. For further information, see [www.city.vancouver.bc.ca/commsvcs/CBOFFICIAL/pdf/BCI2003-003.PDF](http://www.city.vancouver.bc.ca/commsvcs/CBOFFICIAL/pdf/BCI2003-003.PDF).

### Fire and Rescue Services Comments

The following comments have been provided by Fire and Rescue Services and are based on the architectural drawings received on May 20, 2005 for this Development Application. This is a preliminary review intended to identify areas in which the proposal may conflict with fire provisions of the Vancouver Building By-law.

1. A separate Sophia Street address is required for the residential lobby accessed from Sophia Street.
2. Two separate Fire Department response points are required. A review of the Fire Alarm (annunciation) System is required.
3. The distance from the Sophia Street curb to the residential lobby is approximately 73' ft. whereas the maximum distance permitted is 49 ft.
4. Provide directional signage to above and below grade levels from the residential lobby and exterior man door.
5. A review of the access to the two storey Townhouse units (Levels 3 & 4), and a review of the Fire alarm annunciation and sprinkler zoning are required.