

1280 WEST PENDER STREET (COMPLETE APPLICATION)
DE408652 - ZONE DD

RRS/MK/BM/MM/CH

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

B. Boons (Chair), Development Services
~ M. Thomson, Engineering Services
L. Gayman, Real Estate Services
R. Whitlock, Housing Centre
R. Ash, Vancouver Coastal Health Authority
T. Driessen, Vancouver Park Board
D. Robinson, Social Planning/Cultural Affairs
* K. Pavanathan, Development Services

Also Present:

R. Segal, Urban Design & Development Planning
M. Kemble, Urban Design & Development Planning
B. Mah, Development Services
M. Mortensen, Development Services
* A. Di Nozzi, Engineering Services

* at October 13 meeting only
~ at October 27 meeting only

APPLICANT:

Busby & Associates Architects
1220 Homer Street
Vancouver, BC
V6B 2Y5

PROPERTY OWNER:

No. 249 Cathedral Ventures Ltd.
10th Floor, 1285 W Pender Street
Vancouver, BC
V6E 4B1

EXECUTIVE SUMMARY

? Proposal: To construct a 28-storey mixed-use building with 69 residential units, including 3 townhouses on Melville St., retail uses at grade on W. Pender St., and a 4 ½ level underground parkade, and incorporating a transfer of 736.8 m² of heritage density from a vendor site.

See Appendix A - Standard Conditions

Appendix B - Standard Notes

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

Appendix D - Plans and Elevations

Appendix E - Applicant's Design Rationale

Appendix F - Applicant's View Analysis

Appendix G - Applicant's Shadow Analysis

Appendix H - Existing and Proposed Views (Pointe Claire viewpoints: units 2501 & 3203)

Appendix I - Engineering Services' April 7, 2004 letter to Busby + Associates

Appendix J - Key Notification Responses

? Issues:

1. Tower location/configuration vis-à-vis impact on private views
2. Shadowing on Coal Harbour Park (tower height/location)
3. Melville Street public realm interface

? Urban Design Panel: Support

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE IN PRINCIPLE

THAT the Board APPROVE IN PRINCIPLE the concept of developing this site with a residential tower along with a podium containing townhouses on Melville St. and retail uses at grade on W. Pender St., and a 4 ½ level underground parkade accessed from the adjacent 1211 Melville site, and incorporating a transfer of 736.8 m² of heritage density from a vendor site, as submitted under Development Application No. DE408652, subject to the following conditions:

1.0 Prior to submission of a complete application and a final decision, the applicant is to carry out the following:

1.1 design development to modify the proposed tower siting and east/west dimension (width) to reduce impacts on private views from upland neighbours, in particular the Pointe Claire tower and Banffshire heritage apartments, by:

- reducing its east-west dimension (Melville St. property line) from 30.2 m (99 ft.) to a maximum of 25 m (82 ft.);and
- increasing the tower setback from Jervis St. by 8 m (26.2 ft.) along the Melville St. property line to achieve a minimum setback of 16.5 m (54 ft.);

Note to Applicant: These adjustments anticipate shifting the tower slightly east by approximately 2.5 m (8.2 ft.) to maintain the proposed typical floorplate area of approximately 323.5 m² (3481 sq. ft.) but being mindful of the objective of 80 ft. tower separation from the Pointe Claire. Removal of the projecting westerly vertical glass fin is also required.

1.2 design development to lower the height of the tower by 12.2 m (40 ft.) to substantially reduce shadowing of Coal Harbour Park;

Note to Applicant: This can be achieved by diminishing the floor-to-floor dimension throughout the tower and/or deleting floor levels in any combination that achieves the height reduction sought. The proposed terracing of the upper 2 levels (west side) is to be maintained.

1.3 design development to the mechanical penthouse to reduce its east/west dimension and height as much as possible, while still screening all equipment, to further minimize neighbouring view impacts and shadowing ;

Note to Applicant: The westerly rooftop trellis is supported as a dramatic architectural feature provided it is designed as a light, see-through structure, cantilevered as much as possible, and not glazed.

1.4 design development to the public open space proposed at the Jervis/Pender/Melville corner, to create a more substantial corner mini-plaza that incorporates seating, viewing opportunities and additional landscaping;

Note to Applicant: A Right-of-Way agreement will be required to secure public access to and use of this area. The extent of the proposed water area should be reduced, particularly under the building overhang on the north side of the lobby area. Consideration should also be given to relocating the residential lobby entrance to the Pender Street building frontage to increase the publicness of the corner plaza.

1.5 design development to improve the Melville Street public realm interface and its domesticity through the following:

- incorporating more active spaces facing Melville Street to provide “eyes on the street” (**Note:** Blank walls, storage, understair areas, washrooms etc. do not contribute to the desired streetscape quality);
- creating a consistent townhouse setback to the street, rather than staggered as proposed;
- detailed coordination of the streetscape and townhouse sidewalk interface with the adjacent 1211 Melville Street approved townhouses, including setback and

height of street-facing planter walls, blending of common property line party walls, etc. (**Note:** Parkade exit stairs should be downplayed on the streetscape, perhaps incorporated into the building);

- introduction of a fourth townhouse on Melville Street, displacing a portion of the inactive amenity area/blank wall at the sidewalk; and
- articulation and detailing to improve the appearance of the blank concrete wall of the elevator/stair core through its entire height and particularly at pedestrian level;

- 1.6 design development to the podium façade treatment on West Pender Street to relocate the retail façade closer to the property line to improve pedestrian interest and continuity with the adjacent proposed storefronts to the east (1211 Melville development);

Note to Applicant: Continuous glazed canopies should be provided at the pedestrian level extending a minimum of 1.5 m beyond the property line out over the public sidewalk.

- 1.7 design development to the sidewalk treatment along Pender Street, to improve pedestrian amenity through street tree planting, street furniture, weather protection and consistent sidewalk paving details incorporating Triangle West public realm treatment.

Note to Applicant: This will be pursued and coordinated with the approved 1211 Melville Street development immediately to the east to achieve an upgraded full block sidewalk treatment.

2.0 That the standard conditions set out in Appendix A be met prior to submission of a complete application.

3.0 That the complete application be dealt with by the Development Permit Board.

? Technical Analysis

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size	-	-	70.400 m/69.932 m x 4.742 m/14.025 m/ 16.205 m (survey plan)
Site Area	-	-	1 228 m ²
FSR ¹	Basic (Area G) 6.00 Heritage Density (10%) <u>0.60</u> Total 6.60	-	Commercial 0.22 Residential <u>6.61</u> Subtotal 6.83 Excess Balcony Areas <u>0.06</u> Total 6.89 Maximum <u>6.60</u> Overage 0.29
Floor Area ¹	Basic (Area G) 7 368.0 m ² Heritage Density (10%) <u>736.8 m²</u> Total 8 104.8 m ²	-	Commercial 266.1 m ² Residential <u>8 120.4 m²</u> Subtotal 8 386.5 m ² Excess Balcony Areas <u>71.4 m²</u> Total 8 457.9 m ² Maximum <u>8 104.8 m²</u> Overage 353.1 m ²
Balconies ²	Open 313.5 m ² Enclosed 313.5 m ² Total 627.0 m ²	-	Open 345.4 m ² Enclosed <u>353.0 m²</u> Total 698.4 m ² Maximum <u>627.0 m²</u> Overage 71.4 m ²
Height ³	91.44 m (300 ft.)	-	Top of Guardrail 91.27 m Top of Mech. Penthouse 95.39 m Maximum <u>91.44 m</u> Exceeded 3.95 m
Parking ⁴	Commercial 3 Small Car (25% max.) 28	Commercial 3 Residential <u>90</u> Total 93 Disability Spaces 3	Commercial Standard 3 Small Car 2 Disability 0 5 Residential Standard 71 Small Car 23 Disability 3 Visitor's (4 small car) <u>10</u> 107 Total 5 + 107 = 112 spaces Small car spaces 29 Disability spaces 3
Bicycle Parking	-	Cl. A Cl. B Comm. 1 0 Resid. <u>86</u> <u>6</u> Total 87 6	Class A Class B Commercial 1 6 Residential <u>92</u> <u>6</u> Total 93 12
Loading ⁵	-	Cl. A Cl. B Cl. C Comm. n/r 1 n/r Resid. n/r n/r n/r Total 1	Class A Class B Class C Commercial 2 - - Residential 0 - - Total 2
Amenity	929 m ² (max.)	-	218.7 m ²

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Unit Type	-	-	TOWNHOUSES <u>3</u> - Two-bedroom 3 Units TOWER 1 - Studio 16 - One-bedroom 47 - Two-bedroom <u>2</u> - Two-bedroom + den 66 Units Total 3 + 66 = 69 Units

¹**Note on FSR/Floor Area:** Proposed floor area exceeds maximum by 353.1 m² (3,799.4 ft.²) and must be decreased to comply. This excess floor area consists of various areas that must be counted such as above-grade mechanical, mail room, manager's office, balcony area beyond 8 percent, etc. Securing of transfer of heritage density is required to achieve the maximum FSR/Floor Area as indicated. See Standard Conditions A.1.1 and A.1.12.

²**Note on Balconies:** Maximum permitted balcony area (8 percent) is calculated based on maximum residential floor area less commercial space. Proposed balcony area exceeds maximum by 71.4 m² and is therefore added to floor area.

³**Note on Height:** Mechanical penthouse does not meet criteria (10 percent of roof area; 1/3 width/length of building façade) for relaxation of building height under section 10.11 of Zoning and Development By-law. Condition 1.3 seeks a reduction in its east-west dimension which may bring it into compliance with the height relaxation criteria, although the extremely small tower floorplate makes this difficult. Condition 1.2 seeks a reduction in height by 12.2 m (40 ft.) which would resolve this technical height issue.

⁴**Note on Parking:** Number of small car spaces needs to be decreased by one space to comply with maximum. See Standard Condition A.1.2.

⁵**Note on Loading:** Engineering Services supports a substitution of 2 Class A spaces for one Class B space due to site constraints.

? Legal Description

Lot: 5, Parcel A of 6 & 6 exc. Parcel A
Block: 30
Plan: 92 District Lot: 185

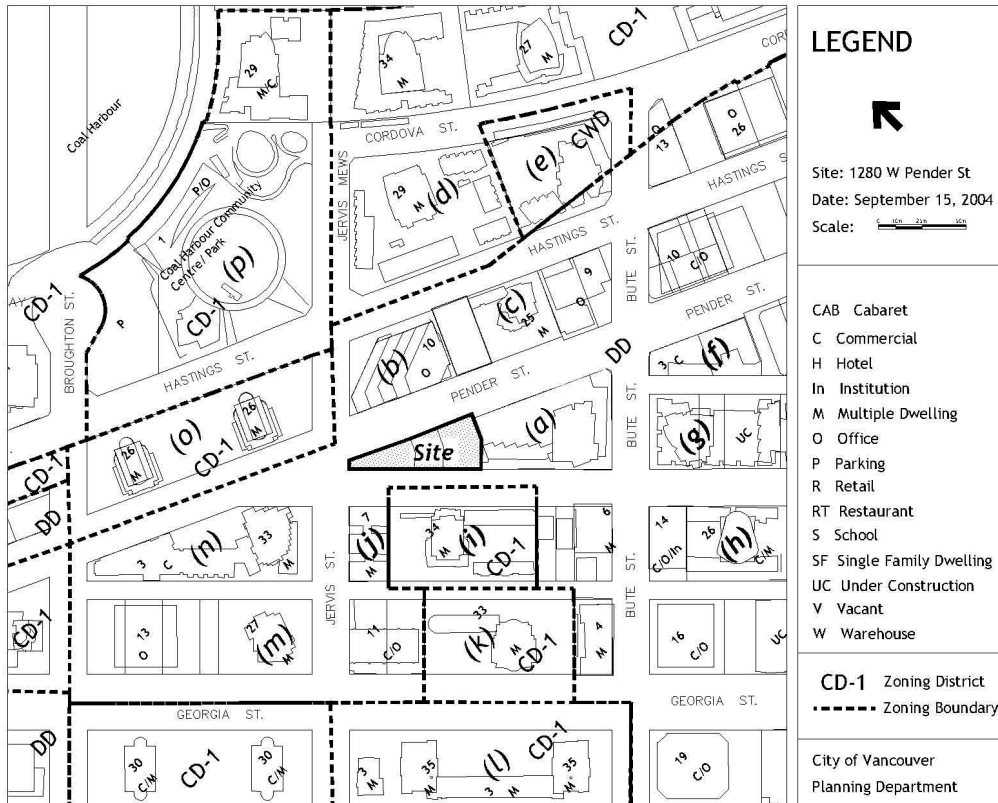
? History of Application:

04 07 06 Complete DE submitted
04 09 01 Urban Design Panel
04 10 13 Development Permit Staff Committee
04 10 27 Development Permit Staff Committee

? Site: The site, bounded by Pender, Melville, and Jervis Streets, occupies the westerly half of the triangular 1200 block West Pender. Its south (Melville) side slopes down towards Jervis Street. Its north (Pender) side is flat. The site's west portion is occupied by a 1-storey building ("Crime Lab" restaurant) identified on the Recent Landmarks/Post 1940's Inventory.

? Context: Significant adjacent development includes:

- (a) 1211 Melville St., development application for a 34 storey mixed-use development (DE408162)
- (b) 1285 W Pender St. (Evergreen Building), development application for a residential conversion and 1-2-storey addition to an existing 10-storey office building (DE408570): Approved-in-Principle
- (c) 1228 W. Hastings St. (Palladio): 25-storey residential tower on 2-storey townhouse base
- (d) 1280 W. Cordova St. (C-Side): 29-storey residential tower with 2-storey townhouses
- (e) 1201 W. Hastings St. approved: 30-storey residential tower, 1-storey commercial base ('Cielo')
- (f) 1178 W. Pender St.: development application for a residential tower, including daycare (DE408949)
- (g) 550 Bute St. (The Melville): approved 42-storey residential tower with mid-rise 13-storey hotel
- (h) 1166 Melville St. (Orca): 26-storey (238 ft. ht.) residential tower on two-storey townhouse base
- (i) 1238 Melville St. (Pointe Claire): 34-storey (319 ft. ht.) residential tower on 3-storey TH base
- (j) 610 Jervis Street (The Banffshire): 7-storey residential building (Heritage B)
- (k) 1239 W. Georgia St. (Venus): 33-storey (359 ft. ht.) residential tower
- (l) 1210 W. Georgia St. (The Residences): two 35-storey (320 ft. & 327 ft. hts.) residential towers
- (m) 1305 W. Georgia St. (The Pointe): 27-storey (263 ft. ht.) residential tower
- (n) 1310 W. Pender St. (Classico): 33-storey (315 ft. ht.) residential tower
- (o) 1301 W. Pender (Harbourside Towers): two 26-storey residential towers
- (p) 350 Broughton Street: Coal Harbour Community Centre (under), Park (on top)



? Background: Staff first met with the applicant in early 2004. In pre-application meetings, staff supported the concept of a slim tower and podium arrangement on this constrained site. Staff also acknowledged that a “flatiron” tower form offered a unique architectural response at this location. However, concern was expressed about the east/west width of the proposed tower, particularly with reference to the Pointe Claire immediately to the south. Staff requested investigation and analysis of an alternative tower form and location at the east side of the site and comparative qualitative and quantitative view analysis of alternatives. The applicant was advised to consult with the Pointe Claire and other nearby towers. A Preliminary Development Application was strongly recommended. Staff further recommended that the applicant pursue a stronger townhouse base along Melville Street in coordination with the adjacent development application at 1211 Melville Street (DE408162-Approved-in-Principle).

In respect to the 1-storey building on the west half of the site (1280 W. Pender - “Crime Lab” Restaurant) which has been identified on the Recent Landmarks/Post 1940’s Inventory Study (‘B’ category) but is not on the Vancouver Heritage Register, staff acknowledged its highly problematic footprint and configuration on this constrained site. (Note: Retention of buildings on the Recent Landmarks Inventory is voluntary.)

? Applicable By-laws and Guidelines:

1. Downtown Official Development Plan (DODP)

In summary, the By-law allows for a variety of uses up to a maximum of 6.0 FSR, and building height up to 300 feet. Heritage density floor space transfers can be considered up to 10 percent of the total permitted floor area, subject to a qualitative review of urban design factors.

2. Downtown Design Guidelines

The Downtown Design Guidelines provide a general checklist for achieving high quality development, seeking: contextual, neighbourly development that respects existing buildings and open spaces; creation of public open space wherever possible; pedestrian amenity along street frontages which, in this area, has come to mean townhouses along specific streets; preservation and, where appropriate, creation of public views; minimization of shadow and private view impacts; and slim rather than bulky towers.

2. Downtown District Character Area Descriptions: Golden Triangle (Triangle West)

The area descriptions anticipate mixed-use developments including residential west of Bute Street. Building frontages that do not include retail or similar uses should maintain pedestrian interest through attractive and highly visible building entrances, windows, displays, public art, landscaping where appropriate, and other amenities.

? Response to Applicable By-laws and Guidelines:

1. Downtown Official Development Plan (DODP)

Uses: The proposed uses, comprising 2,864 sq. ft. of retail commercial and 69 residential units, conform to the zoning.

Density: In terms of density, staff generally support the proposal including the ten percent heritage transfer of 736.8 m² (7,928 sq. ft.) to the site (refer to **Built Form and Massing** and **Private Views** below) although noting that the proposed floor area is 353.1 m² (3,799 sq. ft.) over the permitted FSR, which is equivalent to slightly more than one typical tower floor. Reduction in floor area is required to not exceed the maximum density permitted (see Standard Conditions A.1.1). The heritage density transfer is approximately equivalent to 2 ½ storeys of tower floor area. The applicant has not yet secured the requested heritage density nor identified the vendor site. Standard Condition A.1.12 seeks the requisite documentation of the transfer transaction. The applicant is advised that the balance of 'banked' heritage density is presently significantly reduced, with the timely availability of density potentially a problem.

Height: The proposal seeks the maximum discretionary height of 91.4 m (300 ft.) permitted by the zoning (**Note:** The proposed height exceeds 91.4 m (300 ft.) since technically the mechanical penthouse must be included in the height calculation). The shadow analysis (see **Built Form and Massing** discussion below) indicates notable shadowing impacts on Coal Harbour Park to the north. Staff consider these impacts to be unacceptable and recommend that the tower height be reduced to substantially diminish park shadowing. This would likely require a tower height reduction of 12.2 m (40 ft.), either by reducing the floor-to-floor height (proposed at approximately 3 m to 3.4 m (10 to 11 feet), or with a reduction in the number of storeys (or a combination). Any loss of tower floor area could be made up by additional density in the podium. Alternatively, the heritage density transfer could be denied and that floor area removed from the tower to reduce height.

2. Downtown Design Guidelines; and
3. DD/Triangle West Character Area Descriptions

Built Form and Massing:

General: The overall built form concept of a slim, uniquely shaped tower atop a podium of commercial frontages on Pender Street and townhouses on Melville Street is supported, as is a corner mini-plaza that completes an "urban room" at the Jarvis/Melville/Pender intersection.

Tower Location: The proposed tower is positioned at the narrow, west side of the site close to the Jarvis/Melville corner, and configured as an elongated, triangular "Flatiron" form 30.2 m (99 ft.) wide to respond to the unique street intersection pattern. The site's unusual shape and narrow depth constrain potential tower locations, particularly in respect to underground parking which favours a westerly tower option because of difficulties accommodating a tower's elevator core within the constricted parking layout. More importantly, a tower located at the easterly side of the site, however slim would be directly in front of the Pointe Claire tower, separated from it by only 21.3 m to 22.9 m (70 - 75 ft.) across Melville Street (Note: The Pointe Claire tower is set back only 1.2 m (4 ft.) from the Melville St. property line). This potential close interface between towers would raise privacy concerns for approximately 62 to 68 front units in the Pointe Claire above the 4th floor. The typical tower positioning pattern encouraged in the downtown is to offset towers from each other wherever possible so that neighbouring residents are not looking directly at each other. In addition, separation between towers of 24.4 m (80 ft.) is sought.

While acknowledging that a tower located at the east side of the site would have fewer view impacts on west-facing units in the Pointe Claire, staff are concerned that such an option would compromise livability and privacy for front units. However, recognizing the significant concerns raised by the Pointe Claire and Banffshire Apartments, staff investigated whether the view impacts of a west tower option could be substantially diminished through a notably reduced tower width and increased corner setback while retaining the advantages of a westerly position, as well as the architectural concept of a "flatiron" shape (see **Private Views**; p.9).

Tower Massing and Floorplate: The proposed tower has an exceptionally small floorplate area of 323.5 m² (3,481 sq. ft.), with an overall width in the east-west direction (along Melville Street) of 30.2 m (99 ft.) for almost its full height. However, the proposed tower width is considerably more than the normal 24.4 m to 25.9 m (80-85 ft.) range typically sought in the downtown and to which most other towers in the surrounding Triangle West neighbourhood comply. The width of the tower exacerbates impacts on views of certain upland towers and the Pointe Claire in particular. With respect to view impacts, staff have analysed whether a westerly tower position could be modified from the proposal so as to perform as well as or better than an east tower option, but without its livability/privacy impacts. Staff believe that this can be achieved if the tower width and setback from Jervis Street are modified as follows:

- reducing the east-west tower width from the proposed 30.2 m (99 ft.) to a maximum of 25 m (82 ft.); and
- pulling back the west edge of the tower 8 m (26.2 ft.) further to the east to increase its setback from the Jervis Street corner, thereby recovering a portion of the prized north views through Coal Harbour Park for west-facing units in the Pointe Claire (see **Private Views** below).

Note: If accepted by the D.P. Board, the modifications outlined in Condition 1.1 would be accompanied by a slight eastward shift of tower and its core of 2.5 m (8.2 ft.) so as to preserve proposed floor plate area of approximately 323.5 m² (3,481 sq. ft.) with its suite layouts and orientation, while still maintaining the tower offset from the Pointe Claire, albeit slightly reduced. The comparative view implications of this modified west tower vs. an alternative east tower option are diagrammed in Fig. 2 and Fig. 3 (pages 13 & 14).

In addition to reducing view impact on the Pointe Claire and Banffshire Apartments, the recommended increased setback from Jervis Street will also increase the area of the open corner plaza, enhancing the public realm by creating, along with the mini-plaza of the "Classico" across Jervis St., a unique "urban room" framed by the Banffshire Apartments and the proposed tower (see Public Realm/Open Space; page 15).

Tower Height: As discussed on P. 8 (see "Height"), the proposed 91.4 m (300 ft.) tower height imposes excessive shadows on Coal Harbour Park; Condition 1.2 seeks a reduction by at least 12.2 m (40 ft.). In addition, the proposed tower cap (mechanical) extends 3.95 m (13 ft.) above the 91.4 m roof parapet height, with an east-west width of about 15 m (50 ft.), which exacerbates the shadow impact and upper level view obstructions for the Pointe Claire and other upland neighbours. Accordingly, staff recommend that the width and height of the mechanical penthouse be reduced (Condition 1.3). A westerly roof trellis is supported as a distinguishing feature of this uniquely shaped building provided it is open (not glazed) and detailed as a light, see-through structure that is cantilevered as much as possible.

Private Views: The applicant has examined, through a detailed quantitative view analysis, the impacts of the proposed tower location and height on private views from a number of nearby tower locations (Appendix F). This analysis compared view impacts from the proposed "Flatiron" to an alternative compact tower floorplate [26.6 m (74 ft.) wide] located close to the east edge of the site. The applicant's conclusion is that the proposed scheme has fewer view impacts for the several affected neighbouring buildings in terms of "degrees of open view maintained" than the alternative east tower option. In particular, the study examined impacts on four existing residential towers within one block of the site that would be most affected ("Pointe Claire", "Venus", "Classico" and "The Pointe").

In summary, the analysis of private views shows that:

- The Venus is not affected by the proposed scheme (the proposed tower lies in the “view shadow” of the Pointe Claire), but would be impacted by the alternate east tower (loss of a narrow 6° view slot);
- The Classico and The Pointe buildings are only marginally affected by either tower option, as their prime open views orient more to the north/northwest (Stanley Park) and Jervis Street-end views, although The Pointe would lose a narrow view slot to the northeast with the proposed scheme;
- The Pointe Claire would be most impacted by the proposed tower, particularly those units on its west side which currently enjoy a prime, wide view to Stanley Park over Coal Harbour Park (approximately 69 west-facing units at the front, middle and back of the Pointe Claire would lose most or all of this prime diagonal north/northwest view, although approximately 31 of these units (front-west) retain their straight ahead outlook from living/dining rooms. Views from all units on the east side of the Pointe Claire are unaffected by the proposed scheme but would be impacted by the alternative east tower scheme, noting that their existing views are presently more limited to view slots by existing and approved towers to the northeast. As would occur for front-west units, approximately 31 front-east units would lose their straight ahead outlook from living/dining rooms with an alternative east tower scheme.

While the applicant’s view analysis is very detailed in its quantitative examination and conclusions concerning the variety of view corridors affected by the two tower options, it does not sufficiently account for the qualitative impacts on all affected units in the Pointe Claire. As described above under **Built Form and Massing** (p. 8), while staff believe that, overall, a west tower location has advantages over an alternative east tower location; the proposed elongated tower form does generate more view blockage than would a more typical 80 - 85 ft. wide tower. Consequently, staff have analysed a modified west tower form that would diminish view impact for west-facing Pointe Claire units while retaining the advantages of a westerly tower position. This modified west tower option, as prescribed in Condition 1.1, is diagrammed in Fig. 3 (P.14) along with view implications. The view implications of the applicant’s proposal are diagrammed in Fig. 1 (P.12), while those of the alternative east tower option are diagrammed in Fig. 2 (P. 13).

TABLE 1: Summary of View Impacts of Tower Options on Neighbouring Units (Fig. 1, 2 & 3)
(Unit counts are best estimates using available information. View impacts from mechanical penthouses have not been included)

Tower Options	# Units with 'Minor - Moderate' View Impacts (< 50 % reduction of prime views)		# Units with 'Substantial' View Impacts (> 50 % reduction of prime views)		Total # Units With View Impacts	# Units with Significant View Improvements compared to Proposed West Tower ("Flatiron")	
	Pointe Claire	Other	Pointe Claire	Other		Pointe Claire	Other
Proposed West Tower ("Flatiron")	30 [26]* 	7 (Banffshire)	78 [70]* 	-	115 [103]* (108:Pt.C.) 	-	-
Alternative East Tower	79 [73]* 	30**[22]* (Venus)	31[27]* 	-	140 [122]* (110:Pt.C.) 	47 [43]* (78 - 31) (70-27)	7 (Banffshire)
Modified West Tower*** (Recommended)	72 	-	26 	-	98 	52 (78 - 26)	7 (Banffshire)

* Figures in bold brackets (**103**)* indicate revised unit numbers impacted by lowered tower - condition 1.2 (recommended height reduction of 40 ft.).

** Although the alternative east tower eliminates only one 6° slot view, this is an important view corridor representing about 50% of the through views available for the Venus.

*** The Modified West Tower assumes a lower height as recommended in condition 1.2.

Conclusion: The analysis in Table 1 shows that the extent of view impacts on the Pointe Claire, Venus, and Banffshire, on an overall unit basis, caused by the Modified West Tower option (recommended by staff) is less than that of the Proposed West Tower ("Flatiron") and the Alternative East Tower option (although impacting different units). Further, the Modified West Tower option avoids the livability conflicts for approximately 62 front units in the Pointe Claire that would be generated by the Alternative East Tower option.

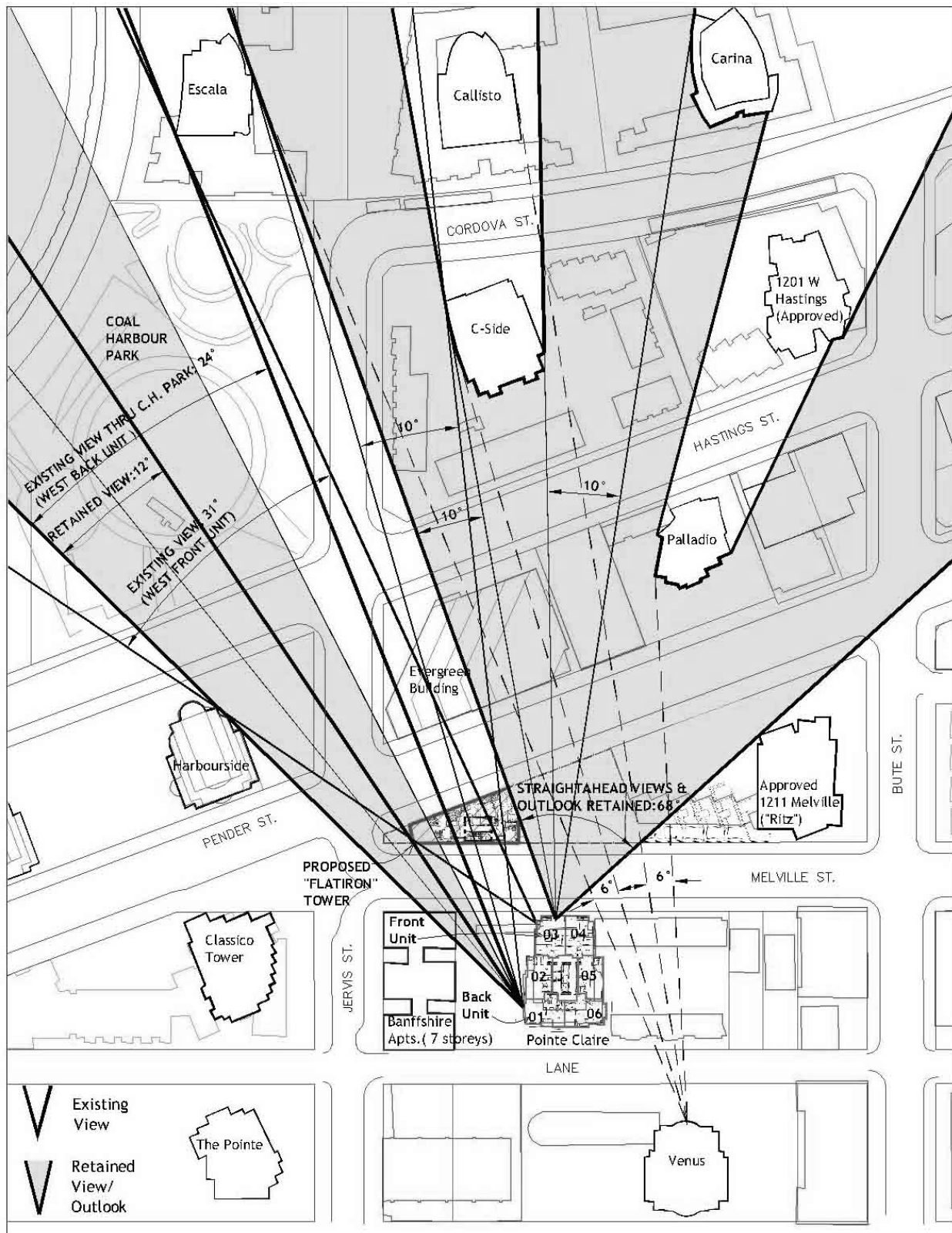


Fig.1: VIEW IMPACTS ON POINTE CLAIRE: PROPOSED WEST TOWER ("FLATIRON")

Note: Existing view means a through view to the water and/or mountains.

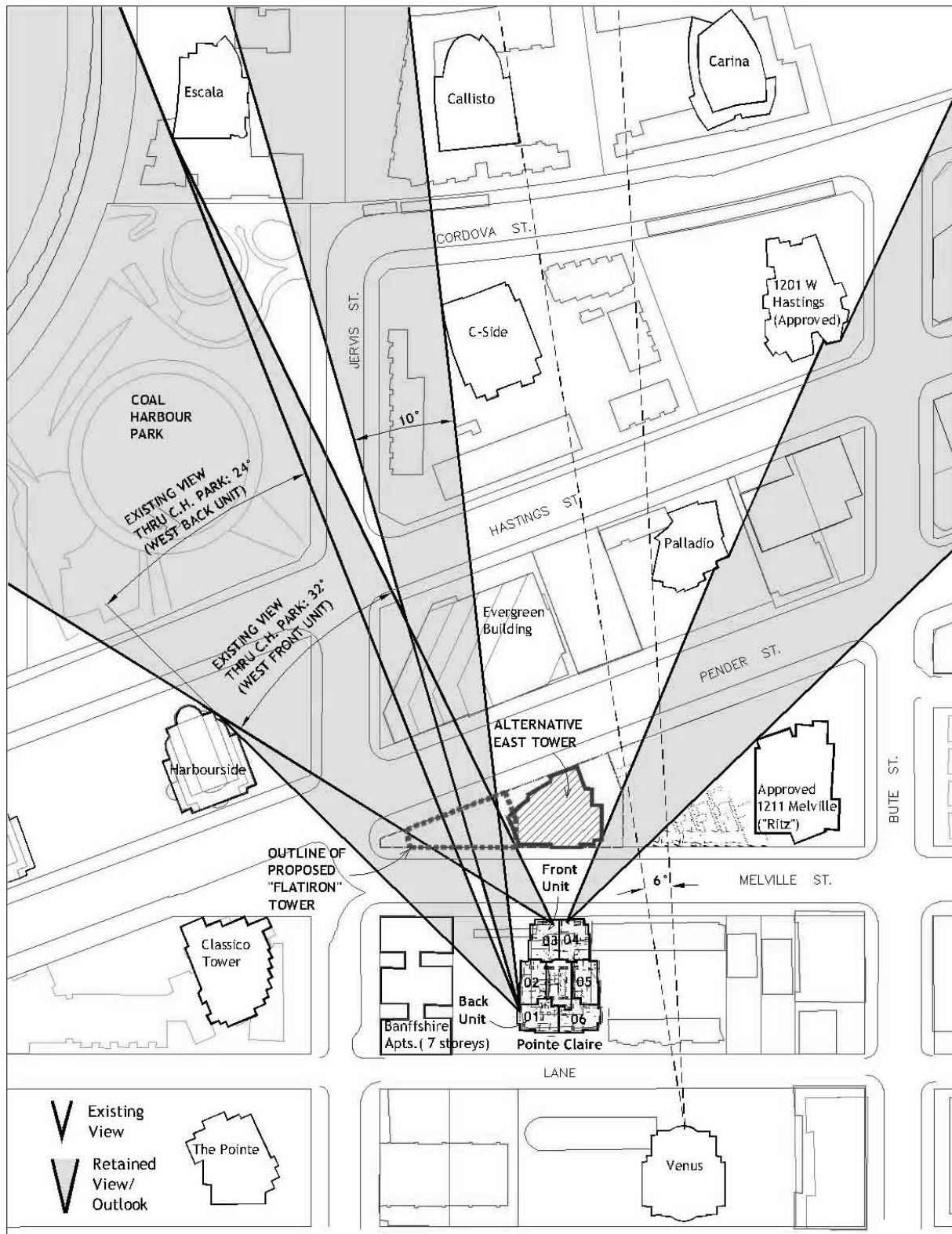


Fig.2: VIEW IMPACTS ON POINTE CLAIRE: ALTERNATIVE EAST TOWER*

*Note: The alternative east tower floorplate shown has been slightly adjusted from the applicant's version in order to improve diagonal views from Pointe Claire front units.

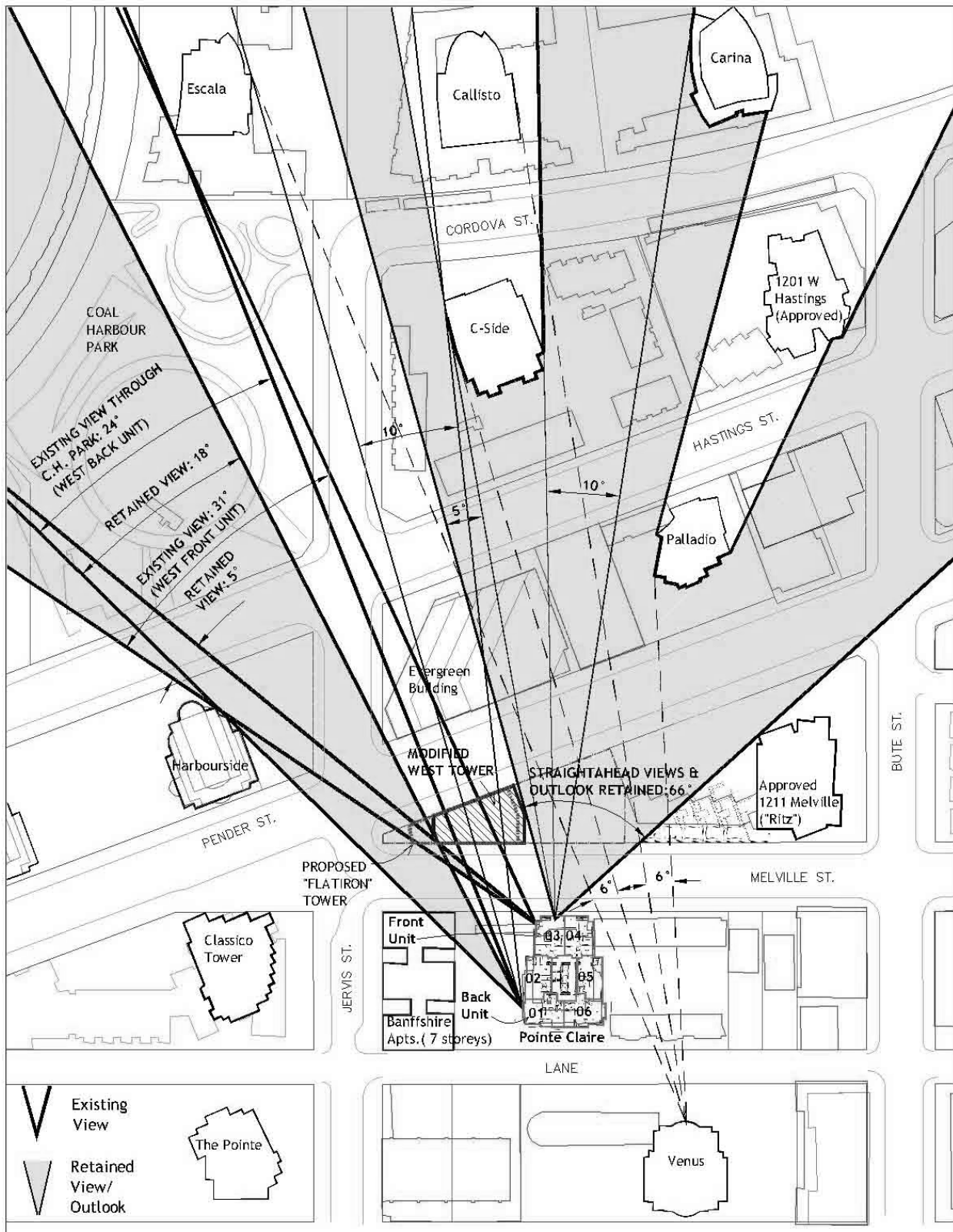


Fig.3: VIEW IMPACTS ON POINTE CLAIRE: MODIFIED WEST TOWER (RECOMMENDED)

Note: Existing view means a through view to the water and/or mountains.

Shadowing: The applicant's shadow analysis (Appendix G) indicates that the proposed tower at 300 ft. height will impact the south and west portions of Jervis Park for an approximate two and one-half hour period beginning in the late morning (about 11:00 a.m.) and lasting until the early afternoon (about 1:30 p.m.) at the September 21 equinox. In the morning the existing children's play area in the southwest corner of the park would be partially shadowed for about an hour. Staff note that shadows from other nearby towers (Harbourside, Classico, Palladio, G-Side) also impact the park to varying extent at different times of the mid-day period. In order to eliminate any shadow impacts from the proposed tower on the child play area, its proposed height would need to be reduced by 40 ft. (equal to 4 storeys). This could be achieved by reducing the floor-to-floor dimension, reducing the number of tower storeys, or any combination. Tower floor space that might be lost could possibly be reallocated to the podium.

Public Realm/Open Space: The public open space proposed at the Jervis Street corner has potential to define an "urban room" at this interesting intersection and should be expanded. The proposed treatment has an extensive water area extending underneath the north frontage of the tower building. Although this area is intended for public use, few amenities are provided for viewing or resting. The extent of water area should be reconsidered and more landscaping and seating opportunities provided to enhance its publicness. A public right-of-way will be required to secure public access. (Condition 1.4).

The site is adjacent to the approved 1211 Melville Street development and will complete the redevelopment of this entire city block. Staff are concerned that there be an integrated treatment of the public realm for this block. A high quality treatment of the sidewalk areas on both sides of this site, consistent with Triangle West Public Realm treatment is sought. With respect to the townhouse/public realm interface on Melville Street, staff have a number of detailed concerns including the need to have a more consistent townhouse massing relative to the street and to complete the townhouse frontage to the easterly property line noting that this townhouse streetscape should be carefully coordinated with that of the proposed 1211 Melville Street development (Condition 1.5).

Livability: The proposal provides a high level of livability, including a number of amenity features, such as a garden for residents on the podium level 2, a public open space at street level at the Jervis Street "apex", meeting/party rooms and various other recreational facilities. In addition, townhouse units along Melville Street will have individual patios and landscaped courtyards. Staff are satisfied that livability criteria are met.

Architectural Treatment: The architecture of this proposal, with the tower's unique shape, makes a bold statement at this unusual intersection. While urban design staff recognize the architectural opportunity, the elongated tower form proposed is simply too intrusive on neighbouring views. Though the recommended modifications (conditions 1.1, 1.2, & 1.3) are significant, they still provide, in staff's opinion, the basis for a compelling architectural solution while addressing impacts on neighbouring properties.

Elevator Core: The elevator core is positioned at the Melville Street property line and will be quite prominent. The proposed exterior treatment is architectural concrete, with no window openings or other massing articulation to break down the scale of this wall. Design development is recommended to articulate the elevator core's blank concrete wall through its entire height and particularly at pedestrian level, to improve its interface with the street and appearance for adjacent neighbours (Condition 1.5; fifth bullet).

? Conclusion: While a tower development on this unusually shaped and prominent corner site is appropriate and could provide a memorable urban landmark, the applicant's proposed tower massing has unacceptable views impacts on upland neighbours, and shadows the adjacent park. Staff support a notably more compact tower massing on the westerly side of the site to diminish view impacts on upland neighbours, and in particular, the Pointe Claire. Staff believe that the recommended tower setback, width and height modifications can be readily accommodated and will lead to an improved

interface with neighbours, while at the same time allowing for a slim, landmark tower of high architectural quality on this site. Staff recommend approval-in-principle but with notable changes to the tower form and height, as well as other more detailed conditions.

URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on September 1, 2004, and provided the following comments:

EVALUATION: SUPPORT (7-0)

- **Introduction:** Ralph Segal, Development Planner, presented this application in this 'choice of use' area in the Downtown District. The application seeks the maximum permitted density of 6.0 FSR, plus a 10 percent heritage density transfer. The proposed height of 300 ft. is permitted under the zoning. The proposed uses are commercial at grade on Pender Street, townhouses on Melville Street and residential above. The applicant's response to this unusually shaped site is a Flatiron building.

Staff generally support the proposal and note one major issue which relates to the location of the tower and its impact on the Pointe Claire residential tower on Melville Street to the south, noting that the Downtown District Design Guidelines call for shaping towers to minimize impact on both public and private views. The impact of the proposed massing on the Pointe Claire would be significant wherever it was located on the site. However, its proposed location at the westerly end of the site, as opposed to an alternative location towards the interior of the site, heavily impacts the views from the Pointe Claire through the Jervis Street right-of-way. The applicant has carried out an extensive view analysis indicating the impacts for the proposed tower location as well as at the easterly end of the site.

Staff strongly support the townhouses on Melville Street and the commercial uses on Pender Street are strongly encouraged. The Triangle West enhanced sidewalk treatment will be sought on this project.

The advice of the Panel is sought on whether the project can accommodate the additional 10 percent heritage density, the tower shape, massing and location, in particular its proposed location at the west end of the site vs. an alternative to the east.

- **Applicant's Opening Comments:** Peter Busby, Architect, described the design rationale. With respect to the tower location, Mr. Busby said the results of the view analysis are inconclusive: some residents in the Pointe Claire will have their views impacted in any tower location. Mr. Busby said he believes that while the two alternative tower locations are comparable in terms of view impact the chosen location allows for a more distinctive architectural solution. He stressed there is a strong commitment to sustainability. Greg Smallenberg briefly described the landscape plan and the applicant team responded to the Panel's questions.

- **Panel's Consensus on Key Aspects Needing Improvement:**

There was unanimous support for this application, with the caveat that it is essential that very high quality materials and details are maintained through to completion of the project.

There was unanimous support for the tower location as proposed at the westerly end of the site.

Suggestions for design development:

- Ensure the continuation of street trees on Pender Street;
- The Melville townhouses should be brought out to the street edge to define it.

• **Related Commentary:**

The Panel had no doubt that this site can accommodate the density being sought.

The Panel also unanimously supported the applicant's proposed location for the tower on the site. Some of the comments on the tower siting included:

- There is an inherent conflict between the interests of some private owners and the interests of the shape of the city;
- The view study is very complete and exhaustive but inconclusive;
- The shape and location of the tower also works well in terms of its relationship to the Evergreen building;
- The proposed tower location is best for the city;
- If the tower was moved to the east there would be a serious proximity issue;
- The detrimental impact on the Pointe Claire is unfortunate but it is a fact of life;
- The City has set the tone for the sea of towers in this area so one more from a view standpoint is really not really an issue at all; it's more an issue of getting some dramatic architecture on some of these streets;
- It is a relatively small floorplate and is in the right location;
- The strong architecture of this building is a community benefit that overrides loss of private views.

The Panel unanimously endorsed the proposed flatiron form and thought the site demanded that this form be taken advantage of. Overall, the Panel thought the project had been very deftly handled and found this a rare opportunity to let the site set the shape of the building. Some Panel members questioned whether the flatiron form could be stronger and suggested the architect re-examine the expression of the point which is quite truncated. The suggestion was that it seems to be denying the flatiron possibilities. There was also a comment that it seems to lose something at grade; if the sharp point came right down it might be more interesting. Because of the importance of this location, the Panel thought the quality of the architecture, materials and details should not be compromised.

There was strong support for the townhouses and for the internal courtyards, but no support for the way the units are stepped back from the street. The applicant was strongly urged to bring them out to create a stronger streetwall edge, possibly incorporating the change in grade within the unit or within a small side yard.

The applicant was strongly encouraged to complete the pattern of street trees and to do everything possible to enhance the quality of the streetscape. One Panel member felt that the success of the project, especially on this very unique site, is not only in the architecture of the building but at the pedestrian level. Serious concerns were voiced for the current Pender streetscape which has far too much concrete, and it was thought that this site perhaps deserves a completely different approach, including the City allowing the applicant to go beyond the property line and develop to the curb.

Other comments and suggestions included:

- the trees under the eyebrow may not work;
- there is a need to strengthen the Pender Streetwall;
- the canted fin wall on the Melville Street frontage is somewhat flimsy and gratuitous; it also further impacts views from the Pointe Claire;
- suggest increasing the depth of the balconies to create a stronger repetitive horizontal along the prow of the building;
- question whether the applicant explored an alternative massing, perhaps a lower building (12 - 14 storeys) at almost full site coverage;

- question the location of the residential lobby at the corner. It would be better on Pender Street.

With respect to the public realm on Pender Street, the Panel urged that the City develop some guidelines for this location because developments to date have achieved less than expected results.

- **Applicant's Response:** Mr. Busby expressed his appreciation for the Panel's input. He agreed with the Panel's recommendation with respect to the townhouses on Pender Street, and with the request for more street trees. With respect to the treatment of the corner, Mr. Busby noted that sharpening the point results in a wider building which impacts more views.

ENGINEERING SERVICES

The Pender Street frontage of the application site is covered by a 7-foot building line. This area is required for widening of Pender Street, for enhanced public realm, primarily improved pedestrian and bicycle circulation. The City Engineer would normally seek full dedication of the area covered by the building line as a condition of the development.

The applicant has sought to use the below grade area within the building line for underground parking. After a thorough review and acknowledging the constrained site, making design of an efficient underground parking layout a challenge, the City Engineer has agreed to recommend to Council that the City accept the establishment as road of an "air space" parcel for the area covered by the building line (Appendix I). The "air space parcel" would be from a point 1.2 metres below building grade and above. This would allow the applicant to construct within the 7 foot building line area. The provisions of the Zoning & Development By-law will require the Board of Variance to authorize the construction within the building line area (See standard conditions A.2.2 and A.2.3.). The applicant will be responsible for triggering the City Surveyor to commence the Council reporting process and fulfilling the conditions of the April 7, 2004 letter.

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

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

LANDSCAPE

Conditions recommended by Landscape are contained in the prior-to conditions noted in Appendix A attached to this report.

HOUSING/SOCIAL PLANNING

This proposed development at 1280 West Pender Street has a total of fourteen units located at or below the 8th floor which would be suitable for families with children. The proposal does not incorporate a children's play area. However, given the configuration of the site and the small number of units suitable for families, staff do not require that a play area be provided for this project.

HERITAGE (re 1280 W. Pender St. - "Crime Lab" Restaurant)

This building is on the post 1940s "Recent Landmarks Post-1940's Inventory" ('B' Category - Percy Underwood Architect). As such, its retention is to be pursued on a voluntary basis. The limited size of this 6 FSR development site and the existing building's expansive footprint (occupying half the site frontage at the west corner) makes its full adaptive reuse impractical. The "Crime Lab" building is an entity wherein the sum of the parts create a totality. If saved only in part, or as the podium of a larger development, its character would be significantly compromised. Given the problematic nature of

retention options, and the prospect of this corner being put to other positive public purposes in the site's redevelopment, staff on balance conclude that this building's retention need not be a priority.

ENVIRONMENTAL PROTECTION BRANCH

An erosion and sediment control plan is required for the Environmental Protection review and approval at a Building Permit application stage.

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) The garbage storage area is to be designed to minimize nuisances.
- (iii) The underground parking is to be adequately ventilated to prevent the build-up of noxious gases.
- (iv) All fresh-air intake portals are to be located away from driveways and parking/loading areas in order to prevent vehicle exhaust from being drawn into the building
- (v) Detailed drawings of amenity spaces to be submitted for review by the Environmental Health Division for compliance with Health By-law #6580 and the Food Premises Regulation prior to construction.

FIRE & RESCUE SERVICES

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

NOTIFICATION

On August 12, 2004, staff received confirmation that two 8 ft. by 4 ft. signs advertising this application had been installed on the subject property in compliance with City instructions. On August 13, 2004, the City issued notification letters to 2,620 neighbouring property owners advising them of the application and the public meeting of the Development Permit Board scheduled for October 25, 2004. On October 21, 2004, the City issued a notification letter advising that the Development Permit Board meeting date had been changed to November 8, 2004. To date, 200 neighbouring property owners have responded to the City’s notification, most notably from the Pointe Claire at 1238 Melville St. (Figure 4).

Figure 4: Responses to Notification

	Support Proposal (Flatiron)	Oppose Proposal (Flatiron)	Other
1238 Melville (Pointe Claire)		113	2 support Alternative E. tower 5 support Modified W. Tower*
610 Jervis (Banffshire Heritage Apts)		7 tenants + Owner	
1239 W. Georgia St. (Venus)	1 Strata Corporation 63 form letters		1 letter from owner supports Modified W. Tower
1310 W. Pender St. (Classico)		2	
1331 W Georgia (Lions East Tower)		1	
1166 Melville (Orca)		1	
1200 W Georgia (Residences)	1		
Blue Horizon Hotel		1	
Outside		1	
Totals	65	127	8

* Modified West Tower (recommended by staff) was first seen by 15 to 20 Pointe Claire residents who attended the October 21, 2004 open house.

Responses from Pointe Claire (1238 Melville)


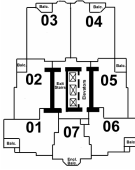
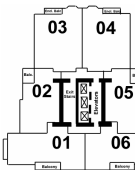
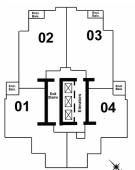
A total of 118 responses to notification were received from owners and residents in the Pointe Claire building. Of these, 70 were communicated solely through a management company acting on behalf of owners¹; 9 were received from a lawyer representing owners²; and 20 form letters were received seeking a shift in the location of the tower to the east side of the site and a reduction of its width to 40 ft. along Melville St.³ Figure 5 breaks out the responses by the location of the suites from which responses were received. In general, owners are opposed to the Flatiron application because of the degree and quality of views that would be lost. The feedback to date indicates that a majority of respondents from the Pointe Claire suggest a preference for a tower in the east portion of the development site.

¹ See “Castle Management” letter, Appendix J, pp. 3-5.

² See “Lang Michener” letter, Appendix J, pp. 6-7.

³ See Appendix J, p.8 for a sample form letter.

Figure 5: Pointe Claire Residents' Response to Notification

Floors	Oppose Proposal (Flatiron)	Support Alternative East Tower	Support Modified West Tower*
4th Floor 	Unit Responses [M] (F) 01 1 [1] () 03 1 [1] () 04 1 [1] () 06 1 [1] () <hr/> 4 [4] (0)		
5 to 13 	Unit Responses [M] (F) 01 6 [2] (3) 02 7 [1] (1) 03 7 [3] (3) 04 7 [3] (1) 05 6 [3] () 06 1 [1] () 07 2 [2] () <hr/> 36 [15] (8)	Unit Responses [M] (F) 01 1 [0] (0) <hr/> 1 [0] (0)	Unit Responses [M] (F) 02 1 [0] (0) 03 1 [0] (0) 05 1 [0] (0) 06 1 [0] (0) <hr/> 4 [0] (0)
14 to 24 	Unit Responses [M] (F) 01 2 [2] () 02 7 [2] (3) 03 7 [3] (3) 04 6 [3] (2) 05 6 [5] () 06 7 [7] () <hr/> 35 [22] (8)	Unit Responses [M] (F) 02 1 [0] (0) <hr/> 1 [0] (0)	Unit Responses [M] (F) 04 1 [0] (0) <hr/> 1 [0] (0)
25 to 32 	Unit Responses [M] (F) 01 7 [4] (1) 02 6 [3] (2) 03 5 [2] (1) 04 7 [7] () <hr/> 25 [16] (4)		
33 to 35	Unit Responses [M] (F) 01 2 [2] () 02 2 [2] () <hr/> 4 [4] (0)		
Other	Unit Responses [M] (F) TH 9 [9] ()		
Totals	Unit Responses [M] (F) n/a 113 [70] (20)	2	5

- [M] indicates representation made solely by management company (see "Castle Management" letter in Appendix J, p. 3-5).
- (F) indicates number of form letter responses seeking a shift of the tower to the east side of the site and reduction of its width to 40 ft. on Melville St. (see "Form Letter" sample, Appendix J, p. 8).
- * Modified West Tower (recommended by staff) was first seen by 15 to 20 Pointe Claire residents who attended the Oct 21, 2004 open house.

Note: Respondents shown in columns [M] and (F) above in opposition to the proposal (Flatiron) state a preference for a tower in the east portion of the development site.

The major concerns raised from organizations that represent multiple owners at the Pointe Claire are as follows:

- The Strata Council submitted a letter indicating they represented the interests of a majority of owners (number not specified) who will be adversely affected by the proposed development and recommended refusal of the application (Appendix J, p. 1-2). The Strata Corporation seeks comprehensive review of this application in conjunction with others in the neighbourhood
- A property manager with a portfolio of 73 units in the recommends refusal, or alternatively development conditions that would reduce the height of the building and shift the proposed building as close to the east property line as possible to protect the qualitatively better views to the west (Appendix J, p. 3-4). Noting that the majority of owners in this portfolio were on the east side of the Pointe Claire, the Project Facilitator sought and received written clarification that this was the unanimous position of the owners represented by the property manager (Appendix J, p.5).
- A lawyer representing owners of 9 units submitted a letter recommending refusal of this application on the basis that it does not consider the negative impacts on the Pointe Claire and does not consider the general density of the area (Appendix J, p. 6-7).

Meeting with Local Residents, September 8 and October 6, 2004

Two respondents suggested that the City should 'impose a moratorium on development applications in Triangle West until a comprehensive neighbourhood plan is developed'. On this matter, staff in Planning and Development Services met with two residents of the Pointe Claire on September 8, 2004 to discuss this application in the context of the Official Development Plan for the Downtown District. A further meeting on this topic, and focusing on the subject application, was held on October 6, 2004 with staff, two residents of the Pointe Claire, and two owners of the Banffshire Apartments (610 Jervis). In regard to the moratorium, Planning staff advised that the Downtown Official Development Plan enables more than the customary land use tools and regulations to shape urban growth for the Downtown District and a moratorium on development was not necessary.

Open House with Pointe Claire Residents, October 21, 2004 (5 pm to 8 pm)

Following the rescheduling of this application to the November 8, 2004 Development Permit Board meeting, the Project Facilitator contacted Pointe Claire residents to organize, on short notice, an open house meeting to update residents of the Pointe Claire on the review of the application and to discuss feedback. Approximately 15 to 20 residents attended the open house, which was also attended by a representative of Busby + Associates Architects.

Development Planner M. Kemble discussed the staff review to date with attendees. At about 6:30 pm Senior Development Planner Ralph Segal presented an overview of the application in the context of the DODP and Guidelines. He explained the staff analyses of the view impacts of: 1) the Proposed West Tower ("Flatiron"); 2) the Alternate East Tower option; and 3) a Modified West Tower scheme. Copies of these analyses were also handed out with accompanying unstructured feedback forms. The following written feedback was handed in at the meeting:

- "We strongly support Modified West Tower proposal"
- "1st choice is Figure 2 (Alternative East Tower), 2nd choice is Figure 3 (Modified West Tower)"
- "Very informative. Thanks for taking the time"
- "The modified version (Modified West Tower) is close to the desired tower. However a lesser impact would obviously be more appreciated"
- "The modified version of the west tower is the most favourable. Yet a farther east tower would be the most desirable in my case."

In total, five owners, most of whom live on the east side of the Pointe Claire, oppose the Alternate East Tower and support the staff recommendation for a Modified West Tower as a way of balancing the impacts of a tower development (see Figure 5).

Responses from Venus Residents (1239 W Georgia)

A letter from the Strata Corporation and 63 form letters were received from residents of the Venus indicating support for a west tower location and opposition to the concept of the alternative east tower which would impact views from the Venus. One resident on the west side of the Venus building examined the modified west tower scheme explored by staff and concluded that it would have positive impacts for his unit.

Responses from The Banffshire Heritage Apartments (610 Jervis St.)

The owner and 7 residents in the Banffshire expressed opposition to the Proposed West "Flatiron" Tower, citing loss of views and shadowing on their property.

Specific Feedback:

- **View Impacts:** respondents indicated that the proposed 100 ft. dimension of the building along the Melville frontage, and the massing of the tower at the Jervis corner would significantly impact existing private views. On this issue, residents of the Pointe Claire have submitted the bulk of responses recommending refusal of the application.
- **Building Massing:** A form letter widely circulated and submitted by neighbouring property owners suggested that the building massing could be shifted to the eastern edge of the subject property, and that the width of the building could be limited to 40 ft. along Melville St.
- **Height:** Some respondents indicate that the 300 foot height proposed is excessive given the small size of the site.
- **Shadowing:** Some neighbours indicated concern about shadowing impacts of the proposed tower, notably those that fall on the Community Centre playground across Pender Street in Coal Harbour Park.
- **Density & Proposed Heritage Density Transfer:** respondents suggested this small, constrained site was not an appropriate location for additional density above the 6.0 FSR limit permitted under DODP zoning.
- **Traffic Impacts:** some respondents suggest that this 69 unit proposal will have a negative impact on the congestion of local roads, particularly Melville Street.
- **Commercial Use:** A few neighbours indicated regret that the proposed development did not include the replacement of the "Crime Lab" restaurant. It was noted that the existing structure has some historical significance, as it was in fact the City's Crime Lab at one point in time. With respect to the commercial units proposed along Pender Street, two respondents suggested that the empty retail stores in the neighbourhood were an indication that there is surplus space in the neighbourhood and did not support the addition of more retail area.
- **Planning & Process:** A number of respondents including the Strata Corporation for 1238 Melville St., indicated concerns about the cumulative impact of the subject application, together with two other nearby development applications (1211 Melville, DE408162; and 1285 W Pender, DE408570). One writer requested that the City 'impose a moratorium on development applications in Triangle West until a comprehensive neighbourhood plan is developed'.

STAFF RESPONSE TO NOTIFICATION

- **Building Massing, Height, View Impacts and Shadowing:**

Staff agree with many of the respondents that the proposed tower massing and height generate unacceptable view and shadow impacts. The recommended conditions in pursuit of a lowered Modified West Tower will, in staff's opinion, mediate impacts to an acceptable level and significantly improve the project's fit with the neighbourhood.

- **Density, Proposed Heritage Density Transfer:**

While the proposed density of 6.6 FSR, including a 10 percent heritage density transfer (0.6 FSR) is ambitious on this unusual site, staff are satisfied that with the recommended design modifications it can be accommodated.

- **Traffic Impacts:**

Engineering Services' assessment is that the 69 units and modest commercial uses proposed in this development application will not have a material impact on traffic in the neighbourhood.

The implications of ongoing dense development in the Downtown Peninsula were studied in the development of the Downtown Transportation Plan, approved by City Council in 2002. As part of this process, transportation was modeled under varying assumptions for transportation service levels and land use development. It was concluded that with intensification of residential development and increased employment, vehicular traffic entering and leaving the Downtown Peninsula should be no greater in 2021 than at the time of the study, provided the necessary improvements to transit service and in support of walking and bicycling were forthcoming. Improvements in transit, walking, and bicycling are underway in support of the Plan.

- **Retail Use:**

The proposed minimal amount of retail/commercial at grade on Pender Street (2,863sq.ft.) is consistent with both zoning and design intent for this busy, high-traffic street.

- **Planning & Process:**

With respect to the development applications active in the immediate neighbourhood, the City of Vancouver has a robust development application review process. City Staff are reviewing these applications in the context of the DODP, related policy and Design Guidelines. Development applications are reviewed as they are received, and staff consider each on its own merit, taking into account interests raised by neighbouring property owners as well as the context of existing development, recently approved applications, applications currently under review, and the likely form of future development. Staff conclude that the existing policies for this area are sufficient to deal with several simultaneous applications.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Committee met on October 13 and 27, 2004 to review this complex application which required extensive analysis of alternative forms of development. Noting that the applicant had been advised to submit this development proposal in a preliminary form, the Committee commended staff for their extensive review of the fundamental form and massing questions raised by this complete application.

Committee members agreed that the site could accommodate a tower development. However, they expressed serious concerns with the tower location and massing as proposed, noting that it would shadow Coal Harbour Park and presents unacceptable view impacts for residents of the Pointe Claire (1238 Melville St.) and the Banffshire Apartments (610 Jervis St.). After reviewing the alternative east tower and the modified west tower recommended by staff, the Committee debated the question: "does the location of the modified west tower scheme best balance the livability and view interests of affected parties?" While DPSC members expressed differing opinions, the Committee concluded that, on balance, the concept of a modified west tower was supportable in principle on a preliminary basis, subject to a full review and feedback through public notification that would occur in a subsequent complete development application.

A number of significant development questions need to be addressed in a future complete application. A full view impact analysis of the modified west tower is required. With respect to the merits of the Heritage Density Transfer proposed in this application, the Committee struggled to reconcile the additional 10% of floor space in this development with the constraints of the site, and with the view impacts generated by the tower. Confirmation of the proposed source of the heritage density is needed. The committee also concluded that the proposed shared driveway access from the easterly development site (1211 Melville) was fundamental to the success of this project and sought confirmation that this access could be secured.

The Committee recommended that a complete application for a modified west tower be communicated to neighbouring residents, be fully reviewed by staff, and be brought back to the Development Permit Board for a final decision.

B. Boons
Chair, Development Permit Staff Committee

R.R. Segal, MAIBC
Senior Development Planner

M. Kemble
Development Planner

B. Mah
Project Coordinator

Project Facilitator: M. Mortensen

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

The following is a list of conditions that must also be met prior to submission of a complete application.

A.1 Standard Conditions

- A.1.1 reduce proposed floor area to comply with section 3 (Density) of the Downtown Official Development Plan;

Note to Applicant: Manager's office and mail room are not amenity spaces and therefore included in floor area. Mechanical areas/rooms above base surface are not excludable from floor space ratio. Loading corridor on ground floor and stair from upper penthouse to roof deck are included in floor area. To qualify for exclusion from FSR, storage spaces must have a minimum clear horizontal dimension of 4 ft. in **all** directions and be totally enclosed with a typical swing-type, solid door (not glazed). Closet type bi-fold or sliding doors are not acceptable. Balcony areas are measured and calculated to the outside edge.

- A.1.2 reduce number of small car spaces by one space;

Note to Applicant: Small car spaces are permitted up to a maximum of 25% of all parking spaces provided.

Disability parking spaces are only counted as two parking spaces for the sole purpose of satisfying the minimum required number of parking spaces. Where the number of provided parking spaces exceeds the minimum number required, double counting does not apply.

- A.1.3 provide accurate, detailed and fully dimensioned floor plans;

Note to Applicant: Dimensions shown on the FSR overlays certified and sealed by a BC Land Surveyor must be reflected on the floor plans. FSR overlays must also be certified and sealed by the Architect. Show glazing for all habitable rooms/areas. Where glazing is limited for interior dens, glazed doors should be provided. Provide closets for all bedrooms and eating areas (dining) for all units. Show gridlines and section locations on all floor plans. Correct upper floor levels on the south, west and east elevations. Note commercial uses as retail stores. Indicate setbacks of podium and tower from property lines on floor plans.

- A.1.4 provide separate, non-typical parking plans;

Note to Applicant: Clarify break lines on ramps between parking levels and encroachment into building line along West Pender Street. Provide locker layout in residential storage rooms. Clarify parking spaces #22, #23 and parking statistics on parking level P1, and void space adjacent to elevators. Indicate setbacks from property lines on parking plans.

- A.1.5 clarify parking provisions for bicycles:

- a) clarify the number of Class B bicycle spaces in front of commercial spaces and the residential lobby;
- b) provide dimensions for Class A bicycle spaces and manoeuvring aisles in bicycle rooms and clarify materials to be used for bicycle compound construction.

Note to Applicant: Provide a minimum length of 1.64 ft. of unrestricted access behind the bicycle racks. For more info, refer to section 6.3.14 of Parking By-law.

A.1.6 provide 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 a tile or stone floor surface, a flush threshold at the bottom of the door [for disabled access], large, openable windows for ventilation, and distinct exterior architectural expression. In addition, each dwelling unit should have no more than one enclosed balcony, and all balconies, both open and enclosed, should be clearly identified on the floor plans. Notation should also be made on the plans stating: "All enclosed balconies shall be designed and constructed in accordance with the Council-approved Balcony Enclosure Guidelines." Limitations on the amount of exclusions and enclosures permitted are described within the regulations of the Official Development Plan. For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines. Delete table and chairs in enclosed balconies. Identify all balcony areas, both open and enclosed, including all roof terraces.

A.1.7 design development to locate, integrate and fully screen any emergency generator, exhaust ventilation, electrical substation and gas meter in a manner that minimizes their impact on the building's open space and the public realm;

Note to Applicant: In order to prevent contaminated air from being drawn into the building, all fresh-air intake portals must be located away from driveways, and parking or loading areas.

A.1.8 provide details of all parking spaces to comply with the applicable provisions of the Parking By-law, having particular regard to space sizes, manoeuvring, height clearances, curbs, etc., including identification of all small car, disability and visitor's spaces;

Note to Applicant: Spaces located next to walls, fences and structure require extra width. Column sizes, spacing and encroachment into parking spaces may be permitted, subject to compliance with the City Engineer's guidelines.

A.1.9 annotate on plans stating: "The design of the parking structure regarding safety and security measures shall be in accordance with Section 4.13 of the Parking By-law.";

A.1.10 annotate on plans stating: "The design of the bicycle spaces (including bicycle rooms, compounds, lockers and/or racks) regarding safety and security measures shall be in accordance with the relevant provisions of Section 6 of the Parking By-law.";

A.1.11 provide accurate project information and data;

Note to Applicant: Project data should be converted to metric measurements for consistency. Unit summary must include notation that unit areas do not include storage and/or enclosed balcony areas. Where unit areas are close to 100 m², detailed calculations of those units are required to accurately assess the parking requirements.

A.1.12 submit a letter (sample attached), completed by the owner of the "donor" site, confirming that an agreement has been reached to sell 736.8 sq. m of heritage density to the developer of the "receiver" site, and also confirming the balance of transferable heritage density remaining on the donor site;

Standard Landscape Conditions

A.1.13 provide legal survey illustrating the following information:

- (a) existing trees 20 cm caliper or greater on the development site; and
- (b) public realm (property line to curb), including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;

A.1.14 illustrate public realm (building edge to the curb) on the landscape plan;

Note to Applicant: All existing street trees and public utilities such as lamp posts, hydro poles, fire hydrants, etc. should be noted.

A.1.15 provide dimensioned tree barriers (illustrated on the landscape plan or site plan) around all existing street trees located adjacent to the development site in accordance with City of Vancouver Guidelines;

A.2.1 design development to provide Triangle West sidewalk treatments adjacent to Jervis Street frontage of site where it intersects with Melville St. and W. Pender St.;

Note to Applicant: The frontage may not be able to accommodate a full Triangle West treatment but an effort to address this treatment requirement should be made (i.e. medallions, paving, tree surround details, etc.). The expansion of special paving at the corner of Melville and West Pender Streets (out to the building line) should also be pursued in conjunction with further development of the corner plaza as pedestrian amenity.

A.1.16 clarify layout of townhouse planters along Melville Street;

Note to Applicant: Layout of the townhouse planters fronting Melville Street on landscape plan L-02 is incongruent with the layout illustrated on architectural drawing DP211.

A.1.17 pull back proposed hedging into the site at the property line along the Melville Street townhouse frontage to allow some views into the gardens along the street (as opposed to creating a wall at the property line);

A.1.18 provide detailed elevations and sections (1:50 scale) of the Melville Street townhouse frontage, including details of all planter walls, entry stairs, gates, guard rails, treatments and heights of retaining walls, and clear indication of underground structure below (parkade etc.) to confirm soil depth;

Crime Prevention Through Environmental Design (CPTED)

A.1.19 design development to reduce opportunities for break and enter and mischief to the townhouses on Melville Street;

Note to Applicant: The maximum setback should be 4 m, with floor levels a maximum of 1.5 above the street level, with a semi-private use such as a den facing onto the street rather than storage and low planter walls to increase visibility. The undefined space adjacent to the northerly property line should either be deleted or be made accessible from an adjacent room.

A.1.20 provide direct internal access for townhouses to parking, garbage and mail;

A.1.21 provide an anti-graffiti strategy for blank walls on Melville Street;

Note to Applicant: The architectural elevations show vines but this is not shown on the landscape drawings.

A.1.22 provide clarification of handrail material on open exit stair on Melville Street to ensure open visibility;

A.1.23 design development to reduce opportunities for mischief by reconfiguring exit doors on both Melville and West Pender Streets;

A.1.24 provide detailed section of the corner open space to ensure the height of hedging species (taxus media) does not block views from street across the plaza;

A.1.25 design development to reduce opportunities for theft in underground parking;

Note to Applicant: Provide clarification of shared entry gate access security for the proposed building and the adjacent development at 1211 Melville St.; provide an overhead gate at the property line; provide an additional door inside the exit stair to provide security between commercial and residential levels.

A.1.26 provide a strategy to reduce opportunities for skateboarding on the water feature walls; and

A.1.27 design development to reduce opportunities for mail theft.

Note to Applicant: This can be achieved by providing a rear access room to boxes having all boxes visible from the elevators.

A.2 Standard Engineering Conditions

A.2.2 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for site consolidation;

A.2.3 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the establishment of the area of the 7 ft. building line measured from a depth of 1.2 metres below grade upwards;

A.2.4 the applicant can and does obtain approval from the Board of Variance for portions of underground parking proposed beyond the 7 ft. building line;

A.2.5 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for access from the adjacent property;

A.2.6 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for the release of redundant crossing agreements (easement and indemnity agreements 252997M and 227586M), prior to occupancy of the building;

A.2.7 column setback to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: Columns which encroach into parking space must be set back 4 ft. from either end of the space.

A.2.8 provide a common design for parking entry with the adjacent building;

Note to Applicant: Plans showing the design of the parking ramp and access must be consistent between the two development applications, currently they are not.

A.2.9 modify design of parking entrance into this site to allow two-way traffic flow onto the adjacent site's parking ramp;

A.2.10 provide required additional space width for spaces next to walls and columns and adequate manoeuvring for spaces vis 9 and vis 10 on parking level P1;

Note to Applicant: Due to location of security gate, these two visitor spaces are in effect dead end spaces which don't have adequate room to turn around to exit in a forward direct. Commercial small car #1 and #3 require a minimum 2.6 m. Also modify position of disability space 6/7 to allow additional space width for adjacent space # 8.

A.2.11 provide parabolic mirrors to improve driver visibility of oncoming vehicles, paint markings, and signage to indicate stopping locations to allow an oncoming vehicle to pass noted on plans;

Note to Applicant: Stop bars with additional overhead signage will need to be marked on the floor for outbound vehicles at grid line 12 and 1.5 m east of grid line 13 on all parking levels to inform drivers where to stop to let oncoming vehicles pass.

A.2.12 provide design elevations on both sides of all parking ramps at breakpoints and dimension of length of parking ramp and drive aisles at specified slope for all parking levels;

A.2.13 provide additional design elevations at all entrances along the property line;

Note to Applicant: Note grades to CRU 2 and easterly entrance to lobby on Melville Street are too steep (16% and 21 % respectively).

A.2.14 clarify garbage pick-up operation (confirmation that a sanitation firm can pick up from the location shown);

A.2.15 re-orient bike racks on West Pender and Melville Streets so that when in use bikes will not project over the building line or property lines;

A.2.16 railings to the townhouses are not to project over property line (DP 500);

A.2.17 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for a canopy application; and

Note to Applicant: Canopies must be fully demountable and drained to the building's internal drainage systems.

A.2.18 arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for a street tree application.

Note to Applicant:

- a) Provide additional street trees (along both Melville and West Pender Streets) in order to fill gaps in existing and proposed street tree colonnade. Addition of approximately three new trees along West Pender Street and two along Melville Street is required.
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- b) Street trees should be noted: "Final species, quantity and spacing, to the approval of the City Engineer and Park Board." Contact Eileen Curran of Engineering Services, at 871-6131, regarding street tree spacing and quantity. Contact Bill Stephen of Park Board, at 257-8587, regarding tree species.
- c) Sidewalk, street trees, tree grates and surrounds, lighting, etc., shall conform to Council-approved Triangle West public realm treatment, to the satisfaction of the General Manager of Engineering Services.
- d) Please submit a copy of the landscape plan directly to Engineering Services for review.

A.3 Standard Vancouver Coastal Health Authority Conditions

- A.3.1 Submission of a complete acoustical consultant's report.
- A.3.2 Submission of a letter from an acoustical consultant confirming that the development permit drawings show a minimum STC 55 construction between the commercial and residential components of the building, or a minimum 6" solid concrete slab shall be specified on the drawings.

Note to Applicant: Where music, recorded or live may be a major activity in the commercial premises, submit a report from an acoustical consultant recommending minimum STC 60 construction between the commercial and residential components and advising the required control of music levels to satisfy the requirements of the City of Vancouver Noise Control By-Law No. 6555.

- A.3.3 Submission of written confirmation, and notation on plans, 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).
 - A.3.4 Submission of written confirmation, and notation on plans, that mechanical equipment (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.
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B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre - Building, Vancouver Coastal Health Authority and Fire and Rescue Services contained in the Staff Committee Report dated October 27, 2004. 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 If a complete application is not submitted on or before **May 8, 2005**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development By-law or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the by-law or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.
- B.1.6 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.1.7 Note: The above will form a condition at the complete stage.
- B.1.8 This site is affected by the Development Cost Levy By-law No. 7847. Levies will be required to be paid prior to issuance of Building Permits.**
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Processing Centre - Building comments

The following comments are based on the preliminary drawings prepared by the Busby + Associates Architects received by the City of Vancouver on July 6, 2004 for the subject development application. This is a preliminary review in order to identify issues which do not comply VBBL #8057.

1. Building construction is required to be noncombustible.
2. VBBL 3.2.6. requirements for high buildings apply to entire building.
- 3*. Areas of refuge shall be provided for the required accessible floor areas where common areas are provided such as storage rooms, amenity spaces, roof deck, party room, sauna/ hot tub area, retail, lobby etc.
4. The building is required to provide access to persons with disabilities. Also shall meet enhanced accessibility requirements to residential suites.
- 5*. Two means of egress/exit required from P1 bike room area, loading bay area, common roof deck.
6. Storage garage security shall conform to 3.3.6.7.
7. Additional exit may be required from storage garage where security gate is provided.
8. Interconnected floors shall conform to VBBL 3.2.8.

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

Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response. The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardise 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.

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 July 6, 2004 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*. Review scissor stairs to ensure that both stairs provide access to ALL LEVELS from residential lobby (the fire dept response point).
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2*. Review sprinkler zoning/fire alarm annunciation and internal standpipe coverage. The proposed CRU entrances are approximately 6m from W Pender St curb and are approximately 40m from fire vehicle (at principal entrance) to furthest CRU entrance.

3. Entrances to two-storey townhouse units are approximately 7.5m (to furthest entrance) up steps from Melville St curb and greater than 45m from fire vehicle at principal entrance on W Pender St. Townhouse units are completely separate from main building tower (& residential lobby/fire dept response).

* Fire department responds to street address.

* Review sprinkler zoning/fire alarm annunciation and (internal) standpipe coverage.

* Items marked with an asterisk have been identified as fire department concerns. These comments are based on the Architectural drawings reviewed. Further comments may be forthcoming when more detailed drawings are submitted for review.