
833 HOMER STREET (COMPLETE APPLICATION)
DE410566 - ZONE DD

FM/BAB/JG/LH

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

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

Also Present:

F. Molina, Urban Design & Development Planning
B. Balantzyan, Development Services
J. Greer, Development Services

APPLICANT:

Robert Estey
Magellen Developments (20/20) Inc.
#335 - 1152 Mainland Street
Vancouver, BC
V6B 4X2

PROPERTY OWNER:

Robson & Homer Development Ltd. Partnership
#335-1152 Mainland Street
Vancouver, BC
V6B 4X2

EXECUTIVE SUMMARY

● **Proposal:** To develop this site with a 29-storey, mixed-use project containing retail, restaurant, office, child daycare facility and residential uses (202 dwelling units), all over five levels of underground parking for 315 cars. The proposal includes an increase in the total floor space ratio (FSR) from 5.0 to 8.13 as follows:

- (A) an increase of 3.00 FSR (78,503 sq.ft.) for residential use in exchange for 14,957 sq.ft. of public amenity space (37 children fully furnished child daycare facility) in accordance with Section 6 (II) of the Downtown Official Development Plan (DODP) By-law; and
- (B) an increase of 0.5 FSR (13,073 sq.ft.) for residential use through the transfer of heritage density in accordance with Section 3.14 of the DODP.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building comments

Appendix D Plans and Elevations including view impacts

Appendix E Applicant's Design Rationale

Appendix F September 13, 2006 Urban Design Panel Minutes

Appendix G Downtown District Interim Policies for New Residential in Areas C and F; and for Conversion of Existing Office Space to residential Use

Appendix H Amendment to Childcare Amenity Density Bonus Council Report, Dated February 6, 2007

Appendix I Recent Amenity Bonuses Approved in the City

Appendix J View Analysis from adjacent 889 Homer Street to south of proposal

● **Issues:**

1. Private views impact
2. Detailed architectural treatment of podium and tower

● **Urban Design Panel: SUPPORT**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE410566 as submitted, the plans and information forming a part thereof, thereby permitting the development of a 29-storey mixed-use building containing retail store and restaurant - Class 1 on the ground floor, general office on the second and third floors, a child day care facility on the third floor, two hundred and two (202) dwelling units on the fourth through twenty-ninth floors, and five levels of underground parking accessed from the rear lane, subject to the following conditions:

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

- 1.1 design development to refine the shape of the residential tower's southeast corner to improve private views to the north-northeast from the existing residential development to the south (889 Homer Street);

Note to Applicant: This can be achieved through adjustments to the massing of the southeast corner of the tower. This would involve revisions to the layout of southeast corner unit(s) and, possibly, shifting marginally to the west the tower's position. No loss of FSR is anticipated.

- 1.2 design development to strengthen the expression of the residential tower, including materials, to reinforce verticality and improve its relationship to the podium and the street;

Note to Applicant: Extending the east side of the tower (Homer Street) architecturally to the grade should be considered. The materials and colours of the podium should, where appropriate, be integrated into the tower to reinforce the relationship between podium and tower. Lowering the height of meeting room/lounge and colonnade at the entry area may also be considered to achieve a stronger pedestrian scale and improve its relationship to the street.

- 1.3 design development to the podium to strengthen its architectural character and relationship to Library Square Precinct, utilizing materials, colours, textures and architectural expression;

Note to Applicant: Reinforcing the frame expression by either strengthening the brick frames (eg. extending the brick around the corners, along the face of the podium on both sides of the entry courtyard and at the lane) or choosing another material such as metal should be considered. Alternatively, a full glass expression could be considered for the podium. Whatever approach is chosen, strong colours are recommended to celebrate and enhance the Library Square Precinct and Vancouver Public Library as unique city urban landmarks.

- 1.4 design development to the west elevation of the podium (lane) to improve its overall architectural quality;

Note to Applicant: Portions of the podium's west side will be exposed to views from the potential future park to the southwest and from Robson Street.

- 1.5 design development to improve the overall quality of the public realm and street/building interface.

Note to Applicant: Canopies along the commercial street frontage should be lowered (subject to standard Engineering Services height limitations) to reinforce pedestrian scale and improve weather protection. The Library Square Precinct sidewalk treatment applicable along Robson Street should be carried around the corner, along Homer Street to enhance the character of the public realm at the approach to the Library Square precinct and achieve a mid-block transition to the Downtown South public realm character to the south.

- 1.6 arrangements to the satisfaction of the Director of Social Planning and the Director of Legal Services for the signing and registration in the Land Title Office, prior to issuance of the development permit, of the necessary legal agreement providing for:

- (i) the design and construction by the property owner of 14,957 square feet of indoor and outdoor childcare facility to be located on the third floor in the development and acceptable to the Directors of Social Planning, Facilities Design and Management, and Legal Services;
- (ii) the transfer of the Childcare Amenity Space to the City for a nominal \$10.00 purchase price, and;
- (iii) a cash contribution of no less than \$1.1 million to the City Childcare Endowment Fund to ensure ongoing maintenance and affordability of the proposed child care facility.

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 | - | - | 218.0 ft. x 120.0 ft. (nominal) |
| Site Area | - | - | 26,146 sq. ft. |
| FSR ¹ | Area "C" 5.00 Heritage Density (10%) <u>0.50</u> Total 5.50 Residential (max.) 3.00 | - | Residential 6.00 Heritage Density <u>0.50</u> Residential total 6.50 Commercial <u>1.63</u> Sub-total 8.13 Excess Balcony Area <u>0.01</u> Total 8.14 |
| Floor Area ¹ | Area "C" 130,730 sq. ft. Heritage Density (10%) <u>13,073</u> sq. ft. Total 143,803 sq. ft. Residential (max.) 78,438 sq. ft. | - | Residential 156,941 sq. ft. Heritage Density <u>13,073</u> sq. ft. Residential total 170,014 sq. ft. Commercial <u>42,630</u> sq. ft. Sub Total 212,644 sq. ft. Excess Balcony Area <u>223</u> sq. ft. Total 212,867 sq. ft. |
| Balconies ² | Open 6,800 sq. ft. Enclosed (50% max.) <u>6,800</u> sq. ft. Total 13,600 sq. ft. (8% of residential floor area - 170,014 sq. ft.) | - | Open 7,037 sq. ft. Enclosed <u>6,786</u> sq. ft. Total 13,823 sq. ft. Excess 13,823 - 13,600 = 223 sq. ft. |
| Height | Area "B" 300 ft. | - | Top of Parapet Wall 300 ft. |
| Parking ³ | Commercial 50 Small Car (max. 25%) 79 | Commercial 43 Residential <u>234</u> Sub-total <u>277</u> Child Day Care Drop-off 5 Employees <u>2</u> Total 284 Disability 8 | Commercial 80 Residential 221 Visitor <u>7</u> Sub-total 308 Child Day Care Drop-off 4 Employees <u>3</u> Total 315 Small Car 71 Disability 9 |
| Loading ⁴ | - | Cl. A Cl. B Residential - 1 Commercial <u>1</u> <u>3</u> Total 1 4 | Class A Class B Residential 0 1 Commercial <u>0</u> <u>3</u> Total 0 4 |
| Bicycle ⁵ Parking | - | Cl. A Cl. B Residential 253 6 Commercial <u>5</u> <u>12</u> Total 258 18 | Class A Class B Residential 323 6 Commercial <u>0</u> <u>0</u> Total 323 6 |
| Amenity ⁶ | 10,000 sq. ft. | - | Residential Amenity Level 1 (Lounge) 888 sq. ft. Level 2 (Fitness Facility) 3,663 sq. ft. Level 6 (Undefined) <u>662</u> sq. ft. Sub-total 5,213 sq. ft. Public Amenity (Child Day Care Facility) Level 3 <u>7,966</u> sq. ft. Total 13,179 sq. ft. |
| Unit Type | - | - | 46 - studio 78 - one-bedroom 75 - two-bedroom <u>3</u> - three-bedroom 202 units total |

¹ **Note on FSR and Floor Area:** The development is seeking a Heritage Density Transfer, allowed under Section 3.14 of the Downtown Official Development Plan, and an Amenity Density Bonus for providing a Child Day Care Facility, allowed under Section 6 II - Bonuses for a Provision of Social and Recreational Facilities, of the Downtown Official Development Plan. An Amenity Density Bonus of 68,841 sq. ft. was approved by Council on January 16, 2007 and amended on February 13, 2007 to add a further 9,662 sq. ft. for a total of 78,503 sq. ft. (3.0 FSR) of Amenity Density Bonus, which has been included in the proposed Residential FSR.

Total proposed balcony area exceeds the maximum permitted exclusion of 8% of the provided residential floor area by 223 sq. ft. Excess balcony areas are typically included in the computation of floor area. Standard Condition A.1.5 seeks a reduction to comply with the maximum permitted exclusion for proposed residential floor area.

² **Note on Balconies:** See Note on FSR and Floor Area.

³ **Note on Parking:** The proposed development has a shortfall of residential parking spaces, and the commercial parking spaces exceed the maximum permitted by the Parking By-law. Standard Conditions A.1.11, A.1.13 and A.1.14 seek compliance with the Parking By-law, including the parking requirements for a Child Day Care Facility under Section 4.1.6 of the Childcare Design Guidelines. Parking for the daycare has been based on 37 children. See also Engineering Services commentary on pages 14 and 15.

⁴ **Note on Loading:** One Class A loading space for the office component is required and has not been provided. See Standard Condition A.1.19 and also Engineering Services commentary on pages 14 and 15.

⁵ **Note on Bicycles:** Class A and Class B bicycle spaces are required for the commercial uses and have not been provided. See Standard Condition A.1.20.

⁶ **Note on Amenity:** The Downtown Official Development Plan allows a maximum of 10,000 sq. ft. of amenity space to be excluded from the computation of floor area. Staff supports a relaxation of this provision to a maximum of 13,179 sq. ft. under Section 6 II (d) of the Downtown ODP on the basis that reducing the total amenity area to 10,000 sq. ft. will either impact the quality and extent of the amenity space available for the sole use by the residents of the building, or the area of the child care facility space, with a potential reduction to the number of childcare spaces available to serve this area of downtown. The residential amenity area and the child care facility will essentially serve two different user groups therefore, if the amenity areas provided is evaluated in relationship to each one of the two user groups, independently, they meet the intent of the FSR area exclusion policy. Standard Condition A.1.9 seeks clarification of the proposed use of the amenity room on Level 6. Child Day Care has an indoor area of 7,966 sq. ft.

• **Legal Description**

Lots 30 - 35, Block 65, D.L. 541, Plan 210 and
Lot E, Block 65, D.L. 541, Plan 10599

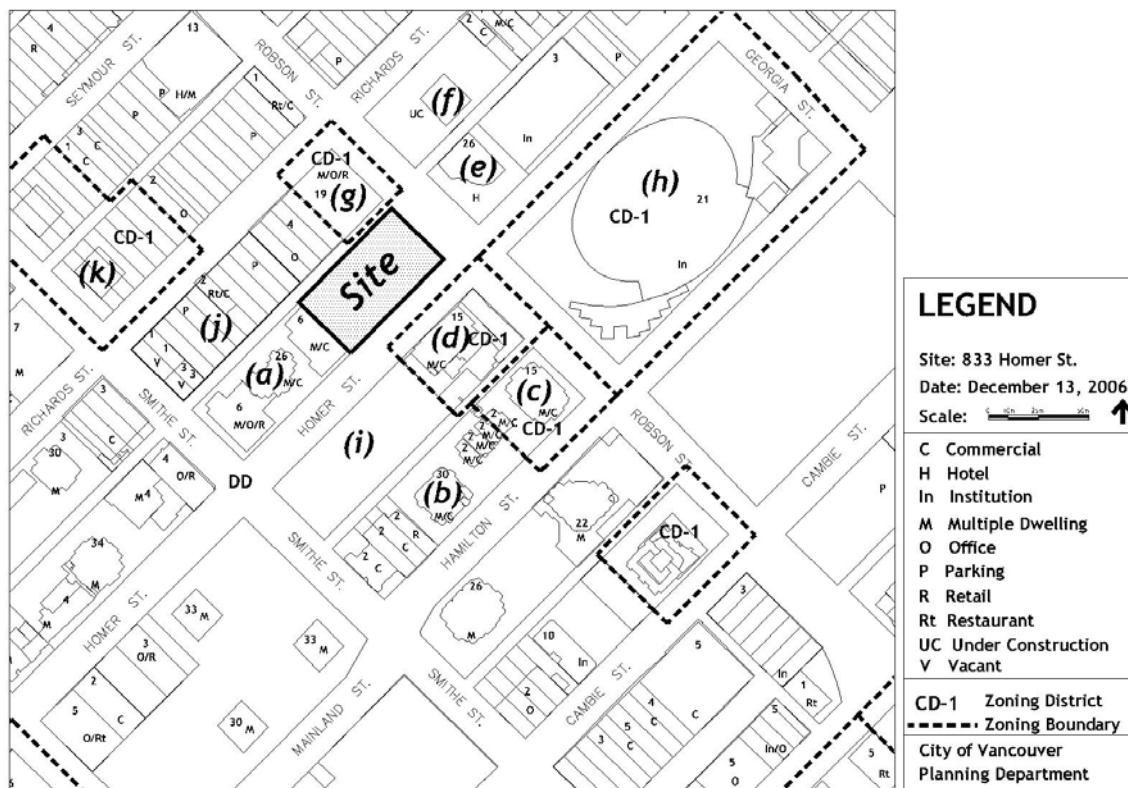
• **History of Application:**

06 07 26 Complete DE submitted
06 09 13 Urban Design Panel (Non-Support)
06 11 01 Revised DE submitted
06 11 22 Urban Design Panel (Support)
07 02 14 Development Permit Staff Committee

• **Site:** The site is located at the southwest corner of Robson Street and Homer Street. It is presently occupied by a one-storey commercial building on the 68 ft. lot adjacent to Robson Street, a one storey building separated from the corner building by a 25 ft. wide parking area and by a 50 ft. wide parking lot from a three storey building on the southern portion of the site.

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

- (a) 889 Homer St. - 27 storey residential/commercial (5 storey podium)
- (b) 863 Hamilton St. (Jardins) -30 storey residential/commercial development
- (c) 819 Hamilton St. (Heritage Court) -15 storey residential/commercial development
- (d) 822 Homer St. (Galileo) 16 storey residential/commercial development
- (e) 433 Robson St. (The Westin Grand Hotel) - 26 storey hotel/retail development
- (f) 788 Richards St. (L' Hermitage) - 29 storey mix use (res./hotel/comm.) development U/C
- (g) 488 Robson St. (R&R) -19 storey residential/commercial development (4 storey podium)
- (h) 300 W. Georgia St. (Library Square)- Vancouver Public Library and 21 storey office tower
- (i) 399 Smithe St. - Proposed 29 storey residential/commercial development)
- (j) Potential future "North Downtown Park" (275 ft. frontage on Richards Street)
- (k) 535 - 565 Smithe St.- Approved 31 and 28 storey residential/commercial development. (DE: 409900 and DE: 409895 respectively)



● **Background:**

The original development site for this application included a 168 ft. frontage along Homer Street, leaving two 25 ft. frontages, mid-block, "orphan" Lots (Lot 31 and City-owned Lot 30). Staff requested the developer to include the adjacent Lot 31 in the proposal to improve tower siting flexibility and, further, in combination with the City-owned Lot 30 (immediately to the south) to facilitate the development of a landscaped mid-block link from Homer Street to the anticipated future park at Smithe and Richards Streets (275 ft. frontage on Richards Street). Subsequently, issues of security, maintenance and sun access were raised in the analysis of this pedestrian link, with the conclusion that the intended pedestrian connection was not desirable, leaving the entire assembled site available for development. The application before the Board now incorporates Lots 30 and 31 for a total frontage of 218 ft. along Homer Street.

During the discussions regarding the larger land assembly, issues related to the shortage of community amenities that support an increasing number of residential uses in the area were raised. As there is a shortage of child care spaces across the City, especially in the downtown area, staff requested the applicant to give some consideration to including, under Section 6 II of the DODP a child day care facility in his proposal, as the Downtown South sub-area currently has no child daycare facilities. The application before the Board includes a 37-space child daycare facility, for which an amended childcare amenity density bonus of 78,503 sq. ft. was approved by Council on February 13, 2007.

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

1. *Downtown Official Development Plan (DODP)*
The DODP sets out the uses, density and height for this site, and the provision of social and recreational amenities in the Downtown area.
2. *Downtown District Interim Policies for new Residential in Areas C and F;*
3. *Downtown (except Downtown South) Design Guidelines*
4. *Character Area Descriptions: Existing Character Areas 'N' - Robson Street, and Character Area 'L' - Library Square*
The Guidelines provide qualitative parameters regarding built form, architectural treatment, public realm and public spaces, livability, etc.

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

1. *Downtown Official Development Plan, and*
2. *Downtown District Interim Policies for new Residential in Areas C and F; and for Conversion of Existing Office Space to Residential Uses.*

Use: The proposed commercial and residential uses are consistent with and meet the intent of the DODP in that retail, retail-commercial or service uses are required at grade along Robson Street and residential uses are permitted south of Robson Street. The retail-restaurant uses provided on the ground floor have direct pedestrian access from the street to each of the units.

The proposed 37-space child day care facility on level 3 is a public amenity that meets the intent of the DODP by providing a critical service to residents and employees in the general Downtown area. This facility is well located with respect to nearby buildings, residential and office uses in the tower, and within the mix-use area (residential-office) that it will serve.

A land use issue is raised by the DD Interim Policies for New Residential in Areas C and F of the DDOP regarding the requirement for a 2.0 FSR commercial applicable to developments that include residential uses in this area of downtown. The lower two floors, and part of the third floor of the proposal (podium), provide 1.63 FSR commercial (retail, service and office uses), however, as maintaining and reinforcing the existing commercial use capacity in the Downtown area is one of the

primary objectives of the policy, the fact that the availability of public facilities are critical to supporting downtown commercial activities and that child care operators are an employer providing jobs, planning staff early in the process, at enquiry stage, agreed that the child daycare facility be deemed to be commercial use for the purpose of meeting the intent and requirements of the Interim Policies.

This approach is similar to the consideration given to the combination of offices, music school and rehearsal halls in addressing the intent of the subject policy in the proposed development at 833 Seymour Street (Capitol 6) - DE 410152.

FSR: The site lies in sub-area 'C' of the DODP that allows a 5.0 FSR. However, the site lies within the "Downtown South North" portion of sub-area 'C' that limits residential uses to 3.0 FSR, "provided that the remaining 2.0 FSR commercial is included in the project" (Section 3.3.1 of the DD Interim Policies for New Residential in Areas C and F of the DODP included in Appendix G).

The proposed development provides 1.63 FSR commercial (retail, service and office uses). The child daycare facility at level 3 (roof of the podium), although excluded from the FSR calculation has been deemed to be a commercial use. In doing so, the proposed development should be seen as providing, in effect, 1.94 FSR commercial floor area, which meets the intent of the DD Interim Policy policy.

The residential component of the proposal provides 6.50 FSR residential that includes: the maximum 3.0 FSR which is set out in the DD Interim Policies for New Residential in Areas C and F of the DODP, a density bonus resulting from the provision of a public facility (child daycare facility) and the transfer of heritage density, as follows:

Bonus for Public Amenity: Section 6 II of the DODP states the following:

II. Bonuses for a Provision of Social and Recreational Facilities

Where a need for any public, social, or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;*
- (b) any costs to the developer of continuing maintenance required for the facility;*
- (c) the rental value of the increased floor area;*
- (d) the value of any authorized relaxation of other restrictions.*

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

The applicant proposes a 14,957 sq.ft. (7,966 sq.ft. of indoor space and 6,991 sq.ft. of outdoor space) public amenity space in the form of a fully fit, furnished and equipped licensed 37-space child daycare facility located on the third floor of the proposed development, including contiguous outdoor area and the exclusive use of the required parking. A review by the City's Real Estate Services staff concludes that a residential density bonus of 78,503 sq. ft. is warranted given the cost of building and fully outfitting the facility (refer to Real Estate Services commentary on page 17) and the cash contribution to be made to the City Childcare Endowment Fund to ensure ongoing affordability of the infant/toddler

spaces and operation expenses of the facility. This residential density bonus represents an increase of approximately 3.00 FSR on this site.

Recent density bonuses granted to developments for provision of social amenities include the Orpheum expansion, music school, rehearsal space at the Capitol 6 site on Seymour Street, a 37 space childcare at 1188 West Pender Street, and the Playhouse rehearsal/theatre facility in Southeast False Creek. (For comparison purposes See Appendix I. Recent Amenity Bonuses Approved in the City)

Council Approval: On February 13, 2007, City Council approved the amended childcare amenity density bonus of 78,503 sq. ft. and securing the amenity space to the City (See Condition 1.6).

Transfer of Heritage Density: Section 3.14 of the DODP permits the transfer of heritage density as follows:

Notwithstanding subsections 1, 3 and 4, the Development Permit Board may permit an increase in floor space ratio for any use where the increase results from a transfer of heritage floor space to a maximum of 10 percent over the total permitted floor space ratio, except that this ratio shall not apply to hotels where the floor space ratio has already been increased pursuant to subsection 2.

The applicant has proposed the transfer of 13,073 sq. ft. heritage density from the SFU downtown site to be applied towards residential density in this application. This residential area represents an increase of 0.50 FSR on the residential density of this site.

Height: The proposed height of 300 ft. (to the top of the building parapet wall) is within the maximum permitted height and is compatible with similar building in this area of the DD (refer to *Built Form*).

In conclusion, the proposed overall density of 8.13 FSR (6.50 FSR residential and 1.63 FSR commercial) and a height of 300 ft. meets the intent of the Downtown Official Development Plan and the DD Interim Policies for New Residential in Areas C and F.

The density associated with the public amenity bonus and the heritage density transfer has been absorbed by;

- two expanded residential floors on the podium, above the commercial floors (levels 4 & 5);
- increasing the total height of the podium base to five storey;
- reaching the maximum 300 ft. height available under the zoning, and
- slightly larger typical floor plates (6,730 to 6,819 sq. ft. vs. 6,500 sq. ft.). (Also, see Tower Placement and Massing, below).

3. Downtown (except Downtown South) Design Guidelines; and

4. Character Area Descriptions: Existing Character Areas 'N' - Robson Street, and Character Area 'L' - Library Square

The site lies within the area covered by the Downtown (Except Downtown South) Design Guidelines. Although technically outside the area covered by the Downtown South Design Guidelines, a number of Downtown South Guidelines criteria are "borrowed" to evaluate the placement and form of towers in the area. Following is a summary discussion of the evaluation criteria, and design response, as outlined under the Downtown (Except Downtown South) Design Guidelines and Character Area Descriptions.

Built Form

Section 8.3.6 (f) 800 BLOCK HOMER STREET (Blk 65) of the *DD (Except Downtown South) C-5, C-6, HA-1 and HA-2 Character Area Descriptions: Character Area 'L' - Library Square*, makes recommendations regarding massing for development of the portion of Block 65, where the subject development site is located, as follows:

(f) 800 BLOCK HOMER STREET (Blk 65):

Development of this portion of the Block assumes that the two potential re-development sites at the south-west corner of Robson and Homer Streets are amalgamated into a single development site. The massing illustrates a two-storey street wall form that respects the 7 foot building line on Robson Street and follows the property line on Homer Street. There is flexibility in where this tower is placed on the site.

Alternatively, if all the potential redevelopment properties on the north end of the block were consolidated, a larger tower/podium form could occur and would be acceptable subject to an evaluation of shadow impacts on the Robson/Homer Street Library Square Plaza. Building height and mass should minimize shadowing on the Library Square open plazas between the hours of 10:00 a.m. and 4:00 p.m. P.S.T. at the equinox. In instances where some shadowing of plazas at the equinox is unavoidable, an in-depth shadow analysis (beyond that normally required) should be undertaken to determine the building height and mass that maximizes the shadow-free period between the equinoxes.

The proposed development consolidates all the sites at the north end of the block (Blk 65) and meets the evaluation criteria and recommendations indicated in the Character Area Descriptions for Library Square Precinct.

Tower Placement and Massing: The residential tower is positioned to the south end of the site to minimize shadows and massing impacts on Robson Street and Library Square public plazas (north and south) while also providing a generous separation to the existing residential tower to the south. The tower is set back 75 ft from Robson Street. Its south face is set back 37 ft from the interior property line, which results in a separation of approximately 113 ft from the existing tower to the south, at 889 Homer Street. The southern position of the tower on the site also contributes to the sense of spatial openness created by the existing towers south and west of the Vancouver Public Library building;

The typical proposed floor plate varies in size from 6,730 sq. ft. (levels 7-18) to 6,819 sq. ft. (levels 19-26). Although this floor plate is slightly larger than the maximum size of typical floor plate in Downtown South (6,500 sq. ft.) used as a reference, staff support the tower floor plate size on the basis that its shape optimizes sun access to Library Square plazas, and further, that its sense of scale has been minimized through careful articulation that is expressed in a slimmer tower form.

The tower's curving north/northeast side relates to massing/forms of the existing buildings in the area and the stepped top improves sunlight penetration to the Library Square public plazas.

The Urban Design Panel supports the proposed overall form and massing of the residential tower but recommended further design development to improve tower expression (See Condition 1.2)

Shadows: In response to staff concerns over possible shadow impacts the applicant undertook detailed shadow analysis that confirms that the proposed development does not generate any appreciable additional shadows on the Library Square public plazas (north and south) between the reference hours of 10:00 a.m. and 4:00 p.m. P.S.T. at the Equinox (March 21 Vernal Equinox and September 21, Autumnal Equinox) and therefore meets the intent of Section 8.3.4 (e) Physical Environment, of the of the DD Character Area Descriptions and Section 5.2.1 Sun and Shade, of the Downtown Design Guidelines.

The proposed 300 ft. high residential tower casts only marginal additional shadows over the south Library Square public plaza at about 4:00 PM Equinox, but for the most part, these shadows overlap the shadows already cast by the existing residential tower to the south (889 Homer Street), and other developments in the area (See pages 34 to 36. Appendix D).

The analysis also indicates that some additional shadows would be cast by the proposed development over the north Library Square plaza (SE corner of West Georgia and Homer Street), between 3:30 and 4:00 PM at Vernal Equinox. However, one week after the Equinox, on March 27, shadows would have receded and will not impact the north Library Square plaza (See page 37. Appendix D). Staff is satisfied that the shape and location of the proposed residential tower on the site, and sculpting and stepping of its top to minimize this shadow impact respond acceptably to the applicable policies.

Additional shadow analysis done at the Summer Solstice (June 21) show that the tower will cast shadows over Library Square between 3:15 PM and 4:15 PM. Staff notes that at Summer Solstice, shadows over the Library Square south plaza could have been expected from any development on this site at zoned densities of 5.0 FSR or more, 889 Homer Street being an example (6.0 FSR).

Private views: The primary concern with the proposed residential tower is the impact it will have on views from 20 units (one unit per floor) on the north side of the neighbouring residential tower at 889 Homer Street, immediately south of the proposed development. These units have north, east and west orientation; with the living rooms facing north toward the proposed residential tower.

In response to concerns raised on this matter during the design review process, the proposed tower presents a more articulated massing and floor plate layout on its southeast corner. The applicant's view analysis indicates, as expected from the pattern of development in the downtown area, that the proposed tower will obstruct views from 889 Homer Street toward the north and north-northeast, and a reduction to the general sense of openness toward Library Square. The proposed tower is in alignment with the Westin Grand Hotel, on the north side of Robson Street, which already blocks a portion of the view to the north; views to the northwest will be impacted by the L'Hermitage building (commercial/residential/hotel development - 778 Richards Street) under construction on the north east corner of Robson and Richards Streets.

Staff believes that further refinement of the floor plate layout to pull in its massing at the southeast corner of the tower and possibly shifting the position of the residential tower slightly west will reduce, to a degree, the impact on existing private views from 889 Homer Street (See Condition 1.1 and Appendix J).

Livability and privacy: The proposal includes 202 dwelling units that vary in size from 510 sq.ft. to 2,175 sq.ft. the majority of the units are 1 bedroom (78 units between 620 and 720 sq.ft.) and 2 bedroom (75 units between 885 and 1177 sq. ft.). Most of the units (28) that are located in the base of the tower on levels 4 and 5 of the podium are bachelor and 1 bedroom units that have direct access to generous private outdoor decks or balconies.

The proposed development includes 78 units (more than one third of all units in the building) that are suitable for families living with children and incorporate several features that will enhance livability for families; an indoor amenity room with an adjacent outdoor patio including a children's play area equipped to serve different age groups, mixed uses on the substantially-sized amenity patio and garden plots, etc.

To maximize privacy for the residents in the adjacent residential building to the south (889 Homer Street), the typical floor plate layout orients all units on the SE and SW corners of the tower toward the east or west respectively. The location of only two small units (studios) per floor on the south side of the tower and the 113 ft. separation to 889 Homer Street provide an acceptable level of privacy to the residents in both buildings. The 80 ft. separation to the existing 488 Robson Street residential tower (R&R) to the northwest also achieves the same objective.

The Podium: The proposed podium is five storeys high and includes retail, office and residential uses. The retail and office component presents a three storey street-wall height of approximately 45 ft. on

Robson Street and up to 55 ft. on the Homer Street frontage. The two residential floors in the podium are set back from the street-wall to reduce the overall podium massing and reinforce the pedestrian scale.

The brick frame components of the podium reduce the visual scale of the street-wall along Robson and Homer Streets, which follow the cornice lines found in the Vancouver Public Library building and the adjacent recent developments on Robson Street, and relate to the materials found in the immediate urban context. A large structural glass volume, highlighted by a metal frame edge, which rises above the 3 storey retail-commercial floors, establishes a visual landmark at the corner of Homer and Robson Streets. (Conditions 1.3 and 1.5 seek stronger unity of architectural components and materials, and improved building-street interface).

The height and character of the podium relate to adjacent recent developments in the area and meet the objectives of the Downtown Design Guidelines and Character Area Descriptions for Library Square Precinct.

Homer Street Residential and Offices Entry: The entrance to the proposed building is provided on Homer Street and not oriented to Robson Street, as recommended in the DD (Except Downtown South) Character Area Descriptions. Staff is satisfied that the continuous storefront provided to Robson Street responds well and reinforces the pedestrian character of this street and furthermore, that the location and courtyard configuration of the entrances area to the residential tower and office/day care on Homer Street will add interest and reflect the condition of this portion of the street as a character transition area between the DD Central Core area and the Downtown South area to the south. The courtyard quality of the entrance to the proposed building also relates well to similar courtyard treatment at the entrance to the adjacent building to the south. (**The Note to Applicant** in Condition 1.2 seeks improvements to the entry area to the building)

Amenity Space: The residential amenity space includes approximately 662 sq. ft. of indoor and approximately 6,000 sq. ft. of outdoor common use amenity space on level 6; the outdoor amenity space includes garden plots for the residents and a small children's play area directly connected to the indoor amenity. Additional amenity space consisting of an 888 sq. ft. lounge/meeting room which is provided on Level 1 and a fitness facility of approximately 3,663 sq. ft. provided on level 2 of the podium.

Staff note that a potential future park area located to the southwest, at a short walking distance from the proposed development site (see context map, page 6), will provide additional opportunities for outdoor recreational activities for the residents. This new "north" park is currently being considered immediately to the north of Smithe Street and having a 225 ft. frontage on Richards Street.

The child day care facility is a public facility that adds 7,966 sq. ft. of indoor area and 6,991 sq. ft. of outdoor area on level 3 of the podium, for a total child care amenity of 14,957 sq. ft. Standard Condition A.1.27 seeks resolution to some security concerns associated with access to this facility from both, the residential and office levels as this is a public amenity available to the residents of the proposed building as well as the general public.

Amenity Area FSR Exclusion. Downtown Official Development Plan allows a maximum of 10,000 sq. ft. of amenity space to be excluded from the computation of floor area; the combined residential indoor amenity space (5,213 sq.ft.) and indoor areas of the child daycare facility (7,996 sq.ft.) provided by the proposed development total 13,179 sq. ft., and exceeds the limitation for exclusion from FSR.

The residential amenity facilities provided by the proposed development will exclusively serve and provide recreational opportunities to all residents, occupants and/or tenants of the building while the child daycare facility is a "public" community facility that provides a service to a wider population, and is not restricted to residents of the building only. These two types of amenity spaces are functionally different and are intended, and designed, to serve two different user groups. If considered

independently, the amenity area provided to serve the needs of each of the two different groups meet the intent of the limitation policy.

As the type and size of the amenities provided is considered adequate for their specific purpose and user groups and furthermore, that strictly applying the amenity area exclusion limitation would reduce the total amenity area provided by the proposed development, and result in impacts to the quality and extent of the amenity space available for use by the residents of the building or the area of the child daycare facility space, with a potential reduction to the number of childcare spaces provided to serve this area of downtown. On this basis, staff recommend relaxation of Section 6.1 of the DODP from 10,000 sq.ft. to a maximum of 13,179 sq.ft. under Section 6 II (d) of the Downtown ODP

● **Conclusion:**

Staff believes the urban design implications associated with this proposal have been appropriately addressed and its architecture, with some further refinements, will be a worthy addition to the area. The density bonus resulting from the provision of the public amenity (child daycare facility), as well as the heritage density transfer, are skillfully integrated into the form of development which is considered appropriate to the existing and emerging character of this area of downtown. The proposed development will be a substantial contribution to the vitality of the Library Square Precinct. Staff recommends Approval subject to the Conditions contained in the report.

URBAN DESIGN PANEL

The Urban Design Panel first reviewed this application on September 13, 2006 and it did not gain their support. Minutes of that meeting are attached as Appendix F. The Urban Design Panel reviewed the revised submission on November 22, 2006, and provided the following comments:

EVALUATION: SUPPORT (6-2)

Introduction: Ralph Segal, Senior Development Planner introduced this complete application which is a 29 storey mixed-used building with retail, daycare and offices on the first through third floors and is located at 833 Homer Street on the south west corner of Robson and Homer Streets. The building will also have four levels of underground parking and there is to be a restaurant and shops at ground level. Access to the residential tower and office levels are from Homer Street with loading and parking access on the lane. This application was not supported at the previous Urban Design Panel review on September 13, 2006.

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

Response to previous Panel's concerns regarding:

- Sunlight access to Daycare open space
- The podium
- Tower expression

Mr. Segal took questions from the Panel.

Applicant's Introductory Comments:

Martin Bruckner, Architect, gave an overview of the changes to the project since the previous review.

Jennifer Stamp, Landscape Architect, gave a detailed description of the changes to the daycare and roof top garden with regards to the landscaping. The applicant team took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Design development to better organize the podium and the use of colour and materials on this portion of the building;
- Further design development to clarify the tower expression; and
- Concern about quality of design and materials in the public realm.

Related Commentary: The Panel supported this application and felt the project was greatly improved since the previous review.

The Panel felt the quality of the daycare had been significantly improved with more sunlight and an increase in the outdoor space.

Several members of the Panel liked the previous design of the podium as they felt the new design was more fragmented in architectural expression and material choices. They felt there were too many different materials and colours that were not from the same family. One member of the Panel felt the residential on the podium base was better and created a series of outdoor private and semi public spaces that enlivened the project. Another member of the Panel felt the brick arches seemed foreign to the project and would like to see the use of more modern materials.

The Panel felt the expression of the tower was a little weak and seemed detached from the podium. One member of the Panel felt the tower could benefit from more verticality with a stronger material reference to the materials used in the podium and a massing that brought the tower down to the street. Another member of the Panel had concerns about the environmental responses noting the amount of glass. One member of the Panel liked the overall expression of the tower and felt it was cleaner and made the suites more livable.

The Panel felt that the entrance and entrance sequence had been much improved and the lobbies seemed to be a more reasonable size. The Panel also liked the improvement to the amenity room with the adjoining open spaces to the north of the tower on the podium.

The Panel felt the arch connection to Library Square worked but felt the use of brick might not be the right material. They liked the expression and the framing of the corner. Several Panel members expressed disappointed with the public realm improvements, especially given the adjacent context of Library Square. Another Panel member expressed concerns around the lane elevation.

Applicant's

Response:

Mr. Bruckner thanked the Panel for their comments noting that they were committed to continuing to improve the design of the project.

ENGINEERING SERVICES

Clarification is needed on the parking provisions regarding which spaces are assigned to which uses. The minimum parking required for residential use may well be satisfied once visitor and disability spaces are added to the residents' secured parking spaces. While the Parking By-law does not prescribe a maximum, staff would not support more than 0.2 spaces per dwelling unit being provided for residents' visitors in view that a greater amount is likely to lead to unwanted commuter use. For this reason, it is also important that the commercial parking not exceed the By-laws maximum permitted parking (See Standard Conditions A.1.11, A.1.12, A.1.13, and A.1.15).

With the proposed size and mixture of uses on the site, staff does not support any relaxation of loading. In addition to the 3 Class B commercial loading spaces proposed, there should be one Class A loading space provided off the lane or on the P1 level (See Standard Condition A.1.19).

Class A bicycle spaces explicitly for the commercial uses must be provided along with the required number of Class B spaces and clothing lockers for the project (See Standard Conditions A.1.20 and A.1.21).

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

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

LANDSCAPE

The Public realm along Homer Street is reflective of the Downtown South Public Realm Treatment, whereas the Robson Street frontage incorporates the prescribed Library Square Public Realm Treatment. The residential entry courtyard to the tower, located mid block along the Homer street frontage, relates to the pattern established by the adjacent 889 Homer Development. The landscaped roof garden and amenity deck on level 6 accommodates garden plots for the residents, a children’s play area and quiet sitting areas. (See Standard Conditions A.1.23 and A.1.24)

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Staff note security concerns regarding shared office and residential lobby access, and washroom facilities associated with the fitness facility on the second level (See Standard Condition A.1.27).

Further recommendations of CPTED are contained in the prior-to conditions noted in Appendix A attached to this report.

SOCIAL PLANNING

This proposed development includes a number of elements that if approved, would enhance livability of the downtown, and be attractive to families and others.

Childcare Facility

A child daycare facility is proposed for level 3 of the development, to include indoor and outdoor spaces designed to meet the intent of the City’s Childcare Design Guidelines as well as the Community Care Facilities Licensing regulations.

There is an extreme shortage of childcare in the downtown peninsula, especially licensed childcare. There are over 2000 families on the waitlist with Vancouver Society of Childcare Centres (VSOCC) who operate the City-owned licensed childcare facilities in the downtown under long-term lease agreements. There are presently no licensed group childcare facilities in the Downtown South DCL area where this development is proposed.

While the Development application drawings demonstrate a conceptually workable layout and space allocation for the proposed childcare, staff request a table comparing the proposed indoor and outdoor areas, by program, with the area requirements of the City's Childcare Design Guidelines, (See Standard Condition A.1.30) and clarification of the functionality of the shared kitchen, washroom and storage areas within the childcare facility (See Standard Condition A.1.31).

Outdoor children's play areas in high-density, podium developments can be adversely affected by location of mechanical vents and other services. Staff request clarification of mechanical and electrical concept plans for the outdoor children's play areas (See Standard Condition A.1.32).

Further design development of the parking area is also required to ensure that stall sizes and location meet the safety and operation needs of parents and children. Small car stalls are not suitable for parent drop-off because they inhibit the ability to get infants and toddlers safely in and out of car seats, into strollers. Location of drop-off parking must allow safe movement to elevators and stairs for parents and children (See Standard Condition A.1.14).

Resident Amenity and Family Living

The proposed development contains a total of 202 units, of which 78 (39% of the project total) are suitable for families living with children. The design for this proposed development incorporates several features that will enhance livability for families.

A general amenity and meeting room with an accessible washroom is proposed for the ground level, adjacent to the residential lobby.

In addition, a fitness room, yoga room, men's and women's saunas, showers, change, and washroom facilities, and two meeting rooms are proposed for level two. Outdoor amenity patios are proposed adjacent to each of the fitness rooms and yoga rooms, as well as one of the meeting rooms, enhancing their usefulness and livability. Because the amenity space is proposed to be located on the same level as the office space, clarification on security features and sharing of washrooms is required

An indoor amenity room with a fully accessible washroom is proposed for level six with a proposed adjacent outdoor patio. The design provides for a diversity and synergy of mixed uses on the substantially-sized amenity patio. The patio area includes a designated children's play area on resilient surfacing, equipped to meet the needs of different age groups. Resident-shared garden plots and a quiet grassy area are also proposed. The children's play area is located to allow surveillance from the indoor amenity area, patio garden plots, and other outdoor seated areas, maximizing adult supervision and meeting the objectives of the City's High Density Housing for Families Living with Children Guidelines.

Urban Agriculture

This applicant has been a leader in providing resident-shared garden plots. Prior to the approval of the City's Food Policy, the applicant's Freesia development on Seymour Street provided individual garden plots for residents. The City's Food Policy identifies both environmental and social benefits of urban agriculture and seeks to maximize opportunities for food growing activities in the city. On May 30th, 2006, Council approved a motion calling for the creation of 2,010 new garden plots by 2010 as an Olympic legacy for Vancouver.

The applicant proposes area sufficient to accommodate up to fourteen garden plots on the sixth floor amenity patio. Design development is recommended to ensure that a portion of the plots are accessible by individuals with mobility restrictions (See Standard Condition A.1.33).

Edible Landscaping

Edible landscaping is the use of plants that produce food in place of plants that are strictly ornamental. Many of these plants provide ornamental quality while also producing edible leaves, flowers, nuts, and fruit, therefore serving "double duty".

There is extensive opportunity to provide edible landscaping in the semi-private planters lining the amenity patio where their convenient location will encourage use and maintenance (See Standard Condition A.1.34).

REAL ESTATE SERVICES

The methodology for determining the amenity bonus was consistent with Section 6.II of the Downtown Official Development Plan: "In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider: the construction cost of the facility; any costs to the developer of continuing maintenance required for the facility; the rental value of the increased floor area; the value of any authorized relaxation of other restrictions". Accordingly, the value of the residential bonus density is equal to the value of the amenity package. The value of the required amenity was reviewed by staff from the City's Department of Facilities Design & Management and Real Estate Services to ensure consistency with Council Policy.

PROCESSING CENTRE - BUILDING

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

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

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

VANCOUVER COASTAL HEALTH AUTHORITY

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

- (i) Detailed drawings of food/retail spaces are to be submitted for review by the Environmental Health Division for compliance with Health By-law #6580 and the Food Premises Regulation prior to construction;
- (ii) Details of swimming pools/hot tubs to be submitted to the Environmental Health Division and Provincial Health Engineer prior to construction;
- (iii) The garbage storage area is to be designed to minimize nuisances;
- (iv) The underground parking is to be adequately ventilated to prevent the build-up of noxious gases;
- (v) 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) Detailed drawings of the Child Care Facility to be submitted to and reviewed by CCFL for compliance with the CCF Act and Child Care Regulation.

Note: The application must meet the requirements of the CCF Act and Adult Care Regulations prior to approval at Building Permit stage.

NOTIFICATION

Two (2) signs were erected on the site on August 21, 2006. On August 25, 2006, 1588 letters were sent to neighbouring property owners advising them of the application. The applicant has confirmed that they do not have any pre-purchasers in the notification area. To date, twelve (12) property owners submitted responses to notification; eight (8) respondents opposed the development, one (1) respondent supported the development and three (3) respondents were neutral in their opinion of the proposed development.

On November 27, 2006, a revised notification letter was sent out to the same 1588 property owners advising them of the **revised** application. The 2 site signs on the site were revised accordingly. To date, eight (8) property owners have submitted responses to notification; All 8 respondents oppose the development. Their comments are summarized as follows:

- The requested height and massing of the building is excessive;
- The proposed development will have a negative impact on views from surrounding buildings;
- The proposed development will create excessive shadowing on the surrounding streets and Library Square; shadowing on Library Square after 4:00 PM and summer hours should also be considered;
- The additional floor area received in exchange for the daycare facility is excessive for this site;
- Approving more residential units in the area with no public spaces (parks) adjacent to them decreases livability of the area and increases traffic congestion;
- Retail outlets for the purposes of 'animation' have already created a revolving door of failed enterprises in many multi-use developments. This does not constitute a valuable 'contribution';
- Provision of a childcare facility will allow the developer an additional 11 storeys above the allowable floor space ratio for this site;
- Placing a high tower there will block in the last remaining open air space view.

Staff response

Height and Massing: The shape and position of the tower has resulted from detailed analysis and evaluation of views, shadows and massing. Staff is satisfied that the form of development meets the urban design objectives for the area and that the amenity density bonus and the heritage residential density transferred to the site have been skillfully integrated into the form of development being proposed while also respecting the height limitation affecting the site.

Views: Extensive view analysis has been undertaken and the floorplate has been adjusted and the southeast corner of the tower sculpted to open views to Library Square and the north-northeast in general. Condition 1.1 seeks additional improvements to the view angles to the north-northeast from the adjacent building to the south (889 Homer Street).

Shadows over public spaces: The residential tower is located as far south as possible, without impacting adjacent developments, to avoid shadows over Library Square and to protect the overall sense of openness to the south and west from Library Square.

Shadow impact analyses indicate that the proposal will not add significant shadows over the Library Square public plazas (north and south) during the reference times and dates. Shadows projected by the proposed residential tower mostly overlap shadows already cast over these public plazas by the tower at 889 Homer Street and other existing developments in the area.

Retail Commercial uses: The site is located in sub-area "C" of the DODP which requires commercial uses; the proposed development includes retail uses at street level, and offices on the second and third floors of the podium. Pedestrian-oriented specialty stores, eateries and restaurants are considered the most appropriate for Robson Street; this is a prime commercial street and a major downtown pedestrian route. Retail commercial uses, combined with the entry to the residential tower, are desirable along the Homer Street frontage to provide street animation to this transition block to the Downtown South area.

Childcare Facility and density bonus: There is an extreme shortage of childcare spaces in the downtown peninsula, especially licensed childcare. There are over 2,000 families on the waiting list with the Vancouver Society of Childcare Centres (VSOCC) who operate the City-owned licensed childcare facilities in the downtown area under long-term lease agreements. Presently, there are no licensed group childcare facilities in the area where this development is located.

As a normal practice, in order to ensure that quality, affordable child care is available downtown, the City actively seeks opportunities to acquire spaces through Development Cost Levies, Community Amenity Contributions, and bonusing arrangements. Through these contributions of private developers, the City promotes the creation of affordable facilities at no cost to taxpayers.

The value of the proposed public benefit derived from the provision of a fully fit, finished, and furnished childcare facility and \$1.1m contribution to an operating affordability fund in exchange for the proposed additional density has been calculated using standard pro forma analysis by the City's Real Estate Department. The ratio of additional density to amenity density in this proposal falls within the range of other density bonuses and is consistent with recent childcare density bonuses in the downtown. (See Appendix I)

Traffic Congestion and Public Spaces (parks): The vehicular circulation network in the downtown peninsula, consisting of a fine grid system of streets and lanes, can handle the traffic generated by the proposed development. This grid provides adequate service and a choice of multiple routes to the intended destination.

Regarding the lack of park spaces in the area, staff notes that a potential future park area located to the southwest, at a short walking distance from the proposed development will improve opportunities for outdoor recreational activities for residents in the area.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law and Official Development Plan it requires decisions by the Development Permit Board. With respect to those decisions, the application requires the Development Permit Board to exercise discretionary authority as delegated to the Board by Council.

The application also requires the Board to consider a relaxation of the DODP to permit 13,179 square feet of total combined residential and public amenity space on the site. The Staff Committee supports the relaxation proposed under Section 6 II (d) of the Downtown ODP.

The Staff Committee notes the potential benefits of the proposed childcare and operating endowment to downtown residents and workers, and commends the applicant and staff for their efforts in securing this much needed public amenity in the area.

The Staff Committee notes that the applicant should seek to reduce the commercial parking.

B. Boons
Chair, Development Permit Staff Committee

F. Molina
Development Planner

B. Balantzyan
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 submission of Letter "B" which includes confirmation from the owner of the "donor" site that the agreement has been finalized, and confirming the new "balance" of transferable density remaining on the donor site;
- A.1.2 clarification of proposed uses, in compliance with permitted uses in Area "C" of the Downtown Official Development Plan, to be clearly noted on the plans;

Note to Applicant: Only one use per space should be shown on the plans. Restaurant use must be specified as either Restaurant - Class 1 or Restaurant - Class 2, noting that approval of Restaurant Class 2 is subject to compliance with Cabaret and Restaurant Guidelines. Unless specified as residential storage, underground storage rooms, such as the one on the northwest corner of Parking Level 4, must be included in the computation of the floor space ratio.

- A.1.3 clarification and confirmation of the proposed floor area and Floor Space Ratio (FSR);

Note to Applicant: Gross floor area for each proposed use, i.e., retail, restaurant, office, day care, residential, and amenity, should be calculated and provided separately. Exterior wall exclusions should be proportionately rated and included in the computation of the FSR for each related use. Submission of detailed revised FSR overlays indicating all spaces and uses included or excluded from FSR calculations will be required.

- A.1.4 clarification of dwelling unit areas;

Note to Applicant: The Unit Area Summary on Sheet No. DP 1.3 does not match the information on the submitted plans which indicate the number of dwelling units under 100.0 m² (1,076.0 sq. ft.) is 170, and the number of dwelling units greater than 100.0 m² is 32.

- A.1.5 compliance with Section 3.7 of the Downtown Official Development Plan, and clarification of proposed balconies, to be clearly illustrated on the floor plans;

Note to Applicant: The sum of open and enclosed balcony areas is not to exceed 13,600.0 sq. ft., i.e., eight percent of 170,014.0 sq. ft. of residential area being provided, as tabulated in the submitted FSR overlays. Total balcony area from the submitted FSR overlays has been computed to be 13,823.0 sq. ft. Since excess balcony areas must be included in FSR, a reduction in either the floor space or amount of balcony area is required. In addition, the FSR overlays and floor plans do not match with regard to a balcony on the northeast portion of the 19th - 26th floors of the proposed building.

- A.1.6 details of balcony enclosures;

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

Official Development Plan that apply to the specific site. For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines.

A.1.7 clarification of the elevator/mechanical penthouse;

Note to Applicant: The configuration of the elevator penthouse differs on the roof plan and elevation drawings. If a mechanical room is being provided, it should be illustrated on the floor plans and must be included in the computation of the FSR.

A.1.8 provision of a minimum of 5.7 m³ (200 cu. ft.) of useable storage space for each dwelling unit, for the storage of bulky items, e.g., winter tires, ski and barbecue equipment, excess furniture, etc., in accordance with Planning - By-law Administration Bulletin entitled, "Bulk Storage - Residential Developments";

Note to Applicant: Suite Nos. 09 and 11 on Levels 4 and 5, and Suite Nos. 01 and 03 in the Penthouse lack storage area. The storage area[s] may be below grade with individual lockers in a common space or may be provided en suite.

A.1.9 proposed use of the amenity room on Level 6;

Note to Applicant: A Letter of Undertaking, signed by the owner[s], is to be submitted regarding the furnishing and availability for use of the amenity areas on Levels 1, 2, and 6 by all occupants of the residential component of the proposed building. Details of the type of amenity space, equipment and/or furnishings being provided is required to be shown on the plans.

A.1.10 provision of minimum 9.0 ft. clear height under the sign band;

Note to Applicant: The height requirement does not apply to recessed sign bands which are flush with the storefront glazing.

A.1.11 provision of a minimum of two hundred and thirty-four (234) parking spaces for the residential component of the proposed development, in accordance with the Parking By-law, designed to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Required parking is based on Section 4.3.6 - Residential Uses - DD Districts, of the Parking By-law. The submitted plans indicate only 221 parking spaces are designated for residential use. In addition, a minimum six (6) disability spaces are required for the residential component and may be counted as two parking spaces for the purpose of satisfying the minimum required number of parking spaces, in accordance with Section 4.1.14 - Calculation of Disability Spaces, of the Parking By-law.

A.1.12 secure and separate residential parking from commercial parking;

Note to Applicant: Residential Stall Nos. 60, 61, and 62 on Parking Level 1 and residential stall No. 27 on Parking Level 2 appear to be located in the commercial parking area.

A.1.13 compliance with Section 4.3.1 - Non-residential Uses - DD Districts, of the Parking By-law;

Note to Applicant: Based on a total commercial floor area of 42,630.0 sq. ft. (3,960.4 m²), minimum forty-three (43) and maximum fifty (50) parking stalls are to be provided for the commercial component of the proposed development. The plans indicate eighty (80) parking stalls are being proposed, noting that proposed parking stall No. 14 on Parking Level 1 cannot be considered as a parking stall as its area is required for the adjacent disability parking spaces Nos. 13 and 15. Clarification whether Commercial Stall Nos. 72 and 73 on Parking Level 2 are disability or standard spaces, is also required.

- A.1.14 provision of a minimum of five (5) standard drop-off/pick-up parking spaces for the Child Day Care Facility;

Note to Applicant: Although a total of minimum seven (7) parking spaces are required for the Child Day Care Facility, the drop-off/pick-up spaces must be standard spaces to allow for easy loading and unloading of children into car seats. A walkway path from the Child Day Care parking spaces to the elevators should be identified and illustrated on the plans.

- A.1.15 clarification of the designated use of the three parking spaces between parking stall Nos. 17 and 18 on Parking Level 1;

- A.1.16 compliance with Section 4.8.1 - Size of Parking Spaces, of the Parking By-law, to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: All parking stall and manoeuvring aisle dimensions should be shown on the plans. Several parking stalls do not have adequate widths adjacent to walls, or have column encroachments without the required additional widths. Minimum 2.7 m (8.83 ft.) width is required for standard stalls and 2.6 m (8.5 ft.) for small car stalls located adjacent to a wall, fence, or other similar structure. Appendix A of Planning By-law Administration Bulletin entitled, "Parking and Loading Design Supplement" should be consulted for column encroachments and guidelines for widening stall widths.

- A.1.17 compliance with Sections 4.8.1 and 4.8.4 - Disability Spaces, of the Parking By-law, to the satisfaction of the General Manager of Engineering Services;

Note to Applicant: Minimum 2.3 m (7.5 ft.) unobstructed vertical clearance is required for a disability parking space and all manoeuvring aisles and access ramps leading to the disability space. Compliance with required vertical clearances should be clearly demonstrated on the submitted plans.

- A.1.18 notation on plans stating that: "The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law";

- A.1.19 in addition to the required four (4) Class B loading spaces, provision of a minimum of one (1) Class A loading space for the Office component of the proposed development, in accordance with the Parking By-law, to the satisfaction of the General Manager of Engineering Services;

- A.1.20 provision of bicycle parking in accordance with Section 6 of the Parking By-law;

Note to Applicant: Minimum five (5) Class A bicycle spaces are required for the commercial component of the proposed development, and shall be located separately from the residential Class A bicycle spaces. In addition, six (6) Class B bicycle spaces are required for the residential component and twelve (12) Class B bicycle spaces are required for the commercial component of the proposed development, to be located on site.

- A.1.21 provision of clothing lockers in accordance with Section 6.5 of the Parking By-law;

Note to Applicant: Minimum four (4) clothing lockers for each sex must be provided for the five (5) required Class A bicycle spaces for the commercial component of the proposed development.

- A.1.22 notation on plans stating that: "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";
-

Standard Landscape Conditions

- A.1.23 provision of one (1) new street tree along Robson Street in order to fill the gap in the existing street tree colonnade. New street trees should be spaced 8 m o.c. and noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering - Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (604-257-8587) of the Park Board regarding tree species;

Note to Applicant: Public realm treatment on Robson should be reflective of the Library Square Precinct Treatment. Public realm treatment on Homer Street should reflect the Downtown South public realm treatment. However, adjustments to the boulevard treatment should be considered to reflect the commercial uses at street level along this frontage of the building and achieve a mid-block change in sidewalk treatment (see Condition 1.5). Also, a separate application to Engineering Services is required for street trees, tree grates and any other non-standard treatment of City sidewalks. A copy of the Landscape Plan should be submitted directly to Engineering Services for review.

- A.1.24 provision of a high efficiency irrigation system in all planting areas, including provisions of hose bibs;

Note to Applicant: Irrigation system design and installation shall be in accordance with the Irrigation Association of BC Standards and Guidelines. Notation to this effect should be on the Landscape Plan;

Crime Prevention Through Environmental Design (CPTED)

- A.1.25 design development to reduce opportunities for mischief;

Note to Applicant: The alcove on the lane should be deleted through relocating the exit from the parking. The loading area should be gated during non-business hours. The outdoor entry area on Homer Street should have a better definition of use.

- A.1.26 design development to reduce opportunities for mail theft by opening up the residential mail room for better views by residents and concierge;

- A.1.27 design development to provide full separation between residential and non-residential users (office and daycare);

Note to Applicant: Office and daycare should not use residential scissor stair, elevators, nor exit through the residential lobby. Provide intermediate doors in the north exit stair between office and residential levels. Provide separate residential access to the amenity facility. In the underground, provide lockable doors to the residential elevator lobbies and intermediate doors in the exit stairs between residential and non-residential levels. Clarify the use of the "shuttle elevator" in the residential core.

- A.1.28 design development to improve visibility in the underground through reducing alcoves and by adding glazing into exits in accordance with the Parking By-Law;

- A.1.29 design development to reduce opportunities for graffiti on the blank lane walls through the use of masonry materials and landscaping at the lane edge;
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Social Planning

- A.1.30 confirmation of the designated indoor and outdoor areas for the child daycare facility based on the type of program (i.e. infant, toddler, 3 to 5 years care) and that the amount of outdoor space designated is consistent with the City's Childcare Design Guidelines;
- A.1.31 design development of the child daycare facility, in particular the shared kitchen, washrooms, storage and outdoor areas, in accordance with the City of Vancouver's Childcare Design Guidelines and to the satisfaction of the Directors of Social Planning, Facility Design and Management and Community Care Facilities Licensing;
- A.1.32 provision of a landscape concept plan and descriptions of the mechanical and electrical concepts with a view to avoid conflict with the daycare operation;
- A.1.33 design developments to ensure that a portion of the shared-use garden plots are accessible to people with mobility restrictions, including seniors and individuals in wheelchairs;

Note to Applicant: The soil surface should be a minimum of 18" from grade. Staff recommend that 5% of the shared garden plots are accessible to people with mobility restrictions.

- A.1.34 design development to incorporate edible landscaping, with particular attention being paid to the use of edible shrub plantings that provide all season interest, in the planters on the amenity patio to the satisfaction of the Director of Social Planning.

A.2 Standard Engineering Conditions

- A.2.1 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and the Director of Planning, for consolidation of Lots 30 to 35, Block 65, District Lot 541, Plan 210, and Lot E, Block 65, District Lot 541, Plan 10599;
- A.2.2 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the release of Easement L68408 prior to Occupancy Permit issuance;
- A.2.3 provision of design elevations at the property line adjacent all entrances and exits;

Note to Applicant: Proposed floor elevation at the corner of Robson and Homer Streets is too high. Clarify also the floor elevation of the Retail/Restaurant adjacent to the Office lobby on Homer Street.

- A.2.4 deletion of the proposed curb in the lane;

Note to Applicant: Vine pockets are acceptable.

- A.2.5 provision of standard or greater throat widths for loading spaces, to be designed for truck access from Robson Street;

Note to Applicant: Access from Smithe Street is prohibited.

- A.2.6 provision of design elevations for the pedestrian ramp connecting the loading area to the corridor servicing Robson Street commercial units;

Note to Applicant: Plan of this area shown on DP3.1 does not match the same area shown on DP3.1A.

- A.2.7 provision of on-site access from the loading facility to the north-west commercial unit at Robson Street and the lane;
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A.2.8 clarification of residential garbage and recycling pick-up operations;

Note to Applicant: Written confirmation from a disposal company that the proposed storage location on Parking Level 2 can be serviced is required.

A.2.9 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the proposed canopy encroachment over City property;

Note to Applicant: Submission of a canopy application is required. Confirmation is also required that proposed canopies over the Residential and Office lobbies are demountable. Canopies must meet guidelines for canopy and awning setbacks for trees.

A.2.10 design development to locate all utility services underground;

Note to Applicant: Please refer to Engineering commentary on page 15.

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 (by the development) and recommends noise mitigation measures in order to achieve noise criteria;

A.3.2 confirmation shall be submitted by the applicant that the acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer); and,

A.3.3 confirmation shall be submitted by the applicant that mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise impact on the neighbourhood and to comply with Noise By-law #6555.

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

A.4.1 provision of a site profile for this site;

B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of Processing Centre - Building, Vancouver Coastal Health Authority and Fire & Rescue Services contained in the Staff Committee Report dated February 14, 2007. 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 **August 27, 2007**, 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 sixty (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.
- B.2.3 All services, including telephone, television cables and electricity, shall be completely underground.
- B.2.4 Amenity areas of approximately 5,213.0 sq. ft. located on Levels 1, 2, and 3, and excluded from the computation of floor space ratio, shall not be put to any other use, except as described in the approved application for the exclusion. Access and availability of the use of all amenity facilities located in this project shall be made to all residents, occupants and/or tenants of the building;

AND

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

- B.2.5 The enclosed balconies are to be maintained at all times in accordance with the balcony enclosure details on the approved plans and are not to be used as an integral part of the interior space of the building.
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- B.2.6 In accordance with Private Property Tree By-law No. 7347, all trees are to be planted prior to issuance of any required occupancy permit, or use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
 - B.2.7 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 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.2.9 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.2.10 This site is affected by the Development Cost Levy By-law No. 6924. Levies will be required to be paid prior to issuance of Building Permits.**
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Processing Centre - Building Comments

The following comments are based on the architectural drawings prepared by IBI / HB Architects dated July 26/06 (not based on the plans before the DP Board) which have been submitted for the Development Application, DE410566. This is a cursory review in order to identify issues which do not comply with Vancouver Building by-law #8057.

1. Level P4a:

- *a) Two exits required on the P4a level (2 exits required for every storey).
- b) H/C clearances required beside the door jamb for doors into and out from the residential amenity rooms, such the bicycle or storage lockers (typical all levels for the 3 bikes room).

2. Level P4:

- a) The doors in general appear to be 2'-6" rather than min. 3'-0" (or, in some cases, min. 2'-10").
- b) Max. travel distance to an exit is 45 m.

3. Level P1:

- a) H/C clearances beside the door jamb for the door accessing to and egressing from the elevator lobby (and clear signage for the west H/C parking stalls to go to the east side of the core).
- b) Maybe one of the Daycare drop off parking stalls should be H/C.

4. Penthouse

- a) 3.8.2.27.(4), H/C requirements to be satisfied (typical all floors).

5. Level 4:

- a) H/C door jamb clearance for the amenity room.

6. Level 3:

- *a) Two means of egress remotely located are required from a number of the office spaces (25 m max. travel for one egress door) (typical for Level 2 also).
- b) Outdoor daycare play equipment to comply with the noncombustible construction requirements (or receive approval otherwise via equivalency).

7. Level 2:

- a) The doors in the hallway separating the fitness area from the office area should be moved so that they do not obstruct the exit door width.

8. Level 1 Mezz.:

- *a) The tower exit is not permitted to pass through an access-to-exit public corridor for the residential suites.
- b) The doors from the loading dock should be relocated so their swing does not obstruct the access to the exit.

9. Level 1:

- a) Recommended to move the stair at gridlines B and 6 so that the NW retail unit has access to the service corridor.
- b) Also, there may be a future issue with accessibility to the lower level of the NE retail unit.

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.

Processing Centre - Building's Comments related to Fire Department Issues

The following comments are based on the architectural drawings prepared by IBI / HB Architects dated July 26/06 which have been submitted for the Development Application, DE410566. This is a cursory review in order to identify issues which do not comply with Vancouver Building by-law #8057.

1. A Fire Department Connection and a Central Alarm and Control Facility are to be located at each Fire Fighter's response point;
2. A Fire Department Connection is to be visible upon approach to the addressed entrance and be within 5 m of the path to the addressed entrance;
3. A separate fire alarm zone is to be provided for each CRU with a secondary address. These zones are to be activated by automatic detection -- either the base building's system or auxiliary devices.

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.
