

1188 WEST PENDER STREET (COMPLETE APPLICATION)  
DE408949 - ZONE DD

RRS/MK/TC/DR/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  
\*\* P. Shaw, Vancouver Coastal Health Authority  
T. Driessen, Vancouver Park Board  
V. Morris, Social Planning/Office of Cultural Affairs

##### Also Present:

R. Segal, Urban Design & Development Planning  
\* M. Kemble, Urban Design & Development Planning  
T. Chen, Development Services  
D. Robinson, Development Services  
\*\* P. Mondor, Planning - Rezoning  
\*\* M. Gordon, Central Area Planning

\* March 30, 2005 Meeting Only

\*\* April 13, 2005 Meeting Only

##### APPLICANT:

Hancock Brückner Eng & Wright Architects  
300 - 1445 West Georgia Street  
Vancouver, BC  
V6G 2T3

##### PROPERTY OWNER:

Pinnacle International Lands  
300 - 911 Homer Street  
Vancouver, BC  
V6B 2W6

#### EXECUTIVE SUMMARY

- **Proposal:** To construct a 31-storey residential tower with 110 dwelling units on a three-storey commercial/child day care podium base, with four levels of underground parking accessed from the lane.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

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

Appendix D Plans and Elevations

Appendix E Applicant's Design Rationale

Appendix F Applicant's View Analysis (1)

Appendix G Applicant's View Analysis (2)

Appendix H "The Melville" Pre-Purchaser's View Analysis

Appendix I Previous Hotel/Residential Tower Approved in Principle

Appendix J Amenity Bonus: (Approved by Council April 14, 2005)

Appendix K Extract of Rezoning Report for 1211 Melville (approved at Public Hearing Apr 12, 2005)

Appendix L Massing Comparison of Subject Application and Previous PDP (approved-in-principle, 1997)

##### ● Issues:

1. Tower location/shape (proximity to "The Melville" - 550 Bute Street)
2. Lane treatment and landscaping
3. Pender Street retail expression

##### ● Urban Design Panel: Support

**DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE**

THAT the Board APPROVE Development Application No. DE408949 as submitted, the plans and information forming a part thereof, thereby permitting the construction of a 31-storey residential tower with 110 dwelling units on a three-storey commercial/child day care podium base, with four levels of underground parking accessed from the lane, subject to the following conditions:

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

**1.1 design development to the lane interface to improve its visual quality;**

**Note to Applicant:** Additional landscaping should be provided from the vehicular ramp entry to the easterly property line to screen and soften exposed concrete walls, including vine pockets and larger planters and possibly a tree. Adjusting the south edge of the child day care deck to cover the ramp and setting it back at the southeast corner to provide natural light for planters below should be considered. The height of concrete walls should be lowered as much as possible. Further articulation is required to the treatment of the elevator/stair core including its top. Setting back the exit stair at the southeast corner is required to allow for a planter adjacent to the lane. The easterly portion of the proposed 5 ft. (1.5m) wide sidewalk on the north side of the lane (east of the vehicular ramp) should be eliminated.

**1.2 design development to increase the security and visibility (opportunities for casual surveillance) of the child day care facility's drop-off from the lane;**

**Note to Applicant:** This can be achieved by securing the child day care drop-off and parking during non-business hours, maximizing sightlines to this area and eliminating potential areas of concealment.

**1.3 design development to the retail façade on West Pender Street to achieve a stronger two-storey expression to improve its visibility and identity;**

**Note to Applicant:** A more vertical, two-storey glazed treatment for the retail frontage should be pursued that is differentiated from the child daycare facility's floors above. Higher quality materials and pedestrian canopies as well as consideration for potential commercial signage locations are sought.

**1.4 design development to the podium wall at the easterly property line to improve its appearance as seen from West Pender Street;**

**Note to Applicant:** Consideration should be given to special patterning of the concrete wall, and the introduction of additional openings, glass block, etc.

**1.5 design development to refine and coordinate the public realm treatment with the evolving Triangle West public realm details being pursued for Pender Street on development sites on the 1200 block West Pender Street including simplification of the corner treatment;**

**1.6 registration of a Section 219 covenant at 1188 West Pender Street to restrict the site's commercial development potential to reflect the amount of density transferred off site;**

**Note to Applicant:** The proposal includes bonused residential density in the amount of 52,600 sq.ft. (4,886.5m<sup>2</sup>), (which is fundamentally the unused commercial potential development on this site), with the provision of a 37 space child day care facility.

- 1.7 registration of an agreement to secure the child daycare facility in exchange for the bonus density to be made to the satisfaction of the Directors of Legal Services, Real Estate Services, Social Planning, and Facilities Development & Management;

**Note to applicant:** The City will secure its interest in this amenity space through a Section 219 Covenant and an option to lease for the life of the building. The lease shall include, at no additional cost, unrestricted use of seven parking spaces at a location determined by the City. The construction costs and endowment contribution shall be secured by letters of credit lodged with the City prior to the issuance of the development permit.

- 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: Area 'F' of the DD Zone:

	PERMITTED	REQUIRED	PROPOSED
Site Size			Irregular
Site Area			14,225 sq. ft.
Floor Area <sup>1</sup>	Area 'F' 99,575 sq. ft. Heritage density Transfer (10%) <u>9,958 sq. ft.</u> Total 109,533 sq. ft.  Residential max. 42,675 sq. ft.		Residential 44,242 sq. ft. - amenity bonus 52,600 sq. ft. - heritage density <u>9,958 sq. ft.</u> 106,800 sq. ft. Commercial <u>3,600 sq. ft.</u> Total 110,400 sq. ft.  Child Day Care (excluded from floor area) 11,884 sq. ft.
FSR <sup>1</sup>	Area 'F' 7.00 Htg. Density trans. 10% <u>0.70</u> Total 7.70  Residential max. 3.00		Residential 3.11 - amenity bonus 3.70 - heritage density <u>.70</u> Total 7.51  Commercial <u>0.25</u> Total 7.76  Child Day Care (excluded from floor area) .83
Height <sup>2</sup>	300 ft.		Top of elev. mach. Room 318.9 ft. Top of mech. roof 312.8 ft. Top of parapet wall 301.2 ft.
Parking <sup>3</sup>	Commercial 4  Small car (25%) 31	Residential 112  Commercial <u>4</u> Total 116  Child daycare - staff 2 - drop-off <u>5</u> 7 Total 123 Disability 3	Residential 109 - disability bonus <u>3</u> 112 Commercial <u>3</u> Total 115  Child Day Care - staff 2 - drop-off <u>5</u> 7 Total 122 Disability 3 Small car 26 Visitors' 0
Loading <sup>4</sup>		Residential Class B 1 Commercial Class B 1	Residential Class B 1 Commercial Class A 1 Class B 0
Bicycles		Residential Class A 138 Class B 6 Commercial Class A 1 Class B 0	Residential Class A 143 Class B 6 Commercial Class A 1 Class B 6
Amenity	10,000 sq. ft.		3,888 sq. ft. (2 <sup>nd</sup> floor amenity room and outdoor patio)
Balconies	Open (max.) 8,474 sq. ft. Enclosed (50% of open) 4,237 sq. ft.		Open 4,125 sq. ft. Enclosed 2,632 sq. ft.

<sup>1</sup> **Note on Floor Area and FSR:** The applicant is proposing to transfer all but 3,600 sq.ft. (334.4 m<sup>2</sup>) of commercial floor area for this development to the development at 1211 Melville Street (“The Ritz”). A rezoning application for this density transfer to “The Ritz” is now approved. The subject proposal is seeking to “earn” this amount of density as residential floor area through the provision of a child day care facility on the 2<sup>nd</sup> and 3<sup>rd</sup> floors under the amenity bonusing provisions of Section 6 of the DD Zone.

Further, the development is seeking a Heritage Density Transfer, allowed under Section 3 of the DD Zone. The “donor” site has been identified as 36 Water Street.

Notwithstanding the amenity bonus and the Heritage Density transfer, the residential floor area is beyond the maximum permitted, and consequentially, the total floor area is also beyond the maximum permitted. Standard Condition A.1.1 seeks a reduction in the residential and overall permitted floor area to be within the maximum permitted density of 7.7 FSR.

<sup>2</sup> **Note on Height:** The height of the building is measured to the top of the elevator machine room roof (at 318.9 ft. or 97.2 m), as this part of the building does not qualify for exclusions from building height under Section 10.11.1 of the Zoning and Development By-law. Consequently, the height of the building is over the maximum permitted in Section 4 of the DD Zone. The Development Permit Board may permit buildings which exceed the height limits so prescribed, after taking particular account of the overshadowing, view obstruction and other environmental criteria set out in the applicable design guidelines. Staff consider the height acceptable and support relaxation of the height limit to 318.9 ft., as the bulk of the overage is the elevator machine room whilst the parapet roof height of 301.2 ft. (ie. roof of the highest habitable space) is only 1.2 feet over. See page 8 *Height*, for further discussion.

<sup>3</sup> **Note on Parking:** The disability bonus allows a “double counting” of the disability parking spaces, as permitted in Section 4.1.14 of the Parking By-law to effectively provide 112 residential spaces (109 physical spaces are on site for residential use), thereby meeting the residential parking requirements. However, the required commercial parking spaces are deficient by one, and Standard Condition A.1.2 seeks compliance. No visitors’ parking spaces have been provided and Standard Condition A.1.3 seeks clarification of these spaces.

<sup>4</sup> **Note on Loading:** The applicant is proposing to provide a Class A loading space in lieu of the required Class B space for commercial use. Staff, in consultation with Engineering Services is prepared to accept one Class A and one Class B loading as proposed, provided a shared use agreement is in place. (See Engineering commentary on page 12 and Standard Engineering Condition A.2.6.)

• **Legal Description**

Lots: A and B (Ref. Plan 3989) of Lots 9 & 10  
 Block: 16  
 Plan: 92  
 District Lot: 185

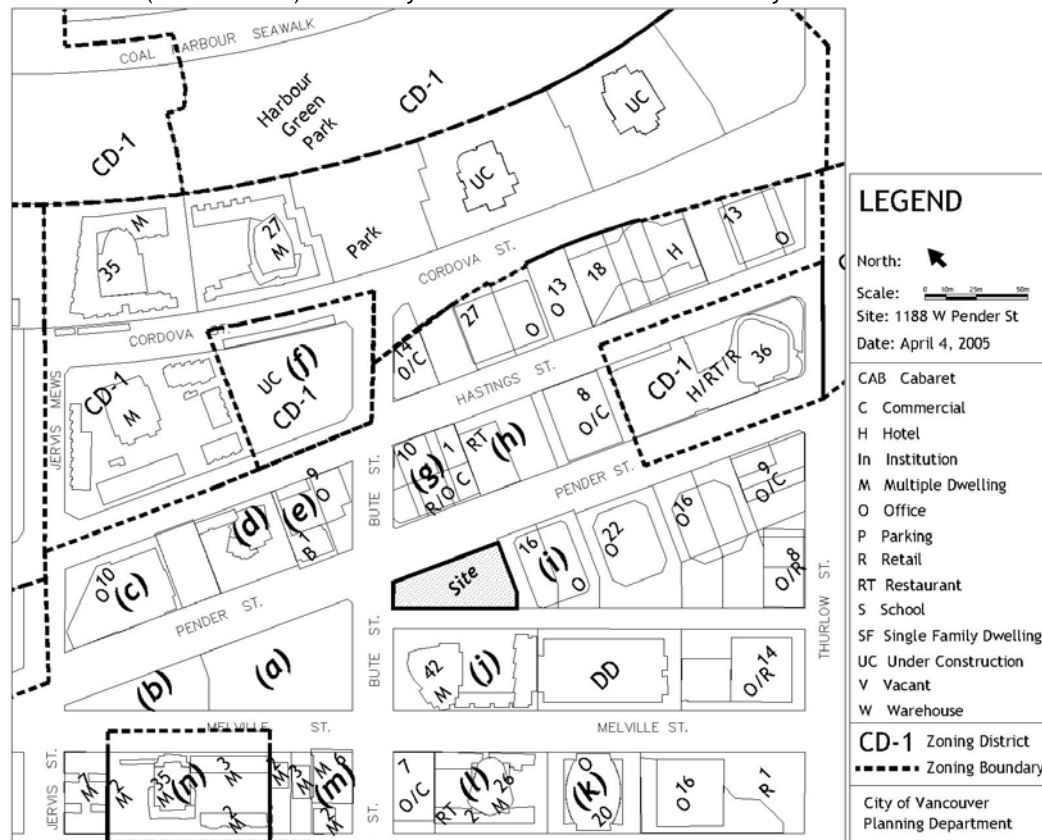
• **History of Application:**

04 10 20 Complete DE submitted  
 05 01 05 Urban Design Panel (non-support)  
 05 02 09 Revised Complete DE submitted  
 05 02 16 Urban Design Panel (Support)  
 05 03 30 Development Permit Staff Committee  
 05 04 13 Development Permit Staff Committee

• **Site:** This wedge-shaped site, bounded by Pender and Bute Streets, and the lane between Melville and Pender Streets, occupies the westerly end of the south side of the triangular 1100 block West Pender. The site's north side on Pender Street is flat. There is an approximate 10 ft. (3 m) grade difference between the lane (higher) and the Pender Street frontage (lower).

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

- (a) 1211 Melville St. (The Ritz): DP approved 34-storey residential tower on 2-storey commercial base (rezoning approved to allow additional commercial density transferred from 1188 West Pender)
- (b) 1277 Melville St. ("Flatiron"-DE409236): proposed 28-st. resi. tower [formerly 1280 West Pender]
- (c) 1285 W. Pender St. (Evergreen Building); enquiry to redevelop with residential tower and townhouses;
- (d) 1228 W. Pender St. (Palladio): 25-storey residential tower on two-storey townhouse base
- (e) 1205 W. Pender St.: 9-storey office tower
- (f) 1205 W. Hastings St.(Cielo): 30-storey residential tower, 1-storey podium (under construction)
- (g) 1199 W. Pender St.; 10-storey office tower (recently renovated)
- (h) 1177 W. Pender St.: enquiry received for hotel development proposal
- (i) 1166 W. Pender St.: 15-storey office tower
- (j) 550 Bute St. (The Melville): 42-storey residential tower with 13-storey hotel (under construction)
- (k) 1138 Melville St.: 20-storey office tower
- (l) 1166 Melville St. (Orca): 26-storey residential tower on two-storey townhouse base
- (m) 601 Bute St. (Stadacona Apartments - Heritage 'B'); 5-storey residential building
- (n) 1238 Melville St. (Pointe Claire): 34-storey residential tower on three-storey townhouse base



- **Background:** Staff first met with the proponents in early 2004 concerning a predominantly residential development on this site. The proposal initially included a substitution of residential floor area for the commercial floor space attributable to the site's zoning, and inclusion of a child day care facility as part of the development in exchange for an amenity (floor area) bonus. The owner/developer noted that the shape and size of the subject site constrained the ability to provide a large enough floor plate to sustain commercial activity.

Extensive discussions occurred between staff and the proponents, regarding the importance of providing commercial floor space in this neighbourhood and reinforcing the commercial "high street" for this portion of Bute Street. The discussion ultimately focused on the alternative of accommodating the commercial density attributable to 1188 West Pender Street in a location that would be more viable. The transfer of commercial density from 1188 West Pender to the site at 1211 Melville Street (owned by the same developer and on the west side of Bute Street in the same block) through a rezoning application, was encouraged by staff. A Complete Development Application for 1188 W. Pender Street was submitted on this basis in October, 2004.

With regard to the proponent's request for an amenity bonus in exchange for provision of a child daycare facility as part of the project, staff strongly supported the proposal, given the high demand for new child daycare spaces in the downtown area. (Social Planning commentary, page 12 and Appendix J - Amenity Bonus). The bonus density proposed is equivalent to the amount of (commercial) floor area that would be transferred off the site through the rezoning process, but for residential use (Real Estate comments, page 13). On April 14, 2005, Council approved the amenity bonus for 1188 West Pender Street.

Following the Public Hearing on April 12, 2005, Council approved the rezoning application for 1211 Melville Street, subject to conditions. Prior to the enactment of the CD-1 By-law for 1211 Melville Street, the property owner is required to register a restrictive covenant against the title of 1188 West Pender Street, to restrict its commercial development potential, to reflect the amount of the transferred commercial floor area. (Appendix K - Extract of Rezoning Council Report for 1211 Melville). The Director of Current Planning was instructed by Council to make an application to rezone the site at 1188 West Pender Street, from DD to CD-1, following issuance of a Development Permit, in order to reflect the ultimately approved development. Upon rezoning of 1188 West Pender Street, the restrictive covenant noted above would be released from the title.

The initial Development Application was not supported by the Urban Design Panel (January 5, 2005), and a revised Complete Development Application was submitted on February 9, 2005.

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

1. **Downtown Official Development Plan (DODP)**

In summary, the By-law allows for a variety of uses, 7.0 FSR, of which a maximum 3.0 FSR can be residential use and up to 300 ft. in height. The By-law also permits Heritage Density floor space transfers up to 10 percent of the total permitted floor area, and amenity bonuses for the provision of social, cultural and recreational facilities (which can be used to increase the permitted residential FSR).

2. **Downtown Design Guidelines**

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

**3. DD (except Downtown South) C-5, C-6, HA-1 and HA-2 Character Area Descriptions  
- Bute Street as Neighbourhood Centre for Coal Harbour/Triangle West**

This recently adopted (December 11, 2003) character area description identifies Bute Street as a neighbourhood centre where local services and shopping for the high density residential neighbourhoods of Coal Harbour and Triangle West are to be provided.

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

**1. DODP**

*Use:* The proposed commercial, residential, and child day care uses are permitted by the zoning.

*Density:* The proposed total density of 7.76 FSR is slightly over the maximum 7.7 FSR allowed by the zoning, inclusive of the 10 percent heritage density transfer and must be reduced (Standard Condition A.1.1). (Note: The proposed floor area of approximately 11,854 sq. ft. (1101 m<sup>2</sup>) for the child day care facility is excluded from FSR. If it were included, the overall density for the development would be approximately 8.6 FSR. The proposed amount of heritage density to be transferred to this site is 9,958 sq. ft. (925.1 m<sup>2</sup>) (ten percent). The donor site for this heritage density has been identified as 36 Water Street. The 3,600 sq. ft. (334.4 m<sup>2</sup>) of proposed commercial space at grade level along Pender Street is relatively small, but considered sufficient for viability and to achieve pedestrian interest.

*Height:* The proposed tower height of 318.9 ft. (97.2 m) measured to the top of the elevator machine room roof is 18.9 ft. (5.8 m) above the maximum 300 ft. (91.4 m) allowed by the zoning. Normally the tower height would be calculated to the top of the parapet wall above habitable floor area, but because the proposed tower's floorplate is much smaller than normal, the elevator core and machine room occupy a larger frontage than allowed for height exclusion of elevator/mechanical appurtenances as specified in the By-law. The proposed height of the mechanical penthouse which is positioned at the westerly side of the tower to emphasize its verticality is 312.8 ft. (95.3 m). The proposed tower height to the top of residential-occupied space in the tower is 301.2 ft. (91.8 m). Staff note that its proposed height is less than its immediate neighbours ("The Melville" at 400 ft. [122 m] and "The Ritz" at 377 ft. [115 m]). Given the acceptable (in Staff's opinion) extent of shadow and view impacts, Staff recommend that the Board approve this height relaxation to 318.9 ft. on the basis that the main parapet, elevator machine room and mechanical penthouse remain as proposed (i.e., no higher or wider).

**2. Downtown Design Guidelines; and**

**3. DD/Triangle West Character Area Descriptions**

**Built form and Massing:**

*General:* The development proposal consists of a narrow (north/south) and somewhat elongated (east/west) residential tower on top of a three-storey commercial and child day care facility podium. Staff consider this to be an appropriate form of development, subject to further refinements referred to below.

*Tower Massing and Floorplate:* The proposed tower is positioned with a setback from Bute Street ranging from 22 ft. (6.9 m) to 46 ft. (14 m), and an approximate 60 ft. (18.3 m) setback provided from the easterly property line (80 ft. [24.4 m] separation provided from easterly office tower neighbour). The tower dimension in the east-west direction along West Pender Street is approximately 98 ft. (29.9 m) and 66 ft. (20.1 m) parallel to the lane. In the north-south direction (perpendicular to West Pender Street) the tower depth is approximately 57 ft.



(17.4 m). The proposed tower floorplate is 4,084 sq. ft. (379.4 m<sup>2</sup>), considerably smaller than recently approved residential towers in the Triangle West neighbourhood (average 6,500 sq. ft. or 603.8 m<sup>2</sup>). The proposed separation between this residential tower and “The Melville” tower (under construction) across the lane is approximately 64 ft. (19.5 m) at its closest point (corner of elevator core), with a wider minimum gap of 79 ft. (24.1 m) provided between the residential unit facades of the proposal and “The Melville”. To ensure privacy, the rooms directly opposite “The Melville” (bedrooms, bathrooms, closets) have their lane-facing walls in spandrel (non-vision class) glass.

Staff note that considerable improvements have been made to this revised submission to address previous concerns about the close interface between this proposed tower and “The Melville”. While the Downtown Design Guidelines contain no specific minimum separation distance for residential towers (unlike Downtown South where 80 ft. (24.4 m) is the minimum guideline requirement), the minimum separation sought for towers in Triangle West is 80 ft. (24.4 m). Staff acknowledge that this site, with its narrow, wedge shape, as well as the needed setback from its easterly office neighbour, makes it difficult to accommodate the typically sought tower separation. Staff is generally satisfied that the proposed siting and carefully configured tower shape achieves the optimal massing resolution on this constrained site. While the east-west dimension of 98 ft. (29.9 m) is greater than the 80 - 90 ft. (24.4 m to 27.4 m) typical of slim towers in Triangle West and other downtown neighbourhoods, staff is satisfied that this proposed dimension is acceptable given the unusual site constraints and minimal impacts on neighbours.

*Tower Height:* The applicant has provided view analysis (Appendices F and G - Applicant’s View Analysis 1 & 2) from the nearest residential towers that could be affected by the tower’s proposed location and height. Staff feel the analysis shows that view impacts are acceptable and that the height relaxation requested is supportable.

**Private View Analysis:** The applicant’s detailed view analysis (Appendices F and G) examines the impacts on five nearby residential towers - Pointe Claire, Venus, Orca, Residences A, and “The Melville” (under construction). The analysis shows that the proposal will have no impact on the Pointe Claire (will be obstructed by The Ritz), very slight impacts on the Venus, Orca and Residences A (narrow view slots to the northeast), and more notable impacts on “The Melville”, specifically the north-facing typical centre and northeast unit views (refer to Appendix G). Staff consider these private view impacts to be acceptable given the surrounding context, zoning parameters and efforts expended in shaping of the proposed tower to maximize views from “The Melville”. Staff further note that had a development with a much more substantial office component (up to 6.0 FSR as permitted in the zoning) or the mixed residential/hotel scheme previously approved-in-principle for the site in July 1997 (Appendix I) been pursued, a noticeably bulkier tower with more view impacts would have resulted (see Appendix L for massing comparison of towers).

**Child Day Care Facility Drop-off and Lane Façade Treatment:** The principal vehicular access and drop-off to the daycare is provided from the lane, adjacent to the ramped access which spirals down to the underground parking. Staff recommend further design development to improve the visibility (CPTED) and visual quality of the child care facility drop-off from the lane (condition 1.2). Across the lane to the south is the drop-off entrance for The Melville residential tower, screened by landscaping adjacent to the lane. While some landscaping is provided for about one third (60 ft.) of lane frontage extending back from Bute Street, the remaining two thirds has very little landscaping or other treatment to ameliorate the appearance of blank concrete walls of the parking access ramp and exit stair. Staff recommend further design development to minimize the height of any concrete walls and to introduce additional landscaped vine pockets along the easterly portion of the lane frontage. The stair at

the south east corner should also be set back a few feet from the property line to accommodate a landscaping strip adjacent to the lane. (condition 1.1)

**Architectural Treatment:** The proposed exterior façade treatment consisting of metal panel cladding, glass curtain wall, painted architectural concrete and metal frames, is considered appropriate. Refinements are sought for the base treatment, specifically the retail storefronts along West Pender Street, to achieve a stronger two-storey vertical expression that enhances their visibility and identity (condition 1.3), and the highly visible east podium wall as seen from West Pender Street, including consideration of special patterning of the concrete and the introduction of additional openings, glass block, etc. (condition 1.4).

**Public Realm/Open Space:** A small public plaza is proposed at the Bute/Pender corner, incorporating decorative paving with a circular design focus with some low planting and benches in the Bute Street setback. The adjoining sidewalks on Bute and Pender are proposed to be finished with a combination of exposed aggregate and brushed concrete extending the approved “Triangle West” treatment to this section of Pender and Bute Streets in coordination with the treatment being pursued on 550 Bute Street (“The Melville”) and 1211 Melville Street. Staff recommend further design development to refine and coordinate the sidewalk treatment details with the evolving Triangle West public realm treatment (condition 1.5).

Open space (both covered and open) for the child day care facility is located on two levels (floors 2 and 3), and amounts to approximately 6,640 sq. ft. (617 m<sup>2</sup>).

**Livability:** The proposal includes a single amenity area for residents: approx. 1,800 sq. ft. (167 m<sup>2</sup>) of flexible amenity space on the second floor level. Adjacent to this amenity room is an outside deck area of approx. 1,100 sq. ft. (102 m<sup>2</sup>) Staff recommend that washrooms be provided for the amenity space, and that details of the proposed landscaping/seating for the deck area be provided (condition A.1.8). Dwelling units meet or exceed livability criteria, with each incorporating either an open or enclosed balcony. With respect to the enclosed balcony proposed in the northwest “prow” of the typical west unit’s living area, Staff note that this location is inconsistent with the intent of the Balcony Enclosure Guidelines in that it diminishes usability of the units’ living area and “gets in the way of” the unit’s prime north-westerly view. Standard Condition A.1.6 seeks either its deletion from this living area (with the space left as countable FSR), or its relocation to a more usable position.

- **Conclusion:** Staff feel this is a distinctive residential tower design that relates well to its corner site and surrounding Triangle West context. The child day care facility will provide a much needed public benefit for the neighbourhood. Subject to the design development conditions noted, staff recommend approval.

## URBAN DESIGN PANEL

The Urban Design Panel reviewed this application on two occasions; first on January 5, 2005 when it gave non-support, and second on February 16, 2005 when it provided the following comments:

### EVALUATION: SUPPORT (8-0)

- **Introduction:** Scot Hein, Development Planner, presented this application. The Panel did not support the proposal when it was first reviewed on January 5, 2005. The Panel generally thought the site could accommodate the requested density but had concerns about the proposed form of development, especially with respect to maintaining 80 ft. separation from “The Melville”. Further design development was also recommended to respond to the site’s unique shape, including strengthening the Bute/Pender corner, moving the tower further to the east and/or increasing tower

height, improving grade level treatment, especially on Bute Street, maximizing sun access to the daycare exterior, and including outdoor amenity space for the residents.

The advice of the Panel is sought on the applicant's response to the earlier concerns, noting also that a height relaxation of about 2 - 3 ft. is now being sought.

- **Applicant's Opening Comments:** Martin Brückner, Architect, briefly reviewed the revisions. Separation from The Melville has been increased from the previous 61 ft.-10 in. to 79 ft.- 7 in. on the east side and 79 ft. on the west side and 80 ft. separation from the office tower to the east has been maintained. Fenestration on the south façade is spandrel glass to address privacy concerns. The floor to floor height has been reduced from 9 ft.-7 in. to 9 ft.-1 in. and an additional two floors have been added to the tower, increasing the building height to a little over the 300 ft. permitted maximum. The west side of the tower has been pulled back 7 ft. to the east, improving outlook from "The Melville", and the core has also been shifted 7 ft. to the east. The tower width has been reduced and articulated on all sides, and the tower expression comes down to the ground at the Bute/Pender corner. The daycare and associated outdoor areas have been reshaped and each daycare floor has an enclosed connection to the elevator access. The reconfiguration of the project has also allowed the creation of some semi-private outdoor space adjacent to the residential amenity area. Following a brief review of the landscape revisions by Peter Kreuk, Landscape Architect, the applicant team responded to questions from the Panel.

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

- design development to the visibility and quality of the daycare drop-off from the lane in conjunction with design development to the lane elevation;
- consider enhancements to the stair tower including the top;
- consider clarification and simplification of the corner treatment at grade;
- consider special glazing treatment on the second and third levels of the Pender façade;
- consider increasing the vertical expression of the retail units.

- **Related Commentary:**

The Panel unanimously supported this submission and commended the applicant for responding so quickly to its earlier advice. The Panel now has no major concerns about the project and suggestions were offered only for further design development consideration. It was noted that the project's evolution provides a good example that the process is working well. The Panel had no concerns about the building height and strongly supported the minor height relaxation being sought. The Panel was also satisfied that this site can accept the requested FSR with the proposed scheme.

In its commentary on the revised submission the Panel noted that the reshaping of the tower has been very successfully handled to maintain a strong architectural design while also achieving the 80 ft. separation from "The Melville".

The Panel also strongly supported the amenity space that has now been achieved as a result of the reconfiguration. The semi-private residential patio on level two is a big improvement to livability. There remained some regret that the tower roof has not been developed for amenity.

The Panel strongly supported the improvements to the public realm and was encouraged to see that the emerging streetscape character for Pender Street is now being coordinated over several buildings.

A suggestion for consideration was to improve the quality of the glass on levels two and three of the Pender Street base to provide more special glazing between the grids. Design development at the corner in how the circular element terminates was also recommended. With respect to the rear elevation, there was a suggestion to make the stair tower more interesting and relieve its somewhat

plain appearance. In general, it was thought the lane elevation needed further design development in terms of its detailed design. The Panel strongly endorsed the treatment of the lane as a secondary pedestrian street.

With respect to the storefront expression on Pender Street, there was a comment that the architecture fails to recognize that they are double height units; nor does it recognize opportunities for signage.

- **Applicant's Response:** Mr. Brückner thanked the Panel for its input.

## **ENGINEERING SERVICES**

Engineering supports the provision of one Class B loading space and one Class A loading space rather than two Class B loading spaces as the amount of commercial floor area is small (if all office, or office with less than 100 square metres retail, commercial loading would indeed be exempted), there is the ability to share use with the residential Class B loading space that is provided, and for those rare instances when more than one Class B-sized vehicle is present the 33' (10m) wide lane has the ability to accommodate the additional vehicle. An agreement is required to enable sharing of use of the Class B loading space among all uses.

The submission is one space short in its parking provision, and this must be addressed. Payment-in-lieu is not available for this site; however, the owner has the option of either providing an additional commercial parking space, or shifting at least one space of residential parking over to commercial and seeking a relaxation for the residential parking count. Staff would consider a relaxation of the residential parking, possibly in connection with support by the owner for car sharing (policies for which will be before Council shortly).

This development site will require its own independent public utility services (Hydro, Telus; Shaw Cable) with all services to be underground. All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network in the lane. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged. Resolution of these matters prior-to application for a full building permit is recommended.

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

## **SOCIAL PLANNING**

The proposed amenity bonus will secure an important public amenity in the form of a fully fit and finished 37 space child day care facility. There is a significant shortage of child day care spaces in the downtown, with over 1500 families on child day care waiting lists.

Providing access to appropriate and affordable child day care facilities to meet this need is a challenge in Vancouver's real estate market. In order to ensure that affordable, quality, child day care is available downtown, the City actively seeks opportunities to acquire spaces through bonusing and transfer of density arrangements. In collaboration with private developers, the City promotes the creation of affordable facilities.

In the case of child day care facilities, the developer builds, finishes, equips and supplies a fully furnished child day care facility to the specifications of the City in compliance with the City's Child Care Design Guidelines, Community Care Facilities Licensing, and to the satisfaction of the Directors of Social Planning and Facility Design and Management, and contributes an amount to the City Childcare

Endowment Fund to ensure affordability of the program in exchange for additional on-site density of equal value. The City secures the amenity through legal agreements including a lease of the child day care facility for the life of the building. The City sub-leases the amenity space to a non-profit society experienced in delivering quality child day care for a nominal rent. The pre-paid operating costs go to the City Childcare Endowment Fund.

The program only works if the site can accommodate the additional density and the developer is willing to pursue the opportunity. Further, bonuses are only considered where the resultant additional density meets the City's planning guidelines and by-laws. The value of the bonus density is calculated by Real Estate Services using consistent pro forma analysis.

The proposed floor plans dated February 9, 2005 prepared by Hancock Bruckner Eng and Wright Architects includes a fully fit and finished 37 space child day care facility as a public amenity. Plans for the proposed child day care facility of approximately 11,884 sq. ft. (1101 m<sup>2</sup>) of indoor and outdoor program space located on the second and third levels of the proposed development have been reviewed by the City's Child Development Coordinator and demonstrate a workable footprint for a child day care facility. Staff note that further detail is required to ensure compliance with the City's Childcare Design Guidelines, the requirements of Community Care Facilities Licensing, and the standards of fit and finish required for public amenity spaces at permit issuance. (condition A.1.17)

Council approved the public amenity on April 14, 2005. (Appendix J - Amenity Bonus). The applicant is also required to make a contribution of \$1.1 million to the City Childcare Endowment Fund. The purpose of the endowment is to cover start-up costs and provide for the cost of utilities and operating subsidy for the toddler program for the life of the lease. The proposed public amenity would be leased to the City for the life of the development under terms and conditions of an option to lease agreement between the City and the owner satisfactory to the Directors of Social Planning, Real Estate and Legal Services (condition 1.7).

## REAL ESTATE

Real Estate Services staff have reviewed the proposed amenity bonus and their analysis supports a bonus density of 52,600 sq. ft. in return for the following:

- 1) A 37-space fully fitted, finished, equipped, and licensed group child day care facility of approximately 11,884 sq. ft. (1 101 m<sup>2</sup>) of indoor and outdoor program space, located on the second and third levels of the tower and including dedicated, rent-free parking and drop-off spaces, consistent with City bylaw, guidelines and regulations.
- 2) A \$1.1 million contribution to the City Childcare Endowment Fund

The methodology for determining the amenity bonus was consistent with all other bonuses in that the value of the child care amenity, fully finished, fitted, and equipped, including a contribution to the City Childcare Endowment Fund, is of equal value to the residential replacement bonus density and 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”

The value of the required amenity was reviewed by staff from the City's Department of Facilities Design & Management and Real Estate Services. The applicant agrees with the capital cost of providing a fully fitted and finished 37-space child day care facility consisting of approximately 11,884 sq.ft. (1101 m<sup>2</sup>) of indoor and outdoor program space, and paying the \$1.1 million endowment in exchange for the added residential density.

## ENVIRONMENTAL PROTECTION BRANCH

A site profile for the above referenced site was received December 7, 2004. There was no Schedule 2 activity use on the site as noted in the site profile. The development is approved from this branch. An erosion and sediment control plan is required for 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-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.
- (vi) Detailed drawings of the Child Day 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 Child Care Regulations prior to approval at Building Permit stage.

## FIRE & RESCUE SERVICES

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

## NOTIFICATION

Two (2) signs were erected on the site on February 21, 2005. On February 25, 2005, 2,723 letters were sent to neighbouring property owners advising them of the application. Written confirmation was received from Pinnacle International Group (authorized agent for the property owner) that any pre purchasers on the proposed site or other nearby sites who would be affected by the proposed development would be notified.

It was confirmed that the developer of 550 Bute ("The Melville") received the City's notification letter and understood the City's request that pre-purchasers be provided a copy of the City's notification letter by the developer regarding the proposal for 1188 West Pender Street.

Four (4) responses to notification have been received regarding this proposal. Concerns raised include:

- Building height and density is too high - shadowing will eliminate available sunlight.
- The separation between 1188 West Pender Street and the "Melville" at 550 Bute Street should be increased.
- Absence of suitable setbacks.
- Parking is inadequate.
- Building occupies entire site leaving no outdoor green space.
- Need to encourage more school construction to accommodate increase in families.
- View obstruction from the Melville - suggested moving the proposal to the east.

One of the responses to notification included a detailed analysis by a pre-purchaser from 550 Bute Street. (the "Melville") of the proposal for 1188 West Pender Street. (see Appendix H - Melville Pre Purchaser View Analysis). This respondent suggested that the separation between the towers should be relaxed and that the tower be reconfigured and moved approximately 10 ft. (3.0 m) further to the east (with setback from adjacent office tower decreased to 70 ft. [21.3 m]).

Staff response to notification:

*Building height/density:* Proposed tower massing is less than an alternative mixed office/residential tower, with a much smaller tower floorplate than normal in the Triangle West area (4,100 sq. ft. [381 m<sup>2</sup>] vs. average 6,500 - 7,000 sq. ft. [604 m<sup>2</sup> - 650 m<sup>2</sup>]).

*Setbacks:* Although the setback between the proposed tower and "The Melville" does not quite meet the minimum 80 ft. separation guideline between residential towers, Staff believe the intent with respect to privacy and outlook is satisfied. Average setback provided on Bute Street is a generous 30 ft. (9.1 m).

*Parking:* The residential parking meets the Parking By-Law requirement, but Engineering is seeking compliance with the commercial parking requirement. See condition A.1.2 requiring provision of one additional commercial parking space.

*Outdoor green space:* Outdoor terraces will be landscaped (including small trees) to improve views from above. Additional screening and landscaping is recommended along the lane frontage.

*School need:* An elementary school is planned on the Coal Harbour Community Centre site, about 4 blocks northwest from this site.

Concerning the view analysis done by a pre-purchaser from the "The Melville", staff note that the analysis focuses exclusively on potential impacts on the particular respondent's unit. It fails to consider impacts on other neighbouring towers, notably the "Orca", which benefit by maintaining an 80 ft. (24.4 m) separation of the proposed tower from its easterly office tower neighbour (as recommended

by staff). Staff acknowledge there will be some northerly view loss from this particular unit, but less than would have been the case with the previously-approved development on the site (see Appendix I - Previous Hotel/Residential Tower Approved in Principle, and Appendix L - Massing Comparison of Revised Submission and Previous PDP). Impact on northerly views from “The Melville” will be minimized through the proposed tower’s angled shape and setback from Bute Street.

**DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:**

The Staff Committee recommends approval of this application, subject to the recommended ‘prior-to’ conditions, including the heritage density bonus as well as the height of the building.

Some members of the Committee expressed discomfort with the separation of the proposed tower and “The Melville” across the lane but the Committee concluded that this application was a reasonable response to a unique site acknowledging that considerable effort has been spent in the atypical shaping of the tower to minimize view obstruction for “The Melville” north-facing units.

The Committee also acknowledged the benefits of a slimmer all residential tower as opposed to an office or mixed-use tower that is suggested by the zoning. The Committee agreed that the proposed tower’s position was the best alternative and did not believe a more easterly position was appropriate.

---

B. Boons  
Chair, Development Permit Staff Committee

---

R. R. Segal, MAIBC  
Sr. Development Planner

---

M. Kemble  
Development Planner

---

T. Chen  
Project Coordinator

Project Facilitator: D. Robinson



## DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

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

### A.1 Standard Conditions

- A.1.1 reduction in the residential floor area proposed, by approximately 1,567 sq. ft., to provide an overall total floor area to be within the maximum permitted 7.70 FSR.

**Note to Applicant:** It should be noted that the FSR overlays, plans and statistics tables all do not match, with respect to floor levels, exclusion amounts and exclusion types. Clarification is required.

For the purposes of excluding additional wall thickness from FSR, a signed and sealed FSR tracing overlay is required identifying the location and extent of each wall type, including a summary table for each floor indicating the amount of exclusion. Also, a letter from a Building Envelope Professional recommending the proposed wall types, as indicated on the overlay is required.

- A.1.2 provision of an additional commercial parking stall, as the proposal is deficient by one space.
- A.1.3 clarification of visitors' parking spaces, if any, proposed for the development
- A.1.4 provision of additional stall width to commercial stall 03 where stalls are located adjacent to walls, in accordance with Section 4.8.1 of the Parking By-law.
- A.1.5 clarification of all height elevations, including the top of mechanical room, top of elevator machine room, and top of roof parapet.

**Note to Applicant:** The top of mechanical room elevation appears to be suspect, as this elevation is calculated at only 1'2" (0.36m) higher than the roof parapet.

- A.1.6 deletion or relocation of the proposed northwest corner enclosed balcony, to better meet the intent of the Balcony Enclosure Guidelines and provision of details of balcony enclosures;

**Note to Applicant:** To qualify for an exclusion from floor space calculations (FSR), an enclosed balcony must be a distinct space separated from the remainder of the dwelling unit by walls, glass, and doors (hinged or sliding), must have an impervious floor surface (such as tile), have a flush threshold, (for disabled access), and have a distinct exterior architectural expression. As well, each dwelling unit should have no more than one enclosed balcony, and all balconies, both enclosed and open should be clearly identified on the plans. For further details and specification on enclosure requirements, refer to the City Council approved Balcony Enclosure Guidelines.

- A.1.7 design development to ensure that any proposed exhaust vents or mechanical equipment does not negatively impact the visual quality of the public realm.
- A.1.8 submission and completion of Letters "A" and "B" - Transfer of Heritage Density Request to the satisfaction of the Director of Planning outlining confirmation of agreement between the receiving site and the donor site regarding the transfer of density.

**Note to Applicant:** The accompanying tables for each letter must be correctly completed outlining the amount of density transfer provided to the receiving site and the amount

---

remaining in the donor site. Please contact Doug Robinson, Project Facilitator at 604-871-6092 to obtain shell documents of Letters "A" and "B"

- A.1.9 design development to incorporate washrooms in the second floor Residential Amenity Space;

#### **Standard Landscape Conditions**

- A.1.10 design development to provide details of the proposed landscaping/seating for the shared residential amenity patio on the west side of level 2;

- A.1.11 design development to provide more substantial planting around the perimeter of the private patios, specifically, the one on level 4 and the four on level 28;  
**(Note to Applicant:** The "Green Roof" planting proposal would be a more appropriate treatment for the two large "Gravel Roofs")

- A.1.12 provide one additional street tree along Bute Street, between West Pender Street and the lane and one additional street tree along Pender Street, "book ending" the Bus Stop Zone;

**Note to Applicant:** New street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (257-8587) of Park Board regarding tree species.

- A.1.13 provision of one additional Star Magnolia in the planting bed proposed along the lane (near the corner of Bute Street and the lane);

**Note to Applicant:** The portion of the canopy extending over the planting bed should be eliminated as it serves no purpose.

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

- A.1.14 design development to reduce opportunities for theft and mischief in the underground parking and bike storage areas;

**Note to Applicant:** This can be achieved by deleting alcove and notched areas on the ramp, by enclosing the unwatched area behind the elevator core on each level, by adding extra doors to the bike storage area off the lobby and by ensuring the scissor stair is used for the child day care facility fire exiting only.

- A.1.15 design development to reduce opportunities for graffiti;

**Note to Applicant:** Clarify extent of exposed party wall on the east elevation to be shown on a building elevation and propose a graffiti strategy for the lower exposed walls.

- A.1.16 design development to reconfigure the exit door and partial stair at the main elevator core such that only a flush door at grade is provided;

#### **Social Planning**

- A.1.17 design development of the child day care facility in accordance with the City's Childcare Design Guidelines and to the satisfaction of the Directors of Social Planning, Facilities Design and Management and Community Care Facilities Licensing;
-

## A.2 Standard Engineering Conditions

A.2.1 arrangements shall be made to the satisfaction of the General Manager of Engineering Services for the consolidation of Lots A and B (Ref. Plan 3989) of Lots 9 and 10, Block 16, Plan 92, District Lot 185;

A.2.2 arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement and Indemnity Agreement M24304 (landscaping on Bute Street) prior to occupancy of the new development;

A.2.3 provision of corner cut at bottom of parking ramp to level two for improved two-way circulation;

**Note to Applicant:** With the 180 degree turn, the potential for interlocking between vehicles is too extensive. The parking stall impacted by corner cut can be designated as small car.

A.2.4 provision of adequate width for parking stall in south-east corner of parkade on all levels;

**Note to Applicant:** Bollard is located more than 4 feet (1.2m) from end of stall.

A.2.5 design development to the disability stall 01, as the column encroachment is entirely within the parking stall, and is not permitted to be designed as such. Further the adjacent columns are set too deep into the stall depth, as only 1'0" (0.3m) of stall depth can be compromised by the columns.

**Note to Applicant:** Disability stall widths are to be 13'2" (4.0m) in width. The shared disability access to disability stall 01 and 02 must be increased to 5'0" (1.5m).

A.2.6 provision of agreement for shared use of Class B loading space between residential and commercial uses;

**Note to Applicant:** With a shared use agreement (to the satisfaction of the Director of Planning and the Director of Legal Services), Engineering Services would support a relaxation from 2 Class B loading spaces to 1 Class B and 1 Class A loading space.

A.2.7 denotation of all building grades and corresponding design elevations at all entrances and both sides of parking ramp;

**Note to Applicant:** Design elevation at east side of parking ramp is 1.7' (0.5m) too low.

A.2.8 arrangements shall be made to the satisfaction of the General Manager of Engineering Services for all canopies projecting over City property;

**Note to Applicant:** A canopy application is required.

A.2.9 provision of adequate residential garbage/recycling storage facilities and pickup operations.

**Note to Applicant:** A room to accommodate three garbage containers and 8-10 recycling carts and written response on pick up operations is required;

A.2.10 deletion of curb returns shown in lane at parking entrance;

---

A.2.11 arrangements shall be made to the satisfaction of the General Manager of Engineering Services for all special sidewalk treatments on City property. An application for this shall be made to Engineering Services, and a copy of the landscape plan directly to them for review;

**Note to Applicant:** Treatment of the Bute and West Pender Street sidewalks are to be in accordance with the Triangle West public realm treatment to the satisfaction of the General Manager of Engineering Services, the details of which are to be determined.

A.2.12 provision of a sign within the class A loading space which states “Back-in Only.”

**Note to Applicant:** This is necessary to avoid potential conflict between the vehicle backing out of the Class A loading space and vehicles on the main parking ramp.

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

A.3.1 notation required on the plans that the acoustical measures will be incorporated into the final design and noted on the plans, based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer).

A.3.2 notation required on the plans that adequate and effective acoustic separation will be provided and noted on the plans between the commercial and residential portions of the building.

A.3.3 notation required on the plans that mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located with notation on the plans to minimize the noise and air quality impacts on the neighbourhood and to comply with Noise By-law #6555.

---

## **B.1 Standard Notes to Applicant**

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated April 13, 2005. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **October 25, 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 Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

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

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law within 60 days of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
  - B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
  - B.2.3 All trees in accordance with Tree By-law No. 7347 are to be installed prior to issuance of any required occupancy permit or use of occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
  - B.2.4 All approved street trees shall be completed in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
  - B.2.5 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.2.6 The enclosed balconies are to be maintained at all times in accordance with the balcony enclosure details on the approved plans and are not to be used as an integral part of the interior space of the building.
- B.2.7 Amenity areas of approximately 3,888 square feet located on the 2<sup>nd</sup> floor (both interior and exterior areas) 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 commercial tenants of the building;

AND

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

- B.2.8 This site will be affected by the Development Cost Levy By-law No. 8149. Levies will be required to be paid prior-to issuance of Building Permits. Standard exemptions apply to projects with less than four residential units, alterations (where no new floor area is created), social housing projects, and places of worship. For more information, please refer to Bulletin #1 - Development Cost Levies, available at the Planning Department Reception Counter.
-

## Processing Centre - Building comments

The following comments have been provided by Processing Centre - Building and are based on the architectural drawings provided by Hancock Bruckner Eng & Wright received on October 20, 2004 for this Development application. This is a preliminary review intended to identify areas in which the proposal may conflict with requirements of the Vancouver Building By-law #8057.

1. Provisions for the Disabled
    - Tower levels 2 and 3 which contain the daycare facilities in addition to being accessible for the disabled may also require areas of refuge in conformance with 3.8.3.19.1 (f) to satisfy the egress requirements.
    - Enhanced Accessibility Requirements - The applicant should be aware that Bulletin 2002-006-BU Enhanced Accessibility for Multi-Family Residential Buildings is applicable to the extent prescribed.
  2. \* Exits
    - Separation From Other Occupancies - Electrical closets should not be located within an exit stair. See contiguous stairs at Tower Ground level.
    - Door Swings - Exit doors are required to swing in the direction of exit travel. This applies to the exit door opening into the elevator lobby at the Tower Ground Floor level.
    - Access to Exit - The minimum number of risers required in stairs is 3 per 3.4.6.2. The stairs accessing the transformer room at the Pender Street level does not meet this requirement. The public corridor serving the bike storage rooms on the Pender Street level is required to have access to 2 exits. The east end of this corridor opens onto the auto ramp which appears to be remote from any exits.
    - Handrails & Guards - Handrails (including extensions) are required for both sides of stairs that are 1100 mm or wider. These appear to be missing in two locations for the stairs at Tower Ground Floor.
  3. High Rise Measures
    - The provisions of 3.2.6 in the Building Bylaw for Additional Measures for High Buildings are applicable for the entire project. Cross over floors complying to the provisions of 3.4.6.17 should be designated.
  4. \* Building Permit Issuance Requirements
    - The issuance of a building permit for construction is contingent on all legal covenants and equivalents (if necessary) being accepted and in place. Notwithstanding the foregoing, code-conforming (including Planning, Engineering regulations etc.) back-up solutions shown on the building application drawings are also acceptable for the issuance of building permits. Projects submitted under the certified professional program are also required to demonstrate conformance with the Building Bylaw. In the case of phased construction, the comments above regarding equivalents/covenant approval would apply to each phase of the work proposed.
  5. Notes
    - Items marked with an asterisk (\*) have been identified as important non-conforming Building By-law issues.
    - All code references unless noted otherwise refer to Vancouver Building By-law #8057.
    - 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 Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardize the ability to obtain a Building Permit or delay the issuance of a Building Permit for the proposal.
-

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

### Fire and Rescue Services Comments

The following comments have been provided by Fire and Rescue Services and are based on the architectural drawings received on February 9, 2005 for this Development application. This is a preliminary review intended to identify areas in which the proposal may conflict with fire provisions of the Vancouver Building By-law.

- 1) Development is for a 31 storey residential tower with 3 levels of underground parking.

Note: Ground Floor at West Pender Street has residential lobby entrance, commercial retail units (CRU's), child day care facility entrance, and bike storage area.  
Second Floor (Tower Ground Floor) has the child day care facility lobby and child day care facility 'drop-off' parking.  
Third Floor has child day care facility & residential amenity area and 2 large outdoor (uncovered) patio areas.  
Fourth Floor - child day care facility  
Floors 5 to 32 - residential suites.

- 2) Clarify distance to principal entrance/address (fire dept response) ~30' from West Pender Street curb.  
Distance to access stair for above grade levels ~36' from main entry doors.

Note: Below grade levels access is via same door. Above and below grade stairs cannot be connected in high buildings. \*Redesign may be required which will impact on Fire Department access.  
Above grade stairs are scissor stairs.

- 3) Distance to entrance door of the child day care facility approximately 19' from West Pender Street curb. Clarify address of child day care facility.
- 4) \*Review access to child day care facility with fire alarm annunciation.
- 5) \*Review Fire Department response to CRU's. Clarify addresses of CRU's.
- 6) Review access to bike storage area from residential lobby and also an exterior door onto West Pender Street.
- 7) Review access to roof area via stairs.

\* Items marked with an asterisk have been identified as Fire Department concerns.  
Applicant to review items and either arrange for a meeting with VFRS or provide written confirmation that they have read and have understood implications of the above noted comments.

Failure to address these issues may jeopardize the ability to obtain Fire Department Clearance or delay the issuance of a Building Permit for the proposal.